

ABSTRACT

Thesis Title : Problems Regarding the Introduction of Compulsory
Administrative Recourse in Thailand

Student's Name : Police Lieutenant Colonel Arya Singhkrai

Degree Sought : Master of Law

Academic Year : 1999

Advisory Committee :

1. Dr. Ruthai Hongsiri Chairperson
2. Assoc. Prof. Dr. Poonsak Vaisamruag

The appeal of administrative order is a kind of administrative measures of control in Thailand. Earlier, it is often provided by specific Acts and is not compulsory. Later, the Administrative Procedure Act, B.E. 2539 provides that the appeal of administrative order is compulsory except in case where specific Acts provide specific process of appeal of certain administrative orders.

According to the findings of this research, the change of appeal system from non-compulsory to compulsory system brings about the problem to be considered : the appeal provided earlier by specific Acts or subordinated legislation should be compulsory or not. Moreover, some provisions of this Administrative Procedure Act A.D. 1996 in various points. The appeal provided in specific laws or regulations should be clearly defined as compulsory. Various modifications should be made regarding the suitability of rules on appeal, in order to render the appeal of administrative orders system efficient and be able to achieve the objective of establishing the appeal within the Administration. First, as on the scope of administrative orders that must be

appealed, this rule should not be applied to third party affected by the appeal decision. Secondly, as on the time limited to appeal, the time should be extended to allow the appeal be made within 30 days form the date of the notification of administrative orders. Thirdly, as on the scope of consideration and revision of appeal, administrative orders of local government should be able to be revised only on questions of law. Fourthly, in case of appeal, the rule should be revised to allow interruption of prescription for bringing action to Court. Lastly, the provision on enforcement of certain administrative orders should be adjusted, in line with other administrative laws, in order to allow temporary suspension in certain circumstances.