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## The Senate's Role in Overseeing the Reform of Justice in Thailand: A Case Study on Legislative Consideration and Public Participation

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*Justice reform remains a central challenge in Thailand, affecting political stability, social equality, and public confidence in state institutions. Under the Constitution of the Kingdom of Thailand B.E. 2560 (2017), the Senate has been assigned a redefined role as a “complementary chamber,” tasked with legislative scrutiny, oversight of state administration, and participation in the appointment of individuals to key positions in independent constitutional bodies. This article examines the role of the Senate in overseeing justice reform in Thailand, with particular emphasis on legislative consideration and public participation. Using doctrinal legal analysis and policy-oriented examination, the study explores the constitutional framework governing the Senate’s powers, the functions of its standing committees—especially those relating to law, justice, police administration, and political development—and the Senate’s involvement in advancing the National Reform Plan on the Justice Process. The article situates the Senate’s role within the broader context of Thailand’s justice system, which remains structurally fragmented and has been subject to persistent criticism regarding inefficiency, inequality in access to justice, delays, and limited public trust. The analysis highlights the significance of Chapter 16 of the Constitution on National Reform, which formally institutionalises justice process reform as a national priority, and assesses how the Senate contributes to this reform agenda through legislative scrutiny, oversight mechanisms, and committee-based investigations. Particular attention is given to public participation in lawmaking under Section 77 of the Constitution, which mandates stakeholder consultation and regulatory impact assessment prior to the enactment of legislation. The article identifies key obstacles to effective public participation, including inadequate consultation mechanisms, limited timeframes, accessibility barriers, and institutional constraints, while also examining proposals to enhance participatory governance. The study finds that the Senate plays a pivotal role in linking justice reform objectives with democratic principles, especially through its oversight of legislation and facilitation of public engagement. However, structural limitations within the justice system, combined with challenges in coordination among state agencies and insufficient participatory mechanisms, continue to hinder comprehensive reform. The article concludes that strengthening the Senate’s oversight capacity, improving public participation processes, and enhancing institutional coordination are essential to advancing justice reform, reinforcing the rule of law, and restoring public confidence in Thailand’s justice system.*

**Keywords:** Senate, Justice Reform, Rule of Law, Public Participation, Legislative Oversight

1     **Introduction**

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3     Justice represents a fundamental moral virtue within society. It is one of the  
 4     most crucial elements for both developed and developing nations. In Thailand,  
 5     issues concerning justice remain persistent, leading to difficulties in resolving  
 6     national challenges—whether political, economic, or social in nature. For  
 7     instance, poverty often arises from inequalities among these three dimensions.  
 8     Therefore, it is imperative for every Thai citizen to seriously engage with the  
 9     justice system and express their desire for comprehensive reform of the entire  
 10    justice process. Kittipong Kittayarak identified the characteristics of an effective  
 11    justice system and proposed key strategies to achieve successful reform,  
 12    consisting of 1) Defining legal and judicial reform as a national agenda, 2)  
 13    Establishing a national-level committee to drive legal and judicial reform in a  
 14    concrete manner, and 3) Promoting awareness among all sectors of the  
 15    importance of the rule of law and the urgent necessity to reform the justice  
 16    process.<sup>1</sup> In addition, Professor Dr. Prawase Wasi introduced a fourth element  
 17    the establishment of a national office for legal and justice reform—as a means  
 18    to create what he termed a “*triangle that moves the mountain.*” This concept  
 19    emphasizes building essential knowledge, mobilizing social movements, and  
 20    linking reform efforts to political mechanisms in order to effectively drive legal  
 21    and justice reform in Thailand toward tangible success.

22    The Constitution of the Kingdom of Thailand defines the Senate’s roles and  
 23    powers in relatively limited terms. Historically, the Senate has functioned as a  
 24    “supportive chamber” (or “elder sibling chamber”) by initiating general debates  
 25    in the Senate and by holding the authority to appoint individuals to high-ranking  
 26    positions. These appointments include judges of the Constitutional Court, judges  
 27    of the Supreme Administrative Court, members of the Judicial Commission of  
 28    the Courts of Justice and Administrative Courts, and persons serving in  
 29    independent constitutional bodies such as the Election Commission, the  
 30    Ombudsman, the National Anti-Corruption Commission, and the State Audit  
 31    Commission. However, under the Constitution of the Kingdom of Thailand B.E.  
 32    2560 (2017), the Senate’s roles were redefined. The Senate is no longer regarded  
 33    as a “supportive chamber” of the House of Representatives, but rather as a  
 34    “complementary chamber.” It now assists in the review of bills passed by the  
 35    House to ensure comprehensive deliberation on all aspects. This expanded role  
 36    is justified by the Senate’s composition of members who possess specialized  
 37    knowledge, professional expertise, and, most importantly, extensive experience  
 38    across diverse and significant sectors of Thai society.<sup>2</sup>

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<sup>1</sup>Kittipong Kittayarak, *Strategies for the Reform of Thailand’s Criminal Justice System* (Bangkok: Thailand Research Fund Office, 2001).

<sup>2</sup>Panarat Maschamadol, "Roles and Powers of the Senate under the Constitution of the Kingdom of Thailand B.E. 2560," accessed October 12, 2025, <https://wiki.kpi.ac.th/index.php?title=Role> and authority of the senate according to the constitution of kingdom of Thailand\_B.E.\_2560&oldid=13835.

1      **Roles and Powers of the Senate under the Constitution of the Kingdom of**  
2      **Thailand B.E. 2560 (2017)**

3  
4      The Constitution of the Kingdom of Thailand prescribes the roles and  
5      powers of the Senate in a limited manner. Traditionally, the Senate has been  
6      regarded as a “supportive chamber,” responsible for requesting general debates  
7      within the Senate and for approving appointments of individuals to key  
8      positions. However, the Constitution of the Kingdom of Thailand B.E. 2560  
9      (2017) redefined the Senate as a “complementary chamber,” enhancing its role  
10     in reviewing and deliberating upon bills that have been approved by the House  
11     of Representatives. Consequently, the Senate performs functions in three  
12     principal areas: the consideration and screening of legislation, the oversight of  
13     state administration, and other duties as stipulated by the Constitution.<sup>3</sup>

14     In addition, the Senate holds another significant responsibility—providing  
15     advice or approval for appointments to key positions, both those prescribed  
16     under the Constitution and those established by law. Under the Constitution of  
17     the Kingdom of Thailand B.E. 2560 (2017), the Senate’s duties and powers  
18     include the following:

19  
20     1. Considering and screening legislation, such as deliberating on draft  
21     constitutions, draft organic acts, draft acts concerning national budgets,  
22     and approving royal decrees that have been endorsed by the House of  
23     Representatives.  
24     2. Supervising the administration of state affairs, including submitting  
25     interpellations, initiating general debates in the Senate or in the National  
26     Assembly, and establishing committees for investigation or review.  
27     3. Exercising other duties and powers as provided by the Constitution, such  
28     as administering the oath of the Regent before Parliament,  
29     acknowledging or approving royal succession, declaring war, and  
30     enacting the Senate’s Rules of Procedure.

31  
32     Another crucial function of the Senate is to advise on or approve  
33     appointments of persons to positions prescribed by the Constitution and by law.  
34     These individuals hold important roles in independent agencies and other legally  
35     established organizations. Through such appointments, the Senate helps to  
36     promote, safeguard, and strengthen transparency and justice within public  
37     administration. The process of selecting qualified and impartial individuals  
38     enhances the effectiveness and fairness of independent bodies. These  
39     appointments are categorized into two main groups as follows:

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41     1. Advisory or Approval of Appointments under the Constitution:  
42         • Judges of the Constitutional Court  
43         • Members of the Election Commission  
44         • The Ombudsman

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<sup>3</sup>Waraporn Meeprompreed, *The Role of the Senate in Scrutinizing Laws under the Rule of Law* (Bangkok: Constitutional College, Office of the Constitutional Court, 2013).

- 1       • Members of the National Anti-Corruption Commission
- 2       • Members of the State Audit Commission and the Auditor-General
- 3       • Members of the National Human Rights Commission

4       2. Advisory or Approval of Appointments under Statutory Law:

- 5       • President of the Supreme Administrative Court
- 6       • Judges of the Supreme Administrative Court
- 7       • Attorney-General
- 8       • Secretary-General of the Anti-Money Laundering Office
- 9       • Secretary-General of the Public Sector Anti-Corruption
- 10      Commission
- 11      • Secretary-General of the Council of State
- 12      • Members of the National Broadcasting and Telecommunications
- 13      Commission
- 14      • Members of the Committee for Monitoring and Evaluating the
- 15      Performance under Section 70 of the Act on the Organization for
- 16      Frequency Allocation and Regulation of Broadcasting, Television,
- 17      and Telecommunications B.E. 2553

18

19      The nomination and appointment of individuals to independent

20     organizations by the Senate constitute a vital step in preserving justice and

21     transparency in the governance of the state. Selecting qualified and impartial

22     candidates not only reinforces public confidence in the political system but also

23     enhances the efficiency and integrity of organizations responsible for monitoring

24     government performance. The Senate's work in this regard therefore plays a

25     pivotal role in shaping the direction of Thailand's sustainable development

26     across multiple sectors.<sup>4</sup>

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29      **Standing Committees of the Senate**

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31      A *committee* refers to a group of individuals appointed by the legislature to

32     perform specific functions on its behalf, such as considering, investigating, or

33     studying matters that fall within the authority of the legislative body and

34     subsequently reporting the findings to the assembly. Committees are therefore

35     established out of necessity to assist and alleviate the extensive and complex

36     workload of the legislature, particularly regarding the administration of public

37     affairs. In this sense, committees serve as working mechanisms for the legislative

38     chamber. The number of committees, as well as the number of committees in

39     which each member may concurrently serve, is determined by the Rules of

40     Procedure of the legislative body.

41      A standing committee refers to a committee established from among the

42     members of the legislature themselves. These committees are divided into

43     standing committees and permanent standing committees of the legislative body.

44     The permanent standing committees have continuous status, with their number

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<sup>4</sup>Chayanuch Siripermsakul, "The Role of the Senate in the Selection and Appointment of Individuals to Independent Organizations," accessed October 5, 2025, <https://www.senate.go.th>.

1 and membership determined by the legislature's Rules of Procedure in  
 2 accordance with the practical needs of legislative operations.

3 Under the Rules of Procedure of the Senate B.E. 2562 (2019), Chapter 10,  
 4 the Senate shall have twenty-six (26) standing committees, each consisting of  
 5 not fewer than ten (10) and not more than nineteen (19) members. Their duties  
 6 and powers are as follows: 1. Committee on Poverty Alleviation and Reduction  
 7 of Inequality, 2. Committee on Sports, 3. Committee on Agriculture and  
 8 Cooperatives, 4. Committee on Transportation, 5. Committee on Economic,  
 9 Financial, and Fiscal Affairs, 6. Committee on Foreign Affairs, 7. Committee on  
 10 Military and State Security, 8. Committee on Tourism, 9. Committee on Local  
 11 Administration, 10. Committee on Public Administration, 11. Committee on  
 12 Energy, 12. Committee on Political Development and Public Participation, 13.  
 13 Committee on Social Development, Children, Youth, Women, the Elderly,  
 14 Persons with Disabilities, and Disadvantaged Groups, 14. Committee on Law,  
 15 Justice, and Police, 15. Committee on Labor, 16. Committee on Higher  
 16 Education, Science, Research, and Innovation, 17. Committee on Information  
 17 Technology, Communications, and Telecommunications, 18. Committee on  
 18 Religion, Ethics, Morality, Arts, and Culture, 19. Committee on Education, 20.  
 19 Committee on Public Health, 21. Committee on Affairs of Independent  
 20 Constitutional Organizations, 22. Committee on Natural Resources and  
 21 Environment, 23. Committee on Examination and Prevention of Corruption,  
 22 Misconduct, and Promotion of Good Governance, 24. Committee on Commerce  
 23 and Industry, 25. Committee on Human Rights, Civil Liberties, and Consumer  
 24 Protection, and 26. Committee on Budget Administration Oversight. If deemed  
 25 necessary or appropriate, the Senate may increase or reduce the number of its  
 26 standing committees at any time.<sup>5</sup>

27 From the information above, it is evident that the Senate holds direct roles  
 28 and powers in political development and public participation, as well as in law,  
 29 justice, and police administration, through its relevant standing committees. The  
 30 Standing Committee on Political Development and Public Participation is  
 31 empowered to consider draft bills, conduct operations, investigate facts, and  
 32 study matters concerning the promotion and support of political development  
 33 and other initiatives that strengthen democratic governance with the King as  
 34 Head of State. Its functions also include promoting public participation in  
 35 policymaking, political decision-making, and the planning of national economic,  
 36 social, and political development; studying, monitoring, recommending, and  
 37 expediting national reform and master plans under the National Strategy within  
 38 its jurisdiction, and undertaking other related tasks.<sup>6</sup> Meanwhile, the Standing  
 39 Committee on Law, Justice, and Police of the Senate is authorized to consider  
 40 draft legislation, conduct operations, investigate facts, or study matters relating  
 41 to legal policy, justice administration, the judicial process, police, prosecutors,

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<sup>5</sup>Senate, "Standing Committees of the Senate: Roles and Functions," accessed October 15, 2025, <https://www.senate.go.th>.

<sup>6</sup>Committee on Political Development, Mass Communication, and Public Participation, "Roles and Powers under the Rules of Procedure of the House of Representatives B.E. 2562, Section 90(24)," accessed October 1, 2025, <https://www.parliament.go.th>.

1 and corrections. Its duties also include ensuring compliance with the law,  
2 maintaining internal peace and order, promoting equality in access to justice,  
3 developing mechanisms and operational methods to improve police efficiency,  
4 studying, monitoring, recommending, and expediting national reform and master  
5 plans under the National Strategy within its authority, and performing other  
6 related duties.<sup>7</sup>

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## 9 **The National Reform Plan on the Justice Process**

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11 The Constitution of the Kingdom of Thailand, Chapter 16, National Reform  
12 (Sections 257–261), prescribes in Section 257 that the national reform under this  
13 Chapter shall be undertaken to achieve the following objectives: 1. to ensure  
14 national peace and order, foster unity and reconciliation, achieve sustainable  
15 development in accordance with the Sufficiency Economy Philosophy, and  
16 maintain a balance between material and spiritual development; 2. to create a  
17 peaceful, just society with equal opportunities for all, thereby eliminating social  
18 inequality, and 3. to enable the people to live happily, enjoy a good quality of  
19 life, and participate in national development and democratic governance with the  
20 King as Head of State. Section 258 stipulates that national reform must at least  
21 cover the following areas to achieve tangible results: 1. Political Reform, 2.  
22 Public Administration Reform, 3. Legal Reform, 4. Justice Process Reform, 5.  
23 Educational Reform, 6. Economic Reform; and 7. Other Related Areas. Under  
24 Section 259, and subject to Sections 260 and 261, national reform must be  
25 conducted in accordance with the law governing national reform plans and  
26 procedures. Such law must prescribe methods for plan formulation, public  
27 participation, and participation by relevant agencies; steps in reform  
28 implementation; evaluation methods; and the time frame for reform in each area,  
29 all of which must commence within one year from the promulgation of this  
30 Constitution, and shall include the expected achievements within a five-year  
31 period. Section 260 refers to amendments and improvements to laws under  
32 Section 258 concerning the justice process, while Section 261 refers to reforms  
33 under Section 258 in the field of education. Both sections mandate the  
34 establishment of an independent committee appointed by the Cabinet to study,  
35 make recommendations, and draft relevant laws to achieve the objectives, for  
36 submission to the Cabinet for further action.<sup>8</sup>

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38 Boonsong Thongin noted that, Chapter 16 of the Constitution, National  
39 Reform, is a newly introduced chapter in Thai constitutional history. In addition  
40 to the country's development according to the directive principles of state policy  
and the national strategy determined by each administration, the Constitution

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<sup>7</sup>Committee on Law, Justice, and Police, "Roles and Powers," accessed October 1, 2025, <https://www.parliament.go.th>.

<sup>8</sup>Institute of Nithithamralai, "Chapter 16: National Reform," accessed October 1, 2025, <https://www.drthawip.com>.

1 also establishes mechanisms for essential and necessary reforms in various key  
 2 areas, serving as a framework for national reform.<sup>9</sup>

3 Historically, Thailand's justice process has undergone numerous reforms —  
 4 in its structure, operational procedures, and in the protection of people's rights  
 5 and liberties. Nevertheless, persistent criticism has remained regarding  
 6 inefficiencies in the justice process, such as procedural delays, limited public  
 7 access, inequality in the enforcement of laws, and doubts over the accuracy and  
 8 integrity of judicial operations. These recurring issues reflect a continuing lack  
 9 of public confidence and trust in the justice system. In response, the Interim  
 10 Constitution of the Kingdom of Thailand, B.E. 2557 (2014) designated justice  
 11 process reform as a matter of national urgency — essential to establishing a  
 12 foundation for Thailand's social and political systems. Consequently, studies  
 13 and reform proposals have been continuously developed since 2014 under the  
 14 mandates of the National Reform Council (NRC) and the National Reform  
 15 Steering Assembly (NRSA). When the Constitution of the Kingdom of Thailand,  
 16 B.E. 2560 (2017) came into force on 6 April 2017, it formally recognized the  
 17 continuity of justice process reform. Following this, the National Committee on  
 18 Justice Process Reform was appointed to formulate the National Reform Plan on  
 19 the Justice Process in accordance with the Constitution.

20 In developing this plan, the Committee considered the constitutional intent  
 21 and provisions, along with recommendations made by reform committees  
 22 between 2014 and 2017. It established a conceptual framework emphasizing that  
 23 achieving meaningful reform responsive to public needs and restoring public  
 24 confidence in the justice system cannot be accomplished through isolated or  
 25 agency-specific measures. Instead, it requires a holistic and integrative  
 26 approach—analyzing past studies to redefine the mindset and working processes  
 27 of justice institutions. The ultimate goal is to foster a sense among the people  
 28 that they are true owners of the justice process, ensuring that all citizens receive  
 29 equal treatment under the law without discrimination. Furthermore, the plan  
 30 seeks to strengthen public trust in the integrity and efficiency of investigation,  
 31 inquiry, and forensic science systems, ensuring accuracy and timeliness. It  
 32 promotes fair and effective systems of punishment, rehabilitation, and post-  
 33 release supervision, thereby contributing to sustained peace and safety in society.  
 34 The justice system must also meet international standards to enhance Thailand's  
 35 image and support national development.<sup>10</sup>

36 Based on the aforementioned considerations, the National Committee on  
 37 Justice Process Reform conducted in-depth analyses, drafted the reform plan,  
 38 and gathered input from relevant agencies and the general public. The  
 39 Committee eventually proposed ten major reform issues as follows:<sup>11</sup>

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<sup>9</sup>Boonsong ThongIn, "Constitutional Analysis: Chapter 16 on National Reform," Senate Review 28, no. 3 (2020): 22, accessed October 1, 2025, <https://www.senate.go.th/view/386/News/Latest/265/TH-TH>.

<sup>10</sup>Law, State, and Law, "What Is the Perception of Justice?," accessed October 3, 2025, <https://th.atomiyeme.com>; Suphatra Angsuwan, "Citizen-Centered Justice Project," accessed October 6, 2025, <https://tijacademy.org/icpcc-project-in-action>.

<sup>11</sup>Senate, "National Reform Plan for the Justice System," accessed October 10, 2025, <https://www.senate.go.th>.

1. Establishing clear timelines for every stage of the justice process —  
2. ensuring equal and timely justice for all. Each agency must set and  
3. publicly announce the time limits for each procedural stage, establish  
4. complaint-handling mechanisms, periodically evaluate and revise these  
5. timeframes, and implement monitoring or notification systems to inform  
6. the public of case progress.
7. Developing mechanisms to enhance public access to justice —  
8. improving support systems for affected persons such as victims,  
9. witnesses, suspects, and defendants. Measures include expanding legal  
10. aid, improving bail systems, promoting initial dispute mediation,  
11. implementing electronic justice access systems, and encouraging  
12. community participation throughout all stages of the justice process.
13. Enhancing law enforcement mechanisms to reduce inequality —  
14. introducing risk assessment tools instead of financial bail requirements,  
15. diversifying penalties, applying *day fines* proportional to offenders'   
16. payment capacities, and amending civil and commercial laws on debt and  
17. contracts to address inequality.
18. Transforming the paradigm of justice administration — fostering safety  
19. and fairness by revising drug classification systems, developing  
20. rehabilitation mechanisms for drug offenders, reducing barriers to  
21. reintegration of ex-offenders, ensuring transparent and proportionate  
22. sentencing, creating mechanisms for checks and balances in  
23. prosecutorial discretion, and integrating criminal offender databases.
24. Improving criminal investigation systems — establishing checks and  
25. balances between police investigators and public prosecutors, defining  
26. cases that require joint investigations, enacting laws to allow co-  
27. offenders to serve as witnesses, and granting prosecutors additional  
28. investigative powers.
29. Defining clear timelines for officials involved in justice proceedings —  
30. preventing statute of limitation lapses by setting mandatory deadlines for  
31. transferring investigation files from the police to the prosecutors,  
32. ensuring adequate review time, and enhancing coordination to resolve  
33. procedural delays.
34. Enhancing the credibility of investigations — allowing victims to file  
35. complaints at any police station, establishing safeguards against  
36. interference or undue influence in case file preparation, and creating a  
37. special unit within the Office of the Attorney General to analyze court  
38. judgments for improving prosecutorial practices.
39. Reforming forensic science systems — ensuring accuracy and reliability  
40. of case evidence by establishing a central committee to set national  
41. standards and practitioner qualifications, guaranteeing sufficient and  
42. independent forensic personnel, and improving criteria for admissibility  
43. of forensic evidence.
44. Fostering justice-oriented organizational cultures — eliminating  
45. bureaucratic practices that hinder efficient justice delivery, integrating

1 technology into administrative and public service functions, and defining  
 2 clear performance indicators for justice agencies.

3 10. Enhancing the efficiency and competitiveness of the justice process —  
 4 revising court jurisdictions and relevant laws to support international  
 5 trade, improving enforcement of judgments, and developing  
 6 international arbitration mechanisms.

7

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9 **Problems, Causes, and Contexts Related to Justice Process in Thailand**

10 The justice process constitutes one of the principal mechanisms of formal  
 11 social control, through which the law serves both as an instrument of governance  
 12 and as a tool for the administration of justice. Thailand operates under the system  
 13 of a legal state grounded in the rule of law, meaning that all citizens are equally  
 14 subject to the same legal conditions, while state officials are vested with greater  
 15 authority, duties, and responsibilities than ordinary citizens.<sup>12</sup>

16 According to Somphum Larasmi and Yupaporn Yuphas the right to access  
 17 justice is a fundamental right of every citizen in a modern state governed by the  
 18 rule of law. Such a state must ensure that everyone can access justice equally,  
 19 efficiently, and promptly under universally accepted principles of the rule of  
 20 law.<sup>13</sup> Thailand's justice system involves multiple state agencies, among which  
 21 the courts of justice play a pivotal role. However, Thailand's justice system is  
 22 structurally fragmented. There is no central administration overseeing the justice  
 23 process as an integrated whole. Each institution responsible for justice operates  
 24 independently with limited coordination and accountability among agencies.  
 25 The Ministry of Justice, which should serve as the central coordinating body in  
 26 line with international standards, was historically structured as merely an  
 27 administrative arm of the judiciary. The judiciary later became an independent  
 28 branch under the Constitution. The Office of the Attorney General, once under  
 29 the Ministry of Justice, was transferred to the Ministry of Interior before being  
 30 placed under the supervision of the Prime Minister's Office as an independent  
 31 entity. Similarly, the Royal Thai Police was transferred from the Ministry of  
 32 Interior to operate under the Prime Minister's Office, while the Department of  
 33 Corrections has remained under the Ministry of Interior. These organizational  
 34 separations have led to limited inter-agency collaboration, with only minimal  
 35 procedural connections among them. Moreover, internal management  
 36 challenges persist within each organization. Some entities suffer from excessive  
 37 centralization and oversized bureaucratic structures, such as the Royal Thai  
 38 Police, whose lack of decentralization undermines operational efficiency.<sup>14</sup>

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<sup>12</sup>Chamlonglak Intawan, "Factors Influencing Public Confidence in the Criminal Justice Process," *Journal of Justice Process* 8, no. 2 (May–August 2015): 46.

<sup>13</sup>Somphum Larasmi and Yupaporn Yuphas, "The Judiciary: Reforming the Justice Process for Fairness and Equality?" *Journal of Research and Development*, Mahasarakham Rajabhat University 4, no. 2 (2017): 73.

<sup>14</sup>Kittipong Kittayarak, *Strategies for the Reform of Thailand's Criminal Justice System* (Bangkok: Thailand Research Fund Office, 2001).

1 Court systems and trial procedures differ across countries and historical  
 2 periods, reflecting social development and political regimes. As nations engage  
 3 in international relations, their judicial systems must adapt to align with global  
 4 standards. This adaptation often entails reforms in court organization, trial  
 5 procedures, punishment systems, and legal frameworks. Presently, two principal  
 6 court systems exist worldwide: the *single court system* and the *dual court system*.  
 7 Since the promulgation of the Constitution of the Kingdom of Thailand, B.E.  
 8 2540 (1997), Thailand has adopted the dual court system. Similarly, there are  
 9 two trial systems—the accusatorial system and the inquisitorial system. Thailand  
 10 employs both: the courts of justice and military courts use the accusatorial  
 11 system, while the Constitutional Court and the Administrative Court follow the  
 12 inquisitorial system, ensuring alignment with the evolving social context.<sup>15</sup>

13 Phra Khru Vinai Thon Suriyo (Kongkawai) and Wichet Sinprasitkul  
 14 contended that the deficiencies within Thailand's justice process have severely  
 15 eroded public confidence in the system. Flaws in law enforcement—spanning  
 16 investigation, inquiry, and pre-trial procedures—have long plagued Thailand's  
 17 criminal justice system, undermining trust domestically and internationally. In  
 18 particular, the structural separation between investigative and prosecutorial  
 19 functions has caused procedural inefficiencies. Consequently, the Constitution  
 20 of the Kingdom of Thailand, B.E. 2560 (2017) became the first to introduce a  
 21 dedicated chapter on justice process reform, emphasizing the stages of  
 22 investigation and prosecution as essential mechanisms for truth-finding by the  
 23 police and public prosecutors. These functions form the heart of criminal justice,  
 24 directly affecting citizens' rights, freedoms, human dignity, and adherence to the  
 25 rule of law. Enhanced cooperation between these agencies ensures fairness in  
 26 truth-seeking at the initial stage of justice.<sup>16</sup>

27 Pradit Paenthong identified that Thailand's justice process problems arise  
 28 primarily from deficiencies in resolving social conflicts and providing equitable  
 29 legal remedies. The personnel and institutions responsible—civil servants,  
 30 administrative officials, military officers, police, judges, prosecutors, lawyers,  
 31 the courts, the Ministry of Justice, and the Department of Corrections—  
 32 encounter issues across all stages of justice administration. At the investigative  
 33 stage, major problems include inefficiency, lack of neutrality and independence  
 34 among investigators, and inadequate protection of suspects' rights. At the  
 35 judicial stage, issues involve delays and procedural flaws in both criminal and  
 36 civil cases, including labor disputes—such as limits on appeals, fact-finding by  
 37 the Supreme Court, and structural challenges in the labor courts. Problems also  
 38 extend to the appointment and rotation of judges, the selection of lay judges,  
 39 high litigation costs, and lack of access to legal representation for workers.  
 40 Further problems occur in tax and environmental litigation, such as the burden  
 41 of proof, procedural complexity, damage assessment, and unclear categorization

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<sup>15</sup>Phannarath Sothornprapakorn and Patcharanat Sangphraphai, "History of the Thai Court System and Judicial Procedures," *Journal of Social Science: Legal Studies* 5, no. 1 (2021): 1–2.

<sup>16</sup>Phra Kru Winai Thon and Wichet Sinprasitkul, "The Constitution of the Kingdom of Thailand B.E. 2560 and Criminal Justice Reform," *Journal of Social Science and Buddhist Anthropology* 6, no. 6 (2021): 464.

1 of environmental crimes. Enforcement-stage challenges include legal loopholes  
 2 in property auctions, delays due to petitions from third parties, and lack of clear  
 3 statutory provisions enabling private sector participation in enforcement. In the  
 4 penal enforcement system, prison overcrowding, insufficient staff, and  
 5 violations of prisoners' rights persist. Additionally, large portions of the  
 6 population still cannot effectively access justice due to outdated, inequitable  
 7 legal frameworks favoring the wealthy, compounded by widespread corruption.  
 8 The justice administration remains fragmented, inefficient, and redundant across  
 9 multiple agencies, lacking coordination and a unified direction. The mainstream  
 10 justice process is slow, costly, and inaccessible, with limited alternative dispute  
 11 mechanisms. The most crucial reform therefore lies in modernizing relevant  
 12 laws, regulations, and justice procedures, integrating alternative justice  
 13 mechanisms under state oversight, enhancing officer performance standards, and  
 14 improving information technology systems to enable real-time data exchange  
 15 among justice institutions. Such reform will ensure fairness, reflect current social  
 16 realities, and foster peace, order, and stability in the nation.<sup>17</sup>

17 Boonsong Worasinh observed that Thailand's justice process remains  
 18 overly monopolized by the state, leaving little room for community participation.  
 19 The prevailing retributive model focuses mainly on identifying offenses,  
 20 applying statutory penalties, and punishing offenders, without considering  
 21 restorative dimensions. This has led to court congestion, prison overcrowding,  
 22 and recurring social problems. He suggests reforming the criminal law to allow  
 23 compromise or mediation in certain cases where damages directly affect the  
 24 victim, revising penalty structures, and expanding alternative dispute resolution  
 25 mechanisms.<sup>18</sup>

26 Finally, Somphum Larasmi and Phakdee Phosing noted that Thailand's  
 27 prolonged political conflicts have deeply affected its economic, social, and  
 28 administrative systems, leading to widespread demands for national reform  
 29 across all dimensions. This movement culminated in the Constitution of the  
 30 Kingdom of Thailand, B.E. 2560 (2017), which mandates national reforms in  
 31 eleven areas, including the justice process, aligned with the National Strategy.  
 32 The Justice Reform Plan outlines ten major reform issues, each with defined  
 33 objectives, timelines, indicators, budgets, and legislative proposals. The Courts  
 34 of Justice, as a central institution within the justice process, have aligned their  
 35 strategies and operational plans accordingly—emphasizing public access to  
 36 justice, reducing inequality, and delivering justice to the people in line with the  
 37 goals of the National Strategy.<sup>19</sup>

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<sup>17</sup>Prudit Paenthong, "Problems and Guidelines for the Development of the Justice Process in Thailand," *Journal of Law* 8, no. 16 (July–December 2015): 71–86.

<sup>18</sup>Boonsong Worasinh, "The Reform of Thailand's Justice System," *Pacific Institute of Management Academic Journal* 6, no. 2 (2020): 403.

<sup>19</sup>Somphum Larasmi and Phakdee Phosing, "The Judiciary in the Reform Discourse," *Journal of Research and Development, Mahasarakham Rajabhat University* 5, no. 2 (2018): 395.

1   **Public Participation in Lawmaking under Section 77 of the Constitution of  
2   the Kingdom of Thailand, B.E. 2560 (2017)**

3           In the process of national development, cooperation among all sectors—  
4   public, private, and civil is essential. Such cooperation enables citizens and  
5   government officials at all levels to exchange knowledge, collaborate, and drive  
6   the nation’s progress from the grassroots, community, and societal levels up to  
7   the national scale in a systematic and coherent manner. This participatory  
8   approach cultivates civic awareness and responsibility toward the nation and  
9   society as a whole, ultimately fostering a peaceful, just, and harmonious society  
10   in which citizens enjoy happiness and a good quality of life. The nation, in turn,  
11   achieves stability, unity, reconciliation, and sustainable development in all  
12   dimensions, grounded in the democratic system with the King as Head of State.<sup>20</sup>

13           According to Charoon Yuthong-Saenguthai, public debate concerning  
14   citizens’ political participation began to take shape in Thailand following the  
15   “Black May” incident of 1992. The principles and rationales that emerged from  
16   these discussions were later enshrined in the so-called “People’s Constitution”  
17   of B.E. 2540 (1997), specifically within the chapter on citizens’ rights and  
18   freedoms. However, in practice, the mechanisms for public participation under  
19   this constitution encountered difficulties. For instance, the civic groups in Chana  
20   District, Songkhla Province, and associated networks invoked constitutional  
21   participation principles to oppose the Thailand–Malaysia gas pipeline and  
22   separation plant project. This led to prolonged conflict among opponents,  
23   supporters, and project proponents, as well as the annulment of two rounds of  
24   public hearings that were deemed illegitimate. Protesters were arrested while  
25   attempting to submit petitions to the Cabinet during an off-site meeting at the  
26   J.B. Hotel in Hat Yai, leading to protracted legal disputes that continue to this  
27   day. Overall, public participation represents a conceptual framework rooted in  
28   participatory political culture—one of the most advanced forms of political culture  
29   within democratic societies. As societies evolve from narrow or tribal forms of  
30   political culture to systems characterized by feudalism, authoritarianism, absolute  
31   monarchy, and ultimately participatory democracy, citizens gain greater recognition  
32   of their rights and their capacity to influence governance.<sup>21</sup>

33           Major obstacles to effective public participation in Thailand can be  
34   categorized as follows: First, Thailand’s social foundations are deeply  
35   entrenched in authoritarian and patronage-based culture. Those in power are  
36   often reluctant to heed the opinions of socially or institutionally subordinate  
37   individuals. Leaders frequently behave as though their agencies or organizations  
38   are personal inheritances, passed down within families. Authoritarian leaders,  
39   driven by narrow reasoning and a desire to dominate, often reject opposing views  
40   not on factual grounds but to preserve personal pride and social standing.

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<sup>20</sup>Chalisa Chaisappaisal, "Senators as Representatives of the People: Reflecting Issues and Guiding Solutions through Senate Mechanisms," accessed October 5, 2025, <https://www.senate.go.th/view/386/News/SenateMagazine/291/TH-TH>.

<sup>21</sup>Charoon Yuthong-Saenguthai, "Obstacles and Problems of Public Participation in Thai Society," accessed <https://mgonline.com/south/detail/9590000114671>.

1 Consequently, individuals seeking to participate with such leaders must conform  
 2 rather than challenge, as dissent is met with condemnation or even unjust  
 3 retaliation. Second, the problem of blind loyalty arises among followers who act  
 4 as protectors of authority figures, defending them uncritically. These individuals  
 5 often rely on emotional responses rather than informed reasoning or civic values,  
 6 aligning themselves with the interests offered by those in power.<sup>22</sup>

7 According to Salinthorn Thongmeansuk et al., citizen participation in  
 8 politics is a cornerstone of democracy, reflecting the principle that sovereignty  
 9 belongs to the people. Section 77 of the Constitution of the Kingdom of  
 10 Thailand, B.E. 2560 (2017) explicitly emphasizes the role of public participation  
 11 in the legislative process. It mandates that citizens must be given opportunities  
 12 to express opinions on draft legislation prior to its enactment, enabling the  
 13 assessment of potential legal impacts comprehensively and systematically. Such  
 14 feedback is to be incorporated into every stage of the legislative process. This  
 15 constitutional principle aims to elevate Thailand's legislative framework toward  
 16 good regulatory practices, ensuring that laws reflect the collective will of society  
 17 and align with the characteristics of sound legislation (Salinthorn Thongmeansuk et  
 18 al., 2023).<sup>23</sup> The researchers identified several major problems and obstacles  
 19 affecting public participation in lawmaking under Section 77 and proposed  
 20 recommendations for improvement. These are summarized as follows: 1.  
 21 Inappropriate channels and methods for public consultation: The current  
 22 mechanisms for soliciting public input differ significantly across government  
 23 agencies, leading to inconsistencies, 2. Insufficient consultation period: The  
 24 minimum consultation period of fifteen days prescribed for government-  
 25 sponsored bills is inadequate for meaningful participation, 3. Complex and  
 26 inaccessible content: Supporting materials for consultation are often lengthy,  
 27 written in technical language, and presented in ways that hinder understanding—  
 28 particularly the phrasing of survey questions, 4. Improper identification of  
 29 stakeholders: Current practices emphasize consultation with government  
 30 agencies rather than directly engaging the individuals or groups who would be  
 31 subject to the proposed legislation, 5. Data privacy and confidentiality issues:  
 32 The collection of personal or identifiable data can discourage honest feedback  
 33 due to concerns over exposure or reprisal, 6. Inefficient design of the central legal  
 34 consultation website: Many citizens find the official IT systems difficult to  
 35 access or navigate, 7. Lack of coordination between bill sponsors and the  
 36 Secretariat of the House of Representatives: In cases of bills proposed by eligible  
 37 voters, drafters often have no role in designing consultation questions or  
 38 reviewing the summary reports of public opinions, 8. Insufficient public  
 39 awareness and outreach: Current public relations efforts fail to adequately reach  
 40 diverse target groups, particularly in rural or marginalized communities,  
 41 9. Administrative and budgetary constraints: Responsible agencies, such as the

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<sup>22</sup>Charoon Yuthong-Saenguthai, "Obstacles and Problems of Public Participation in Thai Society," accessed <https://mgronline.com/south/detail/9590000114671>.

<sup>23</sup>Salinthorn Thongmeansuk et al., *Citizen Participation in the Legislative Process under Section 77 of the Constitution of the Kingdom of Thailand B.E. 2560: Complete Research Report* (Bangkok: Secretariat of the House of Representatives, 2023)

1 Secretariat of the House of Representatives, often face limited resources,  
 2 affecting the overall quality of consultation processes, and 10. Limited  
 3 participation in later legislative stages: Public involvement typically ceases after  
 4 initial consultations. The researchers suggest expanding participation to include  
 5 special parliamentary committee deliberations on draft bills in both the House of  
 6 Representatives and the Senate. To improve the effectiveness of public  
 7 participation in lawmaking under Section 77, Salinthorn Thongmeansuk et al.  
 8 proposed the following recommendations: 1.Integration of all public  
 9 consultation portals into a single centralized website, 2.Systematic collection of  
 10 general information from participants who comment on draft legislation, 3.  
 11 Enhancement of accessibility and communication design in line with universal  
 12 design principles, 4.Adjustment of consultation timeframes to allow for more  
 13 substantive engagement, 5.Expansion of public awareness efforts through broad,  
 14 inclusive, and targeted communication strategies, and 6.Capacity building for  
 15 citizens interested in initiating or supporting legislative proposals.<sup>24</sup>

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## 18 **Summary**

19

20 Section 258 (Ngor) of the Constitution of the Kingdom of Thailand  
 21 mandates a comprehensive reform of the national justice system to ensure that  
 22 citizens have timely access to justice. It establishes institutional mechanisms to  
 23 assist those who are financially disadvantaged, enabling them to participate  
 24 effectively in legal processes. The provision further emphasizes the strict,  
 25 universal, and equitable enforcement of laws to mitigate social inequality and  
 26 systemic injustice. In parallel, it calls for the reform of the criminal investigation  
 27 system to ensure proper checks and balances between investigators and  
 28 prosecutors, thereby Lopez., 2023 mentions public confidence in the integrity  
 29 and performance of justice officials. The Constitution also underscores the  
 30 development of an effective and credible forensic system, alongside the  
 31 cultivation and strengthening of organizational culture within justice institutions,  
 32 so as to facilitate the delivery of justice to the citizenry in a manner that is both  
 33 accessible and expeditious (Caragnano., 2024). In alignment with these  
 34 constitutional mandates, and pursuant to the Act on the National Reform Plan  
 35 and Procedures B.E. 2560, the National Reform Committee on the Justice  
 36 System has devised a strategic reform plan grounded in the broader national  
 37 strategy. This plan places strong emphasis on citizen participation across all  
 38 sectors, as well as the active involvement of relevant governmental and non-  
 39 governmental institutions within the justice system. Such a participatory  
 40 framework seeks to collectively define reform priorities and chart the  
 41 developmental trajectory of the justice system with the citizen at its core.

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43 The Senate, in this context, assumes a pivotal role in scrutinizing legislation,  
 overseeing governmental operations, and serving as a conduit for citizens to

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<sup>24</sup>Salinthorn Thongmeansuk et al., *Citizen Participation in the Legislative Process under Section 77 of the Constitution of the Kingdom of Thailand B.E. 2560: Complete Research Report* (Bangkok: Secretariat of the House of Representatives, 2023).

1 articulate their concerns. These concerns can then inform comprehensive legislative  
 2 and policy responses. Section 77 of Chapter 6 (State Policies) of the Constitution  
 3 requires that legislative proposals undergo impact analysis prior to enactment  
 4 and that the effectiveness of legislation be evaluated post-enforcement. This  
 5 process involves systematic consultation with relevant stakeholders to ensure  
 6 that all laws are both contextually appropriate and responsive to societal needs.  
 7 Furthermore, Section 257(Kor) under Chapter 16 on National Reform  
 8 emphasizes the alignment of legal reform with the principles enshrined in  
 9 Section 77, while promoting harmonization with international legal standards.  
 10 Section 78 extends this framework by mandating the promotion of accurate  
 11 public and community knowledge regarding democratic governance under a  
 12 constitutional monarchy, thereby fostering citizen engagement in national  
 13 development across multiple domains.

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