The Marketing Communication Governance in the Digital Era: An Analysis of Substantive Provisions and Practical Gaps[1]

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Abstract

This article examines the evolving legal landscape governing marketing communications during the transition into the Marketing 6.0 paradigm, characterized as the era of "Immersive Marketing.". As conceptualized by Philip Kotler, this era necessitates a seamless integration of physical and digital realms through advanced technologies such as Artificial Intelligence (AI), Virtual/Augmented Reality (VR/AR), and Metaverse to achieve unprecedented levels of hyper-personalization. This shift toward Data-Driven Marketing and the sophisticated use of digital platforms presents profound challenges to the Thai legal framework, which must adapt to nuanced consumer behaviors and intricate marketing maneuvers involving Key Opinion

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Leaders (KOLs), behavioral tracking via cookies, and algorithmic data processing. The main objective is to analyze how digital marketing platforms are governed.

The main methodology utilized in the study is documentary research. The study elucidates and scrutinizes the substantive provisions of key pieces of legislations currently regulating the market communication ecosystem in Thailand by scoping laws relevant to public relations, advertising and consumer protection. When a list of laws and regulations were obtained, it was sent to three marketing experts to verify the relevance and comprehensiveness of the list to ensure validity of the documents. These include the Consumer Protection Act B.E. 2522 (Sections 22 and 28); the Personal Data Protection Act (PDPA) B.E. 2562; the Cosmetics Act B.E. 2558 (Section 41); and the Alcoholic Beverage Control Act (Section 32/1). Additionally, the role of Intellectual Property Laws in safeguarding brand identity and creative assets is underscored.

Initial findings indicate that there are significant "legal gaps" in contemporary practice. The lack of specific statutory oversight for Influencer/KOL Marketing regarding commercial disclosure; ambiguous legal accountability for AI-generated content and Interest-Based Advertising (IBA) algorithms; and the insufficient regulation of deceptive digital tactics such as clickbait and opaque pricing models.

The study concludes that in a rapidly accelerating technological environment, traditional black-letter law is insufficient for effective consumer protection. Consequently, the study advocates for a collaborative model of industry-led self-regulation alongside the adoption of technology-neutral regulations to foster a sustainable and ethical marketing ecosystem in the digital age. Government should also take part in adjusting law and regulations to accommodate the ever-changing scenarios.

Keywords: digital marketing communication; platform governance; personal data protection (PDPA); Thailand

Marketing communication in the digital era has moved far beyond the traditional task of delivering persuasive messages through mass media. Historically, marketing communication was often understood as a managerial function that coordinated advertising, sales promotion, public relations, direct marketing, and personal selling to influence consumer awareness, attitudes, and purchase behavior. In the contemporary environment, however, marketing communication has become a dynamic, data-driven, interactive, and platform-mediated process. Digital technologies have transformed not only the channels through which organizations communicate, but also the structure of consumer relationships, the speed of market feedback, and the ethical and legal responsibilities of brands. Kannan and Li (2017) argue that digital marketing must be understood through multiple touchpoints across the marketing process because digital technologies influence how firms acquire information, design value propositions, target consumers, and manage customer relationships. Similarly, Lamberton and Stephen (2016) observe that digital, social media, and mobile platforms have revolutionized marketing by enabling firms to reach, inform, engage, sell to, learn from, and serve customers in new ways.

A defining feature of digital-era marketing communication is the shift from one-way persuasion to interactive engagement. Consumers are no longer passive receivers of brand messages; they are co-creators, reviewers, critics, influencers, and distributors of brand meaning. Social media posts, online reviews, influencer endorsements, user-generated content, search results, livestreams, chatbots, recommendation systems, and personalized advertisements all contribute to the contemporary brand experience. This means that marketing communication is now less controllable, more participatory, and more dependent on trust. The strategic challenge for organizations is therefore not merely to produce attractive messages, but to maintain consistency, transparency, and credibility across fragmented digital touchpoints. Batra and Keller (2016) emphasize that the integration of traditional and new media is increasingly important because consumers move across search, display advertising, mobile, television, and social media during the decision journey.

Integrated Marketing Communication (IMC) remains central in this environment, but its meaning has evolved. In the pre-digital context, IMC was primarily concerned with coordinating promotional tools to deliver a consistent brand message. In the digital era, IMC must also coordinate data, content, interaction, personalization, platform algorithms, and consumer participation. Recent bibliometric evidence shows that IMC research from 2015 to 2024 has increasingly focused on digital transformation, consumer engagement, brand equity, AI-driven personalization, and cross-platform integration (Qi et al., 2025). This suggests that the future of marketing communication lies in the ability of organizations to combine message consistency with responsiveness, automation with human judgment, and persuasive communication with ethical accountability.

The legal and regulatory environment surrounding marketing communication can be understood through several major principles. The first is truthfulness. Advertising and promotional messages must not mislead consumers through false claims, exaggerated benefits, hidden conditions, manipulated evidence, fake testimonials, or disguised sponsorship. In the United States, the Federal Trade Commission’s endorsement rules state that endorsements must reflect the honest opinions, findings, beliefs, or experiences of the endorser, and they may not communicate claims that would be deceptive if made directly by the advertiser. The FTC has also issued a final rule prohibiting fake or false reviews and testimonials, including

AI-generated fake reviews, undisclosed insider testimonials, review suppression, and fake social media indicators used for commercial influence (Federal Trade Commission, 2024).

The second major principle is transparency. Digital audiences must be able to recognize when they are being exposed to advertising, sponsored content, influencer marketing, affiliate promotion, or AI-generated persuasion. The third principle is privacy and lawful data processing. Under the European Union's General Data Protection Regulation (GDPR), organizations must have appropriate legal grounds for processing personal data, and direct marketing practices must respect rights such as information, objection, and withdrawal of consent. European Commission guidance states that when a company acquires a contact list for marketing, it must ensure that the data was obtained lawfully, that individuals were informed, and that advertising is not sent to individuals who objected to processing for direct marketing purposes.

In Thailand, the Personal Data Protection Act B.E. 2562 (2019) creates a comparable framework for the collection, use, and disclosure of personal data. The Act defines personal data broadly as information relating to a person that enables identification, whether directly or indirectly.

The fourth principle is platform accountability. Digital marketing communication today is heavily mediated by large platforms such as search engines, social networks, video-sharing platforms, app stores, marketplaces, and messaging services. The European Union's Digital Services Act (DSA) illustrates the direction of contemporary platform regulation. The DSA requires advertising transparency, including clear labeling of ads and information about who placed an advertisement and why a user is seeing it.

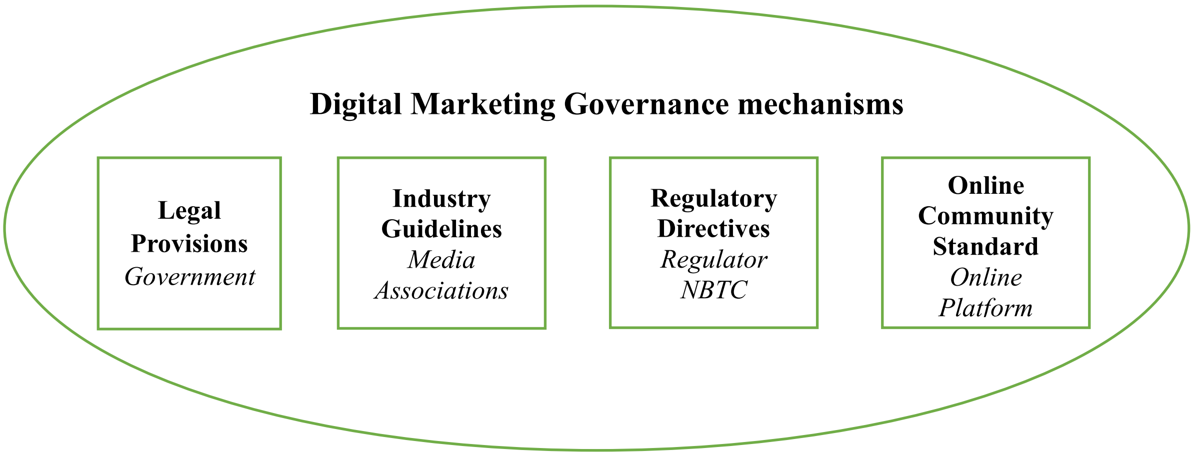
The fifth principle is responsibility in the use of artificial intelligence. AI is increasingly used in marketing communication to generate copy, images, video, product recommendations, customer segmentation, chatbot responses, predictive analytics, and automated media buying. While these tools can improve efficiency and creativity, they also create risks of deception, bias, hallucinated claims, deepfakes, synthetic influencers, and undisclosed manipulation. The EU AI Act adopts a risk-based framework and includes transparency obligations for certain AI systems. The European Commission's work on marking and labelling AI-generated content is intended to support compliance with obligations related to the detection and disclosure of AI-generated content.

In Thailand, marketing communication is also shaped by consumer protection law and sector-specific advertising controls. The Office of the Consumer Protection Board lists the Consumer Protection Act B.E. 2522 (1979), ministerial regulations on unfair advertising, and Advertising Committee announcements on proof of advertising statements as part of the legal framework relevant to advertising.

Taken together, these developments indicate that marketing communication in the digital era must be understood as a strategic, technological, ethical, and legal practice. Success organization is not the one that merely reaches the largest audience at the lowest cost, but the one that builds durable trust through relevant communication, lawful data use, transparent persuasion, and socially responsible brand conduct.

The main objective of the study is to analyze how digital marketing platforms are governed. What are models of digital marketing platform governance? As researchers looked at marketing communications' governance in a piecemeal fashion. Public relations, advertising and influencer have been separately focused. This study will bridge the gap between those marketing communications channels and proposes models of digital marketing governance.

Conceptual Framework



Literature Review

Definition of Marketing Communication

Marketing communication refers to the strategic process through which organizations convey information, value, and brand identity to target audiences through various communication channels and tools in order to create awareness, understanding, trust, and long-term relationships with consumers, ultimately influencing consumer behavior and purchase decisions (Kotler & Keller, 2016).

In the contemporary business environment, marketing communication extends beyond merely delivering information about products and services. It also encompasses the creation of customer experiences and emotional connections between brands and consumers through multiple communication touchpoints (Belch & Belch, 2021). This transformation has become increasingly significant in the digital era, where consumers are able to access information, interact with brands, and participate in communication processes in real time through digital platforms and social media.

Furthermore, Schultz, Tannenbaum, and Lauterborn (1993) introduced the concept of Integrated Marketing Communication (IMC), which emphasizes the integration of all communication tools and channels to ensure consistency and coherence in organizational messages. The primary objective of IMC is to create a unified brand image and enhance communication effectiveness across both traditional and digital media platforms. Consequently, IMC has become a fundamental strategic framework for modern marketing communication.

Marketing Communication Tools

Marketing communication tools refer to the channels, activities, and communication methods organizations employ to inform, persuade, and engage consumers. In the digital era, these tools include both offline and online communication approaches that operate collaboratively under the framework of Integrated Marketing Communication (IMC).

Advertising

Advertising is a paid form of non-personal communication through various media channels used to promote products, services, or brand images to target audiences (Belch & Belch, 2021). The primary objectives of advertising are to create awareness, persuade consumers, and stimulate purchasing behavior.

Traditionally, advertising relied heavily on mass media such as television, radio, newspapers, magazines, and billboards. However, digital transformation has significantly shifted advertising toward online platforms, including Google Ads, Facebook Ads, YouTube Advertising, and TikTok Advertising. These platforms enable organizations to target specific consumer groups based on demographic characteristics, interests, and online behavior through data analytics and algorithmic systems (Chaffey & Ellis-Chadwick, 2019).

Public Relations

Public Relations (PR) refers to the strategic communication process that builds and maintains mutually beneficial relationships between organizations and their publics (Cutlip et al., 2006). PR activities aim to establish credibility, trust, and a positive organizational image.

In the digital era, public relations have evolved considerably as organizations increasingly communicate directly with audiences through websites, social media, and digital content platforms. Modern public relations therefore include online reputation management, crisis communication, content marketing, and stakeholder engagement in digital environments.

Event Marketing

Event marketing involves the organization of activities or special events designed to create direct interaction and engagement between brands and consumers (Shone & Parry, 2013). Examples include product launches, exhibitions, trade fairs, concerts, roadshows, and corporate social responsibility events.

The primary strength of event marketing lies in its ability to create memorable experiences and emotional engagement with consumers. In contemporary marketing environments, event marketing has expanded to include virtual events, live streaming activities, and interactive online experiences, enabling organizations to reach broader audiences beyond physical boundaries.

Sponsorship

Sponsorship refers to organizational support provided to events, organizations, activities, or individuals in exchange for opportunities to promote the sponsor's brand and enhance corporate image (Cornwell, 2019).

Organizations frequently sponsor sports events, entertainment programs, music festivals, and social initiatives to associate their brands with positive consumer experiences and values. In the digital era, sponsorship also extends to collaborations with influencers, content creators, and online personalities who possess strong audience engagement on social media platforms.

Social Media Marketing

Social media marketing has become a crucial component of contemporary marketing communication because it facilitates two-way communication and active engagement between brands and consumers (Kietzmann et al., 2011).

Platforms such as Facebook, Instagram, TikTok, X, and YouTube are widely used for advertising, customer engagement, brand storytelling, and community building. Moreover, social media enables organizations to collect and analyze consumer data in real time, allowing marketers to adapt communication strategies rapidly according to audience preferences and digital trends.

Influencer Marketing

Influencer marketing refers to the use of influential individuals on social media platforms to communicate brand messages and influence consumer attitudes and purchasing decisions (Freberg et al., 2011).

This communication approach has become increasingly popular because consumers often perceive influencers as more authentic and trustworthy than traditional advertising sources. Influencer marketing is particularly effective among younger audiences who rely heavily on social media for information consumption and product recommendations.

Marketing Communication in the Contemporary Era

Marketing communication in the contemporary era has been profoundly transformed by digital technologies, social media, big data, and artificial intelligence. Communication has shifted from a one-way transmission model toward interactive and participatory communication, where consumers actively engage in content creation, sharing, and brand conversations (Kotler et al., 2021).

Modern organizations increasingly employ personalized communication strategies by utilizing consumer data analytics and artificial intelligence technologies to deliver tailored content and customized experiences. Artificial intelligence systems are now capable of generating marketing content, predicting consumer behavior, automating customer service through chatbots, and optimizing advertising performance in real time.

According to Kotler, Kartajaya, and Setiawan (2021), the concept of Marketing 5.0 emphasizes the integration of advanced technologies with human-centered values in order to create meaningful customer experiences. In this context, technology is not intended to replace human interaction entirely but rather to enhance organizational capabilities in understanding and responding to consumer needs more effectively.

Nevertheless, the increasing use of digital technologies and artificial intelligence in marketing communication also raises significant ethical and governance concerns. Issues such as misinformation, privacy violations, algorithmic bias, and excessive data collection have become major challenges for organizations operating in digital environments (Floridi & Cowls, 2019). Therefore, organizations must balance technological efficiency with transparency, ethical responsibility, and consumer trust in order to achieve sustainable marketing communication practices.

Laws, Acts, and Media Ethics in Thailand Related to Marketing Communication in the Digital Era

In the digital era, marketing communication has become increasingly complex due to the expansion of online media platforms, data-driven advertising, influencer marketing, and the integration of artificial intelligence (AI) into communication strategies. Consequently, marketing communication practices in Thailand are regulated not only by traditional advertising laws but also by legal frameworks concerning consumer protection, personal data protection, digital communication, and media ethics. These regulations are particularly significant for analyzing governance mechanisms and practical gaps in the context of *The Marketing Communication Governance in the Digital Era: An Analysis of Substantive Provisions and Practical Gaps*.

Practical Gaps in Marketing Communication Governance in Thailand

Although Thailand has established multiple laws and regulatory bodies related to marketing communication, significant practical gaps remain in the governance of digital media and AI-driven communication technologies.

Many existing laws were originally designed for traditional media environments and may not adequately address emerging practices such as influencer marketing, algorithmic advertising, AI-generated content, and cross-border digital platforms. Additionally, overlapping responsibilities among regulatory agencies sometimes create ambiguity in enforcement mechanisms and accountability.

The rapid evolution of communication technologies has also outpaced the development of legal standards and ethical guidelines, resulting in challenges related to transparency, consumer protection, misinformation, and digital rights in the contemporary marketing ecosystem.

Therefore, future governance frameworks should integrate legal regulation, ethical standards, platform accountability, and AI governance principles to ensure responsible and sustainable marketing communication practices in the digital era.

Research on marketing communication governance, however, shows fragmentation. Each marketing communication tool has been examined separately, for example, advertising ethics was the only focus of study by Chaisuwan (2015). Public relations practice research also the focus of Chaidaroon (2003) and Tantivejakul (2013) emphasized on public relations history. There is a lack of integrated study of marketing communications governance.

Methodology

This research mainly employed documentary analysis particularly law, regulations, guidelines concerning marketing communications. Relevant material was selected by keywords searches such as public relations and advertising law; consumer protection law; commercial law; online commerce law. When a list of laws and regulations were obtained, it was sent to three marketing experts to verify the relevance and comprehensiveness of the list to ensure validity of the documents. At least two out of three experts must agree that legal provisions in the list were relevant to be used as material for analysis.

Results

In Thailand, the governance of marketing communications can be divided into four categories.

1) Governance by law – State-Regulation Framework

This type of governance concerns law-abiding marketing communications which means that marketing communications must be done strictly according to the law. There are several acts concerning marketing communications as follows:

1.1) Consumer Protection Act B.E. 2522 (1979)

The Consumer Protection Act B.E. 2522 (1979) is the principal law governing advertising and marketing communication practices in Thailand. The Act aims to protect consumers from false, exaggerated, deceptive, or unfair advertising messages (Office of the Consumer Protection Board [OCPB], 2021).

Under the Act, advertisements must not contain misleading statements regarding the quality, price, origin, or benefits of products and services. Furthermore, advertisements must not violate public morality or create harmful social impacts. In the digital environment, however, significant regulatory gaps remain, particularly concerning influencer marketing, sponsored content, native advertising, and AI-generated promotional materials that are difficult to verify and regulate effectively.

The emergence of social media platforms has also blurred the distinction between editorial content and advertising, making it increasingly difficult for consumers to identify commercial persuasion in digital communication.

1.2) Food Act B.E. 2522 (1979) and Regulations of the Thai Food and Drug Administration (FDA)

Marketing communication involving food, dietary supplements, cosmetics, pharmaceuticals, and health-related products is regulated under the Food Act B.E. 2522 (1979) and supervised by the Thai Food and Drug Administration (FDA).

The law stipulates that advertisements for health-related products must not contain false claims, exaggerated benefits, or misleading medical information. Certain forms of advertising also require prior approval from the FDA before dissemination (Thai Food and Drug Administration, 2022).

In the digital era, the rapid growth of influencer marketing, live commerce, and social commerce has intensified concerns regarding unregulated health claims and deceptive advertising practices on online platforms. Many businesses increasingly rely on AI-generated content and automated advertising systems, which may unintentionally produce claims that violate FDA regulations.

Consequently, the enforcement of health advertising laws in digital spaces has become more challenging due to the speed, volume, and cross-platform nature of online communication.

1.3) Alcoholic Beverage Control Act B.E. 2551 (2008)

The main law governing alcohol in Thailand is the Alcoholic Beverage Control Act B.E. 2551 (2008), which regulates alcohol sales, advertising, drinking age, and consumption restrictions. It was the first time in legal history that Thai law mentions 'marketing communication' in its provision. Section 3 reads "Advertising" means any act which enables the public to see, hear or know of any information for commercial purpose, including marketing communication; "Marketing communication" means any activity organized for the selling of goods, providing services, creating images, public relations, distribution of information, sales promotion, product exhibition, organizing or providing support to organize any special events and direct marketing.

Section 32 reads "No person shall advertise or display, directly or indirectly, the name or trademark of any alcoholic beverage in a manner showing the properties thereof or inducing another person to drink. Advertisements or public relations provided by the manufacturer of any kind of alcoholic beverage shall only be made for giving information thereof or giving social creative knowledge without displaying any illustration of such alcoholic beverage or its package, except for the display of a symbol of such alcoholic beverage or that of its manufacturer as prescribed by the Ministerial Regulation.

1.4) Personal Data Protection Act B.E. 2562 (2019) (PDPA)

The Personal Data Protection Act B.E. 2562 (2019), commonly referred to as the PDPA, is one of the most important legal frameworks affecting digital marketing communication in Thailand. Since contemporary marketing strategies heavily rely on consumer data analytics, behavioral targeting, and personalized advertising, organizations are required to comply with strict regulations regarding data collection, processing, and disclosure.

The PDPA requires organizations to obtain consent from data subjects before collecting or using personal data and to clearly disclose the purposes of data processing (Personal Data Protection Committee, 2022). This act directly affects digital advertising strategies, AI-driven recommendation systems, customer relationship management (CRM), and programmatic advertising.

However, concerns remain regarding online tracking technologies such as cookies, targeted advertising algorithms, and behavioral profiling, as many users may not fully understand how their personal information is being collected and utilized for marketing purposes.

1.5) Computer Crime Act B.E. 2550 (2007) and Amendments

The Computer Crime Act B.E. 2550 (2007) regulates unlawful activities conducted through digital systems and online communication networks. The law is particularly relevant to marketing communication involving misinformation, fake reviews, deceptive online advertisements, and manipulated digital content (Ministry of Digital Economy and Society, 2017).

In the context of digital marketing, the Act is increasingly associated with the dissemination of fake news, fraudulent advertising, fake social media accounts, and AI-generated deepfake content that may mislead consumers.

The advancement of generative AI technologies has created additional governance challenges because AI-generated images, videos, and voices can imitate reality with high levels of sophistication. As a result, existing legal frameworks may not fully address emerging ethical and regulatory concerns related to synthetic media in marketing communication.

1.6) Trade Competition Act B.E. 2560 (2017)

The Trade Competition Act B.E. 2560 (2017) is relevant to marketing communication in terms of fair competition and market dominance. The law seeks to prevent anti-competitive practices, unfair market control, and abuse of dominant market positions (Office of Trade Competition Commission, 2017).

In the digital economy, large technology platforms and corporations increasingly use consumer data, AI algorithms, and automated advertising systems to gain competitive advantages. Such practices may contribute to algorithmic discrimination, price manipulation, or unequal access to digital advertising markets for smaller businesses.

Therefore, the governance of algorithmic advertising and platform-based marketing communication has become an important issue in discussions of digital market regulation.

2) Governance by Industry – Self-Regulation-Framework

In addition to legal regulations, marketing communication in Thailand is also governed by professional ethics in advertising and mass communication. Media organizations and advertising associations emphasize principles such as truthfulness, fairness, transparency, social responsibility, and respect for consumer rights. The advertising association of Thailand, for example, published Code of Ethics (2024 Edition) in an attempt to promote good practices within advertising industry.

The ethical challenges of digital marketing communication include hidden advertising, undisclosed sponsorships by influencers, manipulative targeting practices, clickbait content, and AI-generated promotional materials that may mislead audiences.

According to Floridi and Cowls (2019), AI governance should be based on key ethical principles including transparency, accountability, fairness, and the protection of human autonomy. These principles have become increasingly relevant in marketing communication practices that involve AI-driven personalization and automated decision-making systems.

Moreover, ethical governance is particularly important in maintaining consumer trust, as excessive reliance on automation may reduce the “human touch” and authenticity expected in brand communication.

3) Governance by Regulator – Regulator Framework

The National Broadcasting and Telecommunications Commission Act, formally the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010), plays a foundational role in Thailand’s system of advertising regulation because it establishes the institutional authority of the National Broadcasting and Telecommunications Commission (NBTC). The NBTC Act is not, by itself, a complete advertising law. Rather, it creates the independent regulatory architecture through which broadcasting, television, radio-frequency use, telecommunications services, licensing, consumer protection, and related media practices are supervised. In this sense, the NBTC Act regulates advertising indirectly but powerfully: it gives the NBTC authority to license broadcasters, set conditions for operation, issue notifications, prepare broadcasting master plans, protect consumers, and enforce compliance in the public interest (Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553, 2010

A major regulatory function of the NBTC is to control the amount and placement of advertising in broadcasting. Under the broadcasting legal framework, the NBTC has authority to prescribe the nature and maximum duration of advertisements and business-service content.

For commercial broadcasting using frequency spectrum, the law allows advertising and business-service provision but limits the maximum amount of time to no more than twelve and a half minutes per hour, with the total daily average not exceeding ten minutes per hour. For subscription or non-frequency broadcasting services, the NBTC has authority to prescribe service-fee conditions and advertising limits, including a maximum of six minutes per hour and a daily average not exceeding five minutes per hour. These time limits show that the NBTC's role is not merely to prevent unlawful speech, but also to preserve audience welfare, prevent excessive commercialization, and maintain fairness among different categories of operators (Broadcasting and Television Business Act B.E. 2551, 2008).

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4) Governance by Online Platform – Online Platform Regulation Framework

Online platforms such as YouTube and Facebook have become among the most powerful communication institutions in the contemporary digital public sphere. Their power does not come only from audience size, technological infrastructure, or advertising revenue; it also comes from their ability to regulate what users can say, what advertisers can promote, what content can be monetized, and what messages are algorithmically amplified or suppressed. In traditional media systems, regulation was usually associated with the state, broadcasting authorities, courts, or professional self-regulatory bodies. In the platform era, however, private companies increasingly exercise quasi-regulatory authority through terms of service, community standards, advertising policies, recommendation systems, demonetization rules, account suspensions, and automated moderation technologies (Gillespie, 2018; Gorwa et al., 2020).

Online platforms such as YouTube and Facebook possess significant power in regulating both content and advertising. They regulate speech through community standards, visibility controls, removal systems, and automated moderation. They regulate advertising through ad policies, monetization rules, targeting systems, advertiser review, and brand-safety standards. Their power is not merely editorial or commercial; it is infrastructural, algorithmic, economic, and political. The central challenge is therefore not whether platforms should regulate content and advertising—they already do—but how this power can be made more transparent, accountable, rights-respecting, and consistent with the public interest. For marketers, advertisers, media scholars, and policymakers, understanding platform governance is now essential to understanding modern communication.

Table 1

Comparative Strengths and Practical Governance Gaps of Thailand's Four Communication Governance Frameworks for Digital Marketing and Online Advertising

Result / Finding	Strength	Limitation/ Practical Gap
1. Governance by Law / State Regulation Framework	Provides formal legal authority and enforceable standards for advertising, consumer protection, data privacy, health claims, alcohol promotion, digital deception, and fair competition.	Many laws were designed for traditional media and do not fully cover influencer marketing, AI-generated content, behavioral targeting, clickbait, opaque pricing, and cross-border platform practices.

Table 1

Comparative Strengths and Practical Governance Gaps of Thailand's Four Communication Governance Frameworks for Digital Marketing and Online Advertising (Contd.)

Result / Finding	Strength	Limitation/ Practical Gap
2. Governance by Industry / Self-Regulation Framework	Flexible and faster than formal law; can guide practitioners before harm occurs; supports professional responsibility and consumer trust.	Self-regulation may lack strong enforcement power. Compliance can depend on voluntary cooperation, and some digital actors may operate outside professional associations.
3. Governance by Regulator / NBTC Framework	Strong institutional mechanism for broadcast media; protects audiences from excessive commercialization and regulates advertising placement and duration.	NBTC authority is stronger in traditional broadcasting than in transnational digital platforms such as Facebook, YouTube, TikTok, and Google.
4. Governance by Online Platform / Platform Regulation Framework	Highly influential in real-world digital marketing because platforms can remove, restrict, demonetize, or downrank content quickly.	Platform rules are private, sometimes opaque, inconsistent, and not always aligned with Thai law or public-interest accountability.

Discussion

The findings of this research paper make an important contribution to the study of marketing communication governance in Thailand by demonstrating that contemporary marketing communication is no longer governed by a single legal authority or regulatory logic. Instead, the paper identifies a pluralistic governance structure consisting of four interrelated mechanisms: governance by law, governance by industry self-regulation, governance by regulators, and governance by online platforms. This finding is theoretically significant because it reflects the transformation of marketing communication from a relatively linear promotional activity into a complex, data-driven, platform-mediated, and technologically hybrid system. As the paper argues, Thai marketing communication is now shaped simultaneously by consumer protection law, sector-specific regulation, personal data protection, professional ethics, broadcasting regulation, and platform-based private governance.

First, the finding that Thai marketing communication is governed by multiple laws confirms the increasing juridification of marketing practice. The Consumer Protection Act B.E. 2522 functions as the foundational legal mechanism against false, exaggerated, or deceptive advertising, while the Food Act, Cosmetics Act, Alcoholic Beverage Control Act, PDPA, Computer Crime Act, and Trade Competition Act address specific risks in health claims, alcohol promotion, data processing, digital deception, and market fairness. This layered legal structure reflects the contemporary reality that marketing communication is not merely persuasive speech but a field of risk involving consumer welfare, privacy, public health, digital safety, and competition. This is consistent with Kannan and Li’s (2017) argument that digital marketing must be understood across the full marketing process, including data acquisition, targeting, customer interaction, and relationship management. However, the research paper rightly identifies that many Thai legal instruments were designed for traditional media and may not sufficiently address influencer marketing, AI-generated content, behavioral targeting, clickbait, and opaque pricing mechanisms. This gap indicates a regulatory lag between technological innovation and statutory adaptation.

Second, the finding on industry self-regulation is particularly important from a marketing ethics perspective. The paper suggests that law alone is insufficient because digital marketing practices evolve faster than formal regulation. Therefore, professional codes of ethics, advertising standards, and industry-led guidelines can provide flexible norms for truthfulness, fairness, transparency, and social responsibility. This finding is consistent with Floridi and Cowls' (2019) principles of AI governance, especially transparency, accountability, fairness, and respect for human autonomy. In marketing communication, these principles are essential because consumers may not always understand when they are being targeted by algorithms, influenced by sponsored content, or exposed to AI-generated promotional materials. The paper's emphasis on self-regulation therefore reflects a mature governance perspective: effective regulation should not rely solely on punishment after harm occurs, but should cultivate ethical organizational cultures before harm emerges.

Third, the finding on regulator-based governance, especially the role of the NBTC, shows that advertising regulation in Thailand is also institutionally embedded in broadcasting and telecommunications governance. The NBTC does not regulate all advertising content directly, but it plays a crucial role in licensing, airtime control, consumer protection, and the supervision of broadcast advertising. This is especially relevant in the Thai context, where television and radio remain influential channels even as digital platforms grow. The paper's observation that the NBTC controls advertising time and placement reflects the broader public-interest logic of media regulation: advertising must not excessively commercialize public communication space or undermine audience welfare. At the same time, the finding also implies that regulator-based governance faces limitations in the digital era because many influential advertising practices now occur on transnational online platforms beyond traditional broadcasting frameworks.

Fourth, the finding on online platform governance is perhaps the most theoretically urgent. Platforms such as Facebook, YouTube, TikTok, and Google do not merely distribute advertising; they regulate it through community standards, advertising policies, monetization systems, algorithmic ranking, targeting rules, and content moderation. Gillespie (2018) describes platforms as custodians of online expression, while Gorwa et al. (2020) argue that algorithmic moderation creates new political and technical challenges for governance. The paper's finding that platforms exercise quasi-regulatory power is therefore highly persuasive. In practice, a marketing message may be lawful under Thai law but still removed, demonetized, downranked, or restricted by a platform's private rules. This creates a new governance environment in which marketers must comply not only with state law but also with platform law.

Overall, the findings suggest that Thailand needs a more integrated and technology-neutral governance framework for marketing communication. The most important implication is that governance should move from fragmented legal control toward a coordinated model combining law, regulatory agencies, industry ethics, platform accountability, and consumer literacy. For marketing practitioners, the findings indicate that compliance should be treated as a strategic component of brand trust, not merely as a legal obligation. For policymakers, the findings suggest the need to clarify responsibility for influencer disclosure, AI-generated advertising, algorithmic targeting, and cross-border platform accountability. In this sense, the paper advances an important argument: sustainable marketing communication in the digital era requires not only creativity and technological capability, but also legal literacy, ethical discipline, and governance innovation.

Conclusion

This study concludes that marketing communication governance in Thailand has entered a period of structural transition. The findings show that marketing communication can no longer be understood only as a creative or promotional function, but must be examined as a legally regulated, ethically accountable, technologically mediated, and platform-dependent practice. In the digital era, advertising, influencer marketing, AI-generated content, personalized targeting, social commerce, and online platform communication have blurred the boundaries between information, persuasion, entertainment, and commercial manipulation. As a result, the governance of marketing communication in Thailand is distributed across four major frameworks: state regulation through laws such as the Consumer Protection Act, PDPA, Alcoholic Beverage Control Act, Food Act, Computer Crime Act, and Trade Competition Act; industry self-regulation through professional ethics; regulator-based governance through agencies such as the NBTC; and private platform governance through the policies of Facebook, YouTube, TikTok, Google, and other digital intermediaries

Limitations

This study is subject to several limitations. The research employed documentary analysis as its principal methodological approach. Although this method is appropriate for examining laws, regulations, professional guidelines, and platform policies related to marketing communication governance, it does not directly capture how these governance mechanisms are implemented in practice. The study therefore provides a substantive and conceptual understanding of the legal and ethical framework, but it does not empirically examine the experiences of regulators, marketing practitioners, digital platforms, influencers, or consumers. Moreover, the study relies on available legal documents, regulatory provisions, industry guidelines, and policy materials. As a result, the analysis is limited by the accessibility, completeness, and currency of the selected documents. In the digital era, marketing communication practices evolve rapidly, particularly in relation to artificial intelligence, influencer marketing, behavioral targeting, social commerce, immersive marketing, and platform-based advertising. Some laws and guidelines may therefore lag behind contemporary technological and commercial practices.

Future Research Directions

Future research should extend this study by incorporating empirical methods. Interviews with regulators, advertising professionals, public relations practitioners, digital marketers, influencers, platform representatives, legal experts, and consumer protection organizations would provide deeper insight into how marketing communication governance is understood and applied in practice. Consumer surveys or focus groups could also examine public awareness of sponsored content, influencer advertising, cookies, AI-generated promotional messages, data privacy, and algorithmic targeting.

Future studies should also analyze enforcement practices in greater detail. This may include examining regulatory complaints, sanctions, court cases, platform takedown decisions, advertising review procedures, and institutional coordination among relevant agencies. Such research would help determine whether existing governance mechanisms are effective, inconsistent, overlapping, or insufficient in addressing digital marketing risks.

Academic contribution and practical application

This study contributes to marketing communication theory by reframing marketing communication governance as a pluralistic and multi-level system. Traditionally, marketing communication has been understood mainly as a strategic process involving advertising, public relations, sales promotion, sponsorship, events, social media, and influencer communication. However, the findings of this study demonstrate that in the digital era, marketing communication can no longer be analyzed only as a promotional or persuasive activity. It must also be understood as a legally regulated, ethically accountable, technologically mediated, and platform-dependent practice.

Based on the findings of this study, policymakers should adopt an integrated and technology-neutral approach to marketing communication governance. Thailand should establish a national digital marketing communication governance framework that coordinates consumer protection, personal data protection, advertising regulation, platform accountability, AI governance, and professional ethics. Such a framework should reduce fragmentation among regulatory agencies and clarify the responsibilities of the Office of the Consumer Protection Board, the Personal Data Protection Committee, the National Broadcasting and Telecommunications Commission, the Food and Drug Administration, the Ministry of Digital Economy and Society, and relevant industry bodies.

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