

ABSTRACT

Thesis Title : Guideline In Determination of Qualifications and Recruitment of Thai Administrative Court Judges

Student's Name : Miss Woralak Rattanapan

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Advisory Committee :

1. Assoc. Prof. Dr. Kamolchai Rattanasakalwong

Chairperson

2. Assoc. Prof. Dr. Phoonsakdi Vaisamrvat

The idea of establishing an administrative court in Thailand has emerged since the revolution of administration system in 1933. The continuing efforts at creating the courts are lately shown in clause 1.3 of the Cabinet's statement of political policy addressed to the Parliament on Wednesday, 11 December 1996 as follows :

"... there shall be an administrative court outside the ordinary court system in accordance with the provisions and preamble of the Constitution."

Despite the long history, the forming of administrative courts faces many problems as the problems. The

important problem which will be focused on in this thesis is the personnel matter or the qualifications of judge who will make a decision in an administrative law case. As it is acceptable that an administrative case - the dispute between the individual and state officials or between the state officials themselves and state agencies is unique complicated and different from a dispute that both sides are the individual, it should be heard by a body with special knowledge and experience. Moreover, as the number of administrative cases is increasing, only the improvement of court organisation is not enough. The qualifications of judges should also be developed to provide judges with more knowledge and experience in administrative law cases.

To the latest movement, the principles of qualifications and appointment of judges are laid down in the two pieces of draft law on establishment of administrative court and administrative procedure, one proposed by the Cabinet and another proposed by the Ministry of Justice.

According to the concept of specialization as mentioned above, however, the provisions of the two draft laws are not clear enough that the judges must be qualified in administrative law or public administration. It should propose here that the concept must be adopted

as follows :

1. It should provide in the law on establishment of Administrative Court and administrative procedure that an administrative judge must be qualified in administrative law or have knowledge and experience in law and public administration.

2. The selection of judges should be the "open system" so that a qualified person could be eligible for a judge.

3. There should also be a reform in legal education and legal training or establishment of special institution in administrative law training to meet the increasing demand for personnel in this area.