

Thailand

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1. What is the understanding or definition of AI in your jurisdiction?

General understanding

According to an explanation by the Royal Society of Thailand, which plays a crucial role in the development and standardisation of the Thai language, 'artificial intelligence (AI) is a branch of computer science that focuses on making computers work more like humans. It is divided into various sub-fields, such as machine translation, expert systems, robotics, pattern recognition, human perception, and others'.

Legal definition

Thailand's existing legislation does not currently provide a specific definition of artificial intelligence (AI). Nonetheless, the definition of AI appears in the Draft Act on the Promotion and Support of AI Innovations in Thailand (the 'Draft Act'). The Draft Act defines AI as 'software or hardware capable of decision-making or problem-solving through the learning from processing of data by computational algorithms'. However, it is essential to note that this definition may evolve as the Draft Act progresses through the legislative process.

2. In your jurisdiction, besides legal tech tools (ie, law firm or claim management, data platforms, etc), are there already actual AI tools or use cases in practice for legal services?

Although we have seen some attempts to develop AI tools and use cases for legal services, AI tools tailored specifically for legal services in Thailand are not yet prevalent in the market.

Numerous law firms actively encourage the implementation of AI integration into their working processes, including the development of AI models on their private cloud tailored to meet the specific needs of legal services. These efforts generally prioritise the safeguarding of client information and emphasise confidentiality and security, while leveraging the power of the large language models (LLMs).

The chatbot marketed as 'Thanoy' has been advertised to be able to provide preliminary legal advice, including advising on relevant regulations and

recommendations for users' next steps. 'Thanoy' is an AI-backed legal service launched by a Thai startup.

Regarding the public sector, efforts are being made to integrate AI tools into legal proceedings to streamline processes. The Thai courts have been studying the deployment of AI on top of their e-hearing system for transcribing witness testimonies. This initiative aims to ensure swift, comprehensive and convenient transcription of witness testimonies, while also ensuring the accuracy thereof.

3. If yes, are these AI tools different regarding:

- **independent law firms;**
- **international law firms; and**
- **in-house counsel;**

and what are these differences?

The technical aspects of AI tools remain consistent across different users, whether they are independent law firms, international law firms or in-house counsel. However, variations primarily arise in terms of the users' objectives and tasks and the extent of the investment in AI tools.

International law firms have adopted AI solutions for tasks such as document or agreement review, case analysis and legal research, aiming to enhance operational efficiency on a global level, while independent law firms focus more on use cases in regard to the Thai market only. International law firms can leverage their size and greater financial clout to invest in various types of tools and undertake larger scale projects than independent firms.

As for in-house counsel, the trends in our view include finding AI tools for tasks such as contract management, risk assessment and regulatory compliance, tailored to the industry and legal obligations of the relevant companies, and those tools that can streamline both legal and non-legal workstreams and work as comprehensive solutions.

It is worth noting that, currently, the AI tools being adopted by law firms and in-house legal departments in Thailand are primarily those developed by overseas companies. These tools are designed to cater to a global market and are not specifically tailored to the unique legal landscape and language requirements in Thailand. While these tools have proven to be valuable in enhancing efficiency and productivity, there is a growing need for domestically developed AI solutions that can better address the specific needs of the Thai legal industry. However, as of now, we are not aware of the adoption of any AI tools developed in Thailand for legal purposes.

4. What is the current or planned regulatory approach to AI in general?

Before 2022, Thailand lacked any specific regulatory or national plans and policies specifically addressing AI. Instead, the existing regulations primarily focused on ensuring the safety of IT systems and computer-related activities. Examples of such regulations include the Computer-Related Crime Act B E 2550 (2007) (as amended), the Cybersecurity Act B E 2562 (2019), the Personal Data Protection Act B E 2562 (2019) (PDPA), the Electronic Transactions Act, B E 2544 (2001) (as amended) (ETA) and the Copyright Act B E 2537 (1994) (as amended). These laws are designed to protect various aspects of digital activities, covering cybersecurity, data privacy, electronic transactions and intellectual property rights, but do not specifically target AI technologies.

Recognising the essential role of AI in advancing the nation's development across various sectors, including security, the economy and citizen safety and wellbeing, Thailand has initiated the National AI Strategy and Action Plan (2022–2027) (NAIS) proposed by the Ministry of Higher Education, Science, Research and Innovation (MHESI) and the Ministry of Digital Economy and Society (MDES), which was approved by the cabinet in 2022. The NAIS sets out objectives aimed at enhancing both human capacity and technological infrastructure in the field of AI. It seeks to integrate AI applications to strategically boost economic growth and foster an encouraging environment for public access to and government utilisation of AI technologies.

Following the implementation of the NAIS, the Draft Act introduced by the Electronic Transactions Development Agency (ETDA) prioritises the advancement and growth of AI technology in Thailand. By providing various support and encouragement for AI development rather than implementing controls and restrictions, the Draft Act seeks to promote innovation and competitiveness within the AI industry. Key measures include the establishment of an AI regulatory sandbox, data sharing facilitation, providing for the relaxation or exemptions from certain laws, and offering support from the relevant authorities. These initiatives are intended to create an environment conducive to the growth and prosperity of the AI ecosystem in Thailand.

In addition, adopting a different perspective from the supportive measures under the Draft Act, the Draft Royal Decree on Business Operations that Use Artificial Intelligence Systems (the 'Draft Royal Decree') proposed by the Office of the National Digital Economy and Society Commission (ONDE) to be issued under the ETA, places greater emphasis on regulating and overseeing AI in a similar manner to the European Union's AI Act by adopting a risk-based approach to classify the level of control and monitoring required for the utilisation of AI systems. It takes into account individual rights and the potential for unfair treatment and bias resulting from the use of such AI technologies.

5. What are the current or planned regulations on the general use of AI or machine learning systems?

As outlined above, the current regulatory landscape pertaining to AI in Thailand remains limited. Nevertheless, efforts are underway to establish comprehensive legislation governing the utilisation of AI.

The Draft Royal Decree places greater emphasis on regulating and overseeing AI in a similar manner to the EU AI Act by adopting a risk-based approach to classify the level of control and monitoring required for the utilisation of AI systems. It takes into account individual rights and the potential for unfair treatment and bias resulting from the use of such AI technologies.

The Draft Royal Decree also includes provisions on extraterritorial applicability, requiring service providers operating outside Thailand to adhere to the obligations outlined in the Draft Royal Decree.

If enacted, the Draft Royal Decree would impose obligations, responsibilities and certain restrictions on businesses operating in the services sectors that utilise AI. These measures are intended to ensure the responsible and ethical deployment of AI technologies, while mitigating the potential risks to individuals and promoting fair treatment in AI-driven business operations. Non-compliance with the obligations will also lead to penalties, including administrative monetary penalties and criminal penalties.

6. Is free data access an issue in relation to AI?

As AI systems rely on extensive data sets for effective learning and accurate decision-making, access to high-quality, diverse and relevant data is essential for training AI models. However, restricted access to such data can impede the development and performance of AI systems.

Free access to data may raise concerns regarding the sharing of personal information or sensitive data, under the PDPA and potential copyright violations under the Copyright Act. Balancing the need for data accessibility with privacy protection and intellectual property rights is crucial in the development and deployment of AI systems.

In light of the preceding considerations, the Draft Act addresses these issues by introducing a data-sharing mechanism and establishing a set of criteria and qualifications for data intermediaries in order to safeguard the rights of individuals, while facilitating the development of AI within the boundaries of the existing laws.

7. Are there already actual court decisions on the provision of legal services using AI or decisions concerning other sectors that might be applicable to the use of AI in the provision of legal services?

So far, there have been no court decisions specifically addressing the provision of legal services utilising AI, nor are there any decisions from other sectors that might be pertinent to the utilisation of AI in the provision of legal services in Thailand.

8. What is the current status – planned, discussed or implemented – of the sectorial legislation in your jurisdiction on the use of AI in the legal profession or services that are traditionally provided by lawyers?

As of now, there are no existing regulations imposing restrictions or prohibitions on legal professionals from providing advice with the assistance of technology or AI, or allowing legal practitioners in Thailand to use technological tools, including AI, to enhance their advisory services, or drafts thereof. Nevertheless, legal professionals need to maintain ethical standards and ensure that the use of technology complies with the relevant laws and professional guidelines, particularly regarding confidentiality, data security and their duty of care to clients.

As outlined above, the regulatory landscape pertaining to AI in Thailand remains relatively nascent. While the overall national policy, represented by the NAIS, has been formally introduced, concrete regulations are still in the developmental stages. Both the Draft Royal Decree and the Draft Act are undergoing further study through public hearings, indicating that the processes and timelines towards finalising these regulatory frameworks may be extended.

In this regard, the enactment of the Draft Act and Draft Royal Decree are likely to contribute to creating a favourable environment for the adoption of AI technologies within the provision of legal services. The establishment of a clear regulatory framework, support mechanisms and incentives could help pave the way for the responsible and effective use of AI to enhance legal practice in Thailand and enable legal professionals to better serve their clients' needs.

9. What is the role of the national bar organisations or other official professional institutions?

The Lawyer Council of Thailand under the Royal Patronage and the Thai Bar Association under the Royal Patronage and the Lawyers Council of Thailand are two important organisations that play crucial roles in the legal profession in Thailand.

The Lawyers Council of Thailand is a statutory body established under the Lawyers Act B E 2528 (1985). It is the official body responsible for licensing lawyers in Thailand. Its primary responsibilities include promoting legal education and the

practice of law, regulating the conduct and ethics of lawyers, and fostering unity and upholding the honour of the profession.

The Thai Bar is the leading organisation in promoting knowledge and regulating the legal profession to ensure that lawyers maintain high quality and are ethical and honourable, in accordance with international standards. It aims to further strengthen solidarity among lawyers and public trust in the legal profession.

As of now, neither the Lawyers Council of Thailand nor the Thai Bar Association have issued any specific recommendations regarding the use of AI technology in legal practice. However, even though the use of AI (and technology generally) by lawyers is not specifically regulated under the ethical rules of the Lawyers Council of Thailand, it can be said that it is indirectly addressed through these ethical rules, although in a limited manner. For instance, lawyers are obligated to maintain the confidentiality of their client's information. This indirectly dictates how lawyers can share or store such information. Another example is the ethical prohibition against the use of false evidence. As such, submitting documents impacted by the hallucinations of generative AI is indirectly disallowed.