

Legal Measure in Increasing Birth Rate Promotion

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Abstract

The objective of the research is to suggest and develop the law to solve problems related to legal measure in increasing birth rate promotion. This research is based on a qualitative research and analysis from documents as follows: The study included a study of documents, concepts and theories as a basis for research from both primary and secondary sources, for example, concepts, theories and laws related to protect children and youth from cyber bullying, were analyzed and studied from books, textbooks, research reports, theses, using the library and library databases in Thai and foreign languages.

In this study, it was found that 1) law in increasing birth rate promotion has been enforced for a long time, the provision related to these are inappropriate with current circumstances; 2) there is a problem of the lack of a primary agency directly responsible related in increasing birth rate promotion.

The authors suggest that amendments in Labour Protection Act B.E. 2541, National Education Act B.E. 2542 (1999), Child Protection Act, B.E. 2546 (2003), Prime Minister's Office Regulations Concerning Leave of Absence for Government Officials B.E. 2555 (2012) and related laws shall include changes related to children must receive an education while working and children cannot work during school hours, free education up to the bachelor's degree level, and educational institutions should be prohibited from charging any fees including free breakfast and lunch arrangement in school, establishing a childcare center for working parents with minimal or no cost, paid maternity leave for one year and father took leave to raise his child for one year.

Keywords: Legal Measure, Birth Rate, Promotion

Background and Statement of the problem

Thailand Many sectors have begun to realize and see the importance of stepping into an aging society. due to fear that Thailand's Total Fertility Rate (TFR) is rapidly declining. It will not be conducive to the economic and social development of the country. by the country's development guidelines in the past This has resulted in the country's total fertility rate continuing to decline, causing in 2021 Thailand to have more deaths than births for the first time. (Based on official population statistics from the Civil Registration Bureau, Department of Provincial Administration) In 2021 (January to December), Thailand had 19,080 more deaths than births, while in 2020, the number of births exceeded deaths by 85,930. (Sasin Graduate Institute of Business Administration, 2023) Furthermore, estimates of Thailand's fertility rate show a continuous downward trend, projected to reach approximately 1.3 children by 2040.(Office of the National Economic and Social Development Council, 2023) This leads to Thailand facing a declining birth rate, resulting in a demographic shift with an increasing elderly population and a shortage of children, which may not be enough to replace the working-age population in the future. (Workpointtoday.com., 2023) This may be because existing measures and policies are not adequately addressing the needs (Research Café, 2023)

Overall, the decision to have children is based on the costs and expected benefits of having children. The costs of having children can be categorized into five parts: direct economic costs, income-related opportunity costs, non-income-related opportunity costs, psychological costs, and physical costs, according to Becker's (1960) theory of childbearing decision.(Department of Health, 2024) Another important reason for the low birth rate is that parents planning to have children must be prepared to dedicate almost all of their time to childcare and be ready to sacrifice money for various child expenses for at least 20 years. (Department of Health, 2024) Therefore, measures should be in place to sustainably increase birth rates in order to mitigate the impacts of demographic changes, support an aging society, and reduce the future dependency burden of the working-age population. (Isranews, 2024)

Changes in lifestyle, economic conditions, employment, and values have impacted the lives, attitudes, and thinking of people in society, resulting in a declining birth rate in Thailand. Therefore, existing legal and policy measures have failed to encourage Thai

people to have more children. Therefore, it is deemed appropriate to review laws related to promoting births and growth and to study the feasibility of improving existing laws or enacting new laws with the goal of ensuring that citizens have rights and access to social welfare services in order to promote quality births and growth.

Objective

1. To examine and analyze problems related to legal measure in increasing birth rate promotion
2. To examine concepts and laws related to legal measure in increasing birth rate promotion
3. To develop related law to solve problems related to legal measure in increasing birth rate promotion

Expected benefits

1. Receiving examine and analyze problems related to legal measure in increasing birth rate promotion
2. Receiving examine concepts and laws related to legal measure in increasing birth rate promotion
3. Proposed policies for law development to solve problems related to legal measure in increasing birth rate

Research Methodology

This research is based on a qualitative research and analysis from documents as follows: The study included a study of documents, concepts and theories as a basis for research from both primary and secondary sources, for example, concepts, theories and laws related to legal measure in increasing birth rate promotion, were analyzed and studied from books, textbooks, research reports, theses, using the library and library databases in Thai and foreign languages.

Research Results

1. The authors found that legal measure in increasing birth rate promotion is basic right for people and people have right to access basic service equally with no expenses. The decision to have children is complex, but the main reasons for deciding to have children are economic factors and the opportunity to raise them. Especially nowadays, the focus is on quality over quantity in childcare. Building a good future for children requires a lot of money, particularly in education and healthcare, (Institute for Population and Social Research and The Thailand Research Fund, 2026) However, law in increasing birth rate promotion has been enforced for a long time, the provision related to these are inappropriate with current circumstances, which does not affect the decision to have children and quality of child care, for examples as follows:

1) Civil Servant Welfare

Prime Minister's Office Regulations Concerning Leave of Absence for Government Officials B.E. 2555 (2012) Article 19. Providing that Civil servants who wish to take maternity leave must submit or send their leave application to their supervisor in hierarchical order until it reaches the person authorized to grant permission, before or on the day of leave, unless they are unable to sign the leave application. In such cases, another person may sign on their behalf. However, once they are able to sign, the leave application must be submitted or sent promptly, without the need for a medical certificate.

Maternity leave can be taken on the day of delivery, before, or after the day of delivery, but the total number of days of leave combined must not exceed 90 days. (Ministry of Social Development and Social security, 2012)

Royal Decree Medical Welfare Benefits B.E. 2553 (2010) Section 4 of this Royal Decree Providing that

“Eligible persons” means:

(1) Civil servants and permanent employees who receive salaries or permanent wages from the budget expenditure, personnel budget of ministries, departments, and agencies, except for police officers of the rank of police constable who are in the process of receiving education or training in an educational institution of the Royal Thai Police before commencing their official duties.

(3) Persons receiving regular pensions or special pensions due to disability under the law on civil servant pensions or the law on the civil servant and reserve military pension fund, receive an allowance according to the Ministry of Defence regulations on allowances.

“Family member” means:

(1) Legitimate children of the person entitled to the right, who are minors or have reached maturity but are incapacitated or deemed incapacitated and are under the care and support of the person entitled to the right.

However, this does not include adopted children or children who have been given up for adoption to another person.

(2) The legal spouse of the person entitled to the right.

(3) The legal father or mother of the person entitled to the right.

Royal Decree Medical Welfare Benefits B.E. 2553 (2010) Section 6 states that eligible persons are entitled to receive medical welfare benefits for their children only for the first to the third child.

If a person entitled to benefits has more than three children, and subsequently one of those three children dies before reaching adulthood, that person shall be entitled to receive medical welfare benefits for the child, an amount equal to the number of the deceased child, starting with the next child in line.

Children are counted in chronological order of birth, regardless of the marriage or whether they are under one's custody.

Royal Decree Medical Welfare Benefits B.E. 2553 (2010) Section 8 states that Eligible individuals are entitled to receive medical welfare benefits for themselves or their family members in the following cases:

(1) Receiving medical treatment at a government medical facility, either as an outpatient or an inpatient.

(2) Receiving medical treatment at a private medical facility according to the criteria set by the Ministry of Finance, type of inpatient.

(3) Receiving medical treatment at a private medical facility other than the medical facility under (2),

Type of inpatient, only in cases where the eligible person or a family member has an accident, disaster, or has an urgent need, which, if not receiving immediate medical treatment, may be life-threatening.

(4) Receiving medical treatment at a private medical facility as determined by the Ministry of Finance, as an outpatient, on an occasional basis, because a government medical facility needs to refer the patient to that private medical facility, whether or not it is a private medical facility under this Royal Decree.

Payment of medical welfare benefits shall be made for medical expenses in accordance with the criteria, types, and rates determined by the Ministry of Finance. (The Comptroller General Department, 2026)

2) Social Security Service

Social Security Act B.E. 2533 providing that Section 65. An insured person is entitled to maternity benefits for himself or his wife only if, within fifteen months prior to the date of receiving medical services, the insured person has paid contributions for at least five months.

In cases where the insured person has no wife, if he openly lives with any woman as husband and wife according to the regulations set by the Secretary-General, the insured person is entitled to maternity benefits for that woman as well.

Social Security Act B.E. 2533 providing that Section 66 Maternity benefits include:

- (1) Prenatal care and examination fees
- (2) Medical treatment fees
- (3) Medication and medical supply fees
- (4) Delivery fees
- (5) Living and medical care fees at a medical facility
- (6) Newborn care and medical treatment fees
- (7) Ambulance or patient transport fees
- (8) Other necessary service fees

This is in accordance with the criteria and rates determined by the Medical Committee with the approval of the Board.

Insured persons who have to take time off work for maternity leave are entitled to a maternity leave allowance according to the criteria stipulated in Section 67.

Social Security Act B.E. 2533 providing that Section 67 In cases where an insured person has to stop working for maternity leave, the insured person is entitled to a maternity leave allowance for a maximum of two times, paid as a lump sum at the rate of fifty percent of the wages as stipulated in Section 57, for a period of ninety days. (Ministry of Labour, 1990)

Labour Protection Act B.E. 2541 Section 41 grants female employees who are pregnant the right to maternity leave for a term not exceeding one hundred and twenty days per pregnancy, or the number of days specified in a Royal Decree.

Maternity leave under this section shall include leave for prenatal checkups.

The leave days referred to in paragraph one shall include any holidays that occur during the leave period.

Female employees who have exercised their maternity leave rights under the first paragraph are entitled to continue taking care of their child for a period not exceeding fifteen days, in cases where the child has a medical condition that is at risk of complications, has abnormalities, or has disabilities. The employee must provide a medical certificate from a licensed physician when applying for leave.

Labour Protection Act B.E. 2541 Section 41/1 Employees are entitled to take leave to assist their spouse who gives birth to one pregnancy, for a period not exceeding fifteen days. This entitlement can be exercised on or before the start of the leave, within ninety days of the childbirth.

Labour Protection Act B.E. 2541 Section 42 In cases where a pregnant female employee presents a certificate from a qualified physician stating that she cannot continue performing her original duties, she has the right to request that her employer temporarily change her job before or after childbirth. The employer shall then consider providing her with a suitable replacement job.

Labour Protection Act B.E. 2541 Section 43 Employers are prohibited from terminating the employment of female employees because of pregnancy. (Department of Labour Protection and Welfare, 2000)

3) Tax Deductions for Children/Parents

Revenue Code Section 47 The assessable income under Section 40, after deductions under Sections 42bis to 46, in order to alleviate the tax burden, can be further deducted as follows: (1) Deduction for

C) Children

(1) Legitimate children of the income earner or legitimate children of the income earner's husband or wife, 30,000 baht each.

(2) An adopted child of an income earner is entitled to 30,000 baht per child, but the total number of children must not exceed three.

In the case where the taxpayer has both (1) and (2) children, the deduction for the children shall first deduct all the children under (1) and then deduct the children under (2), except in the case where the taxpayer has three or more living children under (1), in which case the children under (2) cannot be deducted. However, if the number of children under (1) is less than three, the children under (2) can be deducted, provided that when combined with the children under (1), the total does not exceed three.

When counting the number of children, only living children should be counted, in order of their age, including children who do not meet the eligibility criteria for the deduction.

The deduction for children is only applicable to children under the age of twenty-five who are still studying at a university or higher education institution, or who are minors, or who have been declared by the court to be incompetent or quasi-incompetent, and who are under one's care and support. However, no deduction is allowed for such children who had assessable income in the preceding tax year of 30,000 baht or more, provided that such assessable income does not fall under the characteristics of Section 42.

The deduction for such children can be claimed throughout the tax year, regardless of whether the circumstances under which the deduction is applicable

throughout the tax year or not. In the case of adopted children, the deduction can only be claimed in the capacity of an adopted child.

(3) In the case where the income earner is not a resident of Thailand, the deductions under (1), (b), and (c) are only applicable to the spouse and children who are in Thailand. (The Revenue Department, 2026)

2) The author found that there is a problem of the lack of a primary agency directly responsible related in increasing birth rate promotion, which are not yet conducive to quality birth and growth, their specific roles and responsibilities are as follows:

1) Constitution of the Kingdom of Thailand, B.E. 2560 (2017)

Constitution of the Kingdom of Thailand, B.E. 2560 (2017) Section 27.

All persons are equal before the law, and shall have rights and liberties and be protected equally under the law.

Men and women shall enjoy equal rights.

Men and women shall enjoy equal rights. Unjust discrimination against a person on the grounds of differences in origin, race, language, sex, age, disability, physical or health condition, personal status, economic and social standing, religious belief, education, or political view which is not contrary to the provisions of the Constitution or on any other grounds, shall not be permitted.

Measures determined by the State in order to eliminate an obstacle to or to promote a person's ability to exercise their rights or liberties on the same basis as other persons or to protect or facilitate children, women, the elderly, persons with disabilities or underprivileged persons shall not be deemed as unjust discrimination under paragraph three.

Members of the armed forces, police force, government officials, other officials of the State, and officers or employees of State organizations shall enjoy the same rights and liberties as those enjoyed by other persons, except those restricted by law specifically in relation to politics, capacities, disciplines or ethics.

Constitution of the Kingdom of Thailand, B.E. 2560 (2017) Section 54. The State shall ensure that every child receives quality education for twelve years from pre-school to the completion of compulsory education free of charge.

The State shall ensure that young children receive care and development prior to education under paragraph one to develop their physical body, mind, discipline, emotion, society and intelligence in accordance with their age, by also promoting and supporting local administrative organizations and the private sector to participate in such undertaking. The State shall undertake to provide the people education as needed in various systems including promoting life-long learning, and to enable the cooperation among the State, local administrative organizations and private sector in providing every level of education, which the State has the duty to carry out, supervise, promote and support the provision of education to be of quality and to meet international standards as provided by law on national education which shall, at least, contain provisions relating to national education plan, and implementation and inspection to ensure the compliance with the national education plan.

All education shall aim to develop learners to be good, disciplined, proud of the Nation, skillful in their own aptitudes and responsible for family, community, society and the country.

In undertaking to provide young children to receive care and development under paragraph two or to provide people the education under paragraph three, the State shall undertake to provide persons with insufficient means with financial support for educational expenses in accordance with their aptitudes.

A fund shall be established for the purpose of assisting persons with insufficient means, reducing the educational disparity and promoting and improving the quality and efficiency of teachers for which the State shall allocate budget to such fund or use taxation measures or mechanisms, including providing a tax reduction to persons who donate properties into the fund, as provided by the law; such law shall, at least, prescribe that the management of the fund shall be independent and the fund shall be disbursed to implement such purpose.

Constitution of the Kingdom of Thailand, B.E. 2560 (2017) Section 71.

The State should strengthen the family unit which is an important basic element of society, provide appropriate accommodation, promote and develop the enhancement of health in order to enable people to have good health and strong mind, as well as promote and develop excellence in sports and to maximize the benefit for the people.

The State should promote and develop human resources to be good citizens with higher quality and abilities.

The State should provide assistance to children, youth, women, the elderly, persons with disabilities, indigent persons and underprivileged persons to be able to have a quality living, and shall protect such persons from violence or unfair treatment, as well as provide treatment, rehabilitation and remedies to such injured persons. (National Assembly of Thailand, 2017)

2) (Department of Children and Youth Provincial/Bangkok Child Protection Committee: Oversees law enforcement at the local level.)

Child Protection Act, B.E. 2546 (2003)

Child Protection Act, B.E. 2546 (2003) section 22 Treatment of the Child, in any case, shall give primary importance to the best interests of the Child and there shall not be unfair discrimination.

In determining if any act is for the best interests of or is discriminatory in an equitable nature to Child, considerations shall be made to the guidelines stipulated in the Ministerial Regulation.

Child Protection Act, B.E. 2546 (2003) section 23 Guardians shall care for, nurture, and develop a Child under their guardianship in a manner which is appropriate to such local traditions and culture, but which in any case shall not be below the minimum standards set by the Ministerial Regulation, and shall protect the welfare of the Child under their care against circumstances which may likely harm the physical or mental states.

Child Protection Act, B.E. 2546 (2003) section 26 Under the provisions of other laws, regardless of a Child’s consent, a person shall not act as follows:

(1) to commit or omit acts which result in Torturing a Child’s physical or mental state;

(2) to intentionally or negligently withhold things which are necessary to sustain life or health of a Child under his or her care to an extent which will likely cause physical or mental harm to the Child;

(3) to force, threaten, use, induce, or allow a Child to behave inappropriately or likely to be the cause of wrongdoing;

(4) to advertise by means of mass media or information dissemination to receive or give away a Child to any other person who is not the Child’s relative, unless such action is done by the state or is approved by the state;

(5) to force, threaten, use, induce, allow, or act in any other way which results in a Child becoming a beggar, a vagrant, or an instrument for begging or committing crimes, or to act in any way which results in the exploitation of the Child;

(6) to use, employ, or ask a Child to work or act in such a way which will likely cause physical or mental harm, affect the growth, or hinder the Child’s development;

(7) to force, threaten, use, induce, encourage, support, or allow a Child to play sports or commit any acts indicative of commercial exploitation in a manner which hinders the growth or development of a Child, or in manner which Tortures the Child;

(8) to use or allow a Child to gamble in any form or to enter into a gambling place, brothel, or other places where Children are not allowed;

(9) to force, threaten, use, induce, encourage, support, or allow a Child to perform or act in a pornographic manner, regardless of whether the intention is to obtain remuneration or for any purpose;

(10) to sell, exchange, or give liquor or cigarettes to a Child, unless it is for medical treatment.

If the offences under paragraph one carry heavier penalties under other laws, penalties under such law shall be imposed. (Ministry of Education, 2003)

3) (National Health Security Office)

National Health Security Act B.E.2545 (2002)

National Health Security Act B.E.2545 (2002) section 5 Every person shall enjoy the right to a standard and efficient health service as provided in this Act. (National Health Security Office, 2002)

4) (Social Security Office)

Social Security Act, B.E. 2533 (1990)

Social Security Act, B.E. 2533 (1990) section 33

An employee who is not younger than fifteen years of age and not older than sixty years of age, shall be an insured person.

When an employee, already an insured person under paragraph one, reaches sixty years of age and is still an employee of the employer subject to this Act, such employee shall continue to be deemed an insured person.

Social Security Act, B.E. 2533 (1990) section 40 Any other person who is not an employee under Section 33 may apply to be an insured person under this Act by expressing his or her intention to the Office.

Criteria and rate of contributions, type of benefits entitled to under Section 54 including criteria and conditions of benefit entitlement shall be prescribed in a Royal Decree.

Social Security Act, B.E. 2533 (1990) section 54 An insured person or a person under Section 73 shall be entitled to receive the benefits from the Fund, as follows

(1) injury or sickness benefits;

(2) maternity benefits;

(3) invalidity benefits;

(4) death benefits;

(5) child benefits;

(6) old-age benefits;

(7) unemployment benefits, except for an insured person under Section 39.

(Ministry of Labour, 1990)

5) (Ministry of Education)

National Education Act B.E. 2542 (1999)

National Education Act B.E. 2542 (1999) section 10 In the provision of education, all individuals shall have equal rights and opportunities to receive basic education provided by the State for the duration of at least 12 years. Such education, provided on a nationwide basis, shall be of quality and free of charge.

Persons with physical, mental, intellectual, emotional, social, communication, and learning deficiencies; those with physical disabilities; or the cripples; or those unable to support themselves; or those destitute or disadvantaged; shall have the rights and opportunities to receive basic education specially provided.

Education for the disabled in the second paragraph shall be provided free of charge at birth or at first diagnosis. These persons shall have the right to access the facilities, media, services, and other forms of educational aid in conformity with the criteria and procedures stipulated in the ministerial regulations.

Education for specially gifted persons shall be provided in appropriate forms in accord with their competencies.

National Education Act B.E. 2542 (1999) section 11 Parents or guardians shall arrange for their children or those under their care to receive compulsory education as provided by section 17 and as provided by relevant laws, as well as further education according to the families' capabilities.

National Education Act B.E. 2542 (1999) section 12 Other than the State, private persons and local administration organizations, individuals, families, community organizations, private organizations, professional bodies, religious institutions, enterprises, and other social institutions shall have the right to provide basic education as prescribed in the ministerial regulations.

National Education Act B.E. 2542 (1999) section 13 Parents or guardians shall be entitled to the following benefits:

(1) State support for knowledge and competencies in bringing up and providing education for their children or those under their care;

(2) State grants for the provision of basic education by the families for the children or those under their care as provided by the law;

(3) Tax rebates or exemptions for educational expenditures as provided by the law.

National Education Act B.E. 2542 (1999) section 14 Section 14 Individuals, families, communities, community organizations, private organizations, professional bodies, enterprises, and other social institutions, which support or provide basic education, shall be entitled to the following benefits as appropriate:

- (1) State support for knowledge and competencies in bringing up those under their care;
- (2) State support for the provision of basic education as provided by the law;
- (3) Tax rebates or exemptions for educational expenditures as provided by the law.

National Education Act B.E. 2542 (1999) section 17 Compulsory education shall be for nine years, requiring children aged seven to enroll in basic education institutions until the age of 16 with the exception of those who have already completed grade 9. Criteria and methods of calculating children’s age shall be as stipulated in the ministerial regulations.

National Education Act B.E. 2542 (1999) section 18 Early childhood and basic education shall be provided in the following institutions:

- (1) Early childhood development institutions, namely: childcare centres; child development centres; preschool child development centres of religious institutions; initial care centres for disabled children or those with special needs, or early childhood development centres under other names.
- (2) Schools, namely: state schools, private schools, and those under jurisdiction of Buddhist, or other religious institutions.
- (3) Learning centres, namely: those organized by non formal education agencies; individuals; families; communities; community organizations; local administration organizations; private organizations; professional bodies; religious institutions; enterprises; hospitals; medical institutions; welfare institutes; and other social institutions. (Office of the Permanent Secretary, Ministry of Education, 1999)

6) (Department of Labour Protection and Welfare)

Labour Protection Act B.E. 2541 (1998)

Labour Protection Act B.E. 2541 (1998) section 16 An Employer, a chief, a supervisor, or a work inspector shall be prohibited from committing sexual abuse, harassment or nuisance against an employee.

Labour Protection Act B.E. 2541 (1998) section 44 An Employer shall not employ a child under fifteen years of age as an Employee.

Labour Protection Act B.E. 2541 (1998) section 45 In the case of employment of a young worker under eighteen years of age, the Employer shall comply with the following:

(1) notify a Labour Inspector regarding the employment of a young worker within fifteen days of the young worker commencing work;

(2) prepare a record of employment conditions in case of a change, taken place to be kept at the place of business or at the office of the Employer available for inspection by a Labour Inspector during working hours; and

(3) notify the Labour Inspector regarding the termination of employment of a young worker within seven days from the date of young worker being dismissed. The notification or the record under paragraph one shall be in accordance with the forms prescribed by the Director-General.

Labour Protection Act B.E. 2541 (1998) section 46 An Employer shall provide a rest period for a young worker of not less than one consecutive hour after the Employee has worked for not more than four hours; and during the period of such four hours, the young worker shall have rest periods as fixed by the Employer.

Labour Protection Act B.E. 2541 (1998) section 47 An Employer shall not require a young worker under eighteen years of age to work between 22.00 hours and 6.00 hours unless written permission is granted by the Director-General or a person entrusted by the Director-General.

The Employer may require a young worker under eighteen years of age who is a performer in film, theatre or other similar acts to work during such hours; provided that the Employer shall provide the young worker with proper rest periods.

Labour Protection Act B.E. 2541 (1998) section 48 An Employer shall not require a young worker under eighteen years of age to work overtime or to work on a Holiday. (Department of Labour Protection and Welfare, 2000)

Discussions

Research on legal measure in increasing birth rate promotion found that current Thai law in increasing birth rate promotion has been enforced for a long time, the provision related to these are inappropriate with current circumstances; 2) there is a problem of the lack of a primary agency directly responsible related in increasing birth rate promotion. This leads to Thailand facing a declining birth rate because overall, the decision to have children is based on the costs and expected benefits of having children and parents planning to have children must be prepared to dedicate almost all of their time to childcare and be ready to sacrifice money for various child expenses for at least 20 years. Therefore, measures should be in place to increase birth rates. This differs from the laws of Australia, which, children must receive an education while working and children cannot work during school hours and establishing a childcare center for working parents with minimal or no cost, and laws of the United States of America, which free education up to the bachelor's degree level, and educational institutions should be prohibited from charging any fees including free breakfast and lunch arrangement in school. As a result, these countries have more efficient in increasing birth rate promotion.

Summary of the Study

The study on legal measure in increasing birth rate promotion found that, although Thai law impose upon Prime Minister's Office Regulations Concerning Leave of Absence for Government Officials B.E. 2555 (2012), Royal Decree Medical Welfare Benefits B.E. 2553 (2010), Labour Protection Act B.E. 2541 (2000), Revenue Code, Constitution of the Kingdom of Thailand 2017, Child Protection Act, B.E. 2546 (2003), National Health Security Act B.E.2545 (2002), Social Security Act, B.E. 2533 (1990), National Education Act B.E. 2542 (1999), the existing legal measures and policies are not adequately addressing the needs to increase birth rates. The Constitution of the Kingdom of Thailand, B.E. 2560 (2017) section 48 provide that The rights of mothers during the period before and after

childbirth are protected and they receive assistance as prescribed by law, section 54 provide that The state must take steps to ensure that young children receive systematic care and have their quality of life improved and provide every child with 12 years of quality education, from preschool to the end of compulsory education, free of charge and section 55 provide that The state must guarantee the right of citizens to receive adequate public health services, including maternal and fetal care. However, subordinate legislation is insufficient to promote childbirth.

Recommendations

The recommendation and measure were found as follows:

1. Short Term Measures

1.1 The authors suggest that amendments in Labour Protection Act B.E. 2541 (2000) shall include changes related to law mandates that children must receive an education while working and children cannot work during school hours as guideline from Australia Law. (Queensland Government, 2006)

1.2 The authors suggest that amendments in National Education Act B.E. 2542 (1999) shall include changes related to free education up to the bachelor's degree level, and educational institutions should be prohibited from charging any fees including free breakfast and lunch arrangement in school as guideline from United States Law. (U.S. Government Information, 1966)

1.3 The authors suggest that amendments in Child Protection Act, B.E. 2546 (2003) shall include changes related to establishing a childcare center for working parents with minimal or no cost as guideline from Australia Law. (Australian Government Department of Education, 2022)

1.4 The authors suggest that amendments in Prime Minister's Office Regulations Concerning Leave of Absence for Government Officials B.E. 2555 (2012) and Labour Protection Act B.E. 2541 (2000) shall include changes related to paid maternity leave for one year and father took leave to raise his child for one year.

2. Long Term Measures

2.1 The authors suggest that new specific law for legal measure in increasing birth rate promotion including special treatment, for example, mothers should

receive free family planning and reproductive health counseling services. free prenatal checkups and childbirth expenses, and from birth, children should receive free health checkups and vaccinations against infectious diseases until they reach adulthood, child support allowance of 10,000 baht per month until age 25 years provision, 1 child receives a baby bonus of 100,000 baht and having 2 child receives a baby bonus of 100,000 baht and providing farmland for families with a third child, shall be introduced.

2.2 A systematic structure of authority, responsibilities, and law enforcement mechanisms should be established.

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