

# LITIGATION OPTIONS IN THAI DISPUTE RESOLUTION MATTERS

Supapath Srikamol

Kevin J Harrington

R.W.T INTERNATIONAL LAW OFFICE

In the context of the Thai courts, when parties find themselves in a legal dispute, they have the option to choose between arbitration and mediation as methods of resolving the conflict. These alternative dispute resolution methods are commonly used in the Thai judicial system to help expedite the resolution process and save time and resources for all parties involved.

**Mediation** is seen as an appealing option by some legal teams in Thailand. It allows the involved parties to work together towards a mutually agreeable settlement. Through mediation, both parties can actively participate in crafting a resolution that benefits both sides. However, it is important to note that while mediation may seem straightforward initially, there is a possibility of complications arising in the future due to the collaborative nature of the agreement reached.

On the other hand, some litigators in Thailand may prefer **Arbitration** as a more cost-efficient method for resolving disputes. In arbitration, each party presents their arguments, but the final decision is made by the court-appointed arbitrator. Unlike mediation, the level of collaboration between the parties is limited in arbitration, which may result in less control over the final outcome for both parties.

In conclusion, both mediation and arbitration are valuable tools for resolving legal disputes in Thai courts. Each method offers its own advantages and drawbacks, and parties should carefully consider their options based on their specific circumstances to determine the most effective approach for their case. With the ability to use such actions, litigators are now more open to mediation and arbitration in Thailand.

As it is a significant yet somewhat less adversarial approach for conflict resolution, it provides a cost-effective solution applied in a timely manner when compared to the choice of what may end up being a lengthy and drawn-out series of court proceedings. One of the added bonuses of using such measures is the positive position of the Thai courts to actively promote the use of mediation and arbitration in order to find a peaceful resolution while also assisting in lessening the enormous case load put upon the courts in these matters. to encourage the peaceful resolution of such matters.