

Legislative Oversight and Justice Reform: Examining the Senate's Role in Deliberation and Public Participation

By Wanchai Akpornpis*

Justice reform is a complex governance process that requires effective oversight, inclusive deliberation, and democratic legitimacy. Legislative institutions, particularly upper chambers such as the Senate, play a critical role in shaping, scrutinizing, and legitimizing justice reform initiatives. This conceptual study examines the Senate's role in overseeing justice reform through the lenses of legislative consideration and public participation. Rather than focusing on specific reform outcomes, the study emphasizes the procedural and institutional dynamics that influence how justice reforms are debated, evaluated, and justified within legislative settings. Drawing on an integrative conceptual aspect, the study explores how senatorial oversight functions as a mechanism of accountability and procedural justice, and how public participation contributes to the legitimacy and quality of reform processes. The analysis highlights the Senate's deliberative capacity to moderate executive-driven reforms, assess long-term institutional implications, and provide platforms for citizen engagement. It also identifies key challenges that may limit effective oversight, including constrained institutional capacity, executive dominance, uneven public participation, and tensions between inclusiveness and decision-making efficiency. The study contributes to the literature by integrating legislative oversight and public participation into a unified framework for understanding justice reform governance. It advances a process-oriented perspective that positions the senate as both an oversight body and a participatory arena within democratic systems. By clarifying the institutional and procedural conditions under which senatorial oversight can enhance accountability and legitimacy, the study offers theoretical insights for scholars and practical reflections for legislators and policymakers. The findings provide a foundation for future empirical research and inform efforts to strengthen democratic governance and public trust in justice reform processes.

Keywords: *Justice reform, Legislative oversight, Senate, Public participation, Thailand.*

Introduction

Justice reform has emerged as a major issue in contemporary political and legal systems, as public demands for greater accountability, transparency, and fairness in state institutions grow. In democratic governance, legislatures are integral to shaping, supervising, and legitimizing the reform process, especially the reform process related to the justice system (Fortes, 2015). Of these entities, the senate is of particular special significance because, by virtue of its oversight authority, deliberative function, and

*PhD Student, Faculty of Law, Thammasat University, Thailand.

capacity to represent long-term public interests beyond immediate political cycles, it occupies a distinctive position. Understanding how the senate fulfills its role in overseeing justice reform is a vital aspect of assessing the effectiveness and legitimacy of reform initiatives (Patterson & Mughan, 2001).

Justice reform frequently entails complicated legal, institutional and societal change that impacts courts, law enforcement, prosecutorial commissions and correctional facilities. None of this reform is just the sum of technical legal fixes, but more broadly focuses on essential problems of justice access, rights, procedural fairness, and public trust in the legal system. Consequently, justice reform efforts require scrutiny, inclusive deliberation, and effective accountability. The legislative review, especially in upper chambers like the Senate, is a structured forum in which such reform can come under scrutiny to examine the proposed reforms, the practice of implementing the laws, and how they are implemented, and to ensure they are informed by and consistent with constitutional norms and public expectations. Senate justice reform has a job beyond getting the bills passed. It involves investigating draft laws, conducting hearings, challenging executive agencies, and inviting the public to contribute to decision-making committees. In these functions the Senate can protect against political reforms that undermine judicial independence or public confidence (Pedrini, 2014). At the same time, the Senate's effectiveness depends on the architecture of its institutions, the composition of its politics, procedural rules, and openness to citizen participation. These factors affect how oversight is conducted, and whether it genuinely contributes to a significant reform process. Public involvement has increasingly been recognized as a key component of justice reform. Citizens, civil society groups, legal practitioners, and affected communities also have experiential intelligence that can inform reforms and highlight unintended implications of interventions. Reforms that are more responsive, legitimate and sustainable when legislative processes include public participation happen (Bryson et al., 2013). It is within this prism that the senate occupies a critical link between state bodies and the people which are spaces for consultation, discussion and affirmation of a wide range of interest. In actual effect though also a function of the individual election, the public participation as a meaningful factor in the oversight of senators remains diverse between the political systems.

While senatorial oversight and public participation are critical to justice reform, past research has been particularly concerned with executive reforms or judicial independence, with less attention paid to the legislative dimension. Most studies focus on reform outcomes or their constitutional implications but not deeply on how legislative processes shape these outcomes. In particular, the Senate is sometimes treated as secondary or symbolic rather than a political actor in reform governance (Lawless, 2004). Such a gap curtails understanding of how justice reform gets bargained, challenged, and legitimized within legislative arenas. Additionally, public participation in legislative oversight remains under-studied, and public engagement has been largely under investigated, particularly with regard to justice reform. While participation is often discussed in the context of elections or policy conversations, its role in legislative deliberation and oversight receives comparatively less attention. This challenge is particularly salient in justice reform, as those most

affected may be limited by legal intricacy, power asymmetries, and institutional opacity in participating.

The Senate of Thailand plays an important role in supporting constitutional governance, institutional stability, and legislative oversight within the Thai political system. As an upper legislative body, the Senate contributes to the balance of power by providing careful review of legislation, particularly on matters with long-term legal and institutional implications (Chambers, 2009). Its deliberative character allows for more measured consideration of laws, thereby enhancing legal clarity, consistency, and alignment with constitutional principles. One of the Senate's notable strengths lies in its oversight functions. Through review, inquiry, and advisory roles, the Senate supports transparency and accountability in public administration and governance. It also contributes to the integrity of independent institutions by participating in the selection and monitoring of key office holders, thereby reinforcing institutional credibility and public confidence. In addition, the Senate serves as a forum for national reflection beyond short-term political competition. Its structure enables it to consider broader societal interests, national stability, and continuity in policy direction (Raymond, 2025). By engaging with experts, institutions, and public concerns, the Senate can enrich legislative deliberation with specialized knowledge and diverse perspectives. Overall, the Senate of Thailand contributes positively to democratic governance by strengthening oversight, promoting institutional balance, and supporting the rule of law through thoughtful legislative engagement.

This conceptual paper seeks to fill these gaps by studying the Senate's role in overseeing justice reform through the dual prisms of legislative scrutiny and public involvement. By focusing on procedures rather than policy consequences, the study aims to shed light on how monitoring works, how deliberation is organized, and how public voices are integrated into reform discussions. The study perspective enables the researchers to explore institutional practices, procedural norms, and inter-agency interactions between the Senate, executive agencies, and the public. The study assumes that effective justice reform requires governance processes that are both inclusive and accountable, and that these processes must go beyond sound legal design. Governance that includes, but is not limited to, legislative oversight and public participation is regarded as mutually reinforcing. The Senate's competence in finding a balance between technical knowledge, negotiation, and public engagement is central to its role as overseer. Therefore, this study contributes to international debates on democratic legitimacy, separation of powers, and participatory governance of justice reform through the examination of balancing these conflicting imperatives. This study has three objectives. Its first objective is to conceptualize the Senate's role as an overseer of justice reform, establishing its major functions and mechanisms, and the extent of its oversight. Second, it explains how legislative deliberation mechanisms enable or disable public involvement. Third, it examines the consequences of senatorial oversight practices towards the quality, legitimacy, and accountability of justice reform. In pursuing these objectives, the study argues for conceptualizing legislative oversight as a dynamic, participatory process rather than merely a procedural exercise. Furthermore, this research contributes to the literature on legislative governance and justice reform by examining an aspect of the legislature often neglected in legislative oversight discussions and the Senate's role in the

legislative process. Furthermore, the study provides an idea in the form of a conceptual analysis, combined with the study perspective, in order to better equip the legal framework supporting democratic oversight and inclusive forms of reform at the justice sector level.

Literature Review

Justice Reform as a Governance Challenge

Justice reform is widely understood as a complex and ongoing process aimed at improving the fairness, efficiency, accountability, and legitimacy of legal institutions. Rather than being a purely legal or technical undertaking, justice reform is increasingly viewed as a governance challenge that involves multiple state actors, political interests, and societal expectations. Reforms often address issues such as judicial independence, access to justice, procedural fairness, corruption, and public trust. Because these issues directly affect citizens' rights and confidence in the state, justice reform requires strong oversight mechanisms to ensure that changes serve the public interest rather than narrow political or institutional agendas (Lattimore, 2022).

Within democratic systems, justice reform is closely linked to broader governance principles such as the separation of powers, transparency, and accountability. Effective reform depends not only on the content of new laws or policies but also on the processes through which they are developed, debated, and implemented (Dzur, 2011). Legislative institutions play a central role in this process by providing forums for deliberation, review, and public justification. Without meaningful legislative oversight, justice reform risks becoming fragmented, poorly coordinated, or disconnected from societal needs.

Legislative Oversight in Democratic Systems

Legislative oversight refers to the capacity of legislatures to monitor executive action, evaluate policy performance, and hold public institutions accountable. It is a foundational element of democratic governance and a key mechanism for preventing abuses of power (Igwe, 2021). Oversight can take many forms, including legislative debates, committee investigations, hearings, budgetary control, and reporting requirements (Onyango, 2020). In the context of justice reform, oversight is particularly important due to the sensitive nature of legal institutions and their role in safeguarding rights and freedoms.

Legislatures are uniquely positioned to assess justice reform initiatives because they combine political representation with institutional authority. Through oversight, legislatures can question the rationale behind reforms, assess their alignment with constitutional principles, and monitor their implementation over time. Oversight also enables legislatures to identify unintended consequences and propose corrective measures (Friedberg, 2011). However, the effectiveness of oversight depends on institutional design, political will, and access to information.

The Senate's Institutional Role in Oversight

Upper legislative chambers, commonly referred to as senates, are often designed to provide deliberative stability, institutional continuity, and a long-term perspective on governance. Unlike lower chambers, which may be more directly influenced by electoral pressures, senates are frequently structured to encourage careful review and moderation. This institutional design makes the Senate particularly well-suited to oversee complex and sensitive policy areas, such as justice reform (Yinka Fashagba, 2009). The Senate's oversight role typically includes reviewing proposed legislation, scrutinizing executive actions, conducting inquiries, and facilitating expert input. In justice reform, these functions allow the Senate to examine legal coherence, institutional implications, and potential impacts on judicial independence. The Senate can also serve as a forum for reconciling competing interests and values, balancing efficiency concerns with the protection of rights and the guarantee of due process.

Despite these responsibilities, the Senate's role in justice reform is not always clearly defined or consistently exercised (Kaiser, 1988). In some systems, the Senate functions as an active oversight body with substantial influence, while in others its role is more consultative or symbolic. Political composition, procedural rules, and relations with the executive branch all shape the extent to which the Senate can effectively oversee reform initiatives.

Legislative Consideration of Justice Reform

Legislative consideration refers to the processes through which reform proposals are examined, debated, amended, and approved within legislative bodies. These processes are central to ensuring that justice reforms are carefully evaluated and democratically legitimized. Legislative consideration typically involves committee deliberations, plenary debates, expert testimony, and negotiation among political actors.

Committees play a particularly important role in justice reform by allowing for detailed examination of technical legal issues (Pochmann da Silva, 2022). Through hearings and inquiries, committees can gather information from judges, legal professionals, civil society organizations, and affected groups. This process enhances the quality of deliberation and helps identify potential weaknesses or risks in proposed reforms (Pfander, 2020). Plenary debates provide a broader political arena in which reform proposals are publicly justified and contested. However, legislative consideration is not immune to challenges. Time constraints, political polarization, limited expertise, and executive dominance can undermine meaningful deliberation. In justice reform, these challenges may lead to superficial review or insufficient engagement with long-term implications. Understanding how legislative consideration operates in practice is therefore essential to evaluating the quality of the Senate's oversight.

Public Participation in Justice Reform

Public participation has emerged as a key principle in contemporary governance, reflecting growing demands for transparency, inclusiveness, and responsiveness. In

the context of justice reform, public participation is especially important because reforms affect citizens' rights, access to legal remedies, and trust in institutions. Participation allows individuals and groups to voice concerns, share experiences, and contribute to policy design. Public participation in legislative processes can take many forms, including public hearings, consultations, written submissions, and advocacy efforts (Donoghue, 2017). When effectively structured, participation can enrich legislative deliberation by introducing diverse perspectives and highlighting real-world impacts of proposed reforms. Participation can also enhance legitimacy by demonstrating that reform processes are open and responsive to public input.

Nevertheless, public participation faces significant barriers. Legal complexity, institutional opacity, and resource inequalities can limit who participates and the influence of their contributions. In the context of justice reform, marginalized groups may face particular challenges in accessing participatory mechanisms. As a result, participation may become uneven or dominated by organized interests, raising questions about representativeness and inclusiveness.

The Senate as a Platform for Public Engagement

The Senate's deliberative orientation positions it as a potential platform for meaningful public engagement in justice reform. Through hearings, inquiries, and consultations, the Senate can create opportunities for dialogue between policymakers and the public. This role is particularly important in justice reform, where public trust and legitimacy are central concerns. The extent to which the Senate facilitates public engagement depends on institutional norms and procedural rules (Russell, 2022). In some contexts, public participation is formally embedded in legislative processes, while in others it remains discretionary or limited. The effectiveness of engagement also depends on whether public input is genuinely considered in decision-making or merely serves symbolic purposes. Examining the Senate as a site of public engagement highlights the interaction between institutional design and democratic practice. It raises questions about how participation is structured, whose voices are heard, and how public input influences legislative outcomes. These issues are critical to understanding the democratic quality of justice reform oversight.

Accountability, Legitimacy, and Procedural Justice

Legislative oversight and public participation contribute to broader goals of accountability and legitimacy in justice reform. Accountability refers to the ability of institutions to justify their actions and be held responsible for outcomes. Legitimacy relates to public acceptance of reforms and trust in the institutions that implement them. Procedural justice emphasizes fairness, transparency, and respect in decision-making processes. The Senate's oversight role intersects with these concepts by providing mechanisms for scrutiny, debate, and justification. When oversight is conducted transparently and inclusively, it can enhance perceptions of procedural justice and strengthen public trust (Mazerolle et al., 2013). Conversely, weak oversight may undermine legitimacy and fuel skepticism toward reform initiatives. Understanding how oversight practices shape accountability and legitimacy

is essential. This requires attention not only to formal powers but also to how those powers are exercised in practice.

Despite extensive literature on justice reform, legislative oversight, and public participation, several gaps remain. First, the Senate's role in justice reform oversight is often underexamined, particularly compared with executive or judicial actors. Second, existing studies often prioritize reform outcomes over the legislative processes through which reforms are debated and legitimized. Third, public participation is often discussed normatively, with limited analysis of how it operates within legislative oversight structures. These gaps limit understanding of justice reform as a governance process. There is a need for conceptual and empirical studies that integrate legislative oversight, public participation, and justice reform into a coherent analytical framework. Such studies can illuminate how institutional arrangements and procedural practices shape reform trajectories and democratic legitimacy (Pogrebinschi & Ryan, 2018).

Building on these gaps, the present study adopts a process-oriented perspective that emphasizes the senate's role in overseeing justice reform through legislative consideration and public participation. Rather than focusing solely on policy outcomes, the study examines how oversight is exercised, how deliberation is structured, and how public input is incorporated. By doing so, it contributes to a deeper understanding of justice reform as a participatory and institutional process.

This conceptual orientation highlights the importance of examining legislative arenas as sites of governance and democratic engagement. It underscores the need to analyze not only which reforms are adopted but also how and through whom they are shaped.

The Senate's Legislative Procedures under the 2017 Constitution

Under the Constitution of the Kingdom of Thailand (2017), the Senate of Thailand plays a limited but important role in the legislative process. Most bills are first introduced and approved by the House of Representatives of Thailand before being forwarded to the Senate for consideration. The Senate cannot initiate ordinary legislation but has the authority to review, approve, amend, or delay bills passed by the House. In most cases, the Senate must complete its consideration within 60 days. If the bill concerns financial matters, the review period is shortened to 30 days. If the Senate proposes amendments, the bill is returned to the House for reconsideration, and a joint committee may be formed to reconcile differences between the two chambers. If the Senate does not act within the specified timeframe, the bill is deemed approved. After passing both chambers, the legislation is submitted to the monarch for royal assent before it becomes law. This procedure reflects the Senate's role as a reviewing body intended to provide oversight and ensure the quality of legislation rather than act as the primary legislative initiator (Constitution of the Kingdom of Thailand B.E. 2560, 2017).

Under the Constitution of the Kingdom of Thailand (2017), if the Senate of Thailand disagrees with a bill passed by the House of Representatives of Thailand, the bill is returned to the House for reconsideration. The House may choose to accept the Senate's proposed amendments or maintain its original version of the bill. If the disagreement continues, a joint committee composed of members from both

chambers may be formed to review the bill and propose a compromise. Both the House and the Senate must then approve the revised version. If the Senate rejects the bill and the House still insists on its original version, the House can reconsider the bill after a waiting period and pass it with a majority vote, allowing it to proceed without Senate approval. In the case of money bills, the Senate has more limited authority. It must consider the bill within 30 days and cannot make amendments without the House's consent. If the Senate does not act within this period, the bill is considered approved. These procedures indicate that the Senate mainly functions as a reviewing chamber, while the House of Representatives holds the primary legislative authority (Constitution of the Kingdom of Thailand B.E. 2560, 2017).

There are notable differences in the role of the Senate of Thailand before and after the adoption of the Constitution of the Kingdom of Thailand (2017). Under the earlier Constitution of Thailand (2007), the Senate consisted of both elected and appointed members. Many senators were directly elected by the public, which gave the chamber a stronger element of democratic representation. The Senate primarily served as a reviewing body for legislation passed by the House of Representatives of Thailand and had responsibilities, including approving appointments to independent oversight bodies and monitoring government administration. (Constitution of the Kingdom of Thailand B.E. 2550, 2007).

After the 2017 Constitution came into force, the composition and powers of the Senate changed significantly. The Senate became entirely appointed rather than elected, with 250 members selected through a process linked to the government that drafted the constitution. One of the most significant new roles granted to the Senate was its temporary authority to participate jointly with the House of Representatives in voting for the prime minister during the first five years after the constitution took effect. This gave the Senate direct influence in the formation of the executive branch (Constitution of the Kingdom of Thailand B.E. 2560, 2017). Although its legislative role in reviewing and delaying bills remained largely unchanged, the shift from an elected or partially elected chamber to a fully appointed body, along with its expanded role in selecting the prime minister, marked the most important institutional changes after 2017.

Under the Constitution of the Kingdom of Thailand (2017), the nomination and selection criteria for members of the Senate of Thailand emphasize expertise, experience, and political neutrality rather than electoral representation. The Senate consists of 250 members appointed through a selection process conducted by a committee established under the constitution, with some positions reserved for individuals holding specific institutional roles, such as leaders of the armed forces (Constitution of the Kingdom of Thailand B.E. 2560, 2017). Candidates were required to possess substantial professional experience in fields such as public administration, law, education, economics, science, or civil society, and they were prohibited from holding positions in political parties or engaging in active partisan politics. These criteria were intended to create a chamber composed of qualified individuals capable of providing independent review of legislation and government actions.

These nomination requirements relate closely to the Senate's oversight function. Because senators are expected to have professional expertise and are formally separated from electoral politics, the Senate is designed to act as a

supervisory body that scrutinizes legislation passed by the House of Representatives and monitors the performance of government institutions. The Senate also plays a role in approving appointments to various independent agencies and constitutional bodies, which strengthens its oversight responsibilities. By prioritizing qualifications and independence in the nomination process, the constitutional framework aims to ensure that the Senate can evaluate laws, public policies, and institutional appointments from a more technical and long-term perspective rather than through short-term political interests.

Including concrete legislative examples can strengthen the legal analysis of the Senate of Thailand's role under the Constitution of the Kingdom of Thailand (2017). One notable example is the legislative process surrounding the amendments to the Thai Constitution Amendment Bill (2021). During this process, the Senate exercised its reviewing function by participating in joint parliamentary deliberations and voting on proposed constitutional amendments. Several amendment proposals supported in the House of Representatives of Thailand failed to pass because constitutional amendments require approval by a significant number of senators. This demonstrated the Senate's substantial influence in shaping constitutional change and highlighted its institutional role as a safeguard within Thailand's legislative framework.

Another example is the passage of the Annual Budget Act of Thailand, which is considered a money bill. In these cases, the Senate reviews the bill after it has been approved by the House of Representatives. Although the Senate cannot substantially amend such bills without the House's consent and must complete its review within a limited timeframe, it still debates and scrutinizes government spending proposals before granting approval. These examples illustrate how the Senate functions both as a reviewing chamber in ordinary legislation and as a supervisory body in financial legislation, reinforcing its constitutional role in oversight and legislative deliberation.

A structured table mapping the identified problems in public participation is provided below.

Identified Problem in Public Participation	Explanation	Recommended Reform / Policy Action
Limited channels for citizen input	Public participation mechanisms are often restricted to formal consultations or hearings, which may not reach a wide segment of society.	Expand participatory platforms through digital consultation systems, public forums, and accessible submission mechanisms to broaden citizen engagement.
Low public awareness of legislative processes	Many citizens are unfamiliar with how legislative procedures work or how they can participate in them.	Develop public education campaigns and provide simplified information on legislative procedures through government websites and civic education programs.
Dominance of elite or organized groups	Participation processes may be influenced primarily by well-	Introduce inclusive participation frameworks that ensure representation from marginalized

	organized interest groups, limiting the diversity of viewpoints represented.	groups, civil society organizations, and local communities.
Limited transparency in decision-making	Citizens may provide input during consultations but often receive little information about how their feedback influences policy decisions.	Establish transparent reporting mechanisms that show how public comments are considered and integrated into legislative or policy outcomes.
Weak institutionalization of participation	Public participation may occur on an ad hoc basis rather than being embedded in formal governance structures.	Institutionalize participation through clear legal provisions, guidelines, and mandatory consultation requirements within legislative procedures.

Methodology

This study adopts a conceptual research methodology to develop a theoretical understanding of the Senate's role in overseeing justice reform, with particular focus on legislative deliberation and public participation. As a conceptual paper, it synthesizes and critically analyzes existing theoretical perspectives, institutional practices, and normative frameworks relevant to legislative oversight and justice reform. The methodology is based on an integrative conceptual analysis approach and involves systematically reviewing and organizing established ideas on justice reform, legislative oversight, senatorial functions, and participatory governance to identify key patterns, relationships, and conceptual gaps. The analysis draws on comparative insights from democratic governance models to examine how senates function as oversight institutions and how public participation is incorporated into legislative processes. Through this approach, the study constructs a coherent analytical framework that links oversight mechanisms with procedural legitimacy and democratic accountability. Concept development is guided by analytical reasoning rather than hypothesis testing. Core concepts such as legislative consideration, oversight capacity, and public participation are clarified and repositioned to explain their interrelationships within justice reform processes. The study emphasizes process-oriented analysis, focusing on how institutional roles and participatory mechanisms shape reform outcomes rather than evaluating specific legal reforms. To ensure conceptual rigor, the study applies logical consistency, theoretical coherence, and internal validity as key quality criteria. The findings are intended to provide a foundation for future empirical research and to inform policymakers and scholars seeking to strengthen legislative oversight and participatory governance in justice reform.

Discussion

This study conceptually examines the Senate's role in overseeing justice reform, with particular attention to legislative processes and public participation. The discussion advances understanding of justice reform as a governance process shaped not only by legal design but also by institutional oversight, deliberative practices, and democratic engagement. By focusing on the Senate as a central oversight actor, the analysis highlights how justice reform is negotiated, legitimized, and contested within legislative arenas. One of the key insights of this study is that the Senate's oversight role is fundamentally procedural rather than merely formal. Oversight is exercised through sustained engagement with reform proposals, including committee scrutiny, debate, inquiry, and review of implementation trajectories. These processes enable the senate to act as a stabilizing institution, particularly in reform contexts characterized by political urgency or public controversy. Justice reform often involves redistributing authority, redefining legal safeguards, and restructuring institutional relationships, making it especially susceptible to political pressure. The Senate's deliberative orientation provides an institutional balance to such pressures by prioritizing careful review and long-term considerations. The discussion further emphasizes that legislative consideration serves as a critical mechanism through which justice reform gains democratic legitimacy (Kubrin & Tublitz, 2022). Through structured deliberation, the Senate transforms executive initiatives into publicly examined legislative outcomes. This transformation is essential because it subjects reforms to political justification and collective reasoning rather than unilateral decision-making. In this sense, legislative consideration is not only a procedural step but a normative process that reinforces accountability and transparency.

However, the effectiveness of legislative consideration depends heavily on institutional capacity and procedural design. The analysis suggests that meaningful oversight requires adequate time, access to expertise, and procedural autonomy. When legislative consideration is constrained by limited resources, compressed timelines, or political dominance by other branches, the Senate's oversight function risks becoming symbolic. Such conditions undermine the Senate's ability to critically evaluate justice reform and weaken its role as a guardian of procedural integrity. Public participation emerges as a second critical dimension shaping the Senate's oversight role. Justice reform directly affects citizens' rights, access to remedies, and trust in legal institutions, making public engagement especially important. The discussion highlights that participation serves both informational and legitimizing functions. It provides legislators with insights into the experiences of justice systems and signals institutional openness to societal concerns. When participation is integrated into legislative processes, it can enhance both the quality and acceptance of reform outcomes. Further, the study identifies important challenges associated with public participation. Participation is often uneven, with disparities in access, representation, and influence. Legal complexity and institutional barriers may exclude marginalized groups, while organized interests may dominate participatory spaces. These dynamics raise concerns about whether participation genuinely reflects diverse public perspectives or reinforces existing power imbalances. The

senate's role, therefore, is not merely to invite participation but to design participatory mechanisms that are inclusive, transparent, and consequential.

The Senate's position as an intermediary institution places it at the intersection of state authority and public voice. This dual role creates both opportunities and tensions. On one hand, the senate can facilitate dialogue between reform designers and affected communities, fostering mutual understanding and trust. On the other hand, balancing openness with efficiency remains a persistent challenge. Expanding participation may slow legislative processes, potentially conflicting with demands for timely reform. The discussion suggests that resolving this tension requires institutional innovation rather than trade-offs, such as structured consultations, clear feedback mechanisms, and transparent decision-making criteria. Another important theme concerns the relationship between oversight and power distribution. The Senate's capacity to oversee justice reform is shaped by its institutional autonomy and its relationship with the executive branch. Where executive authority is dominant, senatorial oversight may be constrained, limiting opportunities for independent scrutiny and public engagement. This dynamic underscores that oversight effectiveness is not solely a function of formal powers but also of political context and institutional culture. The conceptual analysis also highlights the importance of viewing justice reform oversight as a continuous process rather than a discrete legislative event.

Oversight does not end with the passage of reform legislation. It extends to monitoring implementation, evaluating outcomes, and responding to emerging challenges. The Senate's ability to sustain oversight over time contributes to adaptive governance and reduces the risk of reform failure. This temporal dimension of oversight is often overlooked in discussions that focus narrowly on legislative approval. Overall, the discussion reinforces the view that justice reform cannot be understood solely through legal outcomes or institutional design. It must also be analyzed through the processes of oversight, deliberation, and participation that shape reform trajectories. By conceptualizing the senate as both an oversight body and a participatory arena, the study advances understanding of democratic governance in justice reform and provides a foundation for future empirical inquiry.

Implications and Limitations

Theoretical Implications of the Study

This study offers several theoretical implications on justice reform, legislative oversight, and democratic governance. First, it advances a process-oriented perspective that shifts analytical attention from reform outcomes to reform governance. By focusing on how justice reform is overseen rather than what reforms achieve, the study highlights the importance of institutional procedures and deliberative practices in shaping legitimacy and accountability. Second, the study contributes to legislative studies by foregrounding the Senate's role as a distinct oversight actor. While existing knowledge emphasizes executive leadership or judicial independence, this study positions the Senate as a central site of governance where legal, political, and societal considerations intersect. This reconceptualization invites further theoretical

exploration of upper chambers as active contributors to reform governance rather than passive reviewers. Third, integrating public participation into the oversight framework enriches theoretical debates on participatory democracy. The study demonstrates that participation is not merely an external input but an integral component of legislative oversight. This perspective challenges approaches that treat participation as supplementary to formal governance, instead positioning it as a constitutive element of democratic legitimacy.

Practical Implications of the Study

The findings of this study explain important implications for legislative practice. For senates, the analysis underscores the need to strengthen institutional capacity for oversight of justice reform. This includes investing in committee expertise, procedural autonomy, and mechanisms for sustained review beyond initial legislative approval. Such investments enhance the Senate's ability to critically engage with complex reforms and respond to evolving challenges. The study also highlights the importance of designing participatory mechanisms that are both inclusive and effective. Legislatures should move beyond ad hoc consultations toward structured engagement processes that clearly articulate how public input will be considered. Transparency in decision-making and feedback to participants can help build trust and encourage sustained engagement.

For lawmakers, the study suggests that early and sustained engagement with the Senate can improve the quality of reforms and their implementation outcomes. Integrating legislative oversight into reform design reduces the risk of institutional resistance and enhances coherence across governance levels. From a policy perspective, the study suggests that justice reform initiatives benefit from being embedded within robust oversight and participatory frameworks. Policymakers should view legislative oversight not as an obstacle but as a resource for identifying risks, building consensus, and enhancing legitimacy. Reforms that bypass or marginalize legislative consideration may achieve short-term efficiency but face long-term challenges in implementation and public acceptance. The study also highlights the importance of procedural justice in reform governance. Transparent oversight and meaningful participation contribute to public perceptions of fairness, even when reform outcomes are contested. Policymakers seeking to strengthen trust in justice institutions should therefore prioritize process quality alongside substantive change.

Limitations of the Study

Despite its contributions, this study has several limitations. As a conceptual paper, it does not rely on empirical data, which limits its ability to assess how oversight and participation operate in specific institutional contexts. The analysis is based on theoretical reasoning and general institutional patterns rather than direct observation of legislative practices. Additionally, the study does not examine variations across political systems in depth. Differences in constitutional design, political culture, and legislative authority may significantly shape the senate's role in justice reform oversight. While the conceptual framework is broadly applicable,

its relevance and implications may vary across contexts. The focus on the Senate also means that interactions with other actors, such as lower chambers, courts, and civil society organizations, are not fully explored. Future research could extend the framework to examine how multiple institutions jointly shape the governance of justice reform. Further research could also investigate the experiences of participants in legislative processes, including citizens, advocacy groups, and legal professionals. Such work would deepen understanding of how participation shapes perceptions of legitimacy and procedural justice.

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References

- Yinka Fashagba, J. (2009). Legislative oversight under the Nigerian presidential system. *The Journal of Legislative Studies*, 15(4), 439–459.
- Bryson, J. M., Quick, K. S., Slotterback, C. S., & Crosby, B. C. (2013). Designing public participation processes. *Public Administration Review*, 73(1), 23–34.
- Chambers, P. (2009). Superfluous, mischievous or emancipating? Thailand's evolving senate today. *Journal of Current Southeast Asian Affairs*, 28(3), 3–38.
- Constitution of the Kingdom of Thailand B.E. 2560 (2017). Government Gazette.
- Constitution of the Kingdom of Thailand B.E. 2550 (2007). Government Gazette.
- Donoghue, J. (2017). The rise of digital justice: Courtroom technology, public participation and access to justice. *The Modern Law Review*, 80(6), 995–1025.
- Dzur, A. W. (2011). Restorative justice and democracy: Fostering public accountability for criminal justice. *Contemporary Justice Review*, 14(4), 367–381.
- Fortes, P. R. B. (2015). How legal indicators influence a justice system and judicial behavior: the Brazilian National Council of Justice and 'justice in numbers.' *The Journal of Legal Pluralism and Unofficial Law*, 47(1), 39–55.
- Friedberg, C. (2011). From a top-down to a bottom-up approach to legislative oversight. *The Journal of Legislative Studies*, 17(4), 525–544.
- Igwe, I. O. C. (2021). The rule of law and national security in Nigerian democracy: a contemporary issue under the aegis of international law. *Athens JL*, 7, 149.
- Kaiser, F. M. (1988). Congressional oversight of the Presidency. *The Annals of the American Academy of Political and Social Science*, 499(1), 75–89.
- Kubrin, C. E., & Tublitz, R. (2022). How to think about criminal justice reform: Conceptual and practical considerations. *American Journal of Criminal Justice*, 47(6), 1050–1070.
- Lattimore, P. K. (2022). Reflections on criminal justice reform: Challenges and opportunities. *American Journal of Criminal Justice*, 47(6), 1071–1098.
- Lawless, J. L. (2004). Politics of presence? Congresswomen and symbolic representation. *Political Research Quarterly*, 57(1), 81–99.
- Mazerolle, L., Bennett, S., Davis, J., Sargeant, E., & Manning, M. (2013). Procedural justice and police legitimacy: A systematic review of the research evidence. *Journal of*

- Experimental Criminology*, 9(3), 245–274.
- Onyango, G. (2020). Legislative oversight and policy-reforms in “unsettled” political contexts of public administration. *International Journal of Public Administration*, 43(3), 213–228.
- Patterson, S. C., & Mughan, A. (2001). Fundamentals of institutional design: the functions and powers of parliamentary second chambers. *Journal of Legislative Studies*, 7(1), 39–60.
- Pedrini, S. (2014). Deliberative capacity in the political and civic sphere. *Swiss Political Science Review*, 20(2), 263–286.
- Pfander, S. M. (2020). Evaluating New Zealand’s restorative promise: The impact of legislative design on the practice of restorative justice. *Kōtuitui: New Zealand Journal of Social Sciences Online*, 15(1), 170–185.
- Pochmann da Silva, L. C. (2022). Transnational Class Actions: The Canadian Experience and the Improvement of Access to Justice in Latin America. *Athens JL*, 8, 361.
- Pogrebinschi, T., & Ryan, M. (2018). Moving beyond input legitimacy: When do democratic innovations affect policy making? *European Journal of Political Research*, 57(1), 135–152.
- Raymond, G. V. (2025). Authoritarian Securitisation and Moral Panic: The Discourse and Role of the Senate in the 2023 Thai Election. *Journal of Current Southeast Asian Affairs*, 18681034251320656.
- Russell, A. (2022). Constituent connections: senators’ reputation building in the age of social media. *Journal of Information Technology & Politics*, 19(2), 180–196.

