T H A I L A W O N L I N E . C O M

Foreigners in Thai Courts

50 Years of Supreme Court Trends

Land Ownership • Criminal Sentencing • Marriage & Divorce
Business Restrictions • Immigration • Labor Rights

Analysis of 3,100+ Supreme Court Decisions Involving Foreign Nationals
B.E. 2519–2568 (1976–2025)
February 2026

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Executive Summary

This report analyzes over 3,100 Supreme Court decisions involving foreign nationals in Thailand, drawn from the complete database of the Supreme Court of Thailand (deka.supremecourt.or.th). The analysis covers the period B.E. 2519–2568 (1976–2025) and identifies seven major trend areas that are particularly relevant to the expatriate community living in, investing in, or doing business with Thailand.

The Thai Supreme Court has maintained a remarkably consistent approach toward foreigners over the past five decades: the law applies equally, but certain protective statutes—particularly the Land Code, the Foreign Business Act, and immigration laws—are enforced strictly and without exception. There is no evidence of discriminatory treatment; rather, the courts apply specific foreigner-related statutes as written, which creates a distinct legal landscape for non-Thai nationals.

Key findings: Foreigners CAN hold rights in land (but must dispose of it). Long-term lease schemes (30+30+30 years) are being struck down as void. Romance scam cases are now classified as transnational organized crime. The Foreign Business Act carries daily cumulative fines. And Thai courts require proof of foreign law in cross-border divorce cases—a requirement that catches many expats off guard.

1. Methodology

The analysis was conducted across a database of 131,706 Supreme Court documents (68,721 judgments, 10,607 court orders, and 2,084 judicial rulings) scraped from deka.supremecourt.or.th. Documents were searched using Thai-language keywords commonly associated with foreign nationals:

Search Term	Translation	Results	Coverage
คนต่างด้าว	Alien/Foreigner	522	Primary legal term
ต่างประเทศ	Foreign/Overseas	2,033	Broader context
สัญชาติ	Nationality	515	Nationality disputes
ชาวต่างชาติ	Foreign national	32	Informal usage

After deduplication and filtering for relevance, approximately 3,100 unique decisions were identified as directly involving foreign nationals or foreign-related legal issues spanning B.E. 2519–2568.

2. Land Ownership & Property Rights

Land ownership is perhaps the most critical legal issue for foreigners in Thailand. The Land Code (B.E. 2497) prohibits foreigners from owning land outright, but recent Supreme Court decisions reveal a more nuanced reality than most expats realize.

2.1 Foreigners CAN Have Rights in Land

Contrary to popular belief, the Supreme Court has repeatedly confirmed that foreigners can legally acquire rights in Thai land—they simply cannot keep it indefinitely. The mechanism works through Land Code Sections 86 and 94.

ฎีกาที่ 3857/2565
Supreme Court Decision No. 3857/2565 (2022)

A foreigner who acquires land in Thailand has legal rights in that land under Land Code Section 94. The Director-General of the Land Department must set a deadline for the foreigner to dispose of the land. Until that deadline is set, the foreigner retains all rights.

This case confirmed that Section 94 protects the foreigner's ownership rights during the disposal period—meaning a foreigner who inherits or otherwise lawfully acquires land is not immediately dispossessed.

ฎีกาที่ 5778/2562
Supreme Court Decision No. 5778/2562 (2019)

A foreigner can sell land even before the Director-General sets a disposal deadline under Section 94. The court ruled that the foreigner's right to dispose of land is not contingent on the government first setting a timeline.

Practical impact: If a foreigner inherits land through marriage or succession, they can sell it at market price on their own timeline, rather than being forced into a fire sale.

ฎีกาที่ 2744/2562
Supreme Court Decision No. 2744/2562 (2019)

Under Land Code Section 86, a foreigner can enter into a contract to purchase land. While the foreigner cannot register ownership, the purchase contract itself is valid and enforceable.

This means a foreigner can sue for breach of a land sale agreement, even though they cannot ultimately register the land in their name.

2.2 The 30+30+30 Year Lease Trap

Many expats and developers have promoted the "30+30+30 year lease" as a workaround for the land ownership prohibition. Recent Supreme Court decisions have dealt this strategy a devastating blow.

ฎีกาที่ 4655/2566
Supreme Court Decision No. 4655/2566 (2023)

The Supreme Court struck down a 30+30+30 year lease arrangement, ruling that the renewal clauses constituting a total of 90 years were void as they were designed to circumvent the 30-year maximum lease period under the Civil and Commercial Code.

The court found that these arrangements are essentially a scheme to achieve quasi-ownership in violation of the spirit of Thai property law. Only the initial 30-year term was upheld.

Trend: The Supreme Court is increasingly hostile to lease structures that attempt to replicate ownership. Expats relying on 30+30+30 arrangements should be aware that only the first 30-year period may be enforceable.

2.3 Company Structures and Nominee Shareholders

Using a Thai company to hold land remains the most common strategy for foreigners, but the courts and the Department of Business Development are scrutinizing these arrangements more closely.

ฎีกาที่ 2358/2567
Supreme Court Decision No. 2358/2567 (2024)

In a dispute over shares in a company holding land, the Supreme Court examined whether the Thai shareholders were genuine investors or nominees for the foreign partner. The court looked beyond the corporate structure to the substance of the arrangement.

This reflects a growing willingness of the courts to ‘pierce the corporate veil’ in land-holding company cases.

3. Criminal Sentencing & Foreign Defendants

An analysis of criminal cases involving foreign defendants reveals that the Thai courts do not apply different sentencing standards based on nationality. However, certain crime categories disproportionately involve foreigners and carry very heavy penalties.

3.1 Drug Offenses

Drug trafficking remains the most serious criminal exposure for foreigners in Thailand. While the death penalty has been increasingly commuted, sentences remain extremely severe.

ฎีกาที่ 5061/2561
Supreme Court Decision No. 5061/2561 (2018)

A foreign national convicted of possessing methamphetamine for distribution received a death sentence at trial. The Supreme Court reduced the sentence, noting cooperation with authorities as a mitigating factor.

The trend in recent decades has been toward commuting death sentences to life imprisonment, particularly where the defendant provides useful information to law enforcement.

Trend: While death sentences for drug offenses are still technically possible, the Supreme Court has moved toward commutation in most cases since approximately B.E. 2560 (2017). However, life imprisonment without parole remains common for major trafficking cases.

3.2 Romance Scams as Transnational Crime

A significant recent development is the classification of romance scams involving foreigners as transnational organized crime, carrying dramatically enhanced penalties.

ฎีกาที่ 4040/2567
Supreme Court Decision No. 4040/2567 (2024)

The court classified a romance scam targeting a foreign victim as a transnational organized crime offense. The scheme involved creating fake online identities to defraud the victim of substantial sums.

By applying the Anti-Transnational Organized Crime Act alongside fraud provisions, the court imposed significantly enhanced sentences. This represents a new trend of treating cross-border scams as organized crime rather than simple fraud.

3.3 Human Trafficking & Alien Smuggling

Thailand has dramatically strengthened its enforcement against human trafficking and alien smuggling, with several landmark decisions in recent years.

ฎีกาที่ 4087/2566
Supreme Court Decision No. 4087/2566 (2023)

A human trafficking case involving foreign victims, where the court imposed severe penalties and upheld asset confiscation. The decision reinforced that trafficking offenses carry some of the heaviest sentences in Thai criminal law.

ฎีกาที่ 719/2568
Supreme Court Decision No. 719/2568 (2025)

In an alien smuggling case, the court upheld the confiscation of the vehicle used to transport illegal migrants. The ruling established that vehicles used in smuggling are subject to mandatory confiscation regardless of the owner's direct involvement.

4. Marriage, Divorce & Family Law

Cross-border marriages between Thai and foreign nationals generate a substantial body of Supreme Court litigation, particularly around divorce, property division, and the application of foreign law.

4.1 The Foreign Law Proof Requirement

One of the most surprising aspects of Thai family law for expatriates is the requirement to prove that foreign law permits divorce in conflict-of-laws situations.

ฎีกาที่ 1869/2566
Supreme Court Decision No. 1869/2566 (2023)

A Thai-British divorce case where the court applied the Conflict of Laws Act B.E. 2481. The court held that before granting a divorce, it must be proven that the law of the foreign spouse's nationality also allows divorce on the grounds cited.

If the foreign spouse's national law does not recognize the Thai divorce grounds, the Thai court may refuse to grant the divorce—even if Thai law would otherwise permit it. This creates a practical hurdle that many expats are unaware of.

4.2 Property Division with Foreign Spouses

ฎีกาที่ 1523/2565
Supreme Court Decision No. 1523/2565 (2022)

A Swedish husband and Thai wife divorcing, with disputes over land and a restaurant business. The court divided property according to Thai marital property rules, treating the foreign spouse's contributions equally.

The court confirmed that foreign spouses have equal rights to marital property (sin somros) under Thai law, including businesses and assets acquired during the marriage.

ฎีกาที่ 900/2567
Supreme Court Decision No. 900/2567 (2024)

A foreign partner in a cohabitation arrangement sought to recover co-invested assets after the relationship ended. The court examined evidence of financial contributions and co-investment to determine property rights.

This case highlights that even without formal marriage, foreign partners may have enforceable property claims if they can prove co-investment—though the evidentiary burden is higher than for married couples.

Trend: The Supreme Court treats foreign spouses equitably in property division. However, the conflict of laws requirement for proving foreign law can create unexpected obstacles in divorce proceedings.

5. Business & the Foreign Business Act

The Foreign Business Act B.E. 2542 (1999) restricts foreigners from operating certain categories of businesses in Thailand. The Supreme Court has consistently upheld strict enforcement, with penalties that many expats underestimate.

ฎีกาที่ 3618/2566
Supreme Court Decision No. 3618/2566 (2023)

A foreigner found to be operating a restricted business without proper authorization was subject to the Foreign Business Act's penalty provisions, which include daily cumulative fines for each day the violation continues.

The daily fine structure means that a business operating without authorization for even a few months can face fines accumulating to hundreds of thousands of baht. The court confirmed that ignorance of the licensing requirement is not a defense.

Trend: The Foreign Business Act is being enforced more aggressively. The daily fine mechanism creates exponentially growing liability for non-compliant businesses. Authorities are also increasingly examining whether Thai-majority companies are genuinely Thai-controlled or are nominee structures for foreign interests.

5.1 Currency & Financial Regulations

ฎีกาที่ 5213/2566
Supreme Court Decision No. 5213/2566 (2023)

A foreign national was convicted of failing to declare currency exceeding $20,000 (USD) when entering Thailand. The court upheld penalties under the currency declaration requirements.

This serves as a reminder that Thailand strictly enforces its currency declaration laws. Amounts exceeding $20,000 or equivalent must be declared, and failure to do so can result in criminal prosecution.

6. Immigration, Visas & Work Permits

Immigration enforcement cases reveal a strict but procedurally fair approach by the Thai courts. Visa fraud and work permit violations carry serious consequences.

ฎีกาที่ 1496/2567
Supreme Court Decision No. 1496/2567 (2024)

A case involving fraud related to visa or nationality status changes. The court imposed penalties for using fraudulent documents to obtain immigration benefits.

The decision reinforces that document fraud in immigration matters is treated as a serious criminal offense, regardless of the applicant's personal circumstances.

ฎีกาที่ 1695/2566
Supreme Court Decision No. 1695/2566 (2023)

Forged alien employment authorization forms were used to circumvent work permit requirements. The court convicted the parties involved of document forgery.

Work permit fraud is treated as both an immigration offense and a forgery offense, meaning dual charges and enhanced penalties.

6.1 Labor & Employment of Foreigners

ฎีกาที่ 4111/2564
Supreme Court Decision No. 4111/2564 (2021)

The court examined fixed-term employment contracts for foreign employees. The ruling addressed whether repeated renewal of fixed-term contracts effectively creates permanent employment under Thai labor law.

This case is significant for foreign employees on annual contracts: repeated renewals may give rise to permanent employment protections, including severance pay obligations that employers cannot avoid through fixed-term contract structures.

Trend: The Supreme Court applies the same labor protections to foreign workers as to Thai nationals. Repeated fixed-term contracts are scrutinized, and employers cannot use a worker's foreign status to justify lesser employment protections.

7. Key Trends & Takeaways for Expatriates

7.1 The Courts Are Fair, Not Lenient

Across all seven categories analyzed, the Thai Supreme Court demonstrates consistent, even-handed application of the law to foreign nationals. There is no evidence of systemic discrimination against foreigners, but equally no evidence of leniency. The law is applied as written, and protective statutes for Thai interests (particularly in land, business, and employment) are enforced strictly.

7.2 Land: Rights Yes, Ownership No

The Supreme Court has clearly established that foreigners can acquire rights in land, can enter purchase contracts, and can sell land they have lawfully obtained. However, permanent ownership remains prohibited. The 30+30+30 lease workaround is being actively dismantled by the courts, and nominee company structures face increasing scrutiny.

7.3 Sentencing: Severe for Specific Offenses

Drug trafficking, human trafficking, and organized crime carry some of the heaviest sentences in Thai law, and foreigners are not spared. However, the trend toward commuting death sentences to life imprisonment suggests a moderating influence in the most extreme cases. Romance scams targeting foreigners are now treated as transnational organized crime—a significant escalation in enforcement.

7.4 Marriage: Know Your Own Law

The conflict of laws requirement is the most frequently overlooked issue for expatriates. Thai courts will apply the Conflict of Laws Act and may require proof that the foreign spouse's national law permits divorce. Expats contemplating marriage or divorce in Thailand should consult both Thai and home-country legal counsel.

7.5 Business: Daily Fines Add Up Fast

The Foreign Business Act's daily fine mechanism creates a ticking liability clock for non-compliant businesses. Even short periods of unauthorized operation can result in substantial financial penalties. The trend is toward more aggressive enforcement, particularly against nominee structures.

7.6 Employment: Equal Protection

Foreign workers enjoy the same labor protections as Thai nationals under Supreme Court precedent. Repeated fixed-term contracts may create permanent employment rights, and employers cannot use foreign status as a basis for reduced protections.

7.7 Immigration: Zero Tolerance for Fraud

Document fraud, visa fraud, and work permit violations are treated as serious criminal offenses. The courts show no leniency for forgery, regardless of the underlying motivation.

8. Statistical Overview

The following table summarizes the distribution of foreigner-related cases across the major categories identified in this analysis:

Category	Est. Cases	Trend
Land ownership & property	200+	Increasing scrutiny
Criminal (drugs, trafficking)	400+	Severe, stable
Marriage, divorce & family	300+	Increasing complexity
Business & Foreign Business Act	250+	Stricter enforcement
Immigration & visa	350+	Zero tolerance
Labor & employment	200+	Equal protection
Long-term leases	50+	Hostile to workarounds
Other (nationality, misc.)	1,300+	Varied

Disclaimer

This report is prepared for informational purposes only and does not constitute legal advice. The analysis is based on publicly available Supreme Court decisions from deka.supremecourt.or.th as of February 2026. Case summaries are simplified for accessibility and should not be relied upon as authoritative interpretations of law.

Readers facing specific legal situations should consult qualified Thai legal counsel. Supreme Court decisions represent the law as applied to specific facts and may not be directly applicable to different circumstances.

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