

Title of Thesis	Conciliation of administrative cases by administrative court
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Abstract

Settlement of dispute by instituting a case with the court is acceptable in the way that a definite result is obtained and it is final. Nevertheless, the court proceeding consumes considerable duration before the court shall render its judgment and it is not certain that, a result of judgment is, ultimately, satisfactory to any party, one party may win and another may lose. In addition, the long period of court proceeding also causes a problem in respect of delay in trialing the case due to numerous of quantity of cases. The method of conciliation in the court to make the parties compromise is, thus, applied to the case pending the court's trial so that the case shall be expeditiously completed and the dispute is settled to both parties' satisfactory, there is no winning or losing party but both parties are in win-win situation.

Court's conciliation for compromise is usually applied for settling civil cases in which the parties have equal legal status with independent decision in performing any act with the purpose to maintain personal interest of each party. However, in an administrative case, the parties do not have equal legal status, then, the act of administrative party should be authorized by law and it must be for a public interest. As a consequence, it makes the decision in performing any act of the administrative party not independent or free as same as the act of private entity in the civil case. Shall the court's conciliation for compromise be applied to settlement of administrative case? and to what extent?

Base on the study of administrative case related conciliation of France and German that is the principal of the countries in which administrative courts are established to executing the duty of deciding administrative cases separately from the court of justice,

it is found that the laws governing administrative procedures of both countries authorize their administrative courts to conciliate administrative cases to enable reaching compromise of the parties.

As to that of Thailand, the Establishment of Administrative Court and Administrative Procedures Act B.E. 2542 and the rules of general judicial meeting of supreme administrative court governing administrative procedures B.E. 2543 that are the laws governing administrative procedures do not authorize the administrative court to conciliate the administrative case to enable the parties to compromise, the administrative court, consequently, cannot conciliate the administrative cases. Anyhow, to apply the method of settlement of dispute by conciliation to the administrative case by empowering the administrative court to conciliate the administrative cases, it is necessary to take into consideration various issues of details of conciliation process, namely, principles of conciliation of administrative cases, category of administrative cases that can be conciliated, roles of administrative court in conciliating the administrative cases and legal effects of administrative case conciliation.

After considering details of such issues, the writer has proposed the guidelines that an amendment to the provision of should be drafted to Establishment of Administrative Court and Administrative Procedures Act B.E. 2542 by prescribing authority and scope of exercising the authority by the administrative court in connection with administrative case conciliation, designation of authority and scope of exercising authority of the administrative court as to compromise based judgment, as well as, designating compromise based judgment as final with prohibition from appeal against content of judgment but the appeal is allowed in case of legality of process of entering into a compromise agreement and compromise based judgment in order to make exercising of authority in respect of Thai administrative court's conciliation clear.