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# Thailand Experiences on Legal Reform

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Chintapun Dansubutra

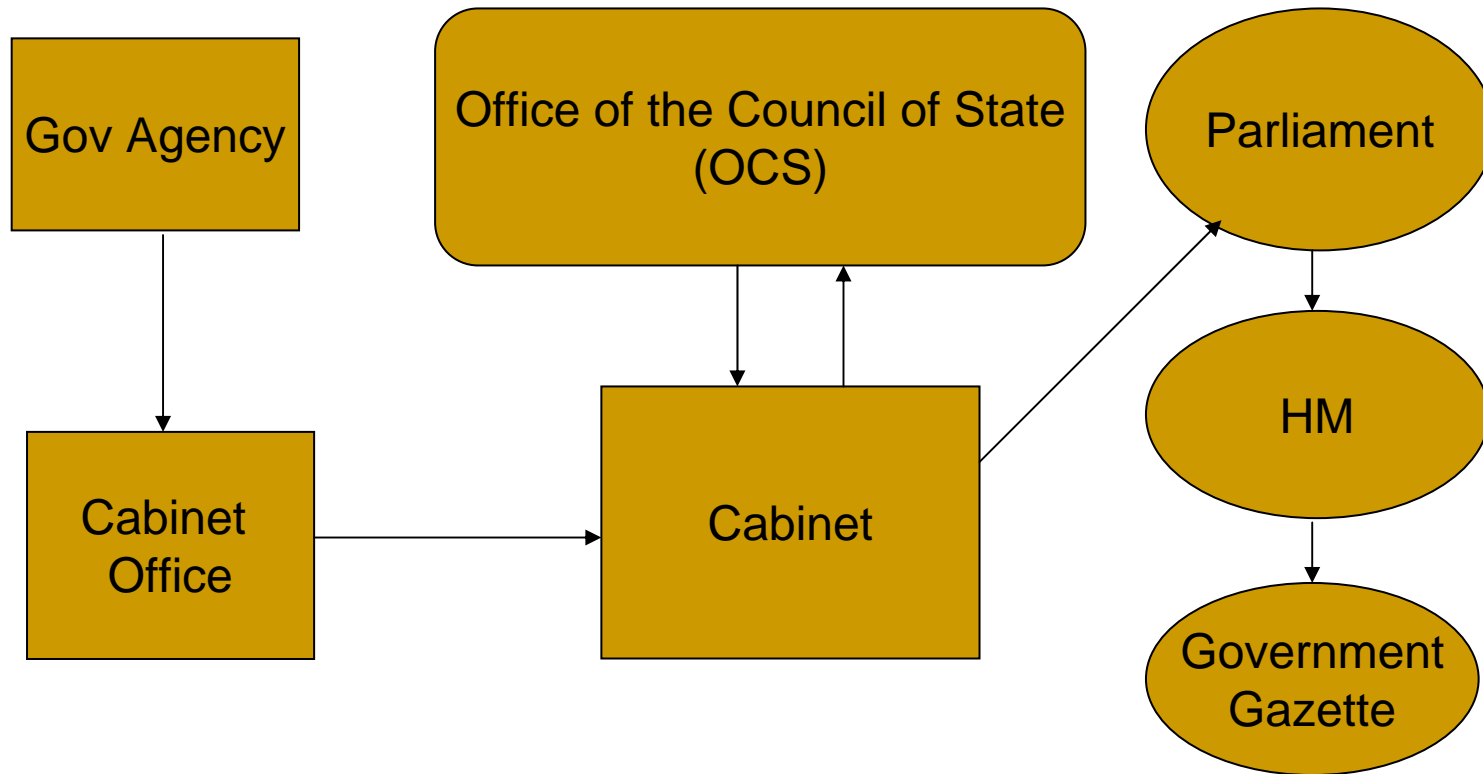
**Law Reform Division  
Office of the Council of State**

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# 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



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# 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- Outdated legislations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

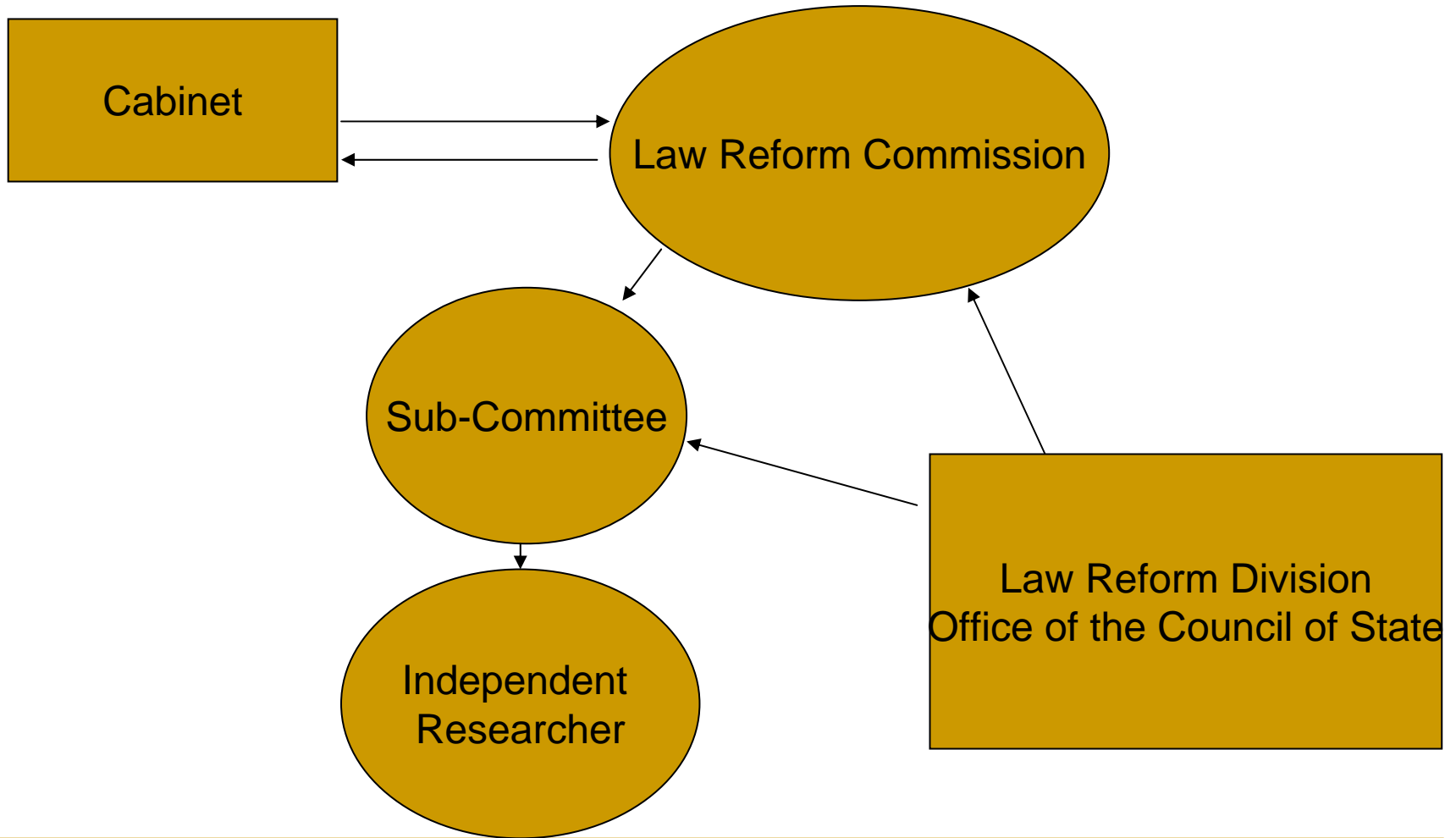
- OCS Law Reform Commission  
(1991-Present)
  - Law Reform Committee of Thailand  
(2002-2004)
  - National Legal Policy Committee  
(2004-2005)
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# OCS Law Reform Commission

- 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



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# 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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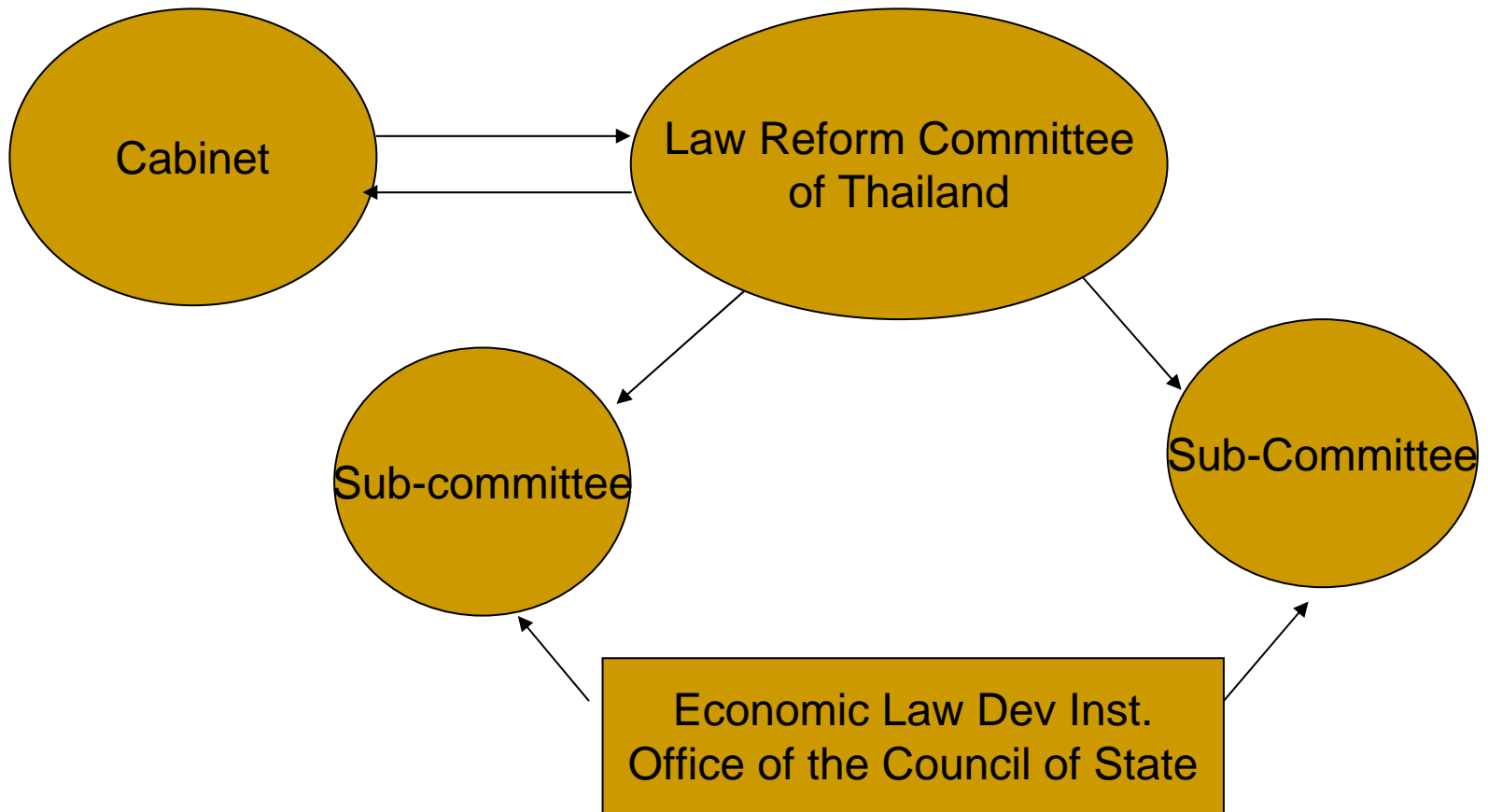


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# Law Reform Committee of Thailand

- 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



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# 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

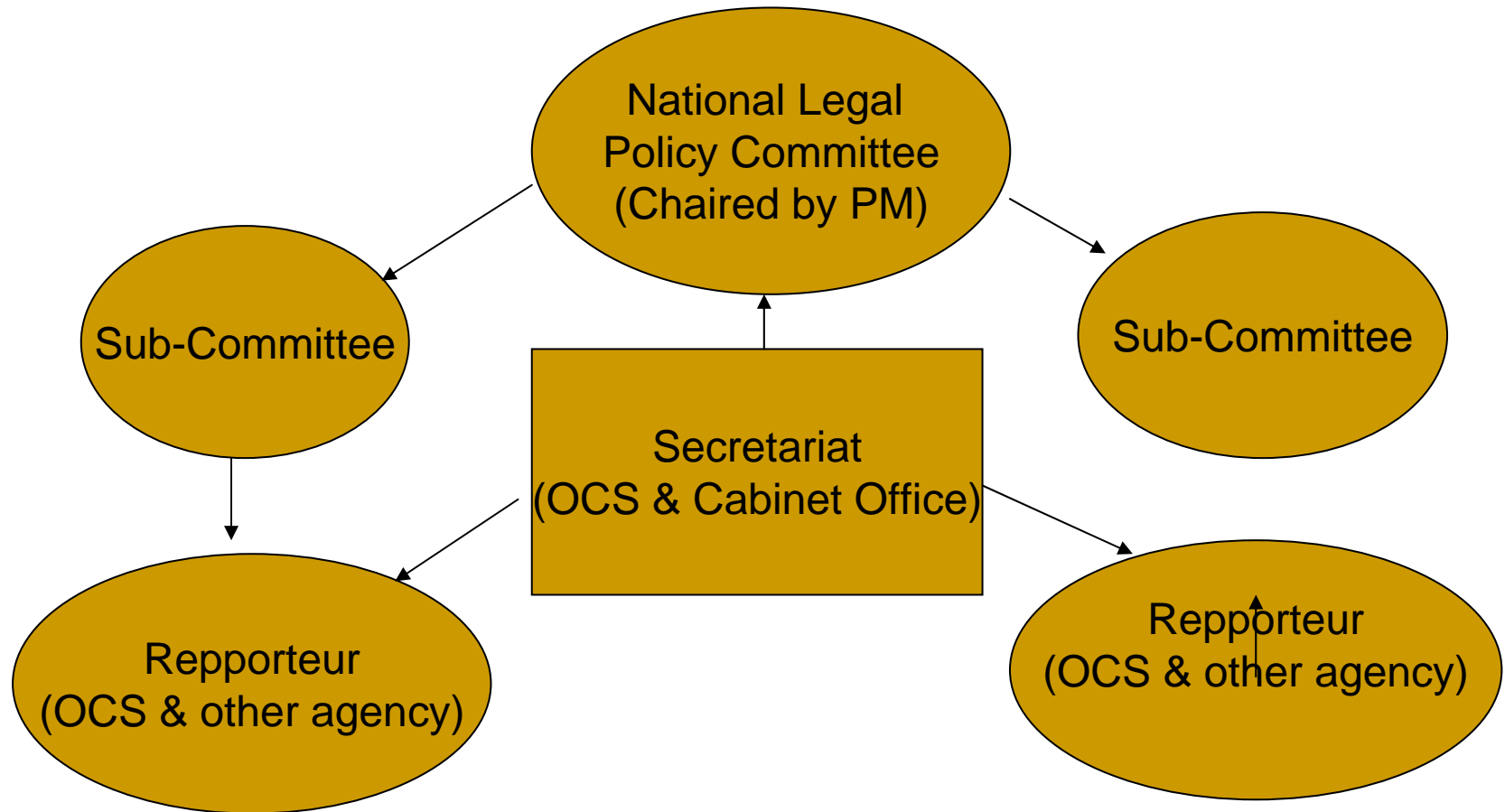
- Function as a tool for assessment of necessity of any proposed legislation
  - Introduction of “Public Participation” concept in Thai legislative process
  - All government agencies must conduct necessity assessment for all legislation
  - Administered by the Cabinet Secretariat Office and the Office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



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# 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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## Contact Information

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