
Thailand Experiences on Legal Reform

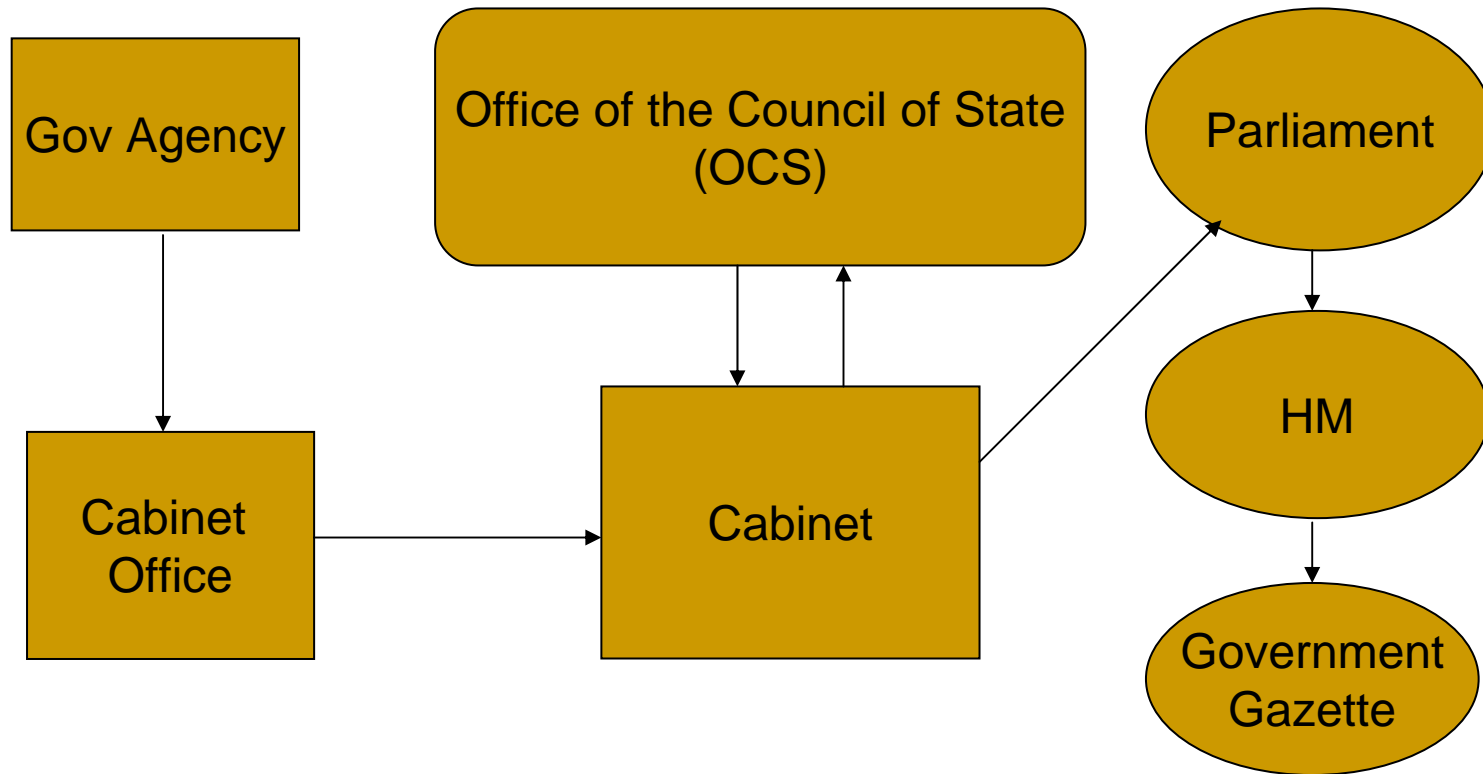
Chintapun Dansubutra

**Law Reform Division
Office of the Council of State**

Background of Thailand

- Government Type: Constitutional Monarchy since 1932
 - Legal System: Based on civil law tradition with certain degree of influence from common law (Hybrid system)
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Thai Legislative Process



Factors for Legal Reform in Thailand

- Outdated legislations
 - Conflicts among legislations
 - Government Agencies prefer to use legislation as the principal tool for solving problems
 - Legislations have been enacted without adequate research
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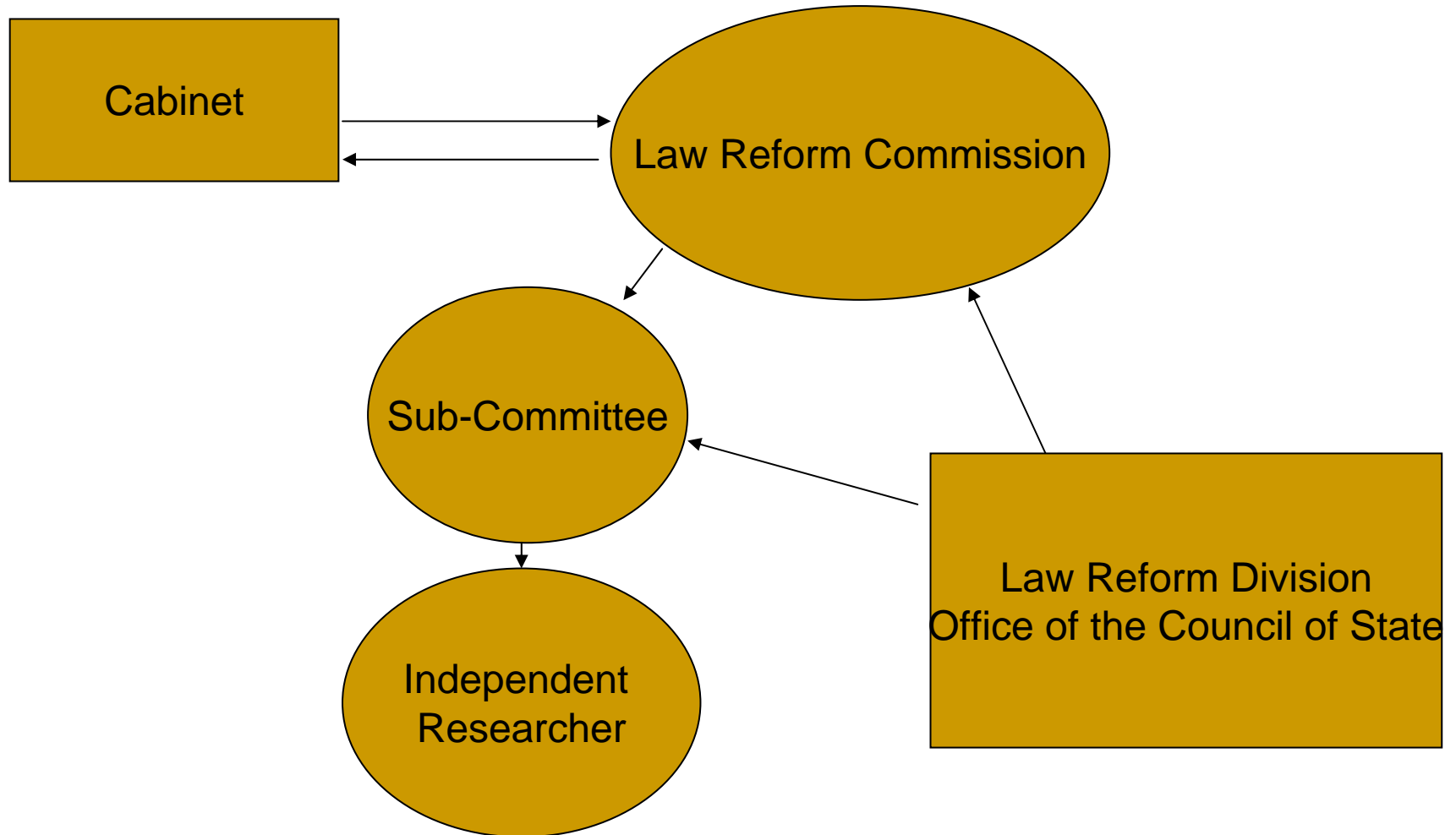
Previous Experiences in Legal Reform

- OCS Law Reform Commission
(1991-Present)
 - Law Reform Committee of Thailand
(2002-2004)
 - National Legal Policy Committee
(2004-2005)
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OCS Law Reform Commission

- Set up by Council of State Act B.E. 2522
 - 9-15 Law Reform Commissioners consisting of Councilors of State and Academics
 - Council of State is the secretariat agency
 - Specific fund has been set up for Law Reform Program
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OCS Law Reform Commission



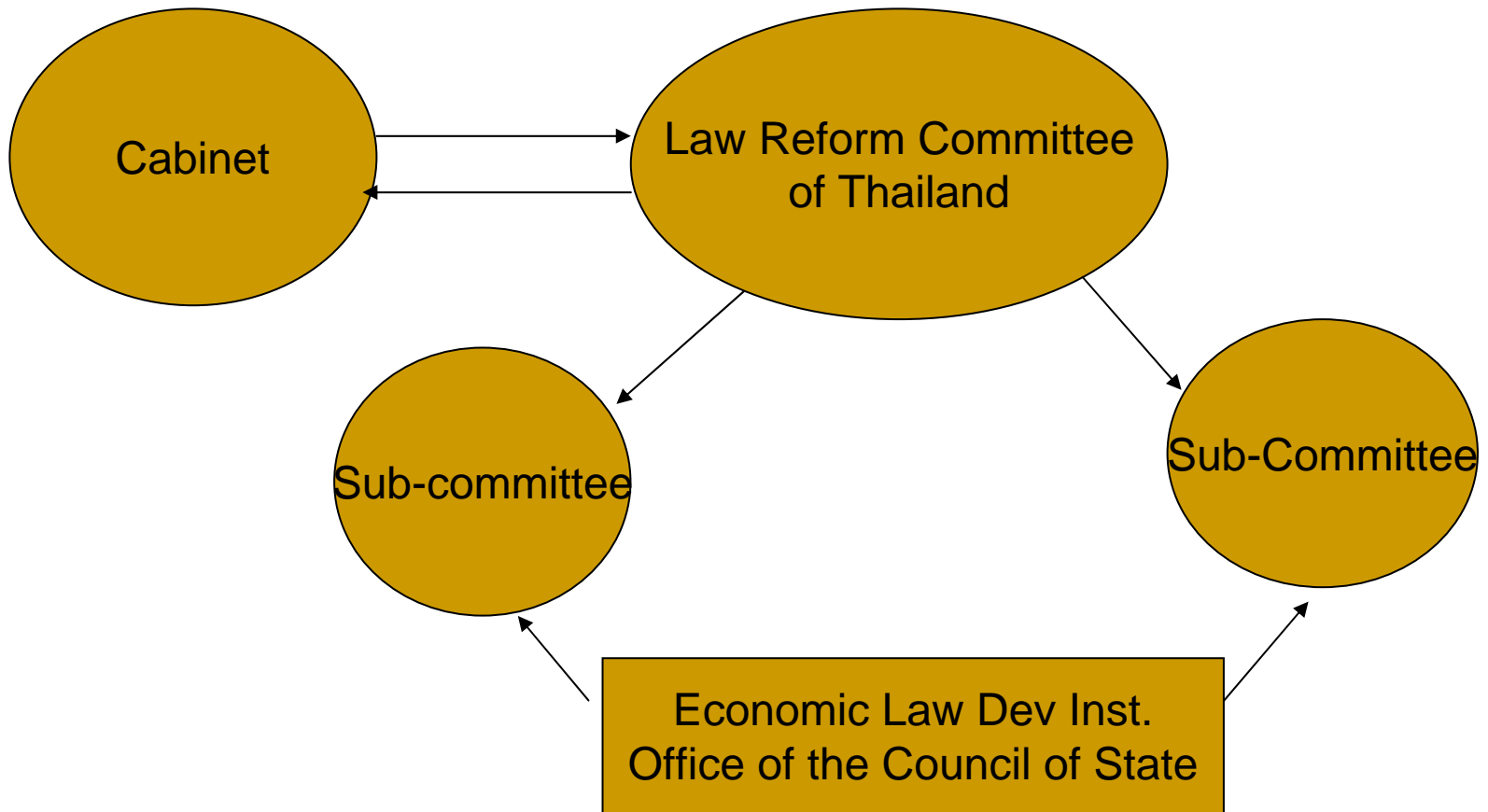
Limitation of OCS Law Reform Commission

- No clear direction or mandate from policy level
 - No full-time commissioner – works are done mainly by contracted researchers
 - Cannot find suitable researchers to conduct the work
 - Emphasis on academic quality of works rather than practicality or implementation
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Law Reform Committee of Thailand

- Set up by Executive Order in 2002
 - 24 committee member consisting of Councilors of State, Academics and high-level government officials
 - Council of State was acting as secretariat
 - Specific fund had been allocated for Law Reform Program
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Law Reform Committee of Thailand



Limitations of Law Reform Committee of Thailand

- No long-term plan
 - Does not have full-time staff
 - Difficulty in cooperating with other government agencies
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Achievements of the Law Reform Committee of Thailand

- Repealed 40+ outdated legislation
 - Created National Legal Information Database
 - Introduction of “Sunset Clause” concept
 - Introduction the Compulsory Legislative Plan for Government
 - Introduction of compulsory Law Reform Program for Government Agencies
 - Created the Compulsory Necessity Assessment for Proposed Legislation
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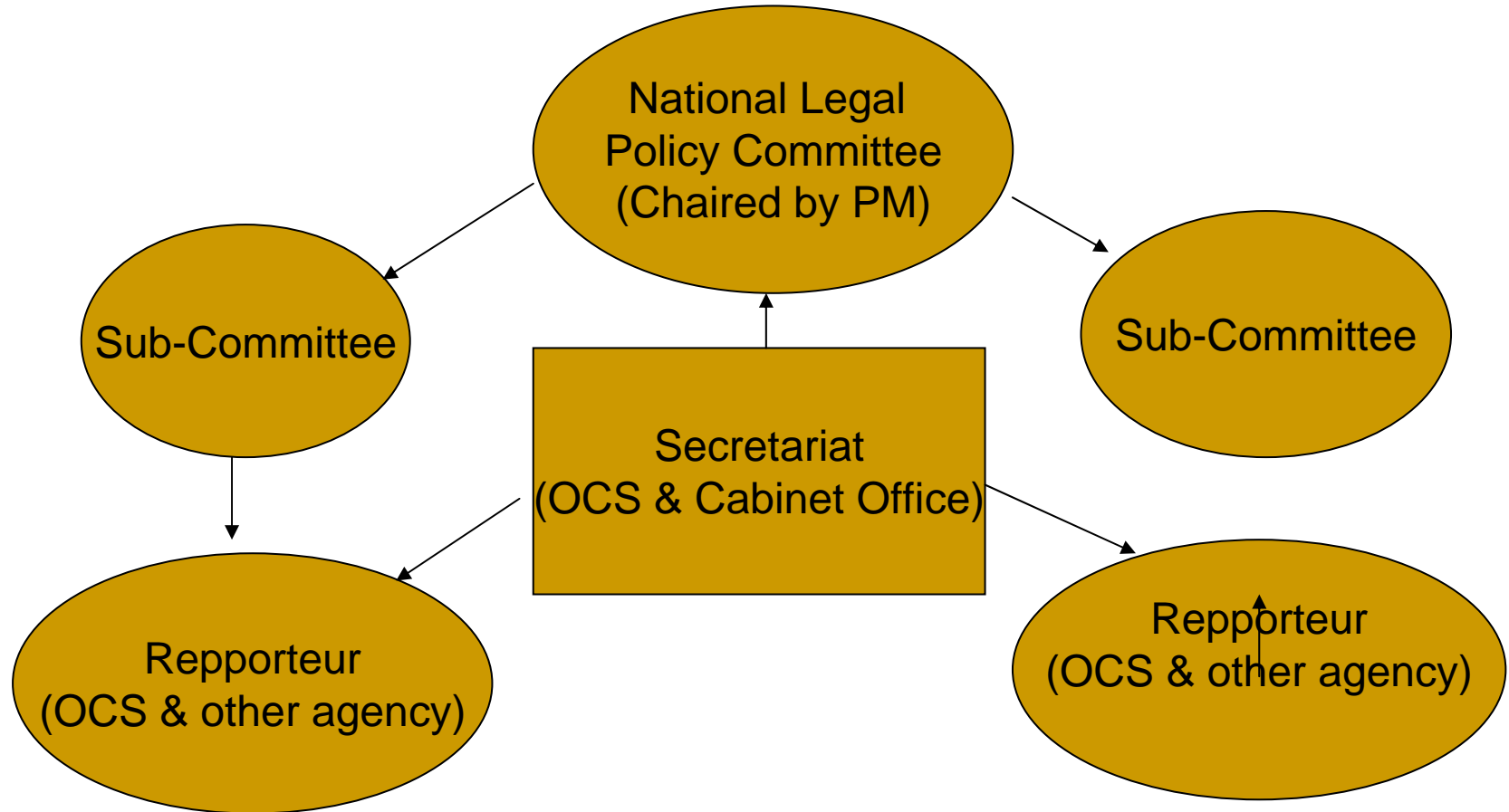
Legislation Necessity Assessment

- Function as a tool for assessment of necessity of any proposed legislation
 - Introduction of “Public Participation” concept in Thai legislative process
 - All government agencies must conduct necessity assessment for all legislation
 - Administered by the Cabinet Secretariat Office and the Office of Council of State
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National Legal Policy Committee

- Set up by Executive Order in 2004
 - Committee was chaired by the Prime Minister and members from academic, government agencies and private sector
 - Cabinet Secretariat Office and Office of the Council of State were acting as secretariat of the committee
 - 8 sub-committees had been appointed and charged with different objectives and functions
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National Legal Policy Committee



What we have learned from our experiences?

- Determination of and support from policy level is the principal key for success
 - Other agencies should be participated directly
 - Permanent and dedicated organization should be established to responsible for legal reform
 - Both short and long term plan are needed to be formulated and implemented
 - Detailed guidelines are needed for the implementation of legal reform programs
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Future of Legal Reform in Thailand

Thai Constitution of 2007 requires the government to prepare the law for:

- Establishment of the autonomous law reform organization to reform and develop Laws of the Nation and revising the existing laws for the compliance with the constitution
 - Establishment of the autonomous organization for reforming judicial process for improving and developing the performance of all agencies concerned with the judicial process
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