

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

*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

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

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

<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.

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

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

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

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

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

1. Advisory or Approval of Appointments under the Constitution:
  - Judges of the Constitutional Court
  - Members of the Election Commission
  - 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).

- Members of the National Anti-Corruption Commission
- Members of the State Audit Commission and the Auditor-General
- Members of the National Human Rights Commission
- 2. Advisory or Approval of Appointments under Statutory Law:
  - President of the Supreme Administrative Court
  - Judges of the Supreme Administrative Court
  - Attorney-General
  - Secretary-General of the Anti-Money Laundering Office
  - Secretary-General of the Public Sector Anti-Corruption Commission
  - Secretary-General of the Council of State
  - Members of the National Broadcasting and Telecommunications Commission
  - Members of the Committee for Monitoring and Evaluating the Performance under Section 70 of the Act on the Organization for Frequency Allocation and Regulation of Broadcasting, Television, and Telecommunications B.E. 2553

The nomination and appointment of individuals to independent organizations by the Senate constitute a vital step in preserving justice and transparency in the governance of the state. Selecting qualified and impartial candidates not only reinforces public confidence in the political system but also enhances the efficiency and integrity of organizations responsible for monitoring government performance. The Senate's work in this regard therefore plays a pivotal role in shaping the direction of Thailand's sustainable development across multiple sectors.<sup>4</sup>

### Standing Committees of the Senate

A *committee* refers to a group of individuals appointed by the legislature to perform specific functions on its behalf, such as considering, investigating, or studying matters that fall within the authority of the legislative body and subsequently reporting the findings to the assembly. Committees are therefore established out of necessity to assist and alleviate the extensive and complex workload of the legislature, particularly regarding the administration of public affairs. In this sense, committees serve as working mechanisms for the legislative chamber. The number of committees, as well as the number of committees in which each member may concurrently serve, is determined by the Rules of Procedure of the legislative body.

A standing committee refers to a committee established from among the members of the legislature themselves. These committees are divided into standing committees and permanent standing committees of the legislative body. The permanent standing committees have continuous status, with their number

<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>.

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

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

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

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

<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.atomy.com>; Suphatra Angsuwan, "Citizen-Centered Justice Project," accessed October 6, 2025, <https://tijaacademy.org/icpci-project-in-action>.

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

- 1 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 2. 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 3. 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 4. 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 5. 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 6. 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 7. 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 8. 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 9. Fostering justice-oriented organizational cultures — eliminating  
45 bureaucratic practices that hinder efficient justice delivery, integrating



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

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

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

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

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

<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).

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

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

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

<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.

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

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

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

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<sup>17</sup>Pradit 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.

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

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

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

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

<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://mgronline.com/south/detail/9590000114671>.

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

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

<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)

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

## Summary

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

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).

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

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