

## Legal Status and Regulatory Framework for Daily Accommodation Services for Tourists in Thailand: Rights, Duties, and Legislative Development Guidelines

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Received: November 6, 2025

Revised: December 20, 2025

Accepted: December 30, 2025

### Abstract

This study examines the legal status and regulatory framework governing daily accommodation services for tourists in Thailand, with particular attention to the allocation of rights, duties, and liabilities necessary to support fair, safe, and sustainable tourism. Using a qualitative doctrinal and comparative legal research design, the study analyzes key Thai statutory instruments, including the Hotel Act B.E. 2547 (2004), Consumer Protection Act B.E. 2522 (1979), and Tourism Industry Act B.E. 2522 (1979), and compares them with regulatory models from Japan, Singapore, the United Kingdom, and the United States (Samui For Sale, n.d.). For this study, “daily accommodation” refers to short-term rentals offered to tourists through traditional and digital channels, including entire-home rentals, condominium units, and homestays. The findings reveal that Thailand’s existing framework remains fragmented and outdated, leaving significant gaps in consumer protection, licensing requirements, safety regulation, and institutional coordination. Definitional ambiguities and exemptions within the Hotel Act effectively exclude most short-term rentals from consistent oversight, enabling unregistered operations, variable safety standards, and limited accountability. To structure the analysis, the study maps (1) tourists’ rights to information, safety, and redress; (2) operators’ and hosts’ duties relating to licensing, safety compliance, and record-keeping; and (3) liability allocation among hosts, digital platforms, and state agencies. Comparative analysis shows that other jurisdictions employ integrated and

adaptive mechanisms, such as mandatory registration, safety certification, and shared responsibility between platforms and hosts. The study therefore proposes legislative modernization to redefine the regulated “accommodation business,” implement a simplified digital licensing system, establish minimum safety and management baselines, and strengthen inter-agency coordination. These reforms aim to align Thai law with international best practices while balancing innovation with legal accountability.

**Keywords:** Legal Framework, Accommodation Services, Tourism Law, Consumer Protection

### Introduction

Tourism has long served as a vital pillar of Thailand’s economy and remains a key driver of employment, investment, and national income. The tourism system integrates multiple sectors: hospitality, travel services, restaurants, transportation, entertainment, and cultural enterprises, whose interdependence generates both direct and indirect economic benefits for local communities and the national economy. Thailand’s global competitiveness as a destination is anchored in natural attractions, cultural heritage, and service quality, and tourism has been estimated to contribute approximately 18% of national GDP (Ministry of Tourism and Sports, 2023). While this economic weight is frequently cited as justification for policy prioritization, it also heightens the legal stakes of regulatory design: when accommodation markets expand rapidly but remain partially outside effective oversight, the result is not merely market innovation but potential fiscal externalities, uneven enforcement burdens, and risks to public safety and consumer protection within a sector central to national welfare.

Under Thai law, tourism is conceptualized as a system of interrelated activities that mobilize production factors to generate goods and services for travelers, involving both public and private entities in the development and management of tourism products (Thirawat, 2000). The Tourism Industry Act B.E. 2522 (1979) further defines the “tourism industry” as enterprises providing services related to travel within and outside the Kingdom for remuneration (Tourism Authority of Thailand, 1979). Within this ecosystem, the accommodation business, hotels, resorts, guesthouses, apartments, hostels, and related facilities function as a core node in the tourism value chain because it mediates traveler safety, satisfaction, and the distribution of economic benefits across communities.

Accommodation Market Transformation and the Emergence of Platform-Mediated Rentals. Accommodation services shape destination competitiveness and directly influence traveler satisfaction. Demand growth has encouraged diversification beyond traditional hotels to include boutique hotels, hostels, serviced apartments, and homestays, reflecting changing preferences for affordability, authenticity, and flexibility (Taweephol, 2023). In parallel, the sharing economy and digital intermediation have accelerated the expansion of platform-enabled rentals, in which property owners rent rooms or entire homes to short-term guests via online platforms. This model can broaden supply and create income opportunities, but also introduces regulatory challenges regarding licensing, taxation, consumer protection, and safety standards (Tourism Authority of Thailand, 1979). For doctrinal precision, this study uses the term “daily rental accommodation” (short-term rentals) to refer to the provision of temporary accommodation for remuneration, offered on a short-duration basis (commonly calculated per day or per night), whether through digital platforms or offline channels, and including whole-unit rentals (e.g., houses), condominium units, and homestay-type arrangements. The doctrinal significance of this definition is that regulatory obligations in Thailand are triggered not by the technology used to market the accommodation, but by whether the activity is functionally equivalent to a hotel-like service provided for payment and on a repeated basis.

Doctrinal Junction and the Regulatory Vacuum under Thai Law. Thailand’s principal statutory anchor is the Hotel Act B.E. 2547 (2004). Section 4 defines a “hotel” as an establishment set up for commercial purposes to provide temporary accommodation for travelers or other persons in exchange for payment (Department of Provincial Administration, 2008). In principle, this definition captures daily rental operations that provide temporary accommodation for commercial gain and would require a hotel business license. In practice, however, definitional ambiguities and exemption structures combined with the rise of platform-mediated intermediation have contributed to a regulatory environment in which many short-term rentals operate without registration or consistent supervision. This creates a doctrinal junction where functionally hotel-like services may not be consistently subject to hotel-equivalent obligations relating to licensing, safety, record-keeping, and consumer redress. The resulting vacuum generates three interlinked legal problems central to this paper: (1) under-protection of tourists as consumers; (2) unfair competition against licensed hotel operators; and (3) administrative

fragmentation that weakens enforcement consistency and institutional coordination. Related instruments, including the Ministerial Regulation on Hotel Classification and Standards B.E. 2551 (2008) and the Building Control Act B.E. 2522 (1979), impose requirements concerning construction standards, safety, and zoning. Yet many small-scale operators remain unaware of, or deliberately noncompliant with, these obligations. This regulatory gap is not only a matter of noncompliance but also a structural legal problem: where statutory thresholds and institutional allocation make it difficult for authorities to distinguish genuine home-sharing from de facto hotel operations, enforcement becomes uneven and resource-intensive.

Consumer Protection, Remedies, and the Limits of Practical Accountability. The Consumer Protection Act B.E. 2522 (1979) establishes, among other guarantees, consumers' right to accurate information and fair treatment in commercial transactions (Consumer Protection Act B.E. 2522 (1979)). In the context of daily rentals, risks may include misleading online listings, misrepresentation of location or safety conditions, and difficulties in obtaining remedies when services are substandard (Kungsung, 2025). Such risks can be amplified for foreign tourists due to limited familiarity with local legal mechanisms and the practical constraints of cross-border travel, costs, and time, which may reduce the likelihood of pursuing formal legal remedies (Suraratchai, 2023; Kungsung, 2025). This paper recognizes that comprehensive empirical measurement of complaint incidence, administrative enforcement patterns, or judicial trends is beyond its scope. Accordingly, the paper proceeds as a normative doctrinal critique, using doctrinal interpretation and comparative models to evaluate whether Thailand's current legal architecture is capable of securing meaningful consumer rights and accountability in a platform-mediated accommodation economy. Research Gap, Objectives, and Thesis. Existing discussion often describes the expansion of short-term rentals as either a tourism opportunity or a regulatory challenge, yet the doctrinal mechanics that produce the vacuum definition, exemptions, enforcement competence, and the legal implications of platform intermediation are not consistently articulated as a single analytical problem. This paper addresses that gap by providing a structured mapping of (1) tourists' rights (information, safety, and redress), (2) operators' duties (licensing, safety compliance, record-keeping), and (3) liability allocation among hosts, platforms, and state agencies under Thai law and relevant comparative models.

The central thesis is that Thailand's Hotel Act definition, exemption design, and institutional allocation have created a category of functionally hotel-like daily accommodation services that operate with reduced safety, record-keeping, and redress obligations; comparative models demonstrate that this gap can be narrowed through tiered registration, simplified digital licensing, minimum safety baselines, and shared platform responsibility. Drawing on comparative approaches from Japan, Singapore, the United Kingdom, and the United States, the study proposes legislative development guidelines aimed at integrating daily rentals into a coherent regulatory framework while preserving innovation and economic benefits (Yamamoto, 2025; UK Department for Digital, Culture, Media and Sport, 2020; Samui For Sale, n.d.; Ministry of Trade and Industry Singapore, 2022; Kungsung, 2025).

### Objectives of Research

1. To determine the legal status of daily accommodation services for tourists in Thailand by constructing a structured rights–duties–liability framework that maps the legal position of key actors (i) tourists/consumers, (ii) hosts/operators, (iii) digital platforms, and (iv) state regulators under relevant Thai legal instruments, including the Hotel Act B.E. 2547 (2004), Consumer Protection Act B.E. 2522 (1979), the Civil and Commercial Code, and applicable ministerial regulations and administrative requirements.

2. To identify doctrinal and regulatory gaps in Thailand's framework through comparative analysis of international short-term accommodation regimes (e.g., registration, licensing, safety certification, and liability allocation) and to evaluate how different jurisdictions address platform intermediation, enforcement competence, and consumer redress.

3. To develop legal and policy proposals that modernize and clarify Thailand's regulatory approach to daily rentals, enhance consumer protection and safety standards, promote fair competition, and support sustainable tourism governance.

### Research Methodology

1. Research Design. This study adopts a qualitative doctrinal and comparative legal research design to examine the legal status and regulatory framework governing daily accommodation services for tourists in Thailand. The research integrates (i) doctrinal (black-letter) analysis of binding Thai legal instruments and (ii) comparative evaluation of regulatory approaches in selected foreign jurisdictions. This design is appropriate for a legal reform topic because it emphasizes interpretive rigor, normative coherence, and institutional analysis rather than statistical inference or causal estimation (Tourism Authority of Thailand, 1979). The doctrinal component focuses on clarifying legal definitions, obligations, enforcement structures, and remedies relevant to short-term accommodation practices. The comparative component draws on foreign regulatory instruments to identify alternative design options for licensing, safety regulation, platform accountability, and enforcement coordination, and to translate those insights into reform pathways suitable to Thailand's legal context (Yamamoto, 2025; Ministry of Trade and Industry Singapore, 2022). In addition, the study employs documentary analysis as a systematic procedure for reviewing and evaluating documents to elicit meaning and develop knowledge (Bowen, 2009). Documentary analysis supports transparency and replicability by requiring explicit source classification, inclusion criteria, and an audit trail of interpretive decisions.

2. Doctrinal Approach and Interpretive Standards. To strengthen doctrinal rigor, this study applies a structured interpretive approach consisting of three complementary methods: 1) Textual interpretation (ordinary meaning and statutory definitions), used to identify the legal thresholds that trigger licensing and regulatory duties (e.g., "temporary accommodation," "commercial purpose," and "payment"). 2) Purposive interpretation (legislative intent and protective objectives), used to evaluate whether the legal framework effectively advances goals such as tourist safety, fair competition, and consumer redress. 3) Systematic/harmonizing interpretation (reading statutes and subordinate legislation together), used to resolve potential overlaps between the Hotel Act B.E. 2547 (2004), Consumer Protection Act B.E. 2522 (1979), Building Control Act B.E. 2522 (1979), and the Tourism Industry Act B.E. 2522 (1979), including ministerial regulations governing hotel standards and building safety (Samui For Sale, n.d.; Department of Provincial Administration, 2008). Because this study is doctrinal and documentary in nature, authoritative interpretation is treated as hierarchical: (a) binding statutes and subordinate legislation; (b) official administrative notifications and licensing practices where accessible through

official repositories; and (c) scholarly commentary and peer-reviewed secondary analyses. While the research design recognizes that judicial interpretations and constitutional principles can shape legal meaning, this paper does not claim comprehensive coverage of Thai case law or constitutional adjudication unless such authorities are expressly used in the substantive analysis. Accordingly, doctrinal inferences are grounded primarily in statutory text and formally published regulatory instruments to avoid overclaim relative to the evidence presented.

3. Language, Translation, and Textual Consistency. Thai legal texts are treated as the primary authoritative source. Where English translations are available, they are used for interpretive assistance only. In the event of discrepancies between Thai and English texts, the Thai text is prioritized as controlling, and the English text is used to clarify technical meaning where consistent with the Thai version. Key statutory terms are interpreted with attention to their doctrinal function (e.g., whether a term triggers licensing, imposes safety duties, or determines the scope of liability). This approach ensures legal accuracy and avoids translation-driven distortions in doctrinal conclusions.

4. Data Sources and Source Classification. To address replicability and strengthen methodological clarity, sources are classified into four categories: (a) Binding legal texts (Thailand). Primary data include statutes, ministerial regulations, and administrative notifications directly governing accommodation services and consumer protection in Thailand. Key instruments include: (1) Hotel Act B.E. 2547 (2004) (Samui For Sale, n.d.; Department of Provincial Administration, 2008) (2) Consumer Protection Act B.E. 2522 (1979) (3) Building Control Act B.E. 2522 (1979) and (4) Tourism Industry Act B.E. 2522 (1979) (Tourism Authority of Thailand, 1979). These materials were retrieved from official Thai government repositories, including the Royal Gazette, the Office of the Council of State, and the Department of Provincial Administration. (b) Interpretive authorities. Interpretive authorities include official administrative guidance, licensing procedures, and ministerial standards relevant to hotel classification and operational requirements, where available through official publications (Department of Provincial Administration, 2008). When interpretive authorities are limited or not publicly accessible, this limitation is explicitly acknowledged, and conclusions rely on binding text and published regulatory standards. (c) Secondary legal and scholarly sources. Secondary sources include peer-reviewed journal articles, academic monographs, and policy reports indexed in the Thai Citation

Index (TCI) and Scopus databases. These sources support contextual understanding and assist doctrinal critique, including scholarship on accommodation sector transformation (Taweephol, 2023), consumer protection and online accommodation services (Kungsung, 2025), and data privacy and related legal constraints (Suraratchai, 2023). (d) Comparative regulatory instruments. Comparative materials include government reports and regulatory instruments from selected jurisdictions, including the UK Department for Digital, Culture, Media and Sport (2020) and the Ministry of Trade and Industry Singapore (2022), as well as Japanese regulatory discussions relevant to short-term rental governance (Yamamoto, 2025). Comparative sources are treated as jurisdiction-specific, and their legal status (binding law, consultation paper, administrative guidance, or policy report) is explicitly stated when used in the analysis to avoid treating non-binding documents as equivalent to enacted statutes.

5. Sampling Strategy, Temporal Scope, and Inclusion Criteria. This study uses purposive sampling suitable for qualitative legal research (Creswell & Poth, 2018). Documents were selected using four inclusion criteria: 1) Relevance: Materials must regulate, interpret, or substantively analyze short-term accommodation services, tourism-related consumer protection, or platform-mediated accommodation governance. 2) Jurisdictional scope: Thai legal materials are prioritized. Foreign materials are included if they represent jurisdictions with established approaches to short-term rental regulation and platform intermediation. 3) Temporal scope: Secondary scholarship and comparative policy/regulatory materials are primarily drawn from 2017–2025 to reflect the post-platform expansion period. Binding Thai statutes are older by design and are included because they constitute the legal foundation that governs current practice; older instruments are retained where necessary to explain regulatory continuity and the evolution of the legal regime (Samui For Sale, n.d.). 4) Authenticity and accessibility: Only official publications and materials from recognized academic databases are included to enhance traceability and replicability.

6. Comparative Method and Comparative Controls. To strengthen comparative rigor, the comparative component is designed as a reproducible corpus rather than a general narrative of “global best practices.” Comparative jurisdictions include Japan, Singapore, and the United Kingdom, selected for their regulatory responses to short-term rentals and digital platform intermediation (Yamamoto, 2025; Ministry of Trade and Industry Singapore, 2022; UK Department for Digital, Culture, Media and Sport, 2020). For the United States, the study treats the US not as



a single national model but as a multi-level regulatory environment. Accordingly, US materials are used to illustrate regulatory design options, particularly local registration, enforcement mechanisms, and platform accountability, rather than to claim a single uniform national regime. Where US examples are referenced, they are framed as selected models within a patchwork system and are interpreted cautiously to avoid overgeneralization.

7. Data Collection Procedures. Data collection followed a three-phase protocol to support transparency: Phase 1: Statutory and regulatory compilation (Thailand). Thai legislative texts were gathered from official repositories and verified against consolidated versions available via the Office of the Council of State. Thai texts were treated as authoritative, with English translations used for assistance. Phase 2: Scholarly retrieval. Academic literature was retrieved through ThaiJO, TCI, and Scopus using keywords such as “short-term accommodation,” “tourist protection,” “consumer law,” and “sharing economy regulation.” Peer-reviewed works were prioritized to strengthen reliability (Creswell & Poth, 2018). Phase 3: Comparative corpus development. Comparative materials were obtained from official government portals and catalogued using metadata (author, title, issuing body, date, jurisdiction, and legal status) to support bibliographic verification and replicability (Bowen, 2009).

8. Analytical Framework. The analysis proceeds through three integrated steps: (8.1) Doctrinal mapping (rights–duties–liability). Statutory and regulatory provisions are analyzed to map: (i) tourists’ rights (information, safety, redress), (ii) hosts/operators’ duties (licensing, safety compliance, record-keeping), and (iii) liability allocation and enforcement mechanisms across relevant legal instruments. This mapping is used to identify doctrinal gaps where daily rentals operate outside effective oversight. (8.2) Comparative evaluation. Comparative instruments are used to evaluate alternative models of registration and licensing, safety standards, and platform responsibility. Comparative findings are interpreted in light of Thailand’s institutional capacity and statutory structure to ensure contextual relevance (Yamamoto, 2025; Ministry of Trade and Industry Singapore, 2022; UK Department for Digital, Culture, Media and Sport, 2020). (8.3) Thematic and content analysis. Following Bowen (2009), qualitative content analysis is used to code and synthesize documents into themes such as “tourist safety,” “regulatory enforcement,” “platform accountability,” and “inter-agency coordination.” Themes are integrated with doctrinal

findings to generate reform proposals grounded in both legal interpretation and comparative insights.

9. Validity, Reliability, and Ethical Considerations. Credibility is strengthened through triangulation among binding legal texts, ministerial standards, and peer-reviewed scholarship. An audit trail documents the rationale for inclusion and key interpretive decisions, supporting dependability and replicability (Bowen, 2009). Ethical standards conform to APA 7th edition citation principles and relevant legal requirements, including the Personal Data Protection Act B.E. 2562 (2019). Because the research relies exclusively on publicly available documents, it does not involve human participants or confidential data.

10. Limitations. This doctrinal-comparative design provides depth in legal interpretation but does not empirically measure complaint incidence, enforcement patterns, or dispute frequency. Translation limitations in foreign materials may introduce interpretive bias; therefore, comparative conclusions are limited to the content and legal status of the documents analyzed. Legal developments may also render particular regulatory observations time-sensitive. Nonetheless, reliance on authoritative sources, explicit source classification, and transparent interpretive standards mitigates these risks and supports robust legal-reform recommendations.

## Research Results

**1. Sector Profile and Risk Landscape.** Documentary evidence indicates that daily and short-term accommodation has become a material sub-sector of Thailand’s visitor economy, expanding alongside platform-mediated travel and neighborhood-based stays. This expansion increases destination choice and price dispersion, but it also widens exposure to misrepresentation, uneven fire protection, and weak redress mechanisms for tourists (Ministry of Tourism and Sports, 2023; Kungsung, 2025). These risks provide the baseline against which Thailand’s legal architecture was assessed. **Doctrinal implication:** where the applicable legal category is unclear, tourists may receive different levels of protection for functionally similar accommodation services, generating inconsistent consumer outcomes.

**2. Definition and Coverage under the Hotel Act: The “Hotel-like” Service Outside the Category.** Doctrinal interpretation of the Hotel Act B.E. 2547 (2004) begins with Section 4, which conceptualizes a “hotel” as an establishment providing temporary accommodation for travelers

(or other persons) in exchange for payment and for commercial purposes (Department of Provincial Administration, 2008). When read together with the Ministerial Regulation on Hotel Types and Criteria B.E. 2551, a carve-out exists for small establishments commonly described as fewer than four rooms and no more than twenty guests, under which licensing requirements may not apply (Samui For Sale, n.d.; Department of Provincial Administration, 2008). The results show that many daily rentals position their operating model to fall within this carve-out, thereby avoiding classification as “hotels” even when the service is functionally comparable to a hotel stay. **Regulatory consequence:** the legal label becomes determinative of oversight, producing a category of hotel-like services operating with weaker ex ante controls and reduced standardization. This finding is consistent with scholarship noting that inconsistent statutory application undermines consumer-rights enforcement in accommodation markets (Suraratchai, 2023).

**3. Licensing as the State’s Primary Ex Ante Control: Section 15 and the Grey-Market Effect.** Under Section 15 of the Hotel Act, operating a hotel business requires prior licensing, which functions as the state’s principal ex ante mechanism to screen minimum compliance before market entry (Department of Provincial Administration, 2008). Doctrinally, licensing embeds three control functions: (i) pre-market assessment of suitability, (ii) enforceable inspection leverage, and (iii) the availability of administrative sanctions that are tied to licensure. The results show that daily rentals falling outside effective coverage are not subject to these controls; they may operate with limited visibility and weakened deterrence. This gap generates a grey market in which compliance incentives are structurally reduced, not merely episodically violated. Comparative materials indicate that municipal permitting and registration models in selected U.S. cities, and registration-number requirements with operational conditions under Japan’s home-sharing framework, provide alternative triggers for visibility and enforcement (UK Department for Digital, Culture, Media and Sport, 2020; Yamamoto, 2025). **Doctrinal implication:** when licensing triggers do not apply to platform-mediated rentals, the state’s core regulatory tool cannot reliably secure safety and compliance in a market that is substantively commercial.

**4. Managerial Competence and Duty of Care: Section 30 as a Differentiator of Legal Standards.** Section 30 of the Hotel Act requires licensed hotels to appoint a qualified manager subject to professional and moral criteria (Department of Provincial Administration, 2008).

Doctrinally, this provision functions as a competency requirement intended to ensure operational responsibility, including guest safety, emergency response readiness, and dispute handling. The results show that daily rentals operating outside the licensed hotel category are effectively exempt from this requirement, leaving managerial competence as a private choice rather than a minimum public baseline. Documentary sources and secondary scholarship suggest that many small-scale hosts lack formal training relevant to guest safety and incident management, increasing operational risk (Taweephol, 2023). Comparative practice indicates that light-touch competency measures, such as basic training modules or standardized operating procedures, can reduce harm without raising entry barriers excessively (Ministry of Trade and Industry Singapore, 2022; Yamamoto, 2025). **Regulatory consequence:** the legal system currently applies competence-based duties unevenly, creating a mismatch between the risk profile of paid accommodation and the operational standards imposed.

**5. Guest Registration, Traceability, and Public Security: Sections 35–36 and the Information Vacuum.** Sections 35–36 of the Hotel Act impose obligations on licensed hotels to maintain guest registers and provide reporting to relevant authorities (Department of Provincial Administration, 2008). Doctrinally, guest registration serves as an ex post traceability mechanism that supports enforcement, public-health response, and investigative needs. The results show that unlicensed daily rentals have no equivalent statutory duty, producing an information vacuum for criminal investigations, missing-person cases, and public-health monitoring. Comparative materials suggest that digital guest-book requirements and permit conditions linking record-keeping to compliance are used in Japan and in selected U.S. municipal systems, enhancing traceability in platform-mediated markets (Yamamoto, 2025; UK Department for Digital, Culture, Media and Sport, 2020). **Doctrinal implication:** without a legally recognized, platform-compatible reporting channel for non-hotel daily rentals, the state’s ability to exercise legitimate regulatory functions is structurally constrained.

**6. Building Control and Minimum Safety Standards: When Ex Ante Screening Does Not Attach.** Hotels are expected to satisfy structural and environmental requirements under the Hotel Act and the Building Control Act B.E. 2522 (1979), which together operate as a safety baseline for premises open to tourists. However, because many daily rentals are unlicensed, these ex ante screening mechanisms do not consistently attach. The documentary record identified

recurring vulnerabilities, including single-egress shophouses, insufficient smoke detection, and ad hoc electrical modifications. Comparative benchmarks indicate that feasible baselines, such as smoke detectors, safe egress routes where practicable, secure entry systems, and minimum habitability standards, are often embedded in local regulatory conditions or ministerial requirements, including Japanese regulatory approaches and Singaporean governance models (Yamamoto, 2025; Ministry of Trade and Industry Singapore, 2022). **Regulatory consequence:** the absence of generalizable safety standards applicable to non-hotel daily rentals results in heterogeneous and sometimes unsafe premises, weakening the protective function of accommodation regulation.

**7. Consumer Information, Deceptive Practices, and Uneven Remedies.** Secondary studies document recurring discrepancies between advertised and actual accommodation conditions in daily rentals, including location and amenities (Kungsung, 2025). Under the Consumer Protection Act B.E. 2522 (1979), consumers have a right to accurate information and fair treatment in commercial transactions. Doctrinally, the protective logic of the Act should apply where accommodation is provided for remuneration, yet the results suggest uneven and uncertain application in platform-mediated short-term stays, particularly when hosts operate outside the licensed hotel regime. Comparative materials indicate that regulatory systems may impose shared responsibility or compliance duties on platforms and hosts, aligning incentives to reduce deception and improve consumer safety (UK Department for Digital, Culture, Media and Sport, 2020). **Doctrinal implication:** when the law does not clarify responsibility for misleading content or unsafe conditions in platform-mediated listings, tourists may be forced to rely on platform policies or costly private claims rather than predictable legal remedies.

**8. Liability for Property Loss and Personal Injury: Civil and Commercial Code Sections 674–676.** Sections 674–676 of the Civil and Commercial Code impose heightened duties on hotels to safeguard guest property and compensate for loss under specified conditions. Doctrinally, these provisions reflect a policy choice to allocate risk toward professional accommodation providers because guests are in a position of dependency and lack effective control over premises security. The results show that these heightened duties do not automatically extend to unregistered daily rentals, generating ambiguous liability for theft or injury and increasing transaction costs for victims seeking redress (Thirawat, 2000; Suraratchai, 2023). **Regulatory consequence:** liability asymmetry

weakens deterrence and may undermine consumer confidence, particularly when tourists cannot readily determine whether a host qualifies as a “hotel” for purposes of heightened standards.

**9. Institutional Fragmentation and Enforcement Capacity: Dispersed Authority Without a Single Accountable Regulator.** The materials reveal fragmented oversight across multiple agencies. The Ministry of Interior and the Department of Provincial Administration manage hotel licensing; the Ministry of Tourism and Sports promotes tourism and quality development; and the Tourist Police Bureau supports travelers without comprehensive regulatory powers. No single authority is clearly empowered to license, monitor, and sanction daily rentals as a distinct class. Comparative models suggest that more coherent outcomes can be achieved where frontline licensing and monitoring are delegated to local governments under a national framework that preserves uniform minimum standards (Ministry of Trade and Industry Singapore, 2022; Yamamoto, 2025). **Doctrinal implication:** fragmented institutional competence makes enforcement inconsistent and reduces the effectiveness of regulatory duties, particularly in platform-mediated markets where cross-jurisdictional listings and rapid entry are common.

**10. Synthesis and Policy-Relevant Outcomes (Doctrinal Consequences of the Findings).** Taken together, the results demonstrate that Thailand’s current framework under-protects tourists who use daily rentals, under-incentivizes compliance by operators, and under-equips regulators to supervise a digitalized market. Four doctrinally grounded outcomes follow: **1) Coverage:** amend statutory definitions so that all remunerated short-term stays fall within a coherent regime, with narrowly tailored exemptions. **2) Entry controls:** implement tiered, digital registration and simplified licensing to restore pre-market screening and ongoing visibility. **3) Baselines:** establish minimum safety standards and light-touch managerial competencies proportional to risk and suitable for micro-operators. **4) Traceability and accountability:** require guest registration and periodic reporting, and impose shared compliance duties on platforms for listing verification and delisting of non-compliant units. These outcomes align with documented approaches in Japan, Singapore, and selected municipal models referenced in comparative sources, and they remain consistent with Thailand’s consumer-protection objectives and tourism-quality goals (UK Department for Digital, Culture, Media and Sport, 2020; Ministry of Trade and Industry Singapore, 2022; Yamamoto, 2025).

## Discussion of Research Results

Overview and Interpretation. The findings demonstrate that Thailand's legal framework governing daily accommodation services is fragmented, reactive, and insufficiently aligned with the realities of platform-mediated accommodation markets. Although tourism remains economically significant, the expansion of short-term rentals through digital platforms has outpaced the regulatory assumptions embedded in Thailand's accommodation laws (Ministry of Tourism and Sports, 2023). The doctrinal results show that the current legal architecture produces a structural gap: functionally hotel-like services may operate outside the hotel category, weakening ex ante controls (licensing and inspection), ex post traceability (guest registers), and predictable remedies (clear liability standards). As a result, tourist welfare and market equity depend heavily on private platform policies and inconsistent enforcement rather than on coherent public regulation.

Tourism Growth, the Sharing Economy, and the Grey-Market Dynamic. The discussion confirms that globalization and the sharing economy have reshaped tourist preferences toward flexible and community-based lodging, increasing demand for daily rentals and intensifying competition with the formal hotel sector (Taweephol, 2023). Where law does not clearly recognize and regulate this activity, the market bifurcates: licensed hotels operate within structured obligations while many daily rentals remain informal. This dual system encourages regulatory arbitrage and undermines fairness in competition, especially when informal operators avoid licensing duties, safety baselines, and predictable accountability mechanisms (Ministry of Interior, 2002). Importantly, the study does not treat informal rentals as inherently illegitimate; rather, it shows that the absence of calibrated integration into the legal regime creates governance risks that scale with market growth.

Doctrinal Junction: Definition, Exemptions, and the Under-Specified "Accommodation Business" A central doctrinal finding concerns the statutory definition of "hotel" and exemption thresholds. The framework's focus on formal hotel classification together with carve-outs (commonly framed around room and guest limits) creates a category of paid, short-term accommodations that are functionally similar to hotels but do not consistently bear hotel-equivalent obligations (Department of Provincial Administration, 2008). This undermines legal predictability and contributes to uneven enforcement outcomes across jurisdictions and

administrative offices. The discussion therefore supports definitional reform: daily rentals should be regulated by functional criteria (temporary accommodation offered for remuneration, repeated operation, and public offering) rather than by room-count thresholds alone. This approach is also consistent with the protective rationale underlying the Consumer Protection Act B.E. 2522 (1979), which presumes that consumers should receive truthful information and fair treatment in commercial transactions.

Comparative Lessons with Appropriate Caution. Comparative materials remain useful, but the discussion must distinguish between (1) national statutes, (2) municipal bylaws, (3) enforcement practices, and (4) platform policy overlays. Japan's approach, often framed around an annual cap and registration-based compliance, illustrates one statutory strategy to integrate home-sharing into a regulated market while preserving entry for small operators (Yamamoto, 2025). Singapore's approach emphasizes minimum-stay requirements and building-approval constraints that reflect local housing and governance priorities (Ministry of Trade and Industry Singapore, 2022). For the United States, the evidence should be interpreted as municipal and city-based models rather than a single national regime, and the UK Department for Digital, Culture, Media and Sport (2020) is best treated as a policy-oriented reference point rather than a direct statutory authority (UK Department for Digital, Culture, Media and Sport, 2020). Used carefully, these sources show that tiered registration, minimum safety baselines, and clearer platform responsibilities can increase compliance without eliminating micro-host participation.

Consumer Protection, Platform Accountability, and the Tradeoffs of Reform. The findings highlight consumer risks in misrepresentation, hidden fees, and safety uncertainty, especially where tourists face practical obstacles to pursuing remedies (Suraratchai, 2023). Strengthening accountability may therefore require clarified responsibilities for hosts and platforms, particularly where platforms shape consumer reliance through listing design and reputation systems. However, reform also raises tradeoffs that must be addressed explicitly. Guest registration improves traceability but may raise privacy concerns; therefore, data minimization principles, retention limits, and secure access protocols should be built into any reporting system (Suraratchai, 2023). Platform delisting obligations can improve compliance but should incorporate due process safeguards such as notice, reasons, and appeal mechanisms to prevent arbitrary exclusion and mitigate risks of regulatory capture or anti-competitive misuse (Ministry of Interior,



2002). Similarly, any licensing or registration system should reflect proportionality: micro-hosts could face simplified procedures and baseline requirements, while professional operators bear higher compliance duties.

**Institutional Coordination and Enforcement Capacity.** Fragmented institutional competence remains a key obstacle. The Ministry of Interior and the Department of Provincial Administration oversee licensing, the Ministry of Tourism and Sports promotes tourism quality, and the Tourist Police Bureau assists travelers, but none has unified authority over daily rentals as a distinct regulated class (Thirawat, 2000). Comparative experience suggests that clearer allocation of responsibility, often combining national minimum standards with local implementation and monitoring, can strengthen enforcement coherence and responsiveness (Ministry of Trade and Industry Singapore, 2022). For Thailand, a digitally enabled, tiered registration framework linked to local monitoring could close visibility gaps while supporting tax compliance and safety oversight.

Overall, the discussion supports a modernization pathway grounded in doctrinal clarity, proportionality, and enforceable accountability. A well-designed reform need not suppress innovation; it can stabilize expectations, protect tourists, support legitimate entrepreneurship, and strengthen Thailand's tourism governance under contemporary platform-driven conditions (Yamamoto, 2025; Ministry of Tourism and Sports, 2023).

### Suggestions

1. **Legislative Reform and Legal Clarity (Definition + Trigger Rules).** The Hotel Act B.E. 2547 (2004) should redefine “accommodation business” using functional triggers rather than room-count exemptions. The regulatory trigger should include (i) remuneration (payment or other consideration), and (ii) holding out to the public (advertising or offering accommodation to travelers), with an additional indicator of frequency (e.g., repeated rentals within a specified period) to distinguish genuine occasional home-sharing from professional operators (Department of Provincial Administration, 2008). This reform would close the current definitional gap while allowing narrowly tailored exemptions for low-risk, non-commercial activity.

2. **Tiered Digital Registration and Licensing (Operational How-To).** A two-tier regime should be implemented: (a) *micro-host registration* (simple digital notification + basic safety attestation),

and (b) *commercial licensing* (inspection-based approval + compliance obligations). Local administrative bodies should conduct frontline registration and monitoring, while central agencies set uniform minimum standards and audit compliance. A digital system can standardize identification, tax registration, and reporting procedures, reducing enforcement costs and improving traceability (Ministry of Trade and Industry Singapore, 2022).

3. Consumer Protection and Platform Accountability (Duty Model + Due Process). The Consumer Protection Act B.E. 2522 (1979) should explicitly apply to short-term rentals by requiring disclosure of material terms (location, safety equipment, fees, and cancellation rules) and creating enforceable remedies for misrepresentation (Kungsung, 2025). Platforms should bear shared compliance duties: (i) verify registration/licensing numbers before listing, (ii) operate a notice-and-takedown system for illegal listings, and (iii) apply graduated sanctions (warning → suspension → delisting), with due process protections for hosts (notice, reasons, and appeal) (UK Department for Digital, Culture, Media and Sport, 2020; Yamamoto, 2025).

4. Privacy-Preserving Guest Registration (PDPA Guardrails). Mandatory guest registration and digital identity verification should be designed with data minimization, purpose limitation, retention limits, secure access logs, and restricted disclosure to competent authorities to reconcile public-security objectives with privacy protections (Suraratchai, 2023).

5. Institutional Coordination and Balanced Enforcement. An inter-ministerial body should align the Ministry of Interior, the Ministry of Tourism and Sports, and consumer-protection authorities, while empowering local governments to enforce tiered obligations proportionately and consistently (Thirawat, 2000).

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*Yamaguchi Journal of Economics, Business Administrations & Laws*, 74(1–2), 1–1