


# The Development of Thai Laws and Legal Education:

## Political and Social Forces to Modernity

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## Abstract

Again and again, Thailand has gone through stages of dilemmas. Its milestones have told us unpleasant historical stories of national conflicts that are influenced by political and social forces. Having Thailand as the case study to analyze influences of external and internal changes in politics and social force, Thailand has to be flexible in adjusting its national policies and laws to serve circumstances at a time. Its laws have been developed in accordance with its administration, political system, and revolution in economy, so as its legal education that has been upgraded in correspondence with changes of global dynamics.

From the monarchy to the similar style of Western democracy, Thai laws nowadays share the same or at least similar structure of legal system. The continental style of codification has shaped Thai laws to live up to international standard in written codes with the supreme court decisions as a secondary authority that lower courts and lawyers somehow pay respect. To be legal practitioners, Thai students have to pass through stages of jurisprudential study and professional training of which attorneys and barristers are of different directions unlike the system in the US or in the UK.

It will be very interesting to see and learn the unique style of the civil law system in Thailand and the recent development in Thai legal education and proliferation of business-law-style courses in its domestic law programs.

**Keywords:** legal education, legal system, law program, development of law, development of legal education, Thailand

# I Introduction to Thai Legal System and Its Legal Education

*“Law is an experience developed by reason and reason tested by experience; it is experience organized and developed by reason, authoritative promulgated by the law making organs of society and backed by the fore of that society... it is a task of social engineering designed to eliminate friction and waste in the satisfaction of unlimited human interests and demands out of a limited store of goofs in existence... it is a process of social adjusting; a system of practical compromises of conflicting and overlapping interests”*

The brilliant doctrine of an American philosopher, Roscoe Pound, on the contemporary jurisprudence though was long ago stated in more than a century, it yet well describes the development and functions of laws in Thailand today. To Pound, science of law is the association of social sciences and law, and social control and civilization. Law is a tool of social engineering in balancing interests and resolving individual and social problems<sup>1</sup>.

Thai laws, as it has experienced external and internal influences and gone through stages of reform and change caused by politic and social forces, the development of laws according to the Thai history is the intelligent effort in improving laws in response to forces at a time and to eliminate friction and waste in the satisfaction of human demands and interests as stated by Pound.

In 1238 during the period of Sukhothai, the first period of Thai history, law was seen as an order of the king who exercised supreme power under the monarchy. There, when society was simple and static and way of life was plain, law was not connected to people, out of reach, and merely was a rule of the king whom people pay respect being influenced by the Hindu jurisprudence or the Code of Manu<sup>2</sup>.

To the Ayudhaya period when Krung Sri Ayudhaya was addressed as the Thai second capital city (1350 to 1767), once society became subtler and complex with improvement of people's way of life, people's demand for satisfaction of interests, law, and judiciary system was advanced that then required the law making organ dealing with such complexity. Judicial power in this period became in hands of the “Purohita” and the king.

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<sup>1</sup> Linus McManaman, *Social Engineering: The Legal Philosophy of Roscoe Pound*, 33(1) ST. JOHN'S L. REV. 1, 16-17 (1958).

<sup>2</sup> Vichai Ariyanuntaka, *Legal Research and Legal Education in Thailand*, in *DOING LEGAL RESEARCH IN ASIAN COUNTRIES CHINA, INDIA, MALAYSIA, PHILIPPINES, THAILAND, VIETNAM* 145, 147-48 (Institute of Developing Economies ed., 2003).

Purohita was a Chief Chaplain and a helper to the king in trial and ruling. Law was the development of judgements that later became a model and royal precedent to follow comparing to the “judge-make-law” principle in Britain. Also, it was a legislation of the king and his royal officials that was timely evidenced and stated in historical documents<sup>3</sup>.

As the matter of fact that the law making group was customarily the king and his surrounded people, to gain legal knowledge, it is not a choice you make but rather a bet of luck that if you were born in royal families or as royal officials, you would likely have chance to study and learn how to legislate law that was back then confined in royal palace. “*The method of dissemination of legal knowledge was done by narrations and indirect teaching between relatives and friends who needed to exercise their legal rights*”, said Honorable Judge Vichai Ariyanuntaka in his writing<sup>4</sup>. Thus, the study of law was very limited in the group of involving persons<sup>5</sup>, while general education was conducted in temples.

In the beginning of Rattanakosin period, after the end of Krung Sri Ayudhaya, because of political factor, that was the war with Myanmar (Burma), the continuation of nationhood demanded Thailand to have all existed laws assembled and revised after the loss of law collections in the invasion. Together with the establishment of new rules of law, after almost a year, Thailand in the reign of King Rama I had then finished its so called “the Three Emblems of State Law” or “the Code of the Three Seals” that was influenced by the Indian Law. It was considered as the original formality of the law of the land and had been used as basis of Siam judiciary<sup>6</sup>.

Once laws were advanced and the community developed, to no surprise, legal education was then disseminated more among the group of people involving in the judiciary; the judge, jury, and executing officer of criminal fines. But as law was yet perceived and treated confidential that dissemination of its contexts was strictly prohibited and without printing technology, it was not widely known to public<sup>7</sup>.

In 1855, grounded on claims that Thai laws and its judiciary system were cruel, way out of date, unsystematic, and uncivilized by foreigners, along the revolution in Thai politics influenced by external force of colonization from England and France under the

<sup>3</sup> *Id.* at 148.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 149.

<sup>6</sup> *Id.* Siam was the former name of Thailand. See also Noppramart Prasitmonthon, *A Comparative Legal Study between the Common Law and the Civil Legal Tradition of Thailand*, at 1, available at <https://pdfs.semanticscholar.org/fb0f/615c673d84defe3617761ae104e8053fe1f1.pdf> (last visited Feb. 20, 2019).

<sup>7</sup> NIPA SUEBKINNEON, *LEGAL EDUCATION SYSTEM IN THAILAND: PAST, PRESENT & FUTURE NEEDS* 13 (2004).

Bowring and similar treaties during the second half of the nineteenth century<sup>8</sup>, Thailand under the reign of King Rama IV decided to reform its legal system in 1891 to discharge itself from the “extra-territorial jurisdiction” turmoil which caused foreign citizens to subject to trial in special Counselors under their own laws<sup>9</sup>.

The friction basing on “internal” and “external” interests of different nations demanded Thailand to start opening up for harmonization in laws. Following the reform in 1891, the country then moved toward continental style of codification known as the Civil Law system that occupies most of the countries in Europe<sup>10</sup>. To achieve that goal and by taking nature of the country into account<sup>11</sup>, Thailand, for the purpose of balancing power of colonizing countries, had then decided to elevate and embrace foreign codes into Thai local codes. More or less, it is a transplantation of foreign justice to Siam<sup>12</sup> that today evidences in many provisions in the Thai civil and commercial law or the “Thai CCC” (Thai Civil and Commercial Code). While Law of Contract and Law of Delict (Tort) in the Thai CCC appear to be very similar to the civil codes of Japan and Germany<sup>13</sup>, some provisions, such as Law of Family and Law of Succession, were still very much relied on local culture and national custom. It is also observed that British law under the Common Law system has also influenced Thai laws in many areas such as the Civil and Criminal Procedural Codes<sup>14</sup>.

During 1800s, by orders of the crown, the study shows that Thailand had greatly reformed almost all of its laws to meet international standard. It includes Civil Procedural Code and Constitution of the Court of Justice in 1895, the Criminal Code in 1908, The Criminal Procedural Code in 1935 and also its amendments in later years<sup>15</sup>.

<sup>8</sup> Ariyanuntaka, *supra* note 2, at 149. See also Munin Pongsapan, *Remedies for Breach of Contract in Thai Law*, in STUDIES IN THE CONTRACT LAWS OF ASIA I: REMEDIES FOR BREACH OF CONTRACT (Oxford Express ed., 2016).

<sup>9</sup> Ariyanuntaka, *supra* note 2, at 149-50. “The exception of judicial power above foreigners living in Siam (Thailand). English subjects were not under Thai law and judiciary. Other western countries followed suit, claiming that their people should not be put under Thai law and judiciary as well because of the insufficiencies and unsystematic of Thai Law and Courts. They preferred to have their peoples subjected only to their laws and special tribunal of judiciary established by them, including citizens of their colonies in Asia”. See also Prasitmonthon, *supra* note 6, at 1-2.

<sup>10</sup> Ariyanuntaka, *supra* note 2, at 151.

<sup>11</sup> *Id.*

<sup>12</sup> Pongsapan, *supra* note 8. “The code system of Thailand was established mainly through legal borrowing. Most of the borrowed rules have survived and seem to have taken root in the new environment”.

<sup>13</sup> *Id.* See also Sandra Blechschmidt, *Interview with Mr. Shiori Tamura*, in CPG ONLINE MAGAZINE (German-Southeast Asian Center of Excellence for Public Policy and Good Governance ed., 2016).

<sup>14</sup> Prasitmonthon, *supra* note 6, at 1-2.

<sup>15</sup> Ariyanuntaka, *supra* note 2, at 151-52.

Along with the change of laws in Thailand that was structured and designed to align with continental style of civil law, the country, in the reign of King Rama V, had also directed outstanding officials and royal families to study laws in Europe; mostly to England and France of their great colonial power. Once returned, they paid great contribution to the land to handle judicial tasks and to enhance Thai laws against the claim of foreigner on uncivilization of Siamese laws to discharge himself from local jurisdiction. Legal system was then no longer limited to the group of people surrounded the king and be restricted in royal house or royal premises<sup>16</sup>. The study was tremendously influenced by foreign legal rules of the common law during the beginning but was later influenced by the civil law in the end<sup>17</sup>.

When the first law school was established in late 1800s, the Thai Bar Association was commissioned to operate as an academic institution to provide jurisprudential study and found people legal basis to produce new generation of officials that was once inadequate to handle judicial tasks under the change. Rather than an organization for professional training, the Bar association first structured its curriculum to focus on domestic and international laws with several numbers of language courses. The Barrister-at-Law degree would be granted to graduates who pass all requirements and that include the one-year term learning and one final exam<sup>18</sup>. In 1911, the school was transferred to be under the Ministry of Justice and had its main duty to both teach law and provide professional training before it was constituted as college<sup>19</sup>. From time to time, the Bar association had been adjusted and reorganized its structure to serve different purposes in different situations and been subjected to different supervising organizations with political and social influences<sup>20</sup>.

Nowadays, the study of Thai laws is permitted to conduct in various institutions to serve different markets that makes the Thai legal study comprehensive. Starting from university level, which carries out its jurisprudential study to found legal basis, to professional training in the Thai Lawyers Council and the Bar that were put in task to enhance intensity of legal study and train university graduates to become a lawyer, public prosecutor, or a judge, they all work in hand to make Thailand's legal education living up to international level.

In analysis of the Thai legal education, this paper has summarized important details of the current system to demonstrate steps to become a lawyer and/or barrister in Thailand. While Part I already laid some background on the development of Thai laws and legal

<sup>16</sup> *Id.* at 152.

<sup>17</sup> Pongsapan, *supra* note 8.

<sup>18</sup> Ariyanuntaka, *supra* note 2, at 153-54.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* at 155.

education in the past, Parts II and III will turn readers to the current legal system after reform<sup>21</sup> that found basis to the Thai legal study under control of the quality assurance committee<sup>22</sup>. Part IV will then move to discuss on the functions of the Thai Lawyers' Council and Thai Bar Association on training perspective with short conclusion in Part V in the end.

## II Thailand Legal System: The Continental Style of Codification with Supreme Court Decision as a Secondary Authority

As the result of Thailand's great law reform, Thailand today uses the continental style of codification with supreme court decision as a secondary authority. It is a successful legal transplantation, on point of view of the author, that guarantees certain standard in law.

When it is said that Thailand uses the continental style of codification, there are four important laws to note and they are Civil and Commercial Code (as amended 1992), Criminal Code (1934), Civil Procedural Code (1934), and Criminal Procedural Code (1934), being known in the name of the four-column law<sup>23</sup>. The four-column law is Thailand's fundamental law and it is commonly understood as the primary source of law in the country. The law contains general principles and they are comprehensively relevant in content especially in the Thai CCC. The Thai CCC contains six chapters of its main provisions and comprising of 1,755 provisions. It starts from Law of Person in Chapter 1, Law of Obligation in Chapter 2, Law of Specific Contracts (i.e. sale, exchange, hires, agency, carriage, suretyship, partnership and company and etc.) in Chapter 3, Law of Property in Chapter 4, Law of Family in Chapter 5, and Law of Succession in Chapter 6. From birth to death, all provisions in the law are logically and systematically connected and layout almost all singular activities of humanity we regularly see in life.

Also, it is worth to mention that though Thailand is a civil law country, norm and custom somehow play role in Thai law. The system recognizes custom as a source of written law that influences behaviors of people especially in commerce and trade that one may conclude its supplementary function similar to the French<sup>24</sup>. According to Article 4 in the General Provision section of the Thai CCC, "the law must be applied in all cases which *comes within the letter and spirit of any of its provision* (par.1). Where no provision is applicable, the case shall be decided according to *local custom* (par. 2). If there is no such

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<sup>21</sup> See Part II: THAILAND LEGAL SYSTEM: THE CONTINENTAL STYLE OF CODIFICATION WITH SUPREME COURT DECISION AS A SECONDARY AUTHORITY.

<sup>22</sup> See Part III: THAILAND LEGAL EDUCATION.

<sup>23</sup> Sometimes called the "four-pillar law".

<sup>24</sup> Prasitmonthon, *supra* note 6, at 3.

local custom, the case shall be decided by *analogy to the provision most nearly applicable*, and, in default of such provision, by the *general principles of law* (par. 3)” (emphasis added), the provision shows its order and choices of law to be applied to a case. While one may view this customary law as a shadow of written law in the Thai code<sup>25</sup>, the author sees this as one of uniqueness in the Thai system to fix loophole in law in addition to the supreme court decision that is respected as a secondary authority.

Though Thailand upholds its civil law style of codification that sources of law are from acts, statutes, and regulations, the country also gives importance to the published supreme court decisions that frequently used as a guide to how court interprets written law. It reveals likelihood of success in a litigation that Thai lawyers, by analogy, can explore possibility and potentiality in reasoning to oppose or argue disputes. Unlike the common law system, the supreme court decision in the Thai case is by no mean treated as a precedent and it is not uncommon to observe that courts in Thailand are not bound by the formers in making their decisions.

Thus, to study law, students in law school in Thailand will generally be required to primarily emphasize on written law to fully understand its meaning, its gist and its objectives and to further be required to review the supreme court decisions to apprehend her interpretation to properly apply law with the case, together with customary law and general principles that all law students should be familiar.

Therefore, sources of law in Thailand, if to be ranked according to its hierarchy, will start from the Constitution which holds its superlative authority to the codified law (including the four-column law), Acts, Royal Ordinance (Emergency Decree), Decree, and Ministerial Regulations and announces. As global community is getting lack of boundary driven by trade (both goods and services) and investment, with proliferation of bilateral, regional and multilateral trade agreements (i.e. free trade agreement—FTA), Thailand is more in touch with international laws and its international obligations which require domestic implementation and legislation. Some aspects of law, specially commercial law, then became even more internationalized and standardized that the same regulations can probably be found in both Thailand and Europe (i.e. intellectual property law). Usually, this sort of law will be promulgated in a form of an act or a decree which requires less time consumption in its implementation. Once the law is getting more harmonized, Thai laws will then be more universal.

<sup>25</sup> *Id.*



### III Thailand Legal Education

#### A. Legal Study in Thailand

To conform with international standard of legal education, Thai legal study is currently under control of the Office of Higher Education Commission or OHEC under the Ministry of Higher Education, Science, Research and Innovation<sup>26</sup>. By law, the Commission is responsible in managing higher education provision and promoting higher education development on the basis of academic freedom and excellence that may occasionally formulate policy, develop and set higher education standards and/or recommendations to universities in Thailand. Each year, school of law, as an operating and working unit in a university, will be periodically evaluated its performance outcome on the quality in providing educational service that its management will be closely monitored and inspected. Their mandates are said to be for conveying higher education development policies and plans that correspond to the National Economic and Social Development Plan and National Education Plan that wholly require proper management<sup>27</sup>.

However, back in the past, after the reform in 1891, law school in Thailand was under management of the Ministry of Justice. As a college, in 1933, King Rama VII decided to declare a royal decree to established law school as a faculty in university. First, it was announced as the Faculty of Law and Political Science in Chulalongkorn University which was originally instituted in 1933. Later in 1934, the school was transferred to be a part of Thammasat and Political Science University. For about 14 years during 1934 to 1948, there was only one legal study institution in land before the second law school was established in Chulalongkorn University in 1951<sup>28</sup>.

Today (2019), there are about 101 law schools in Thailand that are ratified by the Thai Bar Association that provide legal education service for undergraduates<sup>29</sup>. Among these, there are 18 public universities, 33 private universities, and 38 rajaphat universities that all

<sup>26</sup> The Office of Higher Education Commission was previously under control of the Ministry of Education but latterly reorganized, by virtue of the Reorganization of Ministry, Sub-Ministry, and Development Act (No. 19) B.E. 2562 (2019) and the Ministry of Higher Education Commission, Science, Research and Innovation Administration Act B.E. 2562 (2019), to be under control of the Ministry of Higher Education, Science and Technology.

<sup>27</sup> The Office of the Higher Education Commission, *About Us*, available at <http://inter.mua.go.th/about-us-ohec/> (last visited Feb. 20, 2019).

<sup>28</sup> Ariyanuntaka, *supra* note 2, at 156-157.

<sup>29</sup> The Institute of Legal Education of Thai Bar Association, *List of Law Schools to be Qualified for Admission to the Institute of Legal Education of Thai Bar Association* (2018), available at [http://www.thethaibar.or.th/thaibarweb/files/Data\\_web/3\\_%20Kong\\_Borikan/thabian\\_naksueksa/un\\_thethabar122018.pdf](http://www.thethaibar.or.th/thaibarweb/files/Data_web/3_%20Kong_Borikan/thabian_naksueksa/un_thethabar122018.pdf) (last visited Feb. 20, 2019).

share the number<sup>30</sup>. Of the 18 public universities, there are two open-state universities, Ramkhamhaeng and Sukhothai Universities, which provide remote learning to students who are interested in their courses but have no opportunity to enroll as a full time<sup>31</sup>.

At present, legal study in Thailand under the undergraduate level is comprised of 4-year standard study that is divided into eight terms. In these eight terms, with summer term as an option, students will generally be required to learn basic laws to found basis that later be used in their career. The curriculum will normally focus on the preparation of law students for legal practice<sup>32</sup>, so the teaching and learning in Thailand will mostly emphasize on the lecture given before a massive number of students<sup>33</sup>. However, the author now more observes a modern style of education in teaching and learning that in-class discussion and workshop are also available in law schools.

Recently, as global and career markets have changed, needs of consumers are no longer limited to work in supply only the Thai judiciary but also to supply business. Curriculums designed by each school have been moving from traditional or conservative module to modern state of student center where needs of stakeholders are more paid respect. It observed that apart from the basic laws that students need to learn, including the four-column law that dominates most of the courses in law program, there are more courses on business now available to muster up students to several areas of expertise. Most of these courses are a free elective course that usually provide in the third or fourth academic year to follow global trends. Generally, students will be free to choose any courses to enroll in the third or fourth year subject to their interests.

Seemingly that after the One-Belt One Road policy were initiated by China and ASEAN's (or even Asian) trade and investment became liberalized, pragmatism again starts booming among educators in Thailand that the curriculum in recent years has moved toward practices. As Thailand lives in a splendid geography, courses like logistics, ASEAN law, intellectual property, media and telecommunication and more are observed to have been included in many institutions' syllabus to add values. However, none can likely, in return repay hands-on experiences to students as the matter of fact that institutions lack of expertise and practical lecturers. Sad but true, by being restricted according to the OHEC regulations on the qualification of part-time lecturers<sup>34</sup> and the attitude of Thais towards teachers<sup>35</sup>, will there be any legal practitioners swapping their seats from law firms to law

<sup>30</sup> They were formerly a teacher college.

<sup>31</sup> Ariyanuntaka, *supra* note 2, at 157.

<sup>32</sup> *Id.* at 186.

<sup>33</sup> *Id.*

<sup>34</sup> See Part III. B. QUALITY ASSURANCE IN LEGAL EDUCATION.

<sup>35</sup> Thai people tend to view that teaching career is somehow way behind doctors, engineers, technicians, and lawyers, which are well credited and more in favor in the country. As the consequence, teachers are

schools in universities if their salaries can possibly be cut for two-third? If yes, there will be very few in number. Though the author is one of them, comparing to those who swop from academia to a firm, the number of these niche lecturers are now in need to put Thailand's legal education competitive in the world of free market.

According to the regulation of OHEC which requires more “qualified” career-professors or a full-time lecturer to be responsible in law programs<sup>36</sup>, by applying Western style of education, universities in Thailand are living in a difficult situation to employ these people who are perfectly equipped with perfect qualifications on research, academic work, and practical skills, against the low payment given in return. Opportunity to employ judges and public prosecutors as a part-time lecturer that used to be available is more or less desperately shut out because of their failure to meet this academic requirement.

On top of that, along with the less-born-child phenomenon in Asia, Thai universities moreover have to fight and struggle with the decreasing number of new-born child. Various courses in the law programs now attempt to attract high school students to be in their campuses. There are several numbers of law course that now offer legal study in English<sup>37</sup>, in bilingual (Thai-English)<sup>38</sup>, and major number in Thai<sup>39</sup>. Many of them now partner their courses with oversea universities<sup>40</sup>. The total number of credits required for graduation is generally between 135 to 145 credits. In general, to be a candidate for admission to law school in a university, student is required to complete his/her high school or M.6<sup>41</sup> (Senior High School) degree or any equivalents. Students will also be required to take the National Assessment and Educational Test on graduating from high school (Central Admission System)<sup>42</sup> and/or direct entrance examination (Direct Admission System)<sup>43</sup>, which is now available a number of times a year (together called the “Admission Test”), to gain certain scores to be admitted. Sometime students are also required to pass an interview and/or

paid much more lower in return though their jobs are actually about nurturing and founding children to be a quality citizen.

<sup>36</sup> See Part III. B. QUALITY ASSURANCE IN LEGAL EDUCATION.

<sup>37</sup> The entire LL.B. program is wholly conducted in English.

<sup>38</sup> The main courses offered in the LL.B. program are conducted in Thai with some business law courses (or specialist courses) conducted in English.

<sup>39</sup> The entire LL.B. program is wholly conducted in Thai.

<sup>40</sup> Sakda Thanitcul, *ASEAN Charter and Legal education in Thailand* (2009), at 7, available at <http://www.aseanlawassociation.org/10GAdocs/Thailand1.pdf> (last visited Feb. 20, 2019).

<sup>41</sup> M.6 is a senior high school degree in Thailand which is equivalent to the high school diploma (Grade 12) in the US.

<sup>42</sup> National Assessment and Educational Test is administered, monitored, and conducted by the National Institute of Educational Testing Service (Public Organization)—NIETS. The test includes O-Net, GAT, and PAT. For more info., please see <http://www.niets.or.th/en/>.

<sup>43</sup> The current admission system in Thailand now work in parallel between i) the National Assessment and Educational Test which accounts students a certain proportion of admission score and ii) the Direct Entrance Examination to be organized by each individual university, together with an interview or attitude test (if any).

attitude test (if any) subjected to regulation of each university<sup>44</sup>.

In order to exhibit the curriculums presently used in universities as a prerequisite to pursue law careers in Thailand, the author deems appropriate to pick up curriculums of these three notable universities to discuss and to merely focus on the undergraduate program of law study (LL.B.) as long discussion of all the programs in a publication may sound impossible and inappropriate.

## 1. Bachelor of Laws Program in Thai

### Chulalongkorn University ("CU Law")

In the light of the CU Law's mission to produce quality graduates who both own legal knowledge and morality that will generate academic works and researches for national development and to become one of the leading universities in Asia<sup>45</sup>, the LL.B program currently available in the undergraduate level of law study in Chulalongkorn is designed to target on two groups of students<sup>46</sup>; i) a new fresh high school graduate (high school diploma or M.6) and ii) graduate with bachelor's degree from other fields. Whilst the first is aimed to produce new lawyers, judges, and public prosecutors to supply to law market and required to pass the Admission Test<sup>47</sup>, the latter is aimed to produce a multi-skill lawyers who can comprehensively apply law in their fields of knowledge and view law as a practical tool to serve their careers<sup>48</sup>. Similar to the American system, law in this case is seen as a professional subject. Students are required to take only the Direct Entrance Examination to be admitted to the school.

The general LL.B. program of the CU Law requires a period of four year study or eight studying semesters for full-time students whereas the minimal period shall not be less than seven semesters and the maximum period not more than 16 semesters<sup>49</sup>. One academic year is consisted of two semesters; first (from January to May) and second (from August to December) semesters, and a summer semester as an interval term (from June to July). According to the system, each semester has 15 weeks of study but the summer term

<sup>44</sup> Ariyanuntaka, *supra* note 2, at 157-158. See also Triamanuruck, Phongpala, and Chaiyasuta, *Overview of Legal Systems in Asia-Pacific Region: Thailand*, in OVERVIEW OF LEGAL SYSTEMS IN ASIA-PACIFIC REGION 5 (the Conferences, Lecturers, and Workshops at Scholarship@Cornell Law: Digital Repository ed., 2004).

<sup>45</sup> Faculty of Law Chulalongkorn University, *Bachelor of Laws Program-Structure* (2015), available at <http://www.law.chula.ac.th/home/page.aspx?id=57> (last visited Feb. 20, 2019).

<sup>46</sup> Information as of January 29, 2019.

<sup>47</sup> See *supra* note 45.

<sup>48</sup> Faculty of Law Chulalongkorn University, *Bachelor of Laws Program (Special Program for Graduates from Other Fields)-Structure* (2015), available at <http://www.law.chula.ac.th/home/page.aspx?id=71> (last visited Feb. 20, 2019).

<sup>49</sup> See *supra* note 45.

is very much shorter to only six studying weeks.

To be qualified for graduation, students are required to enroll not more than 22 credits or not less than nine credits per one semester and required to gain the total accumulated credits of 138 credits. In order to acquire 138 credits<sup>50</sup>, students need to complete i) general subjects of 35 credits, ii) specific subjects of 93 credits which include a) compulsory basic legal subjects (77 credits), b) compulsory area subject (2 credits), and c) compulsory-to-choose area subjects (14 credits), and iii) noncompulsory subjects or free-elective courses of 10 credits<sup>51</sup>.

On review of their curriculum, it is observed that most of the courses in the program are related to the four-column law and common law subjects (i.e. Tax Law, Labor Law, Administrative Law, Public and Private International Law) that Thai students are normally required to complete to later be qualified to admit to professional associations and pursue their law career. However, what may be interest to employers is likely the courses related to business law such as Law and Accounting (3404201), Economic Analysis of Laws and Implication for Business (3404202), ASEAN Law (3405201), Business Crime (3402431), Seminar on Business Law and Investment in the ASEAN Countries (3401411), Business Law in English (3401433), Contract Negotiation and Drafting (3401438), Marketing Law (3404407), International Trade Law (3405432), International Contract Law (3405433), International Business Transaction Law (3405434), International Environmental Law (3405436), International Economic Law (3405443-3405444), Introduction to Chinese Law (3404119), Law on Broadcasting and Telecommunications Business (3404406), Entertainment Law (3404413), Law on Medicine and Public Health (3404414), Mineral Resource and Petroleum Law (3404474), and Law of Technology (3404499). In parallel with language courses in French, Chinese, Japanese, English, and German that can be seen as their strengths, CU Law is, to the point of view of the author, more into private law (business law), as versus public law, as their expertise.

#### Thammasat University (“TU Law”)

Basing on unique history of the TU Law that has gone through a stage of political dilemma<sup>52</sup>, that was once called “Thammasat and Political Science University”, TU Law tends to focus their program more on public law if we compare with the CU Law’s program. In consideration of their curriculum being now offered to law students, students are required to complete 141 credits to earn a bachelor of laws degree, and that takes

<sup>50</sup> *Id.*

<sup>51</sup> *Id.* See also Faculty of Law Chulalongkorn University, *Bachelor of Laws Program-Course Description* (2015), available at <http://www.law.chula.ac.th/home/page.aspx?id=59> (last visited Feb. 20, 2019).

<sup>52</sup> Faculty of Law Thammasat University, *About Us* (2013), available at <http://interllb.law.tu.ac.th/about-us/faculty-of-law-and-thai-society> (last visited Feb. 21, 2019).

approximately four years or eight semesters to study<sup>53</sup>. The term starts and ends almost the same time as other law schools in Thailand, with summer term as an option for students to enroll. The maximum period for their learning is up to 14 semesters but in no case shall not less than seven<sup>54</sup>.

Similar to the program offered in CU Law, TU Law at present also offers LL.B. program to high school graduates and graduates with bachelor's degree from any field to pursue the law degree. TU Law's LL.B has two plans as students' option. To go with Plan A, students will be able to graduate with certificate of specialization in any of the four specific fields in law (Civil Law, Commercial and Business Law, Public Law, and Legal Profession in Administration of Justice). To get the certificate, students are required to complete i) general subjects of 30 credits, ii) specific subjects of 105 credits which include a) compulsory subjects (87 credits) and b) compulsory-to-choose area subjects (18 credits), and iii) noncompulsory or free elective subjects of six credits<sup>55</sup>. If the certificate is not their need, students will then be free to take more free elective courses up to 24 credits, whereas the specific subjects of 105 credits will then be reduced to 87<sup>56</sup>.

Apart from the four-column law and common law subjects available in the program, strengths of the curriculum of the TU Law, according to the author, is likely a variety of public law courses. This includes Introduction to German Legal System (LA273), Seminar on Law and State Policy on the Disable (LA279), Criminal Law Seminar (LA316), Comparative Criminal Law (LA318), Seminar: Problems in Criminal Justice (LA384), Criminal Justice (LA313), Extradition Law and Mutual Assistance in Criminal Matters (LA393), Criminal Investigation (LA485), Law of Local Administration (LA357), Law Relating to Control of the Exercise of State Power (LA254), Law Relating to Public Agents (LA255), Comparative Constitutional Law (LA258), Political Party and Electoral Law (LA354), and Law of Parliaments (LA356), just to name a few. The author yet observes that there are also several business law courses available such as Laws on Information Technology (LA363), Laws on Mass Communication and Telecommunication Business (LA433), Laws on Food and Drug (LA435), but there are very few in number. Likely, TU Law tends to be more conservative in their curriculum comparing to the curriculum of Chulalongkorn University.

To be admitted to TU Law, candidates must obtain a high school degree or a bachelor degree in any field from any recognized universities and to pass a certain score of the Admission Test<sup>57</sup>.

<sup>53</sup> Faculty of Law Thammasat University, *Program Description*, at 8, available at <https://reg.tu.ac.th/th/Picture/AttFile/c9b0a12f-81e0-4d47-92ba-079e30983576> (last visited Feb. 21, 2019).

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> *Id.* at 9.

<sup>57</sup> *Id.* at 7-8.

## 2. Bachelor of Laws Program in Bilingual

### Assumption University of Thailand (“AU Law”)

Standing as one and only private university in our three examples, Assumption University has its long history in business. Started in 1969 when the school was first established as “Assumption Commercial College” by St. Gabriel foundation, and later be upgraded to “Assumption Business Administration College or ABAC” in 1972 and to “Assumption University (AU) in 1975<sup>58</sup>, AU has been living under shadow and fame of its business school even till the AU Law was established in 1992. Ambition of the school, as stated in its first statement, is to “produce graduates in legal profession specializing in business law”<sup>59</sup>, that will conform to the university’s long known identity and unique characteristic. AU Law’s curriculum was therefore strategized to target on producing young business lawyers for local and international firms. As the law degree of AU is equally recognized by authorities, it is also optional for their graduates whether to choose and apply to take judicial exams to be public prosecutors or judges after their bar graduation.

Though, by law, the program offered by AU Law is considered as a Thai program as the Ministry of Education positioned law schools to serve local consumption on legal services and because law is deeply connected to local culture and tradition that all the programs are required to be in Thai, AU Law program is in practice bilingual and differentiated from other law courses. It on one hand contains minimum requirements of law courses in Thai language to be qualified by related Thai authorities, and on the other hand provides specialized and free elective courses, as well as general education courses, in English.

Speaking particularly on its LL.B. program, the current Program Modification B.E. 2560 (2017) at present provides i) general education courses of 30 credits, ii) specialized courses of 108 credits, and iii) free elective courses of six credits, in total 144 credits, to students<sup>60</sup>. Of the general education courses of 30 credits, students will have to complete English and Thai language courses of 15 credits (Thai accounts for only three credits), social science courses of nine credits and humanities courses of three credits. This includes courses such as Introduction to Economics (ECO2202), Arts of Reasoning (GE2103),

<sup>58</sup> Assumption University, *History and Background* (2016), available at <http://www.au.edu/index.php/about-au/history/1578-history-and-background-1.html> (last visited Feb. 20, 2019). The University is a non-profit institution administered by the Brothers of St. Gabriel, a worldwide Catholic religious order, founded in France in 1705 by St. Louis Marie De Montfort, devoted to education and philanthropic activities. The congregation has been operating many educational institutions in Thailand since 1901.

<sup>59</sup> School of Law Assumption University, *History* (2015), available at <http://www.law.au.edu/history.html> (last visited Feb. 20, 2019).

<sup>60</sup> Assumption University, *Bulletin 2018-2019* (2019), at 244, available at [http://www.au.edu/images/pdf/Bulletin2018-2019\\_001.pdf](http://www.au.edu/images/pdf/Bulletin2018-2019_001.pdf) (last visited Feb. 20, 2019).

Logical Thinking and Application (GE2106), Statistics (SA1201) and so on<sup>61</sup>. While of the specialized courses of 108 credits, students will need to complete core law courses in Thai of 89 credits as required by professional associations, and major required courses of 13 credits, including Law on Taxation in International Trade and Investment (LL4504), Intellectual Property Law (LL4505), International Business Transaction Law (LL4506), Principles of Contract Drafting (LL4606) in English<sup>62</sup>. On top of that, students will be free to choose any of the free elective courses of six credits subject to their interests such as Natural Resources Law (LL4407), Broadcasting and Telecommunication Laws (LL4409), Energy and Petroleum Law (LL4410), Securities and Securities Exchange Law (LL4509), Investment Law (LL4511), International Economic Law (LL4512), Carriage of Goods by Sea Law (LL4514), Industrial Law (LL4516), Law on Real Estate Business (LL4517), Law on Fashion Business (LL4525), International Financial Law (LL4526), International Organization Law (LL4704), Introduction to Digital Technology Laws (LL4802), Business Law and ASEAN (LL4804), Law on Digital Economy and Startup Business (LL4805), Law on Agriculture (LL4806), Introduction for Logistic and Supply Chain (LL4807), Legal Aspects of Transportation and Logistics (LL4808), Business, Corporate Governance and Corporate Social Responsibility (LL4809), and so on<sup>63</sup>. Thus, AU Law's strength is likely on the application and practical skills of law in business in due course to the development of global and regional economy and in accordance with the university's ambition to provide scientific and humanistic knowledge in business education and management science to public<sup>64</sup>.

To be admitted to AU Law, similar to the formers, students must have completed their high school study and pass certain score of the Admission Test as well as an interview conducted separately by the school. The entire course runs for four years which is divided into eight semesters with summer terms. The first semester starts in January and ends in May, and the second semester starts in August and ends in December. Each semester has 15 studying weeks and students are required to attend classes not less than 80 percent.

### 3. Bachelor of Laws Program in English

#### Thammasat University

International LL.B. Program in Business Law, was initially introduced by Thammasat University in 2013 and to date remains the one and only English program available in the

<sup>61</sup> *Id.* at 244-245.

<sup>62</sup> *Id.* at 245.

<sup>63</sup> *Id.* at 246.

<sup>64</sup> Assumption University, *Objectives and Policies* (2016), available at <http://www.au.edu/index.php/about-au/history/1638-objectives-and-policies-1.html> (last visited Feb. 20, 2019).



country. In order to provide domestic society an option to learn Thai law in English and supply graduates who are capable of English language to market, in the midst of global economic interdependence propelled by international trade and investment and the rise of ASEAN<sup>65</sup>, TU Law took their initial step in exploring this niche by providing a LL.B. program entirely in English.

According to their course, students will learn laws for four years or eight semesters, plus four summer terms, that includes the basic laws, the four-column law and the common law subjects. Students are required to complete a minimum of 125 credits within seven academic years but not less than seven semesters or three years and a half to graduate. Each semester contains 15 weeks of full-time study and a summer term runs for at least six weeks<sup>66</sup>. To be awarded an International LL.B degree in Business Law, of the 125 credits, students are required to complete i) general education courses of 30 credits, specialized courses of 89 credits, and iii) optional or free elective courses of six credits<sup>67</sup>. Because the number of courses are slightly lower comparing to other law programs in other universities, there are always question and doubt on their quality posed by markets<sup>68</sup>.

Of the general education courses of 30 credits, students will learn i) 21 credits of compulsory general education courses such as Critical Thinking, Reading and Writing (TU104), Thailand, ASEAN, and the World (TU101), and Life and Sustainability (TU103), and ii) nine credits of compulsory-to-choose general educational courses such as introduction to economics (EE210), Business Basic for Law Students (LB133), and Legal Communication Skill (LB163)<sup>69</sup>. And of the 89 credits of specialized courses, students will take 41 credits of the law course of which include law of the four-column and 48 credits of designated optional course. In consideration of the optional course, it is interesting to see that students are now allowed to choose 36 credits of business law course and 12 credits of non-business law course of which account a total of 48 credits freely<sup>70</sup>. It is also found that there are about seven courses, i.e. Family Law (LB303), Law of Succession (LB304), Law on Negotiable Instruments (LB335), Law of Evidence (LB384), Insolvency Law (LB383), Income Tax Law (LB343), Private International Law (LB393), Labor Law (LB353), and Banking and Finance Law (LB349), that students can possibly opt-out not to learn though they are normally required by institutions as they contain three main chapters of the Thai

<sup>65</sup> Faculty of Law Thammasat University, *Why an international LL.B.* (2013), available at <http://interllb.law.tu.ac.th/program-overview/why-an-international-llb> (last visited Feb. 20, 2019).

<sup>66</sup> Faculty of Law Thammasat University, *Curriculum (Academic Year 2018-2022)* (2013), available at <http://interllb.law.tu.ac.th/program-overview/curriculum-2018-2022> (last visited Feb. 20, 2019).

<sup>67</sup> *Id.*

<sup>68</sup> Faculty of Law Thammasat University, *Frequently Asked Questions* (2013), available at <http://interllb.law.tu.ac.th/program-overview/frequently-asked-questions> (last visited Feb. 20, 2019).

<sup>69</sup> *See supra* note 66.

<sup>70</sup> *Id.*

CCC that are considered as a fundamental.

Also, it is very interesting to see new courses such as Law on Information Technology (LB363), Law on Mass Communication and Telecommunication Business (LB366), Law on Real Estate Development (LB403), Principles of Tax Accounting (LB447), Tax Administration and Tax Planning (LB449), Business Negotiation (LB465), Introduction to Chinese Law (LB264), Introduction to Japanese Law (LB268), Introduction to German Law (LB267), Introduction to French Law (LB266), and Economic Analysis of Law (LB364), are now included in the law program of TU. Students are free to choose courses which are taught in English and offered by any faculty in Thammasat University to complete the rest of six credits of optional courses<sup>71</sup>.

To be admitted to the International LL.B. Program in TU Law, it is all about the application process that is now available in three tracks. In whatever track, candidates are required to have high school certificate, pass the Admission Examinations and Selection Process which includes one written exam and an interview. They are also expected to gain a certain score of TOEFL, IELTS, or TU-GET set by the school to prove their proficiency in English language. The score lasts for two years before the application date<sup>72</sup>.

## B. Quality Assurance in Legal Education

For the purpose of enhancing Thailand's education to live up to international standard and be universally acceptable, the National Education Act B.E. 2542 (as amended in B.E. 2445) started in 2002 introduced its quality assurance system for higher education institutions in Thailand. The scope covers law schools which provide educational services in the undergraduate level, schools of law are now therefore being bound by the standard subjected to the Ministry of Education Notification on the Undergraduate Program Standard Criteria B.E. 2558 (2015) ("2015 Notification"). To make sure that the law programs being offered by universities in Thailand will meet certain requirements on i) Regulatory Standards (curricular management in accordance with the standard criteria stipulated by OHEC), ii) Graduates (including graduate quality in accordance with the Thai qualifications framework for higher education, and graduates' employment or research output), iii) Students (student admission, student support and development, and results experienced by students), iv) Instructors (including management and development of instructors, instructor quality, and results experienced by instructors), v) Curriculum, Learning and Teaching, and Learner Assessment (including content of courses in the curriculum, establishment of an instructional system for instructors and a process for

<sup>71</sup> *Id.*

<sup>72</sup> Faculty of Law Thammasat University, *Admission* (2018), available at <http://interllb.law.tu.ac.th/admissions> (last visited Feb. 20, 2019).

learning and teaching, learner assessment, and curriculum operational results according to the Thai qualifications framework for higher education), and vi) Learning Resources, the six indicators are in place to be used for checking and monitoring universities' performance each year as a repeated step of PDCA system (Plan, Do, Check, Act) that will be evaluated by OHEC. The score will then be published following the evaluation. Among various rules, what are viewed important and a stumbling block for universities in running law programs is likely the Indicator No. 3.2 on Student Support and Development and No. 4.2 on Instructor Quality.

According to Article 10 of the 2015 Notification, the academic program operated by the higher education institutions must have adequate *qualified instructors* (emphasis added), given that i) “10.1.1 the program faculty member<sup>73</sup> must hold a master's degree or an assistant professor title and have produced, in the past five years, at least one academic work which is not a part of graduation requirements and published in accordance with the publication criteria specified for academic title appointment”, and ii) “10.1.2 qualified faculty members responsible for the program<sup>74</sup>, of at least five in number, must hold the same qualifications and academic works as specified in 10.1.1, and in case the program has more than one study track, each track must be have at least three faculty members, who hold direct or related specialization to the track, responsible for the program”.

Moreover, in Article 10.1.3 (Quality of the Lecturer), the provision says “the lecturer can be either a full-time or part-time lecturer who holds at least a master's degree or an assistant professor title in the field of study or related field. Where the full-time holds merely a bachelor's degree, they can continue teaching in the program only if they have been teaching in such program before the Undergraduate Program Standard Criteria B.E. 2558 takes effect”.

In the case of the part-time lecturer, they are required to have the same qualifications but if “(they) have no master's degree, they are required to have at least a bachelor's degree and have at least six years of working experience related to the course. Whatsoever the case will be, the part-time lecturer must not teach more than 50 percent of the total number of hours of a course in which a full-time lecturer is responsible for the management of the course”

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<sup>73</sup> According to Article 4 of the 2015 Notification, the Program Faculty Member shall mean a full-time faculty member who holds a degree in the field of study or related field of study and teaches and conducts research in the field of study.

<sup>74</sup> According to Article 4 of the 2015 Notification, the Faculty Member Responsible for the Program shall mean a program faculty member who is i) responsible for developing and managing curriculum and instruction which include planning, controlling quality, following-up, evaluating and developing, and ii) is involved throughout the implementation of the program.

As the result, law schools are now living in difficulty in managing their programs to meet the requirements, especially to recruit an adequate number of qualified members who have practical skills to work. Despite the unlikelihood of possibility that practical lawyers will switch to work in academics, many of them obtain only a bachelor degree though they have great numbers of years of practical experience. They are hence unqualified to teach and pass on their knowledge even as a part-time. In some courses that are very practical such as Contract Drafting or Counselling and Advocacy that probably require no theory but a workshop, part-time lecturers are not allowed to conduct more than half of the course.

Also, though there is an exception clause to Article 10.1.2, provided in its last par. that “in case the program is unable to complete the number of faculty members responsible for the program, the University may propose the appropriate number and qualifications of faculty members responsible for the program to OHEC for approval”, this is yet not easy and subjected to consideration and discretion of OHEC on case by case basis. Not to mention that there are likely only three international journals in law that are qualified and recognized by OHEC according to the publication criteria stated in OHEC’s Regulations on Academic Title Appointment B.E. 2556<sup>75</sup>, nuisance in their program management is even more severe in the master of laws program where its requirements on qualified instructors are much stricter; and they are the requirements on the number of academic work to be published per year and the level of academic title of thesis/independent study advisors and program faculty members according to Article 10.3 of the Ministry of Education Notification on the Graduate Program Standard Criteria B.E. 2558. Nevertheless, it is out of scope of this paper to further discuss.

By taking Thai history in the introduction part into consideration, likely, law schools in Thailand are more into teaching rather than producing research.

## IV Professional Associations

### A. Thailand Lawyers’ Council under the Royal Patronage

In speaking of Thai legal education, it will be incomplete if this paper ignores mentioning the function of the two Thai professional associations, the Thai Lawyers’ Council and the Thai Bar, in legal training.

Following jurisprudential study in law school, Thailand Lawyers’ Council will provide professional training to transform law school graduates to be a lawyer. According to Article 4 of the Lawyers Act B.E. 2528 (1985), lawyer is defined as “a person who *has*

<sup>75</sup> This is to note that among the 19 international journals listed in the exhibit to OHEC’s Regulations on Academic Title Appointment B.E. 2556, there are likely only three journals in law, including Scopus and Social Science Research Network, being qualified and recognized by the commission.

*been registered as a lawyer, and a license has been issued* to him or her by the Lawyers Council (emphasis added). Therefore, by law, there can be no one being a lawyer or practicing law in Thailand without i) a law degree, ii) having registered with the Lawyers' Council, and iii) obtaining a license to practice. Unlike the United Kingdom, lawyers in Thailand are not divided into barristers and solicitors, nor are required to pass a bar exam as they would be required in the United States<sup>76</sup>.

In order to be registered and obtain a lawyer's license, an individual must meet certain educational requirements and that requires i) an LL.B or an associate degree or a certificate in law equivalent to an LL.B. or an associate degree from an educational institution accredited by the Thai Lawyers' Council, and ii) completion of training in professional ethics and basic principles of advocacy and legal profession<sup>77</sup>. The training, which is run by the Institute of Law Practice Training of the Lawyer's Council, is divided into two stages. In the first stage, the candidate will be required to learn the theory of case conduct and professional ethics for not less than 90 hours and will subsequently be required to pass the test at the end of the term. Then in the second stage, the candidate will be required to have an internship in a qualified law firm. After six months (at least) of actual training, the candidate will need to apply their knowledge in the second test before he or she is qualified to a lawyer's license<sup>78</sup>.

It is also important to note that to be a lawyer, the profession is by law restricted and reserved to only Thais<sup>79</sup>. According to Thailand's Foreign Business Act B.E. 2542 (1999), legal service business is the business which Thai national is not ready to compete with foreigners subject to the List No. 3<sup>80</sup>. Foreign citizens are therefore being prohibited to operate legal service unless permission is granted by the Director-General<sup>81</sup>.

By law, the lawyer's license is valid for two years from the date of issuance and it subjects to renewal 90 days prior to its expiration. To avoid any interruption<sup>82</sup>, it is optional for Thai lawyers to apply for a lifetime membership<sup>83</sup>.

<sup>76</sup> Charunun Sathitsuksomboon, *Thailand's Legal System: Requirements, Practice, and Ethical Conduct*, available at <http://thailawforum.com/articles/charununlegal.html> (last visited Feb. 20, 2019).

<sup>77</sup> *Id.* See also Section 35 of the Lawyers Act B.E. 2528.

<sup>78</sup> Sathitsuksomboon, *supra* note 76.

<sup>79</sup> Section 35 of the Lawyers Act B.E. 2528.

<sup>80</sup> Thailand Foreign Business Act art. 4 provides: "Foreigner means (1) natural person not of Thai nationality; (2) juristic person not registered in Thailand...".

<sup>81</sup> Article 8 of the Foreign Business Act B.E. 2542.

<sup>82</sup> The Lawyers Act B.E. 2528 art. 44 provides: "The lawyer title can be ceased upon terminated by (1) death; (2) notification of his termination of practice; (3) failure to renew his license...".

<sup>83</sup> Section 39 of the Lawyers Act B.E. 2528.

## B. Thai Bar Association

While in Thailand, lawyer's license is an essential requirement to practice law and be a lawyer, the Thai Bar is on the other hand a prerequisite to become public prosecutor or a judge. As such, the lectures in Thai Bar more focus on decisions of the supreme court and analysis on the analogy and the court's arguments. This attracts many legal practitioners to enroll for the course to gain more knowledge in law though they may not run for judicial exams in the end.

Rather than producing personals to serve judiciary in the Ministry of Justice in the old day<sup>84</sup>, the operation of the Thai Bar Association nowadays focuses more on promotion of education and knowledge of legal practice for law practitioners<sup>85</sup>. This aim was stated in the objective of establishment of the Legal Education Institute of the Thai Bar Association that was accorded to the Agreement of the International Bar Association in which Thailand is a member. It was the consensus of the International Bar Association which was held in Hague, Netherlands, in 1948<sup>86</sup>.

At present, to be qualified as a candidate to apply to study in Thai Bar, the applicant must be a person who graduates with Bachelor of Laws degree from universities in Thailand or overseas and passes an examination to the standard stipulated by the Legal Study Committee of the Bar according to Article 56 of the Thai Bar Association Regulation B.E. 2507 (1964) ("1964 Regulation").

Subject to the Rule of the Thai Bar Association on Student Registration, Teaching and Learning, Examinations, and Disciplines and Ethics B.E. 2507 (1964), Article 5 states that the curriculum of study is comprised of two semesters and two written exams. In Article 5 par. 2, it states that the first semester begins in June and ends in September and the second semester begins in December and ends in March. The written exam is held at the time in between.

Time of teaching in the Thai Bar is between 8.00 to 16.30 of the normal class and from 17.00 to 20.00 of the evening class but class attendance is not a requirement. Students are permitted to study at home<sup>87</sup>.

According to Article 8 of the Rule, in the first semester, students will study criminal and civil and commercial law course. It includes labor law, criminal law, administrative law, civil law on property, juristic act, obligation, torts, sales, exchange, gift, hire of property, hire-purchase, hire of labor, hire of service, loan, deposit, suretyship, mortgage,

<sup>84</sup> See Part I: INTRODUCTION TO THAI LEGAL SYSTEM AND ITS LEGAL EDUCATION.

<sup>85</sup> Ariyanuntaka, *supra* note 2, at 149. See also Sathitsuksomboon, *supra* note 76.

<sup>86</sup> Ariyanuntaka, *supra* note 2, at 149.

<sup>87</sup> *Id.* at 170.

pledge, agency, broker, bill, partnership and company, family, succession, tax law, land law, intellectual property law and international law, of which account 20 questions in the final test. And in the second semester, students will study on criminal and civil procedural law, which includes bankruptcy law, civil procedural law, criminal procedural law, constitution of the court of justice, trial procedure in juvenile and family court, evidence law and litigation and witness examining practices, of which account another 20 questions in the second test<sup>88</sup>. If students can pass all the tests, they will then be qualified to take an oral test before being entitled to Barrister-at-Law degree<sup>89</sup>. Later, they will then be qualified to apply for a judicial recruitment, either to be a judge or public prosecutor, of course if they are willing to be.

Apparently, the way of learning and testing law students in legal education of Thai Bar can be differentiated from those in universities as its curriculum focuses more on professional training and the supreme court decisions as a secondary authority that are commonly *respected* by judges in lower courts (emphasis added).

According to Article 3 of the 1964 Regulation, membership of the Thai Bar Association are of five different classes; they are ordinary membership, extraordinary membership, associate membership<sup>90</sup>, auxiliary membership<sup>91</sup>, and honorary membership<sup>92</sup>. Whilst all registered lawyers in Thailand, by virtue of the Lawyers Act B.E. 2528, are admitted to extraordinary membership, only students who pass all the requirements that earlier stated will then possibly be admitted to the ordinary member of the Bar.

## V Conclusion

Said Honorable Judge Vichai, “the appropriate lawyer is compared with social architect or engineer. He or she should have very keen legal knowledge in particular area. Economic, social, and politic matters will be important for all lawyers to understand the situations and its implications. Lawyers, therefore, will be able to manage to establish justice in the society, which is the step toward elevating quality and integrity of Thai community. Lawyers should be able to protect state interest and sovereignty”<sup>93</sup>. To be a

<sup>88</sup> *Id.*

<sup>89</sup> Sathitsuksomboon, *supra* note 76.

<sup>90</sup> Associate membership is for a second-class lawyer that was first originated by virtue of the Lawyers Act B.E. 2508. After the enforcement of the Lawyers Act B.E. 2528, the second-class lawyer was then abolished.

<sup>91</sup> Auxiliary membership is for students of the Institute of Legal Education of the Thai Bar Association.

<sup>92</sup> Honorary membership is given to any distinguished person with extensive knowledge of legal or political science.

<sup>93</sup> Ariyanuntaka, *supra* note 2, at 175.

great lawyer, as a social engineer who shapes and keeps proper structure of local society stated by Pound, it is the matter of nonstop learning and well-rounded knowledge that legal education is a big and significant part of entire effort and contribution of institutions and professional associations in the country. To certain point, the current education system in Thailand is, by point of view of the author, already well designed to prepare law students to the path though it had sometime struggled with political and social changes. The country yet needs great lawyers to sustain its “modernity”. The choice is nonetheless in hands of all legal practitioners, including educators, in land.



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