

Although Thailand uses civil law system , precedents of the Thai Supreme Court have been predominantly followed especially at the initial stage of legal reform in the reign of King Rama V and VI. Reasons for this are as follows :

1. Legal History. Formerly, judgements were made in the form of royal decrees who put great importance and high status.

2. Education. Most law teachers were judges or legal professionals who put great importance on Supreme Court judgement which were taught and explained in classes.

3. Necessity. Referring to Supreme Court judgements is convenient and unmistakable and will not be reversed by higher courts.

4. Applicability. Many judges were educated in common law countries or were students of teachers who graduated from common law countries.

5. Legal System. Lower courts are bound to respect higher courts' opinion on issues remanded for consideration according to the Civil Procedure Code.

The researcher has surveyed attitude of the three parties in the legal profession, i.e. judges , applied lawyer (prosecutor , lawyer , etc.) and legal academics (lecturers and law students) on this matter and has found the following :

1. Judges. Most judges agree that lower courts should follow higher courts' precedents.

2. Applied Lawyer. Most of them agree that higher courts' precedents should be followed for reason of convenience.

3. Legal Academics. Most legal lecturers disagree with following higher courts' precedents , but law students tend to agree with number one.