

TAWATCHAI SONTIWANIT : THE LEGAL STATUS AND AUTHORITY OF THE
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State universities possess unique characteristics which differentiate them from other government agencies. One such function is that universities serve as institutions of higher learning, and as academic communities. More importantly, universities aim at academic excellence. In order to achieve such ultimate goal, it is deemed essential that universities have freedom in both the administration and their search for academic excellence. Therefore, the function, organization and administration of the universities should be uniquely different from other government bureaucracies. In essence, the roles of the state toward the institutions of higher learning should be more supervising than controlling. However, in the existing circumstances the universities in Thailand come under the same laws which govern other government agencies. As a result, the universities in Thailand are insurmountably bureaucratic. Furthermore, Thai universities face two more important problems. Firstly, the universities, under the current mandates, lack freedom in their administration, particularly in financial, budgetary, personnel and academic functions. Secondly, the universities, in their attempt to improve such situations, pass their own rules and regulations concerning the financial, budgetary, personnel administration. Some universities even set up internal units to cope with the increasing responsibilities. As a matter of fact, it is observed, the passing of the universities internal rules and regulations is beyond the purview of its own authorities.

In order to effectively facilitate the functions of the universities, it is suggested that the institutions of higher learning be categorized into 2 groups. Those universities with financial potentials could have more freedom and serve as public organizations while those relying on government budgets may continue to be state bureaucracies. In addition, governing laws as well as related rules and regulation should be amended in order to give higher institutions more freedom, particularly the second category. The board of trustees of the universities should be given more power and freedom to run their universities effectively.