

## **ABSTRACT**

**Thesis Title** : Problems Concerning Judicial Review of Factual  
Evidence in Administrative Acts

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There are several democratic nations utilizing the "Legal State Principle" in governance of their countries. This means that the state will undertake its mission subject to the law. Thus, any actions performed by a government body or an administrative officer are considered to be of benefit to the public welfare. Nevertheless, if these actions compromise rights and freedoms of the people, the law must be enacted and must clearly state its authority. In addition, the administrative body must use its power within the boundaries of defined law. Therefore, controlling the power of the administrator is a significant measure to insure the security of rights and freedoms of the people. Controlling the administrator by use of the Court has a good reputation and has garnered respect from the people over a long period of time, because the Court can investigate not only whether the

administration undertakes its mission in accordance with the law, but also whether the administrator correctly admits factual evidence.

Currently, the Thai Court limits its authority to control the executive branch or its administrations by complying with the concept of "Legality" and by following the doctrine of "Separation of Powers" in order to avoid the conflict between its authority and the authority of the executive branch or its administrations. The Court usually does not review factual evidence admitted by the administration in making administrative agreements. However, if the Court is of the opinion that the admission of evidence is done mistakenly, or is insignificant or is admitted in bad faith, the Court is then unable to remedy the problem.

This thesis was performed through comparative analysis with several other judicial systems which control the executive branch especially in the case of admission of factual evidence. Furthermore, the purpose of the research is to acknowledge and collect several regulations which, can be utilized to set a new trend in considering whether the administrative hearing of factual evidence was properly performed. Cases in which factual evidence was improperly admitted should be subject to judicial review, thus allowing the introduction of a higher standard of justice in Thailand.