

THAILAND

LEGAL RESEARCH AND LEGAL EDUCATION IN THAILAND

By

Vichai Ariyanuntaka *

INTRODUCTION

Research into the legal education of Thailand reveals a rich history of law reform and the preparation for a strong and independent judiciary. The most prominent figure in the transformation of the entire Thai legal landscape was Prince Rajburidirekrit, commonly known as Prince Rapee and affectionately referred to as “Father of (Modern) Thai Law”. He was also the founder of the first law school in Siam in 1897, the “Law School of the Ministry of Justice”. The philosophy of the first law school in Thailand, or Siam as She then was, was to prepare Thai officers and legal scholars to take charge of the judicial service, and in turn laid a firm background for the start of a strong judiciary.

It is hoped that the Thai judiciary today can maintain the reputation it enjoyed almost a hundred years ago when Walter Graham, in his book, *Siam*, (3rd edn, London: Alexandra Moring, 1924 Vol. I, pp 372-373) said:

“... The Ministry has built up a service probably the cleanest and straightest Siam has ever seen, and containing in its ranks officers who could compare favorably with the members of the judiciary of many European countries. In fact,

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Judge, Central Intellectual Property and International Trade Court, Thailand.

about the year 1909, the Ministry of Justice was the bright particular star in the administration of the country ...”

The first law school in Thailand, the Law School of the Ministry of Justice, whereby future judges were trained was modeled upon the ‘Inn of Courts’ in London. The most prestigious legal qualification for legal practice in Thailand is to pass the Thai Bar Examinations, taught and organized by the Thai Bar Association. The qualification is called “Thai Barrister-at-Law” –*Nei ti ban dit Thai* – It is so called to distinguish itself from the Inn of Courts’ Barrister-at-Law in England.

Although Thailand may be classified as a Civil Law country, whereby the Continental style of codification is evidenced in its systematic and diversified codes of law, the English legal system has much influence in its development, particularly in the field of commercial law, procedural law and the law of evidence. The notion of proof beyond reasonable doubt in a criminal case and proof on the balance of probabilities in a civil case, and adversarial system of procedure where the judge acts in a passive role as an umpire are of the common law influences. No doubt much of the English influence comes from the part English trained lawyers and judges of the earlier days.

Legal education abroad represents a trend in the legal development. In the older days Thai government and private well-to-do individuals used to send its officers or their sons to England for legal studies. Higher tuition fees in the UK first introduced by the Thatcher’s government in 1970s and the world-famous, cost-effective postgraduate legal studies in North American law schools, notably Harvard, Yale, Berkeley, Columbia etc with their one year master of laws programmes makes legal studies in the United States a much more competitive choice than in the UK for Thais. One sees an influx of Thai law graduates to the United States law schools to the detriment of UK law schools. The late 1990s saw UK law schools fought back with more competitive one-year masters’ programmes for law graduates from civil law countries whose first language is not English. Although the variety of subjects may be as wide-ranging as US law schools, the UK law schools do not offer core subjects in the masters’ programmes for the benefit of the examination leading to a judicial career in Thailand. Recently, with the reform of judicial salary, judicial career in Thailand has once again gained popularity. The entrance of judicial career is by way of competitive examination,

perhaps the toughest of any law exams in this country. Post graduates from an approved Thai or foreign law school have a particular advantage for the judicial examinations since they will be tested in a different set of papers, reputedly softer and more general. However, there are certain core subjects to be fulfilled e.g. contract, tort, criminal law, procedure law and evidence. Not all of these subjects are offered in standard masters of law programmes in the UK since they are considered undergraduate-subjects and hence one cannot use an UK master of law degree to qualify in the judicial examination. American law schools, on the other hand, may offer these courses through their undergraduate law degree (J.D. Programme) and treat it as part of a masters' programme for individual student interested in the course. This is a matter of administrative arrangements to fit the purpose of the students. It benefits both. We can now see more American influence in the Thai law, particularly in the field of Alternative Dispute Resolution and American legal thinking in general.

This paper, in the analysis of the Thai legal research and legal education, will trace the historical background of Thai legal education with particular emphasis on the training of its legal profession: judges, public prosecutors and attorneys. Legal education at university level is added at a later stage. Some useful websites and further reading materials are also added at the appendices.

I. LEGAL EDUCATION IN THAILAND: HISTORICAL BACKGROUND

A. Before Legal and Judicial Reform [before B.E. 2411 (A.D. 1868)]

Back in the year B.E. 1781 (A.D. 1238), the Kingdom of Thailand was in the period of Sukhothai Era. King Pau Khun Sri-Intratit of the first monarchy, which was called “the Fountain of Justice”, had provided way of solving the disputes among his citizens by exercising his power himself. His judgment was a sign that the king impliedly imposed rules or regulations, which were meant to be the law of the kingdom. In B.E. 1862 (A.D. 1319), Thai alphabets were invented by King Ramkhamhaeng Maharaj. It was then the new era of education in all branches of knowledge including opportunity to record all events and historical events of the kingdom. Nonetheless, many legal nobles believed

that the law was recorded even before time. Some said that the law was written in the Khmer script or Sanskrit script, the language which was originated in India and widely used in those periods, and the law had some root from Code of Manu, the ancient Hindu Jurisprudence. However, when Thais had their own alphabets, they recorded the law in the so-called “Sila-Jaruk” or Royal Stone Inscription, under supervision of King Ramkhamhaeng Maharaj. According to the Sila-Jaruk, the record showed that there was the implication of some rules that had criminal penalty and some rules in civil matters. At that period, there was evidence that people had started studying many fields of knowledge such as medical science, literature, mechanical subject and so on. But legal education was dimly shown its existence because the society then was simple and static. Way of life among that period was plain. And more importantly, people had great respect in the King who presided upon the dispute and delivered judgment; everyone honor the King’s decision without any question. There was no need for compilation of the rules imposed by the King to regulate his people. In this period, people were more interested in working for living than in legal matters which, somehow, was not that much needed in their daily lives. Therefore, the legal education back then was not likely established in systematic function even though the law itself had been starting to surround the community. 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.

In B.E. 1893 (A.D. 1350), the so-called “Sri Ayudhaya Period”, Krung Sri Ayudhaya was promoted as the capital city of Thailand till B.E. 2310 (A.D. 1767). The society of this period became subtler because of the improvement of people’s life and the increase of population. The King no longer himself oversaw and delivered his royal decisions to all disputes put before him. He instead delegated his power of adjudication to his royal noble officials or the so-called “Purohita”, the Chief Chaplain to the King. However, the King’s power of judiciary was still absolute in his hands. When the King delivered judgment by himself, it was the model and became royal precedent for others to follow. Consequently, it became law. At the same time, the King also exercised his power on legislation by ordering his royal officials to draft the law and be reviewed and declared by him. During this period, King U-Thong gave his order to have all legal matters assembled and put in written forms for the first time. Even though it was

evident that the law was getting more and more evolved but the group of people who gained legal knowledge was confined to the royal officials who were learned on the legislative and judiciary matters in the Royal Palace. Legal education, therefore, started literally from the Royal Palace among those royal officials.

In the beginning of Rattanakosin period, B.E. 2325 (A.D. 1782), after the end of Sri Ayudhaya Period where Thailand had lost to Burma (Myanmar) during the war, some collections of the law which had been recorded during Sri Ayudhaya Period were partly destroyed in the Burmese invasion. The first monarch of Chakri Dynasty, King Rama I, applied the law partly inherited from Sri Ayudhaya period and at the same time engaged his prerogative of law making powers. He also established new rules of law, which conformed to ways of life during his period of the reign. He also ordered to have all laws and regulations assembled, revised and rectified. After 11 months, the rectification was finished and the law was written into three copies and was called “the Three Emblems of State Law or the Law of the three Great Seals”. This Law was considered as the original formality of the Law of the Land and was used as the Basic Law of judiciary. This Law had been used for 103 years. In the meantime, there were some minor laws enacted to solve some urgent problems. Legal studies during this period, however, had not been changed much from the Sri Ayudhaya Period because the way of life and culture maintained its former patterns including legal system and judiciary.

In B.E. 2369 (A.D. 1827), while Thailand had been developing trading relations with Western countries, England and France forced Thai to amend the regulations and rules of law on trading. However, King Rama IV, who just ascended the throne, proposed the agreement with England and other Western Super Powers at the time on trade and relationships. A treaty with England was called “Bowring Treaty” which brought about unequal right to economy, law and judiciary of Thailand. According to the treaty, 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. This situation created the so-called extra-territorial jurisdictions of foreign courts in Thailand. King Rama IV, therefore, tried to

improve Thai law and judiciary acceptable to other countries. The Thai law was then written and promoted to foreigners and Thai people to understand and act in accordance with the law. Also in this period, techniques of printing was invented. Therefore, many law books were available to all people who were interested. Legal studies during this period, with the assistance of published law books, moved forward dramatically even though there were no law schools, law curriculum or techniques of teaching law in a systematic pattern.

B. After Legal and Judicial Reform [after B.E. 2411 (A.D. 1868)]

At the time when King Rama V was reigning the kingdom in B.E. 2411 (A.D. 1868), England and France both conquered and colonized Thailand neighboring countries. Therefore, it was the time for Thailand to get ready to challenge the threat of colonization. Improving and developing the country in the way of westernization was the plan to challenge or slow down the threat from those countries. The King ordered the moves to revolution of the administration foundation toward modernization. In the area of State Administration, the King appointed the Privy Council and the Council of State to deliver advice of state administration and policy in the same style as English system. In the area of public utilities, the King built water supply, electricity and post office. In the area of public health, the King established hospitals and medical school. And one of the significant royal responsibilities created by the King was the declaration of abolishment of slavery in Thailand. The Kingdom in this period was in the so-called “Absolute Revolution”. When the community was prospering, communication and trade relation among people was expanded. There were a lot of foreigners coming to Thailand and the numbers had been increasing drastically. However, the factor that made Thailand felt troublesome to cope with foreigners was the exception of judicial power above them. Western powers interpreted the Treaty, which granted extra-territorial jurisdiction to their subjects to also include citizens of their colonies in Asia. It led to great hardship and humiliation to Thais. Consequently, the law was not seen as the enforceable tool for administering and protecting peace in the community. The only way to confront with these undue practices was to improve Thai legal system and judiciary at the maximum to the acceptance of western countries and brought back the

sovereignty right of the judiciary above the people of the western nations living in Thailand.

In B.E. 2434 (A.D. 1891) the royal Thai government announced the establishment of the Ministry of Justice, which was the organization mainly responsible to reform and improve Thai judiciary. The moving of Thai legal system followed modernization of the European countries. Common Law and Civil Law system were among the system that Thai looked forward to adaptation as Thai model law. In the first place, there was an idea to bring Common Law system as the principal law for Thai legal adaptation because many of Thai lawyers and judges were graduates with law degree from England and were familiar with this system. However, after taking serious consideration, all concluded that Common Law system was more suitable to English people than others because it was the system that the Law was based mainly on traditional practices and judgments of the Court. The Law was not organized well enough for studying and using as the model. On the other hand, Civil Law system of the continent of Europe had been well organized into sections of code, which was suitable to learn and adopt. Moreover, many western countries except only England adopted the Civil Law system. If those countries accepted Thai legal system and judiciary as moving toward the modernization of the Civil Law system, it would be more possible that multilateral negotiations to terminate undue advantages on the Thai law and judiciary would be agreed upon. Finally, the Royal Thai government took Civil Law system to be the model of Thai legal adaptation. In the process of reforming Thai legal system, there was the consideration of the real need of the people, custom, practice, tradition, culture and way of life; not just a transplant of foreign law. The very first law reform was the Criminal Code on the Chakri Dynasty Era of 127 (B.E. 2451, A.D. 1908). This Criminal Code was drafted with very thorough consideration and discreet. Firstly, the draft was done in English by Mr. George Padoux, the Chief of drafting committee which included some of foreign legal experts and the draft, then, was translated into Thai. This Criminal Code was considered as a very modern law at the time because the popular principles of criminal law of the western countries were included while some rules were changed to suit with Thai community. In B.E. 2438 (A.D. 1895) there were 2 other laws, the Civil Procedure and Constitution of the Court of Justice. And in the later years, many laws were drafted and utilized. In B.E. 2478 (A.D. 1935) Thailand had the set of code laws,

which included Criminal Code, Civil Code, Criminal Procedure Code, Civil Procedure Code and Constitution of the Court of Justice. That was the period of the fulfillment of the legal system and judiciary reform to challenge with western countries and to claim back independence of the Thai judiciary. Finally, in B.E. 2481(A.D. 1938) Thailand gained back entirely its independence of the Law and judiciary from all western countries. It is important to note that even though Thailand had reformed Thai legal system and judiciary, it was also exhausted with diplomatic persuasion with powerful countries and trading off some of its territories to bring about this result. Upon this reform of the legal system and judiciary, the legal study had been expanding from simple learning in the house or premises of the royal officials to teaching law in the royal institute among new officials and in the same time sending some legal scholars of the royal house and outstanding officials to study law overseas. For example, the King sent his brother, HRH Prince Sawasdi-Sophon, to study at Balliol College of Oxford University, England and sent Khun Luang Phraya Krai Sri, a Thai judge, to study Barrister-at-Law in the English Bar institution. Later on the King's son, HRH Prince Rapee-Pattanasak or Prince Rajburidirekrit, was sent to study law at the Christ Church College, Oxford University in England. This Prince was the one who later founded the first law school in Thailand and he was acclaimed as "the Founder of Modern Thai Law". Many officials and judges were sent to study and graduated with Bachelor degree of laws from Cambridge and Oxford Universities and Barrister-at-Law from many institutes such as Gray's Inn and Middle Temple.

In the period of establishment of the Ministry of Justice, workload of cases was one of the problems the department had to solve. However, in the beginning, the solution focused on court procedural efficiency rather than inputting manpower. But when the laws were being reformed and there was a need to have personnel with adequate knowledge to the reformed law, the government, temporarily, hired legal experts from foreign countries, which had no conflict of interests to Thailand to solve the lack of personnel. For example, the government hired Mr. Rolin Jacquemyns and Mr. R. J. Kirkpatrick, legal advisers from Belgium. Dr. Tokichi Masao from Japan and Mr. William Alfred Tilleke from Sri Lanka were invited to work with Thai judges. However, the Thai government had to hire some legal advisers from England and France due to the commitment of the treaty between Thailand and those countries. In

order to balance the local experts with foreign legal advisors, the Thai government tried to keep the number of foreign legal advisers to a certain limit. The King sent more Thai officials to study overseas and meanwhile tried to educate officials with better knowledge in law by providing legal education. In B.E. 2440 (A.D. 1897), under the responsibility of HRH Prince Rapee-Pattanasak, who was promoted as the Minister of the Ministry of Justice at the time, the school of law was established with determination of producing new generation of legal officials to handle judicial tasks under the reformed legal system. In the beginning, the school had around 100 students participating in classes. Chief Justices of the civil and criminal courts and some other judges came to help as the lecturers of the law school. The style of teaching in the school was like English legal teaching because most of the lecturers graduated from England. Moreover, English culture had played important role in the society at the time. The curriculum and law books used in the school were adapted mostly from England. However, when the time went by, many lecturers wrote more law texts in different areas of law such as land law, law on evidence, civil damages, corporate law, contract law etc. The curriculum of the law school was one-year term and final examination was provided at the end of term before graduating with Barrister-at-Law degree. In November 22, B.E. 2440 (A.D. 1897), the Ministry of Justice announced the schedule of the first examination during December 2-7, B.E. 2440. The subjects of the examination included criminal, contract, succession, tort, family law, procedural law and international law. Each day, there would be 10 questions to be answered and 4-hour period (9.00 – 13.00) was allowed to complete the examination. For the first examination there were 9 out of 100 students passed this test and qualified as Barrister-at-Law. In B.E. 2441, the school proposed the plan to have a committee taking care of and running for the school. Therefore, the committee so-called “the Thai Bar Association” was established. The conference of the Bar would be entitled to vote for the members of this Bar Association. All regulations of the school was enacted such as school regulation on committee election, committee process of conference, conduct investigation of Barrister, process of admitting judge who graduated from overseas to be Thai Barrister-at-Law, process of applying to be students in the school, process of practicing litigation in Court, robe of Barrister, etc. The school, under unofficial supervision of the Ministry of Justice, had duty to teach and conduct professional

training in the meantime, which was more like Inns of Courts of England. The Bar Association was also acting as a professional association. In B.E. 2454 (A.D. 1911), during the period of King Rama VI, the school of law was royally declared to be the royal college under the Ministry of Justice. Then the government took full responsibility of running this school. The Head of the Ministry would be responsible for all activities in the school. Therefore, the Bar Association ended its role from this law school. The law school under the supervision of the Ministry of Justice was categorized as the level of a college. The students must have finished high school before enrolling as a law student here.

In B.E. 2456 (A.D. 1913), when the civil law system was first introduced to Thailand, some Thai students were sent to study law in France and Germany or the United States of America to gain a broad legal knowledge instead of only knowledge of the Common Law system from England like in the past. There was also a reorganization and development of the curriculum and teaching in Thai law school. In B.E. 2462 (A.D. 1919), there was a change of the legal curriculum to extend a time frame to 2 years within 2 terms. In the first term, the subjects included jurisprudence, private international law, criminal law, criminal procedure law, contract, torts and land law. The second term included agency law, corporate law, bankruptcy law, bill of exchange law, sale, succession law, family law, law of evidence, civil procedure and public international law. The development of the school moved towards the system of jurisprudential studies rather than professional training of lawyers. Between the years B.E. 2457 (A.D. 1914) to B.E. 2466 (A.D. 1923), the curriculum and teaching style had been changed to incorporate a European style of teaching law. Therefore, the King gave the order to announce the improvement and development of the curriculum by way of establishing the so-called "Legal Council" to take care of the changing of the curriculum according to current legal system and making up to the international standard like foreign school of law. In B.E. 2467 (A.D. 1924), the curriculum of the law school was changed into 3 terms within 3 years. First term included jurisprudence, legal history, criminal law, civil law on chapters 1 and 2, marital law, will and property law. Second term included civil law chapter 3, bankruptcy law, evidence law, civil procedure, criminal procedure and private international law. And third term included special law (to be announced), public international law, economic study, administrative law and

financial law. A student who passed the first 2 terms would graduate with the degree of Barrister-at-Law and a student who passed the third term would graduate with the Bachelor Degree. In B.E. 2473 (A.D. 1930), the Legal Council announced the new curriculum by increasing the term for Barrister-at-Law curriculum from 2 years to 3 years, which was the same curriculum of Barrister-at-Law of other countries such as Japan, France, etc. In the meantime, the curriculum would include English or French Law for a student to choose. This was very beneficial to students to make comparison of both Thai and foreign laws. However, in case of a student who graduated with Bachelor Degree or Barrister-at-Law from abroad, that student would not have to take this foreign law and had the opportunity to take as many subjects as he wished after enrolling to study for one year. This new curriculum which extended into 3 terms within 3-year-period combined with the first term; jurisprudence, legal history, administrative law, constitution of the Court of Justice, criminal law, criminal procedure, English or French law, the second term: commercial and civil code on juristic act and obligation, securities with person and property (which meant suretyship, mortgage and pledge), lien, sale of goods, exchange of property, gift, leasing, hire of property, hire-purchase, carriage of goods, loan, deposit, warehousing, compromise, gambling, corporate and association, civil procedure, law on evidence, bankruptcy law, English or French law and the third term; international law (state and individual section), commercial and civil law on property, family and will, agency, current account, insurance, bill, management of affairs without mandate, English or French law. The Legal council set up the subjects including English and French law as follows:

First term

English law: Constitution of the Court of Justice, Criminal Law, Civil Procedure and Criminal procedure.

French law: Constitution of the Court of Justice, Criminal Law, Civil Procedure and Criminal procedure.

Second term

English law: Common Law and Equity.

French law: Civil Law.

Third term

English and French law: Commercial Law

According to the Bachelor of Laws curriculum, the Legal Council set a higher standard of learning by allowing a student to learn how to accomplish legal research not more than 2 years. It was meant that after a student graduated with Barrister-at-Law Degree, he or she would have to spend 2 years doing research and came back to take written and oral tests on the topics of general law including English and French law (except the student who graduated from overseas). Moreover, the student would have to fulfill a thesis in a topic that the examination committee assigned. The reason that the Legal Council had to put English and French Law in the curriculum was Thailand had been put to sign the agreement with England and France to hire English law teachers to teach the English Civil and Commercial Law where England demanded Thailand to apply as that law which Thai law did not have in its Civil and Commercial Law. And the agreement with France demanded Thailand to establish legal Department and drafted the new curriculum and regulation of the law school while the director of the school would be French. Moreover, Thailand had to hire French legal advisers attaching to the Ministry of Justice. Therefore, by the force of the these Agreements, Thailand had to appoint Mr. L Duplart, a French lawyer with other 2 French law teachers to participate in the law school. Meanwhile, the school also hired English law teachers to teach Common Law as well.

The establishment of the law school, in the time of King Rama VI through the period of King Rama VII, which was declared as the royal school under supervision of the Ministry of Justice, was the foundation to Thai legal education.

C. Legal Education in Thailand: Current and Future Trend.

In B.E. 2476 (A.D. 1933), King Rama VII considered that the law school of the Ministry of Justice had been prosperous and reached at the level of the standard college like most others in the western countries. The King, therefore, declared the royal decree to merge the curriculum and regulation of the law school and established as a faculty in the university; it was announced as the Faculty of Law and Political science. At that time, this faculty was in Chulalongkorn University and later on it was transferred to be one of the faculties in Thammasat and Political Science University in B.E. 2477 (A.D.

1934). During B.E. 2477 (A.D. 1934) through B.E. 2491 (A.D. 1948), there was only one legal study institution in Thailand, the faculty of law in Thammasat and Political Science University. In B.E. 2494 (A.D. 1951), Chulalongkorn University reestablished a department of law in the faculty of Political Science and within a few years, the university developed this department to be the faculty of law. These two universities rendered legal study service for students in their institutions for many years. After B.E. 2500 (A.D. 1957), more universities provide legal studies in their institutes. In the year of B.E. 2543 (A.D. 2000), there are a total of 21 law faculties in various universities in Thailand. Five out of twenty one universities are State Universities: Chulalongkorn University, Chiangmai University, Thammasat University, Ramkhamhaeng University and Sukhothai Thammathirat University. The first three universities require applicants to take the entrance examination before admitted to study while Ramkhamhaeng University and Sukhothai Thammathirat University are the Open University which need no entrance exam to apply for studying. These open state universities try to provide legal education to those who are interested but have no opportunity or time to enter the others. Therefore, distant legal learning for students who stay in other provinces is provided by these universities. And apart from those universities, another important legal institution which has to be mentioned here is the Institute of Legal Education of Thai Bar Association which provides higher level of legal study and offers Barrister-at-Law degree to a candidate who passes its examination.

Current Legal Education in the University of Thailand

Undergraduate level

The current legal study of undergraduate level in most faculties of law of present universities combines with 4-year standard terms in which students will normally have 4 years of studying. The credits of graduation with Bachelor of Laws accumulate with around 135 to 145 credits. The main qualification of a candidate who will be admitted to study in the university is to have high school knowledge or any degree on the same level. To enter some state universities, a candidate must take the so-called “entrance examination” and gain appropriate scores to be admitted. Most faculties of law in

various universities provide relatively the same subjects of legal studying. However, there are some differences among those schools on methods of teaching and patterns of enrollment, which lead to identify expertise or major area of studying of students.

This paper will pick up the update curriculum of one of the faculties of law of the State University and enter to some details of the subject matters of legal study. This will provide some prospective of what legal education in Thailand on undergraduate level is like.

Bachelor of Laws program of Chulalongkorn University

Title of Degree: Bachelor of Laws or LL.B.

Philosophy and objective of the curriculum

- build social awareness among students
- establish legal professionalism for students
- magnify internationalization in students

Qualification of candidates

One who graduates with the high school degree or the same level according to the rules and regulations of admission to study in the level of graduate degree.

System of study

One term (year) combines of 2 semesters: first semester and second semester and sometimes includes summer session after each conventional term. Each semester will consists of a period of not less than 15 weeks. Summer session will be around 6 studying weeks.

Period of study

Throughout 4 curriculum years (8 studying semesters) whereas minimal period of study not less than 7 semesters and maximal period not more than 16 semesters.

Enrollment

In each semester, a student will be allowed to enroll not more than 22 credits, not less than 9 credits and 7 credits in summer session.

Evaluation and fulfillment

A student must obtain grade A, B+, B, C+, C, D+ or D to pass an exam. F is considered as failing a test. If a student fails a compulsory subject, he or she must enroll that subject again. If the subject is not compulsory, the student can choose any other subject instead. A student must pass examinations and obtain at least 135 credits to reach the fulfillment of the curriculum whereas he or she must consume studying time not less than 7 semesters.

Curriculum

- Accumulated credits throughout the curriculum are 135 credits.
- Structure of the curriculum.
 - Section of general subjects 30 credits
 - Section of specific subjects
 - Group of basic legal subjects (compulsory)* 71 credits
 - Group of area subjects (compulsory to choose)* 18 credits
 - Section of noncompulsory subjects 16 credits

1. Section of general subjects (30 credits)

1.1 Section of subjects of general study (18 credits)

- group of social science 3 credits
- group of humanity science 3 credits
- group of science and mathematics 3 credits
- group of general science 3 credits
- group of foreign language 6 credits

1.2 Compulsory subjects according to other faculties (12 credits)

- Choose one of Legal Logic or History of Law 2 credits
- Law and Society 2 credits
- Choose one of Accounting for Lawyer or Economics for Lawyer 2 credits
- Choose one of EAP I or French language in legal studying III 3 credits
- Choose one of EAP II or French language in legal studying IV 3 credits

2. Section of specific subjects

2.1 Group of basic legal subjects (compulsory) (71 credits)

- Sources of Obligations I 3 credits
- Property Law 3 credits
- Persons and Family Law 3 credits
- Fundamental Legal Principles 3 credits
- Effect of Obligations 3 credits

• Succession Law	2 credits
• Loan and Security Transactions	2 credits
• Specific Contracts I	3 credits
• Specific Contracts II	2 credits
• Sources of Obligations II	3 credits
• Law on Business Organization	3 credits
• Negotiable Instruments	3 credits
• Taxation	3 credits
• Criminal Law: General Principals	3 credits
• Criminal Law: Specific Offences	3 credits
• Judiciary Process and Thai Court System	3 credits
• Civil Procedure	3 credits
• Criminal Procedure	3 credits
• Evidence	2 credits
• General Principles of Public Law	2 credits
• Constitutional Law and Political Institutions	3 credits
• Administrative Law	3 credits
• Legal Philosophy	2 credits
• Labor Law	2 credits
• Public International Law	3 credits
• Private International Law	3 credits

Total of 26 subjects

2.2 Group of area subjects (compulsory to choose) (18 credits)

A student must choose to study a set of subject area as follows and must enroll up to 18 credits

- Area of Civil and Criminal Law
- Area of Business Law
- Area of International Law
- Area of Public Law

Area of Civil and Criminal Law

• Civil and Criminal Law in English	2 credits
• Seminar on Civil Law	2 credits
• Insurance Law	2 credits
• Seminar on Criminal Law	2 credits
• Business Crime	2 credits
• Juvenile Offences	2 credits
• Civil Procedure: Execution of Judgements or Orders	2 credits
• Bankruptcy Law	2 credits
• Seminar on Civil Procedure	2 credits
• Seminar on Criminal Procedure	2 credits
• Introduction to Comparative Law	2 credits

Total of 11 subjects

Area of Business Law

• Accounting for Lawyers	2 credits
• Business Law in English	2 credits
• Intellectual Property Law	2 credits
• Anti-trust Law	2 credits
• Seminar on Business Law	2 credits
• Securities Regulations	2 credits
• Contract Negotiation and Drafting	2 credits
• Banking Law	2 credits
• Consumer Protection Law	2 credits
• International Trade Law	2 credits
• International Contract	2 credits
• International Business Transaction Law	2 credits
Total of	12 subjects

Area of International Law

• International Law on Sea	2 credits
• International Criminal Law	2 credits
• International Law in English	2 credits
• International Environmental Law	2 credits
• International Organization Law	2 credits
• European Union Law	2 credits
• Seminar on International Law	2 credits
• International Humanitarian Law	2 credits
• Human Rights Law	2 credits
• International Economic Law I	2 credits
• International Economic Law II	2 credits
• International Law and Development	2 credits
Total of	12 subjects

Area of Public Law

• Public Law in Foreign Language	2 credits
• Organic Law I	2 credits
• Administrative Court and Administrative Procedure	2 credits
• Public Finance Law	2 credits
• Administrative Procedure Law	2 credits
• State Contracts	2 credits
• Seminar on Law and Social Problems	2 credits
• Environmental Law	2 credits
• Introduction to Public Economic Law	2 credits
• Seminar on Legal Drafting and Legislative Process	2 credits
• Seminar on Administrative Law	2 credits
• Seminar on Constitutional Law	2 credits
Total of	12 subjects

3. Section of noncompulsory subjects (16 credits)

3.1 Subjects in the faculty of Law

• Law on Derivatives	2 credits
• Law on Structuring and Financing Foreign Direct Investment	2 credits
• Criminology	2 credits
• Litigation and Moot Court	2 credits
• Forensic Medicine	2 credits
• Non-Judiciary Dispute Settlement	2 credits
• Criminal Investigation and Inquiry	2 credits
• Law on Land Management	2 credits
• Seminar on Taxation	2 credits
• Customs Law	2 credits
• Law on Marking	2 credits
• Mineral Resource and Petroleum Law	2 credits
• Consumption Tax	2 credits
• Seminar on Law and Computer	2 credits
• Law on Public Service and State Enterprise	2 credits
• Seminar on Labor Law and Social Security	2 credits
• Industrial Law	2 credits
• Law on Personal Management in Public Section	2 credits
• Law on Public Information Access and Rights of Privacy	2 credits
• Organic Law II	2 credits
• Maritime Law	2 credits
• International Commercial Arbitration	2 credits
• International Taxation	2 credits
• International Law on Natural Resource Management	2 credits
• International Law on Air and Space	2 credits
Total of	25 subjects

3.2 Group of noncompulsory subjects out of the Faculty of Law

1. Field of Business Administration in Faculty of Commerce and Accountancy.
2. Field of Economic in Faculty of Economics.
3. Field of International Relation in Faculty of Political Science.
4. Field of Public Administration in Faculty of Political Science.
5. Field of Foreign Language in Faculty of Arts.
6. Field of other faculties.

Postgraduate Level

Due to the development of the global economic and trade, there is a need to have personnel who are qualified to work in the area of this development. As well as in the area of Public Law, Thailand had recently enacted the new Constitution which is regarded as the most democratic one. The Constitution provides many significant fundamental rights to the people. The Society, therefore, is turning to focus on fulfilling and maintaining citizen rights under their new Constitution. According to the Constitution, there are new institutions established, namely the Constitutional Court and the Administrative Court. Public Law, which is mainly used by those institutions then, comes to its important role to accomplish the expectation of the Constitution. Those areas of law are important to the lawyers in the community to have the opportunity to acquire more intensive knowledge. Many universities in Thailand provide postgraduate programs for students to further their knowledge in specific area. The faculties of law in various universities, as well, have developed postgraduate program to produce qualified candidate to serve the need of the legal community. Moreover, some universities have created international programs in legal study by cooperating with outstanding universities overseas such as Japan, United States of America, England, etc. and have been producing students who qualify to serve regional and international legal communities. It is appropriated to choose one of the Master of Laws curriculum from Ramkhamhaeng University to be the example of postgraduate studying of law.

Master of Laws program of Ramkhamhaeng University

Name of the degree: Master of Laws (LL.M.)

Method of teaching: Period of teaching will be held out of an official working hour.

Number of students: not more than 120 students

Qualification of a candidate: Obtain Bachelor degree of Laws from any institute approved by the Department of University with average score not less than 75 percent or not less than 2.75 GPA and a candidate must have an experience in legal field not less than 1 year.

Curriculum: Total credits not less than 49 credits and the curriculum is divided into 4 separate fields as follows:

- Business Law
- Public Law
- International Law
- Law for Development

In each field combines with these subject Sections:

• Section of supplementing on basic legal subjects	none credit
• Section of basic of law	9 credits
• Section of compulsory subjects	18 credits
• Section of noncompulsory subjects	10 credits
• Thesis	12 credits
Total of	49 credits

A student must also pass English for Legal Studies to the level or above of **S** (Satisfactory).

Subjects of studying

1. At least 5 subjects from the Section of supplement of basic law and Section of basic of law must be taken.

- None credit subjects
 - English for Lawyer
 - Legal Research
- Credit subjects
 - Legal Philosophy 3 credits
 - Rules of Civil and Commercial Law 3 credits
 - Philosophy and Rules of Public Law 3 credits

2. Compulsory subjects total of 18 credits

2.1 Section of compulsory subjects in the field of Business Law

- Advanced problems in Business Law 3 credits
- Graduate Seminar in Business Law 3 credits

And a student must choose group of subjects 4 out of 6 from these following subjects:

- Law concerning Financial Institution 3 credits
- Law concerning Industrial and Investment 3 credits
- Advanced Tax Law 3 credits
- Advanced Labor Law 3 credits
- Intellectual Property Law 3 credits

- International Commercial and Investment Law 3 credits
- 2.2 Section of compulsory subjects in the field of Public Law
- Advanced Constitutional Law and Political Institution 1 3 credits
 - Advanced Constitutional Law and Political Institution 2 3 credits
 - Advanced Administrative Law 1 3 credits
 - Advanced Administrative Law 2 3 credits
- And a student must choose one out of these two following subjects:
- Advanced Monetary Law 3 credits
 - Public Economic Law 3 credits
- 2.3 Section of compulsory subjects in the field of International Law
- Advanced International Law 3 credits
 - International Law Concerning Treaty 3 credits
 - Graduate Seminar on International Law 3 credits
- And a student must choose 3 out of 5 subjects as follows:
- Advanced Law on International Organization 3 credits
 - International Law of the Sea 3 credits
 - International Economic Law 3 credits
 - International Trade and Investment Law 3 credits
 - Law on International Organization in level of Region 3 credits
- 2.4 Section of Compulsory Subjects in the field of Law for Development
- Law for Social Development 3 credits
 - Law Concerning Development Planning of City and Province 3 credits
 - Graduate Seminar on Law for Development 3 credits
- A student must choose 3 out of 7 subjects as follows:
- Environmental Law 3 credits
 - Anti-Trust and Unfair Competition Law 3 credits
 - Consumer Protection Law 3 credits
 - Intensive Problems in Welfare and Social Security Law 3 credits
 - Law on Specific Territory Development 3 credits
 - Law on Agriculture and Agriculture Institution 3 credits
 - Law on Land Control 3 credits
3. Section of noncompulsory subjects not less than 10 credits
- 3.1 Section in the field of Business Law
- Law on Commerce and Accounting 2 credits
 - Maritime Law 2 credits
 - Law on Business Organization 2 credits
 - Economic Law 2 credits
 - Advanced Insurance Law 2 credits
 - Seminar on International Business Law 2 credits
 - Law on Business Planning 2 credits
 - Economic Crimes 2 credits
 - Comparative Commercial Law 2 credits

3.2 Section in the field of Public Law	
- Advanced Law on Election and Parliament	2 credits
- Law on State Official	2 credits
- Law on Public Service Management	2 credits
- French Administrative Law	2 credits
- German Administrative Law	2 credits
- Administrative Law of Anglo-Saxon	2 credits
- Principle of Law on Constitutional Case	2 credits
- Law on Public Freedom	2 credits
- Law on Public Administration	2 credits
- Law on Social Science	2 credits

3.3 Section in the field of International Law	
- Private International Law	2 credits
- International Criminal Law	2 credits
- International Law in Field Trip version	2 credits
- International Law on Diplomacy and Counsel	2 credits
- International Law on Human Rights	2 credits
- Law of Space	2 credits
- International Labor Law	2 credits
- Law on Land and Air Transportation	2 credits
- International Tax Law	2 credits
- International Agreement	
- International Commercial Arbitration Law	2 credits
- European Community Law	2 credits

3.4 Section in the field of Law for Development	
- Law and Economics	2 credits
- International Environmental Law	2 credits
- Human Rights in Developing Countries	2 credits
- Law on Monetary Loan Agreement	2 credits
- of Developing Countries	
- Economic Crimes	2 credits
- Public Economic Law	2 credits
- Law on Social Science	2 credits

Besides noncompulsory subjects in those 4 Sections, a student may choose compulsory subjects in each Field or these noncompulsory subjects as follows:

- Criminal Justice Administration	2 credits
- Advanced Criminal Procedure	2 credits
- Comparative Criminal Procedure	2 credits
- Advanced Civil Procedure	2 credits
- Comparative Evidence Law	2 credits
- Advanced Criminology and Penology	2 credits
- Advanced Criminal Law	2 credits
- Seminar on intensive Problems of Criminal Law	2 credits
- Advanced Contract and tort Law	2 credits

- Comparative Bankruptcy Law 2 credits
- Seminar on Contemporary Legal Problems 2 credits

Besides Master of Laws, there are 2 universities which provide Doctor of Laws Degree; Chulalongkorn University and Thammasat University. Doctor of Laws programs of these two universities were recently revised. The program of Thammasat University were revised in B.E. 2539 (A.D. 1996) and now there are three students studying. However, there has been no successful student applying to study in Doctor of Laws in the faculty of law of Chulalongkorn University.

University and Institute Statistics

Table 1 Number of all universities/institutes by types of types of institution, 1999

Type of Institution	Number
Grand Total	70
1.Public Institute	24 (21 with law faculty)
1.1 Limited Admission University	18 (3 with law faculty)
1.2 Open University	2
1.3 Autonomous University	4 (no law faculty)
2. Private Institute	46
2.1 University	20 (12 with law faculty)
2.2 College	25 (4 with law faculty)
2.3 Institute	1 (no law faculty)

Table 2. Number of new and total enrollments of all students (all faculties) in 1999 and graduates in 1998 by types of institution

Type of Institution	New Enrollment	Total Enrollment	Graduate
(Grand Total)	328,182	1,012,285	109,648
1.Public Institute	276,691	844,186	78,206
1.1 Limited Admission University	77,807	263,567	52,278
1.2 Open University	193,928	565,032	23,590
1.3 Autonomous University	4,956	15,587	2,338
2. Private Institute	51,491	168,099	31,442
3. Public: Private	84:16	83:17	71:29

Number of Students in Faculty of law of State Universities

Table 3. Student Numbers in Chulalongkorn University in 1999

	Bachelor	Master	Total
Faculty of Law	704	472	1176
Law	704	362	1066
Economic Law		87	87
Business Law		23	23

Table 4. Student Numbers in Thammasat University in 1999

	Bachelor	Diploma	Master	Ph.D.	Total
Faculty of Law	3279	122	389	3	3793
Non-Select Area of Law	2026	122	389	3	2540
Law (Special Class)	1253				1253

Table 5. Student Numbers in Chiangmai University in 1999

Faculty of Social Science	Undergraduate
Law	269

Table 6. Student Numbers in Ramkhamhaeng University in 1999

Faculty of Law	Bachelor	Diploma	Master	Total
Law	60447	48	674	61169

Table 7. Student Numbers in Sukhothai Thammathirat University in 1999

	Undergraduate	Bachelor	Total
Faculty of Law			49077
Land and Property Law	805		805
Law		48273	48273

The Institute of Legal Education of Thai Bar Association

At the time of B.E. 2476 (A.D. 1933), when there was the royal decree to terminate the Legal Study Council who had responsibility to organize the curriculum of the law school in the Ministry of Justice, the Bar Association, therefore, did not play any role in legal education. Until B.E. 2490 (A.D. 1947), the Bar Association Committee, with advice of the Judicial Committee, considered to establish the legal training course focusing mainly on legal professional practices to produce personnel serving the judiciary in the Ministry of Justice. The committee, therefore, founded the department of legal study in the Bar Association. And in B.E. 2491 (A.C 1948), the Legal Education Institute of Thai Bar Association was established with the duty of educating and promoting knowledge of legal practicing for law practitioners. There was a special committee which was enacted to direct legal study in particular. At the time, the President of the Supreme Court was nominated to be the president of the institute. The objective of establishment of the Legal Education Institute of Thai Bar Association was accorded to the agreement of the International Bar Association in which Thailand was a member. The consensus of the International Bar Association which was held in Hague, Netherlands in B.E. 2491 (A.D. 1948) stated that there should be enough practical training for legal personnel before performing his or her duty in the legal professions. At the beginning, the curriculum of the institute included Civil Procedure Law, Criminal Procedure Law, Evidence Law and the Constitution of the Court of Justice, Criminal Law, Civil Law and others. In present, the qualification of a candidate who can apply to study in the institution must be a person who graduates with Bachelor of Laws from Thammasat University, Chulalongkorn University and Ramkhamhaeng

University or has studied in the faculty of law in other universities in Thailand or overseas and passes an examination up to the standard stipulated by the Legal Study Committee of the Bar. The curriculum of studying is as follows:

- Civil Law
- Criminal Law
- Administrative Law
- Intellectual Property Law
- International Trade Law
- Civil Procedure Law
- Criminal Procedure Law
- Evidence Law
- Constitution of the Court of Justice
- And others

The period of study is separated into two terms. The first term begins on June to September and the second term starts on December to March of the consecutive year. Time of teaching is provided in both normal class (8.00 to 16.30) and evening class (17.00 to 20.00 including Saturday 8.00 to 17.00). The subjects which are taught in the first term are: Criminal Law, Labor Law and Proceeding in Labor Court, Administrative Law, Civil Law on Property, Juristic Act, Obligation, Torts, Sales, Exchange, Gift, Hire of Property, Hire-Purchase, Hire of Labor, Hire of Services, Loan, Deposit, Suretyship, Mortgage, Pledge, Agency, Broker, Bill, Current Account, Partnership and Company, Family, Succession, Tax Law, Land Law, Intellectual Property Law and International Law. Second term includes: Civil Procedure Law, Bankruptcy Law, Constitution of the Court of Justice, Criminal Procedure in Small Claim Court, Trial Procedure in Juvenile and Family Court, Criminal Procedure, Evidence Law and Litigation and Witness Examining Practices. An examination will be held at the end of each term. The examination combines with written and oral tests. A student who passes the Bar exam will be entitled to Barrister-at-Law degree and qualifies to be a candidate applying to judiciary or public prosecutor recruitment.

From B.E. 2440 (A.D. 1897) to B.E. 2476 (A.D. 1933), where the school of law was running by the Ministry of Justice, there were 1,073 students who graduated with

Barrister-at-Law. Since B.E. 2491 (A.D. 1948) the Institution of Legal Education of Thai Bar Association was established and the institution has been producing many lawyers as stated on the table below:

Table 8. Numbers of Barrister-at-Law each year

Session	Year	Graduated
1	B.E. 2419 (A.D. 1948)	6
2	B.E. 2492 (A.D. 1949)	None
3	B.E. 2493 (A.D. 1950)	3
4	B.E. 2494 (A.D. 1951)	13
5	B.E. 2495 (A.D. 1952)	24
6	B.E. 2496 (A.D. 1953)	34
7	B.E. 2497 (A.D. 1954)	38
8	B.E. 2498 (A.D. 1955)	32
9	B.E. 2499 (A.D. 1956)	15
10	B.E. 2500 (A.D. 1957)	11
11	B.E. 2501 (A.D. 1958)	19
12	B.E. 2502 (A.D. 1959)	20
13	B.E. 2503 (A.D. 1960)	58
14	B.E. 2504 (A.D. 1961)	19
15	B.E. 2505 (A.D. 1962)	69
16	B.E. 2506 (A.D. 1963)	44
17	B.E. 2507 (A.D. 1964)	115
18	B.E. 2508 (A.D. 1965)	51
19	B.E. 2509 (A.D. 1966)	130
20	B.E. 2510 (A.D. 1967)	63
21	B.E. 2511 (A.D. 1968)	137
22	B.E. 2512 (A.D. 1969)	304
23	B.E. 2513 (A.D. 1970)	351
24	B.E. 2514 (A.D. 1971)	124
25	B.E. 2515 (A.D. 1972)	125
26	B.E. 2516 (A.D. 1973)	72
27	B.E. 2517 (A.D. 1974)	132
28	B.E. 2518 (A.D. 1975)	328
29	B.E. 2519 (A.D. 1976)	255
30	B.E. 2520 (A.D. 1977)	171
31	B.E. 2521 (A.D. 1978)	361
32	B.E. 2522 (A.D. 1979)	490
33	B.E. 2523 (A.D. 1980)	548
34	B.E. 2524 (A.D. 1981)	517
35	B.E. 2525 (A.D. 1982)	646
36	B.E. 2526 (A.D. 1983)	906
37	B.E. 2527 (A.D. 1984)	443

38	B.E. 2528 (A.D. 1985)	678
39	B.E. 2529 (A.D. 1986)	530
40	B.E. 2530 (A.D. 1987)	530
41	B.E. 2531 (A.D. 1988)	466
42	B.E. 2532 (A.D. 1989)	250
43	B.E. 2533 (A.D. 1990)	260
44	B.E. 2534 (A.D. 1991)	436
45	B.E. 2535 (A.D. 1992)	259
46	B.E. 2536 (A.D. 1993)	338
47	B.E. 2537 (A.D. 1994)	282
48	B.E. 2538 (A.D. 1995)	395
49	B.E. 2539 (A.D. 1996)	491
50	B.E. 2540 (A.D. 1997)	405
51	B.E. 2541 (A.D. 1998)	839
52	B.E. 2542 (A.D. 1999)	438
Total		13,271

D. Future Trend of Legal Education in Thailand

In the future, many legal education institutes are looking forward to accelerating their legal education improvement of producing appropriate personnel to serve the society. Many universities annually improve their curriculums to muster up students who will have their areas of expertise in the period the first or second year of studying. The curriculum will be more intense in each area and more legal subjects are provided for students to choose. This effect comes from the changing of society. The more areas of study occur, the more in-depth of knowledge is in need. The area of laws is inevitably effected. At present, it is the age of information technology where phenomenon has been bringing the world to no boundary. It is the era of international exchanging of information, which brings about many implications. International matters play the important roles in the world communities in many areas, especially in business activities. When the market of international business transaction is in need of personnel, most of educational institutes are moving toward those needs. With no exception to the legal education institutes, they are trying to serve this personnel shortage, which, however, has long been lacking. Even though the long plan to produce international practicing lawyers from undergraduate and postgraduate students has been being on the way as mentioned earlier, there is also urgent need to provide some knowledge on international legal forum to current practitioners both lawyers and non lawyers in the community. Some of the outstanding education institutes, then, are managing to provide significant

education in this area of international legal matters. They are coming with short course and medium course where students will obtain the diploma after going through the course. Some institutes provide Master Degree to a successful student who implements their long term course. One of the programs which is interesting and should be mentioned here is the Master of Arts in Economic Law 2000 provided by Chulalongkorn University. This program is designed under the consideration of the drastic trend of global economy, monetary transaction and international investment under the scope of the World Trade Organization (WTO) and the scope of regional groups such as European Union, NAFTA, AFTA, APEC, etc. In the section of economy and business of the country, the relation between law and financial & investment market has been increasing in every moment. The new creation of cooperation between private institution in investment, establishment of business organization, business negotiation, utility of new financial instruments needs to be approached with competent particular business concept together with legal perception as well. Due to the limited numbers of experts in this area, the program is, therefore, designed to prepare and produce both lawyers and businessmen who have conception and knowledge in global and regional economic law for the global business community. This program eliminates obligation, which the legal curriculum structure is always created significantly toward legal technical profession whereby a law student neglects the concept of other areas outside legal scope. This program, therefore, combines relation between law and economics in the sense of correspondence, which will create a candidate who gains vision and integrated concept and can serve the community in the mist of the changing of the global economic phenomenon. Qualification of a candidate who will be admitted to study is: graduated with law, economics, business administration or accounting degree and having working experience in those fields not less than 3 years or if graduated with other degree than those three, a candidate must have no less than 4 years experience or if a candidate has postgraduate degree, experience is not needed. However, a student who has less legal basic must take special courses on particular fundamental legal subjects approved by the Board of Postgraduate Study. The time of fulfillment is not more than 4 years and not less than 2 years. A student must accumulate at least 39 credits to graduate with the master degree. The curriculum subjects are as follows:

Compulsory subjects with total of 27credits

- Economic Analysis of Law 3 credits
- Relationship between Law and Business 3 credits
- Contract Negotiation and Drafting 3 credits
- Law relating to Business Organization and Management 3 credits
- Tax and Business 3 credits
- Laws relating to International Business 3 credits
- Settlement of Disputes in Business 3 credits
- Criminal Law and Economic Crimes 3 credits
- International Economic Regulations 3 credits

Noncompulsory subjects with total of 9 credits

- Law of International Commercial Transactions 3 credits
- Tax and International Business 3 credits
- Business Tax Planning 3 credits
- Laws relating to Business Finance 3 credits
- Law on Marketing Planning 3 credits
- Law relating to Industry and Labor 3 credits
- Law relating to Commercial Credits 3 credits
- Law on Securities 3 credits
- Law on Derivatives and Derivative Market 3 credits
- Law on Business Planning 3 credits
- Important Business Contracts 3 credits
- Law and Contract for Real Estate Development 3 credits
- Intellectual Property Law 3 credits
- Natural Resources, Environment and Law 3 credits

Thesis with total of 12 credits

Individual Study with total of 3 credits

- Individual Study on Economic Law and Business Law 3 credits

In the meantime, the Bar Association has also been working on transcending its curriculum to meet new legal environment. The Bar, upon legal experts brainstorming, concluded the future legal trends and created norms toward those tendencies to produce more productive lawyers to the community. Upon the conclusion, 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 those 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. Toward the qualified lawyer, there must be concrete strategies to improve and establish legal knowledge and merit of all lawyers to serve the country. With those strategies, the Bar has concluded as follows:

1. There should be enough special curriculums in specific area of law for specialized lawyers such as in the area of Intellectual Property Law, International Trade Law, Administrative Law or Private International Law.

2. The way of learning and testing the students in Legal Education of the Bar must be differentiated from those in the universities. The curriculum must provide the opportunities of learning the law, understanding and applying them appropriately. The way of utilizing the law must be focused on its merit besides earning of interest.

3. The curriculum must also be concentrate on morality, ethical conduct and social responsibility. The improvement in this matter must be intense for the foreseen professional practices. Legal Education of the Bar must expand its objective to cover all law practitioners. Not like in the past that the institute only provided legal personnel for the community of judicial, public prosecutor and litigation lawyer, the institute must presently serve the community out of the court as well by producing appropriate lawyers such as legal consultants to the field of business transaction.

From those educational moves of the Bar, we can foresee good pictures of legal profession of Thai Community in the future. If the Bar fulfills its expectation including the supplementation from legal educational markets in many learning Institutes, standard of Thai lawyer will be even better and levitate the society up to the anticipation.

II. LEGAL PROFESSION TRAINING AND DEVELOPMENT

A. Judiciary

Thai judiciary within the Ministry of Justice has long been providing legal training in its institution. Because judiciary is crowded with legal nobles and in the past there were not many numbers of judiciary, they, therefore, trained new comers individually. The way of training was more like on-the-job training where a candidate who was approved to work in the judiciary would be posted as Judge-Trainee and would be trained by a senior judge who had experience more than 20 years of judicial work. A senior judge would train a Judge-Trainee word for word by the reason of efficient training. The senior judge would have responsibility to contribute job operation knowledge in all areas from adjudicating through delivering a judgment. And more importantly, a senior judge would emphasize also on judicial ethic along the way besides professional training. Lectures and seminars were provided by high ranking and prominent justices from time to time. However, when there were the increasing numbers of new comers into the institute, the Ministry of Justice, therefore, established its Training and Seminar Division under supervision of the Office of the Judicial Affairs. This Training and Seminar Division had the main duty to organize training for Judge-Trainees before sending them to be trained with senior judges. In 1987, the Ministry of Justice realized that it was necessary to enhance judge and court personnel's knowledge and capability by means of pre-service training and continuing education programs in order to assist them in discharging their duties more efficiently and effectively. And due to the fact that the Training and Seminar Division had a very limited capability of manpower and place not enough to implement all training programs intended by the Ministry, therefore, under distinguished idea of Honorable Justice Sophon Ratanakorn, Permanent Secretary of the Ministry of Justice at that time, the Ministry of Justice eventually proposed and got approval from the government the project to expand and develop the Training and Seminar Division to be the Judicial Training Institute. Judicial Training Institute, nowadays, has its own twenty-storied building including more than 5 seminar rooms and 70 air-conditioning bedrooms for participants throughout the country to attend long

term training. The Judicial Training Institute is annually running various kinds of both legal and related knowledge training and seminar for all level of judicial personnel not only a Judge-Trainee training. Normally, more than 40 courses of training and seminar are conducted for judges in each year. These courses are combined with short term (3 to 10 days) and long term (4 months) courses. Here are some interesting courses, which should be mentioned.

The Training of Judge-Trainee

Under the Judicial Service Act B.E. 2543 (A.D. 2000) the general planning for the training of judge-trainee is entrusted to the Office of the Judicial Affairs. In order to ensure high standard of training, there is a official body called the Committee of Judicial Training presided over by the Secretary of the Court of Justice to supervise the training curriculum. The present one-year training course aims at a balance education of the individual and insists upon both knowledge and wisdom. The training devotes much attention to the practical skills being on a bench. A good deal of time is also allotted to discussions and classes in allied subject. The academic training course is divided into three parts:

1. Judicial knowledge comprises 6 sections:

- **Court works** (30 subjects within 106.5 hours): Civil trial, Criminal trial and special trial. This section is designed to train judge-trainees both theoretical and practical skill in civil and criminal court proceedings.
- **Knowledge related to the work of the court** (13 subject within 45 hours): Probation and Rehabilitation, Theory of laying down punishment tariff and sentencing, Justice system on woman and child protection, Medical science and Justice, Criminology, Forensic, Rule of interrogation and investigation, Trial related to international cooperation in both civil and criminal and extradition, Legal writing and Judgment, Legal interpretation, Justice system under the Constitution, Testimony recording, Strategy toward Court system improvement.
- **Special Subjects** (18 subjects within 61.5 hours): the Constitutional Law, Administrative Law, Intellectual Property Law, International Trade Law,

Rights to Information Law, Law of Protection and Suppression Money Laundering, Anti-trust Law, Law on Electronic Commerce, Law on Cross Border Crime and International Criminal Case, Law on Financial Institution, Law on Monetary and Finance, Law on Security and Stock Exchange Market, Merger and Acquisition, Rehabilitation under Bankruptcy Law, Unfair Contract Terms Act, Arbitration, Mediation and Higher Thai Language Utilization.

- **Institution under the Constitution** (4 subjects within 12 hours): Constitutional Court, Criminal Trial of Politicians, Election Committee and Administrative Court.
- **General Knowledge** (8 subjects within 45 hours): Legislative Process, State and Royal Ceremony, Human Rights, Narcotic Problems, Psychology in Court Trial, Computer, Period of the Office of Judicial Affairs and Academic Seminars.
- **Professional Ethic and Judicial Character** (16 subjects within 57 hours): Judicial Discipline and Ethic, Judicial Wisdom, Professional Way of Life of Judiciary, Ethical Practice in Court Trial, Ethical Practice in Administrative Works, Ethical Practice in Other Matters, Ethical Practice of individual and family, Religious way of living, Way of Live of Renowned Justices, Justice in Common Sense and Justice to the Law, Social Status of Character, Physical Character, Verbal Character, Mind Development, Image of a Judge under Expectation of Public and Conventional Social Manner.

2. **Practical Training comprises 2 sections:** In this training, judge-trainees will be assigned to write court decisions, court memorandums, orders of court and all proceedings carried out by the court from the copies of the real files under supervision of 7 senior advisers who were distinguished senior judges and had already retired from the office.

- **Court Practical Training (39 hours)**
- **Moot Court Practice (57 hours)**

3. **Observation Study (15 days):** Courts and other related offices in the region and other governmental agencies such as Scientific Crime Detection Division, the office of Narcotic Protection and Suppression Committee, etc.

All subjects of training will be produced not only by learned judges in special field but also by the well-known professors and experts from state agencies and private institutions. This judge-trainee course is a campus type of training. All participants must stay during weekday in the dormitory of the Judicial Training Institute. During the course, participants are urged to choose additional activities such as sports, computer or languages after class.

After the completion of the four-month academic training, the judge-trainees will be sent to the Civil Court and Criminal Court for 8 months to learn the skills and techniques of adjudication of cases and administration of all case proceedings under supervision of senior judges in those courts. The trainees will be able to actually acquainting with all court works via this on-the-job training after learning important aspects of working from the Judicial Training Institute. After all these trainings, all judge-trainees will be finally evaluated by the special committee before being appointed to enter the position of judge to the Court of First Instance.

Chief Judge Training

When a judge has worked for more than 10 years, he or she will be promoted to the higher post and entitled to have administrative responsibility when he or she is elected to be the chief judge in a provincial court. The duty of the chief judge is not only taking care of case management in the court but also responding to court management including manpower, money and material. Therefore, the chief judge must have managing concept as tools to manage the court up to the standard. The Judicial Training Institute, therefore, provides court management knowledge for those chief judges before they discharge their duties. This course comprises 4 parts lasting within 8 days. All 4 parts are as follows:

1. Court Administering (8 topics within 19.5 hours): Planning for Court Development Techniques, Court and Public Service, Public Relations of the Court, Personnel Management, Court Administration Management, Monetary, Financial and Accounting Management, Inventory Management and Court Rule and Regulation Memorandum and Correspondent.

2. Court-related Works (6 topics within 13.5 hours): Court Policy for Development, Chief Judge and Royal Ceremony, Chief Judge and Social Meeting, Technique of Office Cooperation, Computer and the Court and TQM of the Court.

3. Case Management (6 topics within 13.5 hours): Principles and Techniques of case advice, Mediation Technique, Court Bail Procedure, Special Procedure of Juvenile Case, Petty Case and Special Trial for Non-Answering of the Defendant in Civil Case.

4. Others (3 topics within 3.5 hours): Special Lecture of the President of the Supreme Court, Leadership of the Chief Judge and Organization Management Experience in comparison between Public and Private.

Besides these 2 interesting trainings, the Judicial Training Institute provides “in-service” training which is intended to be the continuing education for judges in order to keep them well informed for the latest legal developments. In-service training in the form of seminars and conferences is also given to the judges of the Court of Appeal and the Supreme Court as well. The topics of the seminar include Law of International Trade, Intellectual Property Law, Taxation Law, Administrative Law and others in the field relating to legal knowledge.

Table 9. Number of Judge-Trainees each year.

Session	Year	Number
27	B.E. 2528 (A.D. 1985)	57
28	B.E. 2529 (A.D. 1986)	109
29	B.E. 2530 (A.D. 1987)	70
30	B.E. 2531 (A.D. 1988)	95
31	B.E. 2532 (A.D. 1989)	118
32	B.E. 2533 (A.D. 1990)	138
33	B.E. 2534 (A.D. 1991)	239
34	B.E. 2535 (A.D. 1992)	142
35	B.E. 2536 (A.D. 1993)	135
36	B.E. 2537 (A.D. 1994)	150
37	B.E. 2538 (A.D. 1995)	133
38	B.E. 2539 (A.D. 1996)	70
39	B.E. 2540 (A.D. 1997)	143
40	B.E. 2541 (A.D. 1998)	81
41	B.E. 2542 (A.D. 1999)	140
42	B.E. 2543 (A.D. 2000)	166
Total		1986

B. Office of the Attorney-General

The Attorney-General Office has been conducting its human resource development for many years. One of its important courses is the training of its new comers or public prosecutor trainees to the office from the annual recruitment. Those candidates who have passed the examination will be called to participate the training and be evaluated before appointed as Assistant District Public Prosecutor. This training is called “Assistant District Public Prosecutor Course”. The training is organized according to the Public Prosecutor Act B.E. 2521 Section 26. It is the requirement to have every public prosecutor Trainee to be trained by the office not less than one year and each of them will be evaluated by the Public Prosecutor Committee whether they all gain

appropriate knowledge, ability and conduct to be appointed as Assistant District Public Prosecutor. This special training provides basic concept of the infrastructure of the Attorney-General Office and its chain of management. Duties and responsibilities of the Public Prosecutor are included in the curriculum. Moreover, morality and profession conducts are other important matters the participants should learn. This training is composed of 2 parts: Academic Training and Practical Training.

The Academic Training will last 45 official days whereas the Practical Training will be held within the period which the Public Prosecutor Committee stipulates. The Academic Training comprises 7 sections as follows:

Professional Ethic (24 hours)

- Morality and Professional Conduct of Public Prosecutor
- Lawyer Spirit
- Life and Nature
- Works and Life valuation
- Buddhism and Etiquette Problems
- Human, Logic and Ethic
- Wisdom and Human Learning
- Life equilibrium

Problems of Thai Society (12 hours)

- Child Problems
- Problems of Prostitute in Thai Society
- Illegal Economy Activities
- Economic and Financial Crisis in Thailand

General Knowledge (29 hours)

- Personality and Manner Improvement for Thai Society
- Thai Civilization
- Ethical Valuation in Thai Literature
- Thai Folklore Intuition
- Indigenous Intellect

- Ways of Community Life
- Law and Social Development
- Economic and Social Development Planning
- Appropriate Conduct of the State Official following His Majesty the King's Paths

Works of the Public Prosecutor (42 hours)

- Roles and Responsibilities of the Public Prosecutor
- Infrastructure and Policy of Attorney-General Office
- Intellectual Property Litigation
- Litigation in the Small Claim Court
- Litigation in Juvenile and Family Court
- Tax Litigation
- Labor Litigation
- Works in the International Relation Office
- Narcotic Litigation
- Principle of Case Investigation
- Forensic Medicine
- Principle of Court Procedure
- Criminal Proceeding Regulations and Case Administration
- Suggestion of Case Proceeding of the Public Prosecutor
- Criminology and Criminal Justice Administration

Case Proceeding (84 hours)

- Criminal Proceeding (Criminal case approving and ordering, Criminal case drafting and Criminal case advocating)
- Civil Proceeding (Evidence collecting, file ordering, offense and defense case drafting and advocating)

Buddhism Practicing and Field Trip Observation (10 days)

- Visiting Royal Projects and the Grand Palace
- Visiting the Central Prison

- Lecture on Buddhism, teamwork practicing
- World Heritage Park in Sukhothai

Miscellaneous (20 hours)

Beside this Assistant District Prosecutor Training, the Public Prosecutor also has other important training and seminar all year round to fulfill its objective of human resource development in Attorney-General Office.

Table 11 . Number of Participants in Assistant District Prosecutor from 1997-1999

Year	Number
1999	261
1998	148
1997	67

C. Attorneys

According to the Advocate Act B.E. 2528 section 33, the law prohibits any person who does not register and obtain the license to practice law representing other persons in the Court. The person who will qualify to register and obtain a license must have law degree from a university which the Law Society of Thailand has approved and that person must be a member of the Thai Bar Association. According to section 38, the applicant, who is not used to be a lawyer, judge, judge advocate in the army, public prosecutor, public prosecutor advocate in the army or lawyer according to the Constitution of the Court of Martial, must pass the training in the area of Attorney Ethic, Basic Practice in Litigation and Lawyer Professional Practices (except the applicant who has practiced in any law firm for more than one year). The Law Society assigns the responsibility of training applicants to the Advocate Training Institute of the Law Society. The institute, therefore, stipulated its announcement of training in B.E. 2539 where the training combines with the academic training and the practical training. The academic training will last 25 days. Afterward, the applicant must pass the examination of the institute. For the practical training, the applicant who has passed the examination

will be sent to practice law in law firms not less than 6 months. The applicant who passes both academic training and practical training will be entitled to obtain the diploma from the institute and will be proposed to obtain the license to practice law.

The academic training comprises these major subjects: Arts of Lawyer Profession, Basic Legal Consultant, Basic legal Notice and Power of Attorney Drafting, Fact Finding, Social Manner, Basic Legal Advisory to foreigners, the Advocate Act B.E. 2528, the Constitution of the Court of Justice and the Court Jurisdiction, Intellectual Property Law and its Litigation Preparation, Land and Building Law and its Transaction, Corporate Registration, Basic of Civil Plead and Answer Drafting, Civil Litigation, Criminal Proceeding under the Investigator, Process of Search, Arrest, Detention and Release on Bail, Basic of Criminal Plead and Answer Drafting, Criminal Litigation, Principle of Contract Drafting, Principle of Basic Accounting for Lawyer, International Trade and Investment Law, Lawyer Ethic, Legislature Procedure, Tax Litigation, Labor Litigation, Alien Business Act, Communication Law, Financial Institution and Banking Law, Customs Law, Notary Public and International Document Certification, Security Regulation Act and Security Market, Arbitration Law, Mediation, Lawyer Personality Improvement, Litigation in Juvenile and Family Court, Small Claim Court Litigation, Arts of Advocating, Psychology and Human Relation, Probation Process, Bankruptcy Litigation, Forensic Science, Lawyer Discipline Process, Correction Department Works, Court Administration Works, The Carriage of Goods by Sea Act and Arrest of Sea Going Ship Act, Environmental Law, Law for Public Safety, Economic Crime, Constitution and Administrative Law Concerning to Legal Profession, Administrative Law Litigation and Rights of Public on State Information, Art of Speaking for Lawyer and Moot Court.

Table 12 Number of participants of the Advocate Training Course each year

Year	Number of Applicants	Number of Graduate
B.E. 2539(A.D. 1996)	2564	1432
B.E. 2540(A.D. 1997)	2987	1793
B.E. 2541(A.D. 1998)	3270	2140
B.E. 2542(A.D. 1999)	2615	1473
B.E. 2543(A.D. 2000)	2709	

The training of advocating for the candidate who applies to obtain law practicing license is the important course for the Advocating Training Institute. However, the institute also provides other special trainings and seminars in the area of interesting laws and also contemporary problems for lawyers.

CONCLUSION

Legal education in Thailand was almost entirely focused on the preparation of law students for legal practice. The objective of securing a career in the judiciary or as a public prosecutor in the Department of Public Prosecutions (now the Attorney-General Office) was foremost in many, if not most of the law students. The predicament somehow dictated the method and contents of teaching law in university law schools and the Thai Bar Association. The teaching method was always lectures before a theatre of a mass of students and the contents were invariably the so-called ‘four pillars of the law’: the Civil and Commercial Code, the Criminal Code, the Civil Procedural Code and the Criminal Procedural Code. As most things were geared towards legal practice, most law lecturers were recruited from the judiciary and the Department of Public Prosecutors (now the Attorney-General Office) on a part-time basis. The atmosphere made legal research proper almost impossible. The situation was made worse by the practice of granting scholarships, in the earliest days to judges or would-be judges to England and ‘read’ English law to qualify as ‘barrister-at-law’. When these ‘English’ barristers-at-law taught at university law schools; obviously the teachings were mostly concentrated towards practice-oriented method and contents.

The situation somehow got better when law schools started to build up ‘career-professors of law’. It started with the ‘investment’ of state universities in granting scholarships for their brighter students and obligated them to teach full time at law schools. Unites States law schools, with their one-year LL.M programme, were the most popular. France and Germany also granted scholarships to would-be professors of law. Now Chulalongkorn, Thammasat, Ramkamaeng and Sukothaithammathirat Universities produce some of very good researches in legal studies. These are the fruits of those investments.

Teaching law are in the process of change. Lectures are now likely to be supplemented with tutorials, seminars and simulations. The Bar Association has successfully brought in the moot court competition for a few years now. Chulalongkorn has introduced, in conjunction with Kyushu, British Columbia and Victoria in Canada, the English programme of LL.M. This is a timely project to help students cope with economic crisis and the prohibitive costs of going abroad. Thammasat, Ramkamaeng and Chulalongkorn are introducing their doctorate programmes in Law. These can only be seen as positive signs of legal research in Thailand.

APPENDIX I

USEFUL WEBSITES FOR LEGAL RESEARCH OF THAI LEGAL MATERIALS

1. www.krisdika.go.th This is the official website of the Council of State of Thailand. The Council of State was formerly known as the Juridical Council, the home of legislative draftsmanship. The site could be rated as the best website for Thai legal research. It contains most legislations enforceable at the moment, with a few translated into English.
2. www.thailandlaw9.com A General website for legal research
3. www.thai.net/s4u/law.html A General website for legal research.
4. www.pub-law.net A good website devoted to public law managed by a law professor at Chulalongkorn Law School.
5. www.lawonline.co.th A General website for legal research.
6. www.legislation.parliament.go.th A General website for legal research with special emphasis on the draft legislations pending parliamentary process.
7. www.juristhailand.com A General website for legal research. Both Thai and English.
8. www.geocities.com/elaw007 A General website for legal research with special emphasis on electronic law library.
9. www.archanwell.hyperrmart.net A General website for legal research with special emphasis on Private International Law, managed by a law professor at Thammasat Law School.
10. www.siamlaw.com A General website for legal research.
11. www.thaijustice.com A General website for legal research.
12. www.meechailaw.com A General website for legal research organized by Professor Meechai Ruchupan, ex-speaker of the Senate now runs a law office of the same name.

APPENDIX II

Useful websites of various organizations in the justice system

1	www.judiciary.go.th	Office of the Judiciary
2	www.concourt.or.th	The Constitutional Court
3	www.admncourt.go.th	The Administrative Court
4	www.inet.co.th/org/oag	The Attorney-General Office
5	www.moj.go.th	Ministry of Justice
6	www.lawsociety.or.th	The Law Society

APPENDIX III

*NUMBER OF JUDGES, PUBLIC PROSECUTORS AND ATTORNEYS
(REGISTERED WITH THE LAW SOCIETY) AS OF 1 OCTOBER B.E. 2545 (2002)*

Judges

Post	Male	Female	Total
Senior Judges (60-70 years of age)	147	5	152
Judges (25-60)	2,319	572	2,819
Judge-Trainees	146	76	222
Total	2,612	653	3,216

Public Prosecutors

Post	Male	Female	Total
Senior Public Prosecutors (60-70 years of age)	105	1	106
Public Prosecutors (25-60)	1,763	282	2,045
Total	1,868	283	2,151

Attorneys

Bangkok	Other Provinces	Total
22,276	17,207	39,483

APPENDIX IV

Universities Offering Law Degrees (as of March 2003)

Public Universities (Funded by the Government)

1. Thammasat University
2. Chulalongkorn University
3. Ramkhamhaeng University
4. Sukhothaithammathirat Open University
5. Chiang Mai University

Private Universities (Not Funded by the Government)

1. Bangkok University
2. Dhurakijpundit University
3. Krirk University
4. Kasem Bundit University
5. Saint John's University
6. Rangsit University
7. Sripatum University
8. Siam University
9. The University of the Thai Chamber of Commerce
10. Assumption University
11. Eastern Asia University
12. South-East Asia University
13. Srisophon College, Nakornsrihammarat Province
14. Wongchavalitkul University, Nakornrajsima Province
15. Payap University, Chiang Mai Province
16. Nivadhana University, Supanburi Province

APPENDIX V

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