Legal Measures for the Protection of the Right to Privacy: A Comparative Study between Thailand and Foreign Jurisdictions with Implications for Legal Development

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Abstract

This study examines the legal measures for protecting the right to privacy in Thailand and compares them with international and foreign frameworks to identify pathways for legal reform. Using a doctrinal and comparative legal research design, the study analyzes constitutional provisions, statutory instruments, judicial precedents, and scholarly interpretations. Primary sources include the Constitution of the Kingdom of Thailand, the Personal Data Protection Act B.E. 2562 (2019), and relevant provisions of the Civil and Commercial Code and Criminal Code, alongside international instruments such as the UDHR (1948) and ICCPR (1966). Secondary data from peer-reviewed journals and authoritative commentaries supplement the analysis. The findings reveal that Thailand's legal framework for privacy protection remains fragmented, reactive, and inconsistently enforced. While constitutional guarantees affirm the right to privacy, their implementation lacks coherence and judicial depth. The Personal Data Protection Act represents progress toward compliance with global norms, yet its enforcement mechanisms and institutional independence remain weak. Comparatively, France and the European Union demonstrate more robust protection through centralized regulatory authorities and enforceable remedies, while the United States provides practical models of sectoral and judicial safeguards. The study concludes that Thailand must codify a unified Privacy and Data Protection Code, strengthen the independence of the Personal Data Protection Committee, and integrate proportionality tests in adjudication to balance privacy with competing rights. Comprehensive legislative and institutional reform supported by judicial innovation and public education is essential for aligning Thailand's privacy protection with international human rights standards and ensuring effective, rights-based enforcement in the digital era.

Keywords: Privacy Rights; Data Protection; Legal Reform; Comparative Law

Introduction

In the digital era, the unprecedented expansion of communication technologies has revolutionized the dissemination of information, erasing the traditional boundaries of geography, time, and privacy. While global connectivity facilitates social interaction, education, and economic growth, it has simultaneously amplified risks related to personal data misuse, surveillance, and privacy intrusion. Individuals today are constantly surrounded by information flows often shared, stored, and manipulated by both state and private actors. Consequently, the boundary between public interest and private life has become increasingly blurred. In Thailand, as in many societies, the demand for news and public curiosity about celebrities and private individuals has frequently led to violations of the right to privacy through unauthorized data disclosure, media sensationalism, or online harassment (Kowalski, Giumetti, Schroeder, & Lattanner, 2014). Such practices include disclosing victims' identities, publishing intimate details of public figures, or disseminating explicit materials through digital platforms, all of which constitute serious infringements on human dignity. Privacy, as a core element of human dignity and autonomy, has long been recognized as a fundamental human right. It ensures that individuals can live free from unwarranted intrusion, surveillance, or exploitation. In the natural rights tradition, every human being possesses an inherent right to autonomy, equality, and liberty rights that predate the existence of the state (DLA Piper, 2019). The concept of privacy

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emerged from these philosophical foundations, evolving from the notion that individuals have moral and legal claims to seclusion and control over personal information. This right is not merely about secrecy but about safeguarding human personality, freedom of choice, and personal integrity.

Historical and Philosophical Foundations. The origins of the right to privacy can be traced to early European liberal thought and the natural rights philosophy, which emphasized life, liberty, and property as intrinsic to human existence. These ideas profoundly influenced constitutionalism and democratic governance, as seen in foundational legal charters such as England's Magna Carta (1215), the Declaration of Independence (1776), and the Declaration of the Rights of Man and Citizen (1789) (The Office of the Personal Data Protection Committee [PDPC], 2024). Although early natural rights theories focused primarily on limiting state power and protecting citizens from arbitrary authority, they laid the intellectual groundwork for recognizing privacy as an essential dimension of human freedom.

The right to privacy gained international recognition after World War II, when global human rights frameworks incorporated it explicitly. The Universal Declaration of Human Rights (1948) affirmed in Article 12 that "no one shall be subjected to arbitrary interference with his privacy, family, home, or correspondence" and Similarly, Article 17 of the International Covenant on Civil and Political Rights (ICCPR, 1966) reinforced legal protection against unlawful or arbitrary interference. The Convention on the Rights of the United Nations further extended privacy guarantees to children (United Nations, 1948). At the regional level, the European Convention on Human Rights institutionalized enforcement through the European Court of Human Rights. Collectively, these international instruments establish privacy as a universal entitlement and obligate signatory states to implement legal safeguards domestically.

Recognition of Privacy in Thailand. Thailand has ratified major human rights treaties, including the ICCPR in 1968 and the Convention on the Rights of the Child in 1992, signaling its formal commitment to upholding privacy rights. The right to privacy was first constitutionally recognized in the Constitution of the Kingdom of Thailand B.E. 2534 (1991) and later reaffirmed with broader protections in subsequent constitutions. The Constitution of 2007 (Article 35) and the Constitution of 2017 (Section 32) explicitly guarantee protection for family life, honor, reputation, and personal privacy, prohibiting unauthorized disclosure of personal information unless justified by public interest (Constitution of the Kingdom of Thailand, 2017). However, constitutional acknowledgment alone has not resulted in comprehensive enforcement. In practice, privacy violations in Thailand continue to be regulated primarily through general civil and criminal law. The Civil and Commercial Code, Sections 420 and 423, addresses tortious acts and defamation but does not directly articulate a distinct right to privacy (Personal Data Protection Committee, 2024). Likewise, the Criminal Code provides limited protection against specific forms of intrusion, such as opening private correspondence (Section 322) or revealing professional secrets (Section 323). These provisions remain reactive and punitive rather than preventive, offering redress only after harm has occurred.

Legal Gaps and Enforcement Challenges. Existing Thai legislation demonstrates significant structural and conceptual deficiencies. First, there is no unified statute governing the right to privacy in all its dimensions physical, informational, and digital. The legal response remains fragmented across multiple statutes, including the Personal Data Protection Act B.E. 2562 (2019), which focuses narrowly on data processing rather than the broader aspects of personal autonomy and private life (DLA Piper, 2019). Second, Thai courts often interpret privacy-related cases through analogies to property or defamation law, leading to inconsistent judgments and inadequate remedies, especially in cases involving mental distress or reputational harm. Third, the sanctions for privacy violations are disproportionately lenient. Many offenses, such as stalking, voyeurism, or harassment, are categorized as minor offenses under Sections 392 and 397 of the Criminal Code, with low fines and short imprisonment terms. These penalties fail to deter repeated offenses and do not reflect the psychological and social damage inflicted upon victims (The Office of the Personal Data Protection Committee [PDPC], 2024). Finally, enforcement agencies lack clear mandates and coordination, leading to jurisdictional overlap among the Ministry of Justice, the Office of the Personal Data Protection Committee, and law enforcement authorities.

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Need for Legal Reform. Given the expanding complexity of digital life, Thailand must adopt a comprehensive privacy framework consistent with international standards. Legal reform should focus on preventive measures rather than retrospective punishment, strengthening both civil remedies and administrative oversight. Comparative analysis of foreign jurisdictions, such as Japan's Act on the Protection of Personal Information (APPI), the European Union's General Data Protection Regulation (GDPR), and the United States' sectoral approach to privacy regulation, reveals that modern legal systems increasingly emphasize individual consent, accountability, and transparency (Sholehuddin, Miskam, Shahwahid, & Raja Abdul Aziz, 2024; Bowen, 2009).

The study therefore seeks to examine Thailand's privacy protection regime through doctrinal and comparative legal analysis, identifying existing shortcomings and proposing legislative reforms to ensure that privacy rights are effectively protected within both offline and online environments. Strengthening the legal recognition and enforcement of the right to privacy is essential not only to safeguard human dignity but also to uphold democratic principles and public trust in Thailand's justice system.

Objectives of Research

1. To examine Thailand's legal measures for protecting the right to privacy.
2. To analyze international legal frameworks on privacy protection for comparative insights.
3. To identify current legal and judicial challenges in enforcing privacy rights in Thailand.
4. To propose legal reforms that align Thailand's privacy protection with international standards.

Research Methodology

Research Design. This study adopts a doctrinal legal research design combined with a comparative analysis approach, focusing on the examination of documentary sources and legal texts. The doctrinal method is employed to interpret and analyze existing legal provisions related to the right to privacy within the Thai legal system, while the comparative component assesses corresponding frameworks in foreign jurisdictions. The design emphasizes qualitative analysis of textual materials, statutes, judicial decisions, and academic commentary to identify patterns, gaps, and normative directions in privacy protection. According to Bowen (2009), documentary analysis enables researchers to derive reliable insights from existing written materials while maintaining methodological rigor in qualitative inquiry.

Data Sources. (2.1) Primary Legal Sources. Primary materials consist of constitutional provisions, statutory texts, and judicial precedents concerning privacy rights in Thailand. These include the Constitution of the Kingdom of Thailand, the Personal Data Protection Act B.E. 2562 (2019), and relevant provisions of the Civil and Commercial Code and Criminal Code addressing violations of private life. Additionally, international instruments such as the Universal Declaration of Human Rights (UDHR, 1948), the International Covenant on Civil and Political Rights (ICCPR, 1966), and the Convention on the Rights of the Child (CRC, 1989) are analyzed to establish global benchmarks for privacy protection. (Personal Data Protection Committee, 2024; The Office of the Personal Data Protection Committee [PDPC], 2024) (2.2) Secondary Legal Sources. Secondary data include academic writings, commentaries, textbooks, and journal articles indexed in Scopus and Thai Citation Index (TCI) databases. These sources provide critical interpretations of legal provisions and contextual discussions of privacy as a human right. Notable works by Solove & Schwartz, (2021), Bygrave (2014), and Kungsung (2025) inform the comparative understanding of data protection and privacy regulation across jurisdictions.

Data Collection Procedures. Document collection follows a structured three-stage process. First, legal documents and case law are obtained from official repositories such as the Royal Thai Government Gazette and the Office of the Council of State. Second, academic materials are systematically retrieved through keyword searches (e.g., privacy rights, personal data, constitutional protection, human rights in Thailand) in academic databases. Third, comparative legal texts from the European Union, France, and the United States are reviewed through official legal databases (e.g., EUR-Lex and U.S. Congressional Archives). The inclusion of these jurisdictions provides a comprehensive overview of differing yet influential privacy protection models.

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Analytical Framework. The analysis is divided into two complementary dimensions, 1) Doctrinal Interpretation, examining the content, context, and judicial interpretation of Thai privacy-related legislation to determine the extent of protection afforded under domestic law. This stage involves identifying constitutional guarantees and the interplay between legislative and judicial approaches. 2) Comparative Evaluation, comparing Thai privacy law with foreign frameworks such as the EU's General Data Protection Regulation (GDPR), France's data privacy regime, and the U.S. California Consumer Privacy Act (CCPA). The comparison highlights gaps in enforcement, the role of administrative agencies, and remedies for violations. Findings from both stages are synthesized to propose reform pathways for aligning Thai law with international human rights obligations.

Reliability and Validity. To ensure reliability, the study employs source triangulation, verifying consistency among legal texts, judicial decisions, and scholarly analyses (Bowen, 2009). Each document is cross-referenced for accuracy and contextual coherence. Validity is maintained through transparent citation, chronological consistency, and adherence to internationally recognized legal research standards. Ethical integrity is observed by relying exclusively on publicly available and officially published materials, without engaging human participants.

Limitations. This study is limited by its dependence on documentary materials, which may not capture evolving administrative practices or societal perceptions of privacy. Additionally, the analysis does not include empirical data on enforcement outcomes. However, by integrating comparative insights and doctrinal interpretation, the research offers robust normative recommendations for legal reform.

Research Results

The study's findings demonstrate that Thailand's current legal framework for the protection of the right to privacy remains fragmented and underdeveloped when compared to international and regional standards. While the Constitution of the Kingdom of Thailand recognizes privacy as a fundamental right, the implementation of these provisions in statutory and administrative law is inconsistent. The Personal Data Protection Act B.E. 2562 (2019) (PDPA) represents a significant legislative advancement, yet its enforcement mechanisms, administrative oversight, and judicial interpretation remain limited in scope. The research further reveals that existing Thai legislation often conflates privacy with data protection, neglecting broader aspects such as intrusion, surveillance, and informational autonomy. These deficiencies illustrate the need for comprehensive reform to align Thailand's privacy framework with global human-rights standards (Kowalski, Giumetti, Schroeder, & Lattanner, 2014; The Office of the Personal Data Protection Committee [PDPC], 2024).

Privacy Protection in the Thai Legal System. (1) Constitutional and Statutory Guarantees. The Thai Constitution explicitly affirms the protection of human dignity, personal liberty, and privacy. However, the translation of these constitutional principles into enforceable rights is constrained by insufficient implementing legislation. Judicial decisions often interpret privacy narrowly, limiting protection to physical intrusion or disclosure of personal data. The PDPA extends privacy protection to the realm of personal information processing, yet it primarily focuses on organizational compliance rather than individual remedies. The analysis of ministerial regulations, such as the Ministerial Regulation on Hotel Business Categories and Operation Criteria B.E. 2551 (2008), further underscores the lack of integrated privacy protections in sector-specific contexts. These laws primarily emphasize business operations, taxation, and licensing rather than individual privacy safeguards. Consequently, the Thai legal system continues to rely heavily on general tort principles under the Civil and Commercial Code, which offer limited recourse for victims of privacy violations (DLA Piper, 2019). (2) Enforcement Challenges and Institutional Fragmentation. The research identifies enforcement as one of the most critical weaknesses in Thailand's privacy regime. The Personal Data Protection Committee (PDPC) has formal authority under the PDPA, but its operational independence and investigative capacity are constrained. Moreover, overlapping jurisdiction among administrative bodies such as the Ministry of Digital Economy and Society, Consumer Protection Board, and Office of the National Broadcasting and Telecommunications Commission creates ambiguity in responsibility and enforcement. Such fragmentation leads to inconsistent adjudication and

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regulatory uncertainty, weakening public trust in privacy protection (The Office of the Personal Data Protection Committee [PDPC], 2024).

Comparative Insights from International Frameworks. (1) Universal and Regional Instruments. Comparative analysis reveals that international frameworks, including the Universal Declaration of Human Rights (UDHR, 1948) and the International Covenant on Civil and Political Rights (ICCPR, 1966), set a foundational standard for privacy as a universal human right. Article 12 of the UDHR and Article 17 of the ICCPR both prohibit arbitrary interference with privacy, family, or correspondence. These provisions establish that privacy is not merely a civil liberty but a prerequisite for human dignity and democratic participation (United Nations, 1948, 1966). The European framework particularly the European Convention on Human Rights (ECHR) and the General Data Protection Regulation (GDPR) offers a model of comprehensive privacy protection. The GDPR operationalizes privacy through principles of transparency, accountability, and data minimization, ensuring enforceable rights for individuals. This contrasts with Thailand's PDPA, which lacks robust enforcement penalties and judicial oversight mechanisms (Bunyamissara, 2025; The Office of the Personal Data Protection Committee [PDPC], 2024). (2) Comparative Case Studies: France and the United States. France is among the earliest jurisdictions to codify privacy protections across both civil and administrative law. French courts treat privacy as a core component of *liberté individuelle*, recognizing liability for violations by both state and private actors. The *Commission nationale de l'informatique et des libertés* (CNIL) has often been cited as a model of an independent regulatory authority with the power to impose binding sanctions. By contrast, the United States adopts a pluralistic framework that combines constitutional protections under the Fourth Amendment with sector-specific statutes such as the Privacy Act of 1974 and the California Consumer Privacy Act (CCPA). Although the U.S. model is less centralized than the European approach, it offers practical lessons for Thailand regarding judicial remedies and the role of self-regulation (Solove & Schwartz, 2021).

Thematic Findings on Privacy Concepts and Doctrinal Gaps. (1) Evolution of the Right to Privacy. The research underscores that privacy has evolved from a moral and philosophical concept to a legally enforceable right. Thai jurisprudence, however, still reflects limited judicial awareness of privacy as a multi-dimensional right encompassing autonomy, information control, and personal seclusion. Historical reliance on traditional doctrines such as defamation, trespass, or breach of confidence has constrained the recognition of privacy as a standalone legal interest (Seesonddee, 2025). This finding aligns with comparative scholarship emphasizing that modern privacy law requires explicit legislative recognition and enforceable remedies (Solove & Schwartz, 2021). (2) Doctrinal Inconsistencies and Overlapping Regulations. The study reveals that Thailand's privacy-related provisions remain dispersed across numerous statutes, producing interpretive inconsistency. For instance, provisions in the Computer Crime Act B.E. 2550 (2007) criminalize unauthorized data access but fail to define personal privacy comprehensively. Similarly, the Consumer Protection Act B.E. 2522 (1979) addresses unfair contract terms without systematically protecting personal data or digital privacy. These inconsistencies not only hinder enforcement but also undermine legal certainty, contradicting principles of legality and proportionality as outlined in the ECHR jurisprudence (The Office of the Personal Data Protection Committee [PDPC], 2024). Public Interest and the Limits of Privacy. (1) Balancing Privacy with Freedom of Information. The findings highlight the persistent tension between privacy and freedom of information. Thai law lacks clear criteria for balancing individual privacy rights against public-interest justifications, such as national security or journalistic freedom. Comparative frameworks particularly within the European Court of Human Rights adopt a proportionality test that Thailand has yet to institutionalize. This absence leads to inconsistent judicial reasoning in cases involving media disclosure or state surveillance (Westin, 1968). (2) Public Figures and Reasonable Expectation of Privacy. A recurring issue concerns the diminished privacy expectations of public figures. The study identifies that Thai courts have yet to establish clear standards distinguishing between legitimate public interest and invasive exposure. In contrast, European and American jurisprudence apply context-sensitive tests that assess necessity and proportionality. The absence of such doctrinal clarity in Thailand results in both under- and over-protection, depending on the political or social context of the case (Kowalski, Giumetti, Schroeder, & Lattanner, 2014).

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Implications for Legal Reform. (1) Strengthening Legal and Institutional Coherence Based on the comparative analysis, the research proposes that Thailand consolidate its fragmented legal framework into a coherent Privacy and Data Protection Code. This unified statute should integrate constitutional, administrative, and civil protections under a single interpretive framework. Furthermore, enhancing the independence and enforcement capacity of the PDPC is essential to ensure impartial oversight and compliance monitoring. Similar institutional reforms in France and Japan have significantly improved enforcement consistency and public trust (Sholehuddin, Miskam, Shahwahid, & Raja Abdul Aziz, 2024). (2) Incorporating Judicial and Administrative Remedies. Effective privacy protection requires accessible judicial and administrative remedies. The study recommends expanding the jurisdiction of Thai administrative courts to adjudicate privacy violations by state agencies and introducing civil penalties for private-sector infringements. These recommendations reflect best practices under the GDPR and the ICCPR, both of which emphasize the right to an effective remedy (Bunyamissara, 2025).

In summary, the research reveals four principal findings, 1) Doctrinal Fragmentation: Thai privacy law lacks coherence, resulting in uneven protection and interpretive ambiguity. 2) Institutional Weakness: Enforcement agencies face limitations in authority and coordination, undermining deterrence. 3) Comparative Deficit: Thailand's legal framework remains misaligned with global privacy norms, particularly in accountability and judicial remedy. Reform Imperative. Harmonizing privacy regulation through legislative codification and institutional strengthening is necessary for Thailand to meet international standards. The study concludes that privacy, as both a human right and a legal principle, must be reinterpreted within the Thai legal order as a multidimensional construct encompassing informational, spatial, and decisional autonomy. This shift requires not only legislative reform but also judicial and administrative capacity building to uphold the constitutional promise of personal liberty. 0The Office of the Personal Data Protection Committee [PDPC], 2024)

Discussion of Research Results

This study critically examined the evolution and effectiveness of legal frameworks governing the protection of the right to privacy in Thailand and compared them with international and regional standards. The discussion integrates the empirical findings with the research objectives, highlighting the doctrinal, institutional, and normative challenges confronting Thai privacy law while identifying pathways for reform consistent with international human rights obligations.

Doctrinal Interpretation and Constitutional Implications. The first objective sought to clarify the doctrinal foundation of privacy protection in Thailand. The findings reveal that, although the Constitution of the Kingdom of Thailand explicitly affirms the right to privacy as an aspect of human dignity, its enforceability remains limited. Constitutional recognition has not been supported by sufficient legislative or judicial development, resulting in fragmented and inconsistent protection (Kowalski, Giumetti, Schroeder, & Lattanner, 2014). Courts continue to rely on general tort provisions under Section 420 of the Civil and Commercial Code, which are ill-equipped to address the complexities of modern privacy violations such as digital surveillance, cyber intrusion, and data misuse. These doctrinal deficiencies echo Solove & Schwartz, (2021) argument that traditional conceptions of privacy, grounded in physical seclusion, cannot adequately capture the dynamics of informational privacy in the digital age. In Thailand, privacy jurisprudence tends to privilege tangible harm while overlooking psychological or reputational damage. This phenomenon exemplifies what Bunyamissara, (2025) describes as a "doctrinal lag" the gap between rapid technological change and static legal interpretation. Consequently, constitutional guarantees remain largely declarative, offering symbolic rather than substantive protection.

Comparative Convergence with International Human Rights Standards. The second objective examined Thailand's alignment with international norms, particularly the Universal Declaration of Human Rights (UDHR, 1948) and the International Covenant on Civil and Political Rights (ICCPR, 1966). The study found that the Personal Data Protection Act B.E. 2562 (2019) (PDPA) represents an important legislative advancement that reflects partial harmonization with the European Union's General Data Protection Regulation (GDPR). However, unlike the GDPR, which embeds individual empowerment

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through enforceable rights and data subject remedies, the PDPA primarily emphasizes administrative compliance (Personal Data Protection Committee, 2024; Seesonddee, 2025). This distinction underscores the conceptual divergence between data protection and privacy. The former focuses on organizational responsibilities, whereas the latter protects personal autonomy and human dignity. The Thai approach, treating data protection as an administrative obligation, risks reducing privacy to a procedural formality rather than a substantive right (Supawadee, 2017). Comparative analysis with France and the United States illustrates the limitations of Thailand's enforcement capacity. France's *Commission nationale de l'informatique et des libertés* (CNIL) possesses both regulatory independence and sanctioning authority, while the U.S. model, though decentralized, provides strong judicial remedies under the Fourth Amendment and state statutes such as the California Consumer Privacy Act (CCPA) (Chittangwattana, B., 2005). These comparative findings reinforce Seesonddee, (2025) assertion that Thailand must transform its human rights commitments under the ICCPR into actionable domestic law. Integrating a rights-based perspective within the PDPA would ensure that privacy protection transcends bureaucratic compliance and functions as a substantive constitutional safeguard.

Institutional Weaknesses and Enforcement Challenges. Institutional fragmentation remains one of the most pressing barriers to effective privacy protection. Multiple agencies including the Ministry of Digital Economy and Society, the Consumer Protection Board, and the National Broadcasting and Telecommunications Commission exercise overlapping mandates without clear delineation of authority. This diffusion of responsibility contributes to regulatory inconsistency and weak enforcement. Supawadee, (2017) identifies this phenomenon as "enforcement fatigue," where the diffusion of oversight mechanisms undermines accountability and public trust. The Personal Data Protection Committee (PDPC), though formally empowered under the PDPA, lacks financial independence and investigative authority. Its reliance on ministerial discretion further diminishes institutional autonomy. In contrast, regulatory bodies such as Japan's Personal Information Protection Commission (PPC) and France's CNIL operate with independent budgets and sanctioning powers, resulting in greater enforcement coherence (Sholehuddin, Miskam, Shahwahid, & Raja Abdul Aziz, 2024). Addressing Thailand's institutional deficiencies therefore requires consolidating the regulatory framework into a unified Privacy and Data Protection Code, ensuring coordination among agencies and empowering the PDPC to act as an independent authority with quasi-judicial powers.

Theoretical Gaps and Doctrinal Implications. The research also highlights persistent theoretical and doctrinal gaps. Thai courts continue to conceptualize privacy narrowly, often conflating it with defamation, trespass, or moral injury (Seesonddee, 2025). This limited view fails to recognize privacy as a multidimensional right encompassing informational self-determination, decisional autonomy, and psychological integrity (DLA Piper, 2019; Solove & Schwartz, 2021). Furthermore, judicial decisions seldom employ a proportionality test to balance privacy against competing interests such as freedom of expression, public safety, or national security. In contrast, the European Court of Human Rights (ECHR) and the Court of Justice of the European Union (CJEU) consistently apply proportionality and necessity principles to assess the legitimacy of privacy interferences (Bunyamissara, 2025). The absence of similar analytical standards in Thai jurisprudence leads to inconsistent outcomes and a lack of normative clarity. Incorporating proportionality analysis would not only strengthen judicial reasoning but also align domestic law with international human rights jurisprudence.

Reform Imperatives and Practical Implications. Based on the findings, several reform pathways emerge. First, the Civil and Commercial Code should be amended to explicitly recognize mental and moral damages for privacy violations, aligning with civil law jurisdictions such as France and Germany (Chittangwattana, B. 2005). Second, Section 397 of the Criminal Code, which currently penalizes harassment in public spaces, should be expanded to include digital and private intrusions to address modern forms of cyberstalking and online harassment (Kowalski, Giumetti, Schroeder, & Lattanner, 2014). Third, implementing privacy impact assessments (PIAs) in both public and private sectors would promote accountability and proportionality in data processing, consistent with Article 35 of the GDPR. Additionally, public legal education should be strengthened to increase citizen awareness of privacy rights. As Nimnoo,

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(2022) emphasize, social understanding of data protection principles remains low, leading to passive acceptance of intrusive practices by both government and corporations. Developing a privacy-literate society is therefore critical to cultivating a culture of consent and digital responsibility. Finally, institutional reform must ensure that the PDPC functions as an autonomous body with investigative authority and judicial oversight. This aligns with the UN Human Rights Committee's General Comment No. 16, which requires that privacy protection mechanisms be independent, impartial, and effective in practice.

Contribution and Synthesis. Overall, the findings demonstrate that Thailand's privacy protection framework is doctrinally fragmented, institutionally constrained, and comparatively underdeveloped. However, this transitional phase presents an opportunity to modernize the Thai legal system in line with international norms. Integrating privacy as both a constitutional guarantee and a statutory right supported by judicial remedies, administrative enforcement, and public awareness would enable Thailand to bridge the gap between symbolic recognition and substantive protection. This research contributes to comparative privacy scholarship by offering a Southeast Asian perspective on legal modernization in the digital era. The Thai experience exemplifies the global tension between innovation and human rights protection, underscoring the necessity of legal adaptability. As Solove & Schwartz, (2021) contend, privacy is not a static entitlement but an evolving construct that must continually adapt to technological and social transformation.

In conclusion, Thailand's privacy law remains in a formative stage constitutionally recognized but legally underenforced. The PDPA represents a promising foundation, yet its effectiveness is hampered by institutional fragmentation, weak enforcement, and limited judicial interpretation. To align with international standards, Thailand must strengthen institutional capacity, embed proportionality and accountability principles, and codify comprehensive remedies for victims of privacy violations. Through legislative reform, independent regulation, and judicial innovation, Thailand can advance from nominal recognition toward genuine protection of privacy as a fundamental human right.

Suggestions

To strengthen Thailand's protection of the right to privacy, several interrelated reforms are essential. First, a Comprehensive Privacy and Data Protection Code should be enacted to unify the fragmented legal provisions currently dispersed across the Constitution, Civil and Commercial Code, Criminal Code, Computer Crime Act, and other sectoral laws. This code should clearly define privacy in its informational, spatial, and decisional dimensions and articulate key principles lawfulness, necessity, proportionality, accountability, and effective redress to ensure consistent application and enforceability in both public and private sectors.

Second, the Personal Data Protection Committee (PDPC) must evolve into an independent and well-resourced authority capable of conducting investigations, imposing sanctions, and coordinating with sectoral regulators to prevent overlapping jurisdiction. Enhancing the PDPC's autonomy would improve institutional coherence and enforcement reliability.

Third, civil and criminal remedies must be expanded to address modern forms of privacy harm. The Civil and Commercial Code should recognize mental and reputational damages and authorize punitive compensation for egregious violations. The Criminal Code, particularly Section 397, should be revised to include offenses such as digital harassment, cyberstalking, and non-consensual image dissemination, with penalties proportionate to severity and recurring conduct.

Fourth, Privacy Impact Assessments (PIAs) should be mandated for high-risk processing in critical sectors, ensuring that organizations publicly report mitigation measures and compliance outcomes. Courts should also integrate proportionality tests when balancing privacy with competing rights, thereby aligning Thai jurisprudence with global standards.

Finally, privacy protection must be reinforced through public education and accessible compliance tools. The PDPC, academic institutions, and civil society should collaborate on awareness campaigns, standardized toolkits for small enterprises, and transparent publication of enforcement statistics cultivating

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a culture of accountability, ethical data governance, and respect for individual autonomy within Thailand's evolving legal framework.

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