



Development of Laws Relating To Homestay Business

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Abstract

This research paper aims to analyze the laws relating to homestay business in order to promote the homestay standard for villagers to be in line with the ASEAN Homestay Standard Criteria. This research is a mixed-method research which includes both quantitative and qualitative research methods. As for the qualitative research method were used by document research, interview and focus group. The research results are as follows. The number of rooms and people who make up a Thai homestay are included in the definition provided by the Thai homestay standard. However, the ASEAN Homestay Standard does not specify room and occupancy criteria in the accommodation definitions and benchmarks. Definitions stated in the ASEAN Homestay Standards in order to bring the number of rooms and occupancy criteria to be specified in another standard. The Thai homestay standard mandates that Thai homestays have a maximum of 4 rooms for temporary housing, either in the same building or a combination of structures and according to the Ministerial Regulation Prescribing Types and Criteria for Hotel Business B.E. 2551, the total number of tenants cannot exceed 20. As a result, the number of digits in the room count should be raised.

Index Terms Development of laws, homestay.

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INTRODUCTION

Thailand now earns more money from tourism and is more competitive. Laying the groundwork and resolving issues that provide significant barriers to the growth of tourism in terms of tourism quality are priorities for the Office of the Permanent Secretary, Ministry of Tourism and Sports. Infrastructure for tourism workers includes

achieving a balance of growth in terms of area, time, activities, forms, and tourist groups in order to generate income and distribute income to the community. It has equipped the travel and tourism sector for expansion based on investments in the advancement of cutting-edge information technology. as well as emphasizing the significance of integrating the public, private, national, and international sectors.



with the expectation that tourism will support the nation's economic growth and be connected to the development strategy during the second national tourism development plan's implementation period (2017-2021). First-step strategy: Developing the tourism sector. Utilizing tourism-related products and services to advance sustainability is the fourth strategy for achieving balance in Thai tourism. using niche advertising Tourism "Homestay" is a common alternative form of travel today that promotes the Thai way of life and increases visitor confidence.

Ministry of Tourism and Sports Department of Tourism The outcomes of the annual evaluation and certification of Thai homestay standards were approved by the committee. Budget 2018 A total of 78 homestays were evaluated, and a certain amount of them met the standards. 13 homestays did not adhere to the 65 Thai homestay requirements, according to one source [1].

Homestay is a business model in which the villagers run their enterprises to bring in money for the neighborhood at large [2]. However, homestay operations are a type of tourism enterprise that lacks a clear legal foundation. As a result, the existing homestay business complies with the requirements for homestay accommodation businesses set forth by the Department of Tourism. Tourism and sports ministry. Homestay standards for villagers under the ASEAN Homestay Standard Criteria must be pushed for sustainable tourist growth because there are no explicit laws to regulate them. By advocating for legislation to be directly applied to homestay operations in order to raise the bar for this particular industry and make it more appealing to tourists. resulting in the direct transfer of benefits to the community and the villagers.

RESEARCH OBJECTIVES

The purpose of this research was to analyze the laws relating to homestay business in order to promote the standard of homestay villagers to be in line with the ASEAN Homestay Standards.

RESEARCH METHODS

A. Research Design

The research utilized a mixed method including both qualitative research and quantitative research. The qualitative research exercised in-depth interview to 50 experts. The key informant is Homestay operators, residents, tourists Academics and staff of various related departments. The in-depth interview by randomized research Purposive sampling is used according to the eligibility criteria of different types of experts, document research and focus group discussion among 15 people by inviting representatives from various aspects. The quantitative research utilized questionnaires towards sample groups in 4 regions i.e. North, Northeast, Central and South, totaling 400 people and using quota sampling method to collect data which were analyzed by descriptive statistics and reference research. The sample size was calculated based on Yamane's principles, using a sample determination error of 5% and a confidence value of 95% in each region, according to the region's sample size. The statistics used in the data analysis were percentage values and then performed a proportional randomization (Quota Sampling).

RESULTS

1. Results of quantitative data analysis

Analyzed as general information about the respondents was the quantitative research methodologies. 230 respondents had a majority of female respondents (57.50%), while 170 respondents had a majority of male respondents (42.50%). For 143 individuals, the majority of them (35.75%)



were in the age range of 40 to 49. After that, 128 individuals aged 30 to 39 years old accounted for 32% of the whole population, 67 people aged 50 or older accounted for 16.75%, 50 people aged 20 to 29 years accounted for 12.50%, and 12 people aged 20 or younger accounted for 3% of the total population. Between 10,000 and 19,999 baht, with 79 people, accounting for 19.75 percent, followed by between 30,000 and 39,999 baht, with 64 people, representing 16.00 percent, between 20,000 and 29,999 baht, with 61 people, representing 15.25 percent, have no income, with 21 people, representing 5.25 percent, and less than 10,000 baht, with 20 people, representing a hundredth of the population.

Table 1. Frequency percentage of respondents' monthly income derived from their jobs.

Monthly income from occupation	People	Percent
no income	21	5.25
less than 10,000 baht	20	5.00
10,000 – 19,999 baht	79	19.75
20,000 – 29,999 baht	61	15.25
30,000 – 39,999 baht	64	16.00
40,000 – 49,999 baht or more	155	38.75
Total	400	100.00

The majority of them were self-employed/private businesses, which accounted for 65 individuals, or 16.25 percent, followed by civil servants/government employees/state enterprise employees, who made up 217 people, or 54.25 percent. Employees of private companies made up 64 people, or 16.00 percent. Unemployed/unemployed: There were 23 people, or 5.75 percent; others: There were 20 people, or 5.00 percent; and general employed: There were 11 people, or 2.75

percent. The Northeastern region had 159 respondents, or 39.75 percent of the total, followed by the Central region with 100 respondents, or 25.00 percent, the Northern region with 83 respondents, or 20.75 percent, and the Southern region with 58 respondents, or 14.50 percent.

Table 2. Region of respondents' frequency percentage.

Region	People	Percent
Central	100	25.00
Northeastern	159	39.75
Southern	58	14.50
Northern	83	20.75
Total	400	100.00

The majority of them have postgraduate degrees, with 213 of them, or 53.25 percent, followed by bachelor's degrees, with 170, or 42.50 percent, secondary education, with 14, or 3.50 percent, and others, with 3. respectively accounted for 0.75 percent. the majority of respondents There are 213 individuals, or 53.25 percent, followed by 170 people with bachelor's degrees, or 42.50 percent, 14 people with secondary education, or 3.50 percent, and others, or 3 people, or 0.75 percent, respectively. 59.00 percent of the population, or 236 people, had previously traveled in a homestay; 41.00 percent of the population, or 164 people, had never been to a homestay.

Table 3. Percent frequency Have any of the respondents ever traveled and lived in a homestay?

Have you ever traveled and stayed in a homestay?	People	Percent
ever traveled and stayed in a homestay	236	59.00
never traveled and stayed in a homestay	164	41.00



Total	400	100.00
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The majority of respondents There are 85 people who have stayed in homestays in the North, which accounts for 36.02 percent of the total, followed by 59 people in the South, who account for 25.00 percent, 55 people in the Central region, who account for 23.31 percent, 30 people in the Northeastern region, who account for 12.71 percent, and others, who total 7 people, who account for 2.97 percent. There were 141 people who had previously been in a homestay, or 59.75 percent, followed by 64 people, or 27.12 percent, for those who had done so four or more times, and 31 people, or 13.14 percent, for those who had done so for the first time.

Table 4. Percent frequency How many homestays have you experienced? of the surveyors.

Have you ever traveled and stayed in a homestay?	People	Percent
first time	31	13.14
2-3 times	141	59.75
4th time or more than 4 times	64	27.12
Total	236	100.00

The majority of respondents 200 people, or 84.75 percent, manage lodging independently or with a small group of friends or family, followed by 19 people, or 8.05 percent, who work for employers, organizations, or associations. There are 14 people, or 5.93 percent, who manage lodging on behalf of their organizations, and there are 3 people, or 1.27 percent, who manage lodging on behalf of others. The majority of them (56 individuals, or 23.73 percent) stayed in four-person households, followed by five-person homes (39 people, or 16.53 percent), and ten-person homes (30 people, or 12.71 percent), in that order.

The majority of them spent 2 nights at homestays (116 people, or 49.15 percent), followed by 1 night with 79 people, or 33.47 percent, and 3 nights, with 25 people, or 10.59 percent, respectively. 39 people, or 16.53 percent of the group, paid an average of 2,000 baht for their travel, followed by 34 people, or 14.41 percent, who paid an average of 1,000 baht for their journey, and 32 people, or 13.56 percent, who paid an average of 3,000 baht.

2. Results from qualitative research

The people discovered that the homestay industry had a character of gathering when they took it into consideration. including individuals who jointly own and operate homestays as a group or club. Make arrangements for less luxurious lodging than hotels so that the guest or tourist sleeps under the same roof as the host. Additionally, there are events that offer chances to share, learn, and experience aspects of local culture, custom, and wisdom. Natural resources and the surrounding area, which historically have been exclusive to homestay tourism and are a component of community-based tourism. As a result, it is clear that operating a homestay business entails more than just providing lodging. It has been expanded to include community events, making it a hub for learning about simple community life, such as rural society, and providing opportunities to engage in local culture. The following laws were used by the author to analyze the homestay industry in order to promote the standard of homestay villagers under the ASEAN Homestay Standard Criteria: 1) The Hotel Act (B.E. 2008); 2) The Department of Tourism's announcement regarding the establishment of the Thai homestay standard tourism service standards (B.E. 2554); and (3) The following elements of each law to be taken into consideration in conjunction with the ASEAN Homestay Standards: Homestay is a



term The type of hostel tourism and the characteristics of the homestay.

The Hotel Act B.E. 2547 and the Ministerial Regulations Determining the Types and Criteria for Hotel Business B.E. 2551 do not have a precise definition of the term "Homestay," however the Ministerial Regulations are specified in Chapter 1 of the aforementioned law and the ASEAN Homestay Standards. Article 1 states that "there shall be accommodation with the number of rooms in the same building or buildings combined not exceeding 4 rooms and the total number of occupants not exceeding 20 people which is established to provide temporary accommodation for a traveler or any other person for compensation which is in the nature of doing business to earn additional income and has notified the Registrar in the foregoing manner" with regard to lodging that is not a hotel and certain types of hotels. in Article 4, which states that "Thai homestays" mean "A form of tourism where tourists must stay with the owners of the same roof house. with a room or living space in the house left can be adapted for tourists to stay temporarily Which has a maximum of 4 rooms, with a total of not more than 20 people, with compensation and provide reasonable facilities" It can be seen that the homestay is another place to stay as specified by the ministerial regulations which is not a legal hotel.

As a result, by the description given above, the homestay industry in the villages is associated with the homestay network. Due to the villagers' operations, there is a limited housing arrangement, which is also defined as sharing housing with the landlord and having no more than four rooms in a single building or a group of buildings for temporary housing. and the maximum number of occupants, including those receiving compensation, is 20. It is a business that generates additional revenue

while the employee pursues their primary career. As a result, this company is not a hotel. In addition, it was discovered that homestays were defined as "It's a form of alternative tourism where tourists stay with host families in the same home" when taking into account the definitions of Thai homestays in accordance with the ministerial regulations and the announcement made above by the Department of Tourism of Thailand with the ASEAN Homestay Standards. Residents can experience their families' or local communities' daily lives, and they frequently take part in village and community activities.

Homestay regulations from the Republic of China (Taiwan), also known as Regulations for the Management of Home Stay Facilities 2001, have been published for use in other nations. There is no size in theory. more than five rooms, with a maximum total space of 150 square meters. Although there are few exceptions, generally speaking, eligible homestays should have no more than 15 rooms and a total space of no more than 200 square meters. There is no grouping in the planning of homestay establishments like in Thailand; it is a lone proprietorship or a single family business.

In order to regulate lodging in Japan, the government of Japan passed the Private Accommodation Business Act (PLB Act). This is done to avoid the residential area close from becoming worsened by tenant noise or other problems associated with the rental business. There is no restriction on the number of rooms, the size of the space, or the total number of visitors [3].

Malaysia Running a homestay in Malaysia is a non-existent form of running a hotel business. by the location where locals open their shops to welcome visitors or locals. in order to have a method of learning about the culture and way of life According to the rules of the Malaysian Ministry of Tourism,



the homestay industry must be registered. However, there is currently no legislation requiring business owners to register. However, there are guidelines for registered entrepreneurs who seek to participate. only to be a homestay on Malaysia's Ministry of Tourism's list [4].

In order to operate a Thai homestay business in accordance with the Sustainable Thai Homestay Benchmark under the ASEAN Homestay Benchmark, such relevant regulations should be issued in the form of secondary laws issued in the form of announcements, departments, department orders, departmental regulations, or others.

DISCUSSIONS

The Ministerial Regulation Establishing the Types and Criteria for Hotel Business, B.E. 2547, and the Hotel Act, B.E. The term "homestay" has no precise definition, nevertheless. In addition, a homestay is a different style of lodging from a hotel. Which specifies that "Homestays are not hotels" in accordance with the Hotel Act B.E. 2547 and is found in the Ministerial Regulation Prescribing Types and Criteria for Hotel Business B.E. 2551 (2008) [5]. As a result, there is no formal legislation that governs homestay companies. Hotels are often governed by legislation that apply to all lodging businesses. The Department of Tourism will only make an announcement in 2011 about the implementation of standard Thai homestay tourism services [6]. Thai homestays are defined as a type of tourism that requires visitors to stay with host families in Article 4 with clarity. identical home owner. Similar rooms or living quarters in the rest of the house can be converted for tourists to stay temporarily. These accommodations have a maximum of 4 rooms and can accommodate a maximum of 20 people. In exchange, they must offer reasonable amenities and services, with the primary goal of operating a business to generate additional income. Additionally,

the location of the homestay facility and its goal to support the distribution of money to local and rural populations have not yet been established which contrasts with According to the Republic of China (Taiwan) norm, a homestay can only have a total of five rooms and a surface area of 150 square meters. More specifically, the homestay in Taiwan is space-scheduled and can have up to 15 additional rooms, but no more than 200 square meters total area. which will be required to dwell in homes in far-flung locations on land away from the city. Location near a national park and the construction of homestays close to native reserves. This homestay environment's goal is to give back to the neighborhood so that it can support itself financially [7].

The ministerial regulation B.E. 2551 (2008) that specifies the types and rules for the hotel industry states that the maximum number of rooms in a single building, or multiple buildings combined, is 4, and the maximum number of inhabitants is not to exceed 20. It would be comparable to implementing a Department of Tourism statement B.E. 2554 addressing the definition of normal Thai homestay tourism services, which must adhere to the rules of the Ministerial Regulation Determining Types and Criteria for Hotel Business B.E. 2551. (2008) [8]. Therefore, it is not possible to change the definition's occupancy or number of rooms. The basic standards for ASEAN homestays may be met or nearly met by "Thai homestays." The lack of Thailand's membership in the Association of Southeast Asian Nations, or ASEAN, during the time may be to blame for this. Because of this, it is impossible to estimate the number of rooms and occupancy using the ASEAN Homestay Standards. Additionally, there is no ASEAN standard because Thai homestay providers are not interested in filing for registration or monitoring Thai homestay providers'



standards. Re: Determination of Thai Homestay Standard Tourism Service Standards, 2011, has reportedly defined 10 quality indicators for Thai homestay management standards, including lodging, food, and safety. Friendliness of the tour guide Resources and the environment Value creation, culture, and product value Control of the homestay organization Regarding public relations, and with 31 indicators. The statement only applies to homestay providers who request a letter of acceptance from the Department of Tourism and an inspection for certification of the Thai homestay standard. Operators who don't apply for the badge are not subject to general enforcement or to any fines. However, according to the ASEAN Homestay Standard, a homestay is a different type of lodging that resembles a family [9]. Accommodations are typically set up inside the home of the homeowner; residents have the chance to experience the lifestyle, the happiness of the family or community, as well as tourist attractions; and the location satisfies nine criteria and requirements, including cleanliness and hygienic conditions. The host family, their activities, and management Safety location aspect Sustainability in marketing and public relations.

Homestays are covered by the Department of Tourism's announcement concerning the creation of standard Thai homestay tourism services B.E. 2554, but it was still discovered that there are numerous types of lodging services, including serviced apartments, guesthouses, mansions, condominiums, hotels, motels, and resorts, demonstrating that the service business is unclear and no definition has been given to this type of business, leading to legal issues regarding the definition of homestay. Which supports the findings of [10], who claim that homestays are very common in this type of industry. The homestay industry in Thailand

will expand when there is a high demand. Controlling the homestay is problematic as a result of this issue. As a result, Thailand's rules continue to make it difficult to regulate the homestay industry. The fragmentation of pertinent laws has led to the development and regulation of homestay businesses for sustainable tourism, regardless of whether there is a problem with the definition of a homestay in Thailand, problems in promoting homestay businesses, or problems in controlling the homestay businesses. This is consistent with studies conducted through in-depth interviews with homestay providers, locals, and tourists. The majority of the academics and government representatives who participated in the interviews agreed that a number of laws specify various legislative procedures for homestay enterprises. operators of homestay businesses may not be fully aware of the regulations governing the industry due to unclear specifications and the use of only one version that is easy to understand. Additionally, it is in accordance with residents, travelers, and homestay business owners. The majority of academics and government representatives who participated in the interviews shared the view that Thailand's lack of a distinct legal provision for homestay businesses poses a challenge and impediment to legal measures for the industry. As a result, homestay providers, locals, and visitors who lack expertise. As a result, those who run homestays, are citizens, or are visitors and are not familiar with the law do not have access to it and are unaware of the specifics of the regulations that apply to homestay operations.

According to the definition of "home stay" (Home stay) in Article 1 of the Ministerial Regulation Prescribing Types and Criteria for Hotel Business B.E. The Thai Homestay Standards for Tourism Services, 2011, the



two laws define Thai homestays as lodgings that have multiple rooms or living space inside the home. or can be altered to allow visitors to remain momentarily It is covered by the Hotel Act B.E. because there are no more than 4 rooms, a maximum of 20 persons can be accommodated with compensation, and facilities and services are provided as needed without a charge or additional monthly service fee. It is viewed as a hotel operation and must comply with all regulations set forth by the Department of Tourism, be registered there, and possess all 10 criteria and 31 indications. But the work of [11] clarifies the issues with the provisions of these two laws, specifically:

1. This interpretation of the term "homestay" is considered too restrictive of people's rights with regard to income and goes against the government's policy on community development to encourage people to have more income using a home that is a residence and can be used to start a side business, according to the announcement of the Department of Tourism regarding the establishment of standard Thai homestay tourism services, B.E. 2554.
2. The application for registration and preliminary examination shall be in accordance with the regulations of the Department of Tourism. After registering for a license, this type of business operator has to bear the burden of spending higher each month. Which is viewed as not worth doing business, even though the Ministerial Regulation No. 344 (BE 2562) issued under the Revenue Code has already granted tax exemption.

According to the Hotel Act B.E. 2547 and the Department of Tourism's publication of The Thai homestay standard tourism service standards 2011, there are variations between hotels and homestays.

1. The place of stay Homestay is a type of tourism where visitors must spend the night or a little period of time with the homeowners under the same roof. The remaining rooms in the house, which total no more than four, can be turned into temporary lodging for visitors. There are a maximum of 20 individuals present. Hotels are establishments created for commercial gain to offer temporary housing to travelers or anyone else.
2. Compensation Owners of homestays are compensated and are in charge of giving residents enough amenities. It is in the essence of company to generate additional revenue. The hotel is a company that is paid by the visitors.
3. With respect to registration According to the requirements outlined by the Department of Tourism, homestay business operations are registered. In accordance with the Hotel Act, the operator of a hotel must get a hotel business license from the Registrar.
4. All areas there are open to Homestay visitors. Hotels will have spaces that are reserved and off-limits to guests.

Given the aforementioned, homestays are not deemed "hotels" under the Hotel Act B.E. 2547 at all if the accommodation has a business purpose to provide services for visitors or anyone else who charges for accommodation for less than a month and does not meet the aforementioned exceptions. It is any other lodging as specified in the Ministerial Regulations and is not a hotel, hence it is not subject to the Hotel Act. This is in line with the results of the quantitative study, which found that 378 respondents, or 94.50 percent, agreed that homestays should have a clear definition.

RECOMMENDATIONS

A. Recommendations for Practices



1. Should revise Section 1 of the Ministerial Regulations Specifying Types and Criteria for the Hotel Business, B.E. 2551 (2008), which applies to Category 1 Hotels and Non-Hotel Accommodations.
2. In order to better interact with networks in the ASEAN region as business partners rather than as competitors, Thai homestay standards should be raised to an international standard.
3. The Hotel Act B.E. 2547 and associated ministerial regulations, such the Ministerial Regulation Specifying Types and Criteria for Hotel Business B.E., should be amended. It is contemporary and in keeping with how accommodations have grown and evolved over time.
4. In order to prevent the issue of the operation of accommodations that are different from the form prescribed by the law, there should be an expedited clarification of information on the various types of accommodation provision according to the law, as well as an expedited clarification on the issue of state land rights to the people. and the issue of encroaching state land.

B. Recommendations for Further Research

1. Continue to investigate, monitor, and assess the homestay industry in Ayutthaya's tourist destinations in the upcoming study.
2. For the upcoming study The focus of future research needs to be broadened. to research and create a homestay industry for communities around popular tourist destinations.
3. The business of homestay villages in other tourist areas that have passed the ASEAN homestay requirements should be studied in the upcoming research. to receive information that is clear and more true to reality.
4. Information from officials involved in all facets of the homestay industry in tourist

destinations should be gathered for the next study. to use the data to enhance the performance of the system to boost productivity in order to succeed in the long run.

CONCLUSION

Therefore, it is wise to review, survey, and analyze data from villagers' homestay operations in order to remove obstacles and difficulties in leading to The amendment of the definitions in the Thai Homestay Standard to be in line with the definitions stated in the ASEAN Homestay Standards in order to bring the number of rooms and occupancy criteria to another benchmark. This is done in order to promote the villager homestay standard under the ASEAN Homestay Standard Criteria. Increase the number of digits in the number of rooms. Increase the number of visitors to promote the growth of the homestay industry as a way to generate more revenue for local business owners and the neighborhood. When comparing Thai homestay standards with the definitions outlined in the ASEAN Homestay Standards, the ministerial regulations and proclamation of the Department of Tourism of Thailand must be taken into consideration. It was discovered that certain details varied between portions as follows:

- (1) According to the Thai homestay standard, a Thai homestay must have a specified number of rooms and residents. However, the definitions and benchmarks for accommodations in the ASEAN Homestay Standard do not include room and occupancy requirements. (Accommodation), which merely specifies that a maximum of 4 bedrooms in the house are designated for homestay visitors, is made up of the three sub-criteria of house, bedroom, and bathroom. There must be at least five registered homestay providers in



the village, as stated in the Village and Community Host Standards, in order for any member of a homestay provider or host to benefit. to demonstrate involvement and ties to the community.

- (2) Thai homestay regulations provide that temporary housing must be provided in no more than four rooms, either in the same building or a combination of structures. and according to the Ministerial Regulation Prescribing Types and Criteria for Hotel Business B.E. 2551, the total number of tenants cannot exceed 20. However, the ASEAN homestay standard simply requires that a property must have a maximum of 4 bedrooms designated for homestay visitors. As long as neither a Service Provider employee nor a homestay host uses one of these rooms.

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