

Commissioner

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ABSTRACT

This academic article aims to study and analyze the committee system in the Thai parliament, which is an important mechanism for checking the work of the executive and scrutinizing laws. Since the change of government in 1932, Thailand has adopted the concept of the committee system from Western countries and stipulated it in every constitution. The Constitution of the Kingdom of Thailand B.E. 2560 stipulates that both the House of Representatives and the Senate have the power to establish standing and special committees to perform various duties.

The operation of the committee still faces several major problems, including efficiency, delays in consideration, limitations in power and duties, and lack of follow-up and enforcement of recommendations. This article aims to analyze the problems, obstacles, and propose guidelines for developing the Thai parliamentary committee system to enhance work efficiency and support the development of Thailand's democratic regime. It focuses on studying improvements in the structure, power, duties, and work processes, as well as adding mechanisms to follow up and push forward the committee's recommendations to achieve tangible results in practice.

Keywords: Commission , Checks and balances , Legislative system development

INTRODUCTION

Thailand has received the concept of the commission system from Western countries and has provided for the "commission" since the first constitution until the present. (Office of the Secretary of the House of Representatives , 2008) The Thai parliamentary system has evolved for a long time since the change of government in 1932, with the committee being an important mechanism for the performance of the parliament's duties (Chanchai Saengsak , 2017). The committee is an organization that is very important for the performance of the legislative branch in checking the work of the executive branch, as well as in considering, studying, and scrutinizing laws. According to the Constitution of the Kingdom of Thailand B.E. 2560, Section 128 stipulates that the House of Representatives and the Senate have the power to select members of each House to form a standing committee and have the power to select persons who are members or not members to form a special committee to carry out activities, consider investigating facts or study any matter that is within the authority and duty of the House (Office of the Secretariat of the House of Representatives , 2020) The Commission is an important mechanism to support the performance of the legislature's duties, including monitoring and studying any matters that fall under the authority of the Council, a duty that covers almost all aspects of state affairs. The role of the Commission Therefore, it is of great importance to politics and governance in a democratic regime. However, in practice, it was found that the work of the Commission still encountered many problems and obstacles, especially in terms of work efficiency, delays in considering various matters , and limitations in

terms of power and duties (Worajet Phakhirattana , 2010) . In addition, the problem of the lack of monitoring and enforcement of the Commission's recommendations also resulted in the ineffectiveness of the executive branch's inspection function (Montree Roopsuwan , 2008) . Developing a more efficient committee system requires improvements in structure, authority, and working processes, especially adding mechanisms to monitor and push for the implementation of the committee's recommendations in a tangible way. Therefore, studying the committee system is of great importance for developing a system of checks and balances in Thailand's democratic regime. (Somkid Lertpaiboon , 2013)

For this reason, this article analyzes the problems, obstacles, and development guidelines of the Thai parliamentary committee system in order to provide recommendations for improving the working mechanisms of the committees to be more efficient and truly able to respond to the development of Thailand's democratic regime.

The meaning and importance of the "Committee" system

1. General and meaning of the commission system (Office of the Secretary of the House of Representatives , 2567)

The committee system is an important system established by the council. To support the mission of the Council within the scope of the Constitution and law, which is a system that is widespread in many civilized countries, whether they are presidential, semi-presidential, semi-parliamentary, or parliamentary systems."

A committee member is a person appointed by the Senate or the House of Representatives or a joint meeting of the Parliament to hold a position in a committee of that House to carry out activities, consider investigating facts or study any matter, to carry out various missions as assigned by the House, and when the study, investigation of facts or action as assigned is complete, it must report to the House.

The Constitution of the Kingdom of Thailand, together with the Senate Meeting Regulations B.E. 2019, classifies the types of committees into 5 types

1.1 Standing Committee means a committee established by the Senate by selecting only persons who are members of the Senate, namely

1) The Senate Standing Committee is a committee established by the House to consider draft bills, perform activities, consider fact-finding, or study any matter that is within the duties and powers of the House or as assigned by that House. The number and agenda are in accordance with the rules of procedure of each House. However, the Senate Standing Committee has no power to consider draft organic bills because the consideration of draft organic bills must be conducted by the Parliament meeting. The establishment of a committee to consider draft organic bills in the second reading may be conducted in the form of a parliamentary committee in accordance with the rules of procedure of the Parliament 2020, Section 63, or Special Committee in accordance with the 2020 Parliamentary Meeting Regulations, Section 89, paragraph one Or the full House committee in accordance with the 2020 Parliament Meeting Regulations, Section 89, paragraph two, is also possible.

2) The committee to examine the background, conduct and ethical behavior of persons nominated to hold positions under the provisions of the Constitution or law is a committee

established by the House to perform the duty of examining the background, conduct and ethical behavior of persons nominated to hold positions, including collecting facts and evidence necessary for that position on a case-by-case basis. This type of committee is available only in the Senate.

1.2 Special Committee means a committee established by the House of Representatives, which may be established from persons who are not members of the Senate. The establishment of such special committee is in the case where the House considers that there is a reason and necessity for the House's affairs, which is not within the scope of any Senate Standing Committee, or is a matter that overlaps the scope of responsibility of several Senate Standing Committees, and should receive opinions from knowledgeable and specialized persons or from relevant persons. When the special committee has completed its duties, the special committee will cease to exist.

1.3 Joint Committee means a committee established by the House of Representatives and the Senate to jointly consider a bill that the Senate has amended or a bill that the House of Representatives has approved, and the House of Representatives later disagrees with the bill that the Senate has amended.

1.4 Full House Committee means a committee consisting of all members of the House meeting as committee members, with the chairman of the meeting acting as the chairman of the committee.

1.5 Parliamentary Committee means a committee established by a joint meeting of Parliament, consisting of committee members appointed from members of each House, the number of which must be in proportion to or approximately the number of members of each House.

2. The importance of the commission system

2.1 Help ease the burden of the House. Since the various tasks of the House have been increasing in sequence and becoming more complicated, the House is unable to consider them in great detail. It is necessary to assign committees to help with consideration and screening so that the House can correctly and efficiently decide on problems or various matters, and also save the House time.

2.2 To create a specialist. In the event that the Council has a problem to consider and requires knowledge from a specialist in that area in particular, that person can be appointed to be a member of the committee.

2.3 To provide accurate and appropriate information because the problems have been thoroughly considered by experts and experienced persons and have been coordinated closely with all relevant parties.

3. Role, duties and powers

3.1 Consideration of the draft bill

- Consider and study the draft bill in advance before the House votes to accept the draft bill in the first reading.

- Consider the details of the draft bill that the House has voted to accept. At this stage, the committee has the power to amend the draft bill. At the same time, other members have the right to propose amendments to the draft bill.

3.3 Conduct activities, consider investigating facts or studying any matter. It is within the duties and powers of the Council and reports to the Council within the prescribed time. In investigating the facts, the Committee shall not delegate power or assign any person or group of persons to act on its behalf, according to Section 129, paragraph three of the Constitution.

3.4. Request documents from any person or summon any person to state facts or express opinions on the activities being carried out or on matters being considered for investigation or study, in accordance with Section 129, Paragraph Four of the Constitution.

However, the performance of the duties of the Commission must not involve any action. Which has the nature of a conflict of interest as stipulated in Section 184 and Section 185 Of the Constitution of the Kingdom of Thailand, B.E. 2560

4. Problems and obstacles of the Thai parliamentary committee system

In the previous parliament, each time a bill was enacted, it took an average of 414 days per bill. Each bill had to go through three processes : 1) the pre-House process, which involves proposing a bill ; 2) the internal House process, which involves consideration in the House of Representatives for a total of three readings (divided into the principle acceptance, section consideration, and voting on the entire bill); and 3) the post-House process, which involves the Senate considering and promulgating the bill into law. (Thanyathorn Rojanamahamongkol, 2023)

After consideration by the House of Representatives, the bill will go to the Senate for consideration, which the Constitution specifies a time limit of no more than 60 days (the days in session). In reality, the average time in the Senate is 61 days (including the days outside of session). If the Senate agrees with the House of Representatives, the bill will be approved by the Parliament and submitted to His Majesty the King for enactment as law. However, if the Senate votes 'against' the House of Representatives or makes amendments to the bill, the bill will be sent back to the House of Representatives for revision or confirmation. In this case, an additional 102 days will be required on average. After that, the bill will enter the process of being submitted to His Majesty the King as well. The process of submitting the bill to the Prime Minister takes an average of 70 days, which includes the administrative process for announcement in the Royal Gazette . Now that we have seen the time periods for each step, in the next section, 101 PUB will invite you to analyze the issues that cause delays in enacting laws in Thailand, including comparisons with examples from other countries, and provide suggestions for speeding up the Thai parliament in each section. (Thanyathorn Rojanamahamongkol, 2023)

One of the main reasons for the slow passage of the law is that the bill has to be considered in the general assembly meeting three times, which means waiting for the president to order the inclusion of the agenda and queuing up to enter the agenda each time, causing the consideration of the bill to be slow, especially during periods when there are already a lot of agenda items.

5. Guidelines for developing the committee system

Guidelines for the development of the Thai commission system Can be classified as follows:

1. Improving the potential of the commissioners is an important approach to develop the efficiency of the Thai commission system. This is because the current performance of the commissioners still faces many limitations, including insufficient specialized knowledge and expertise, a rather heavy workload, and a shortage of personnel and budget support, all of which affect the potential of the commissioners. Therefore, developing the potential of personnel must be carried out systematically and continuously, starting from determining the qualifications of the appropriate commissioners by considering the knowledge, abilities, experience, and specialized expertise that are consistent with the missions of each commission, in order to obtain individuals with the potential to perform their duties effectively. However, there should be regular training and development of necessary skills, including laws, regulations, work techniques, and specific issues under the responsibility of each commissioner, through seminars, study tours, and knowledge exchanges with experts, etc., so that the commissioners can enhance their knowledge, adapt to changes, and apply their knowledge to their work appropriately. Furthermore, importance should be given to allocating necessary resources to support the commissioners' work sufficiently, including personnel, budget, technological tools, and various reference sources, so that the commissioners have the basic factors to help them perform their duties smoothly and efficiently. Consider establishing a central agency or fund to provide appropriate and comprehensive support to each committee. Such comprehensive promotion and development of personnel will help enhance the potential of the committee to perform its duties to the best of its ability, be ready to deal with various challenges, be able to consider and filter important issues, monitor the government's work, and push for laws or policies that truly benefit the general public. This will lead to an improvement in the efficiency and effectiveness of the Thai committee system as a whole.

2. Promoting participation from all sectors is another important approach in developing the Thai Commission system to solve past problems where the Commission's working process often lacked the ability to listen to opinions from the public and various sectors widely, resulting in consideration of issues that may not cover all dimensions, lack diverse perspectives, or not truly align with the needs of stakeholders.

Therefore, channels should be opened for the public sector, civil society, professional organizations, entrepreneurs, academics, and experts from various fields to participate more closely in the work of the Commission, which can be done in many forms, such as:

2. 1 Public Hearings provide an opportunity for stakeholders from various sectors to express their opinions, suggestions and concerns on the issues being considered by the Commission, which will help to provide more comprehensive information and solutions.

2.2 Introducing public representatives to the committee meetings. Seats may be provided for public representatives with knowledge and expertise in each issue to express their opinions or provide in-depth information directly to the committee.

2. 3 Organizing public forums or Citizen Assemblies to gather opinions from the general public on important issues that the Commission is studying, which will provide opportunities for all groups of people to participate in expressing their opinions and reflecting on the issues comprehensively.

2.4 Listening to opinions through online platforms , which may use various tools such as questionnaires, opening Q&A threads, holding online public hearings, and using social media to make it easier for people to express their opinions and interact with the committee.

However, the Commission may consider appointing external advisors or experts from various sectors to provide information, advice and specific recommendations in considering and studying complex issues to enhance the efficiency of the Commission's work. In addition to creating awareness and correct understanding of the Commission's duties , opening up space for all sectors to participate will also mobilize intelligence from all parties to consider and filter important issues with widespread impacts, which will make the Commission's work more comprehensive, covering all dimensions, and more consistent with the facts and context of society. Importantly, it will provide an opportunity for the public to closely monitor the Commission's work, raising the level of transparency, reducing the gap between representatives and stakeholders, and building confidence in the Commission's duties in truly pushing for the public's interests, which will lead to strengthening citizenship and political participation in a stronger democracy.

3. Strengthening good governance in the workplace is an important approach to enhance the credibility of the Commission institutions so that the public will have confidence that the Commission will be able to perform its duties honestly, transparently, and in accordance with the true spirit of the Constitution. Such actions may be considered in several ways, as follows:

3. 1 Establish clear ethical standards and regulations, possibly by developing a specific code of ethics for commissioners, covering working practices, prohibitions, penalties, and effective enforcement mechanisms, as well as communicating and raising awareness so that all commissioners understand and strictly adhere to them.

3. 2 Transparent disclosure of work information by requiring the committee to show their assets and liabilities, disclose conflicts of interest that may affect the performance of duties, and disclose meeting minutes, study reports of each committee, and income and expenditure of operations, so that the public can easily inspect and access them, perhaps through a website or platform that is easily accessible.

3.3 Establishing criteria to prevent conflicts of interest by prohibiting commissioners from having a stake in businesses that they are responsible for directly supervising or inspecting, prohibiting them from abusing their positions for their own benefit or that of their associates, and specifying a period of time after leaving their commissioner positions to prohibit them from working in business or related organizations in order to prevent the use of state power to benefit those they have worked with.

3. 4 Strengthening checks and balances, including checks from external independent organizations that oversee the work of members of parliament, establishing an ethics committee to investigate and punish cases of ethics violations, pushing for laws to allow citizens to remove committee members who engage in misconduct, and opening channels for citizens to directly file complaints about corruption and misconduct of committee members through easily accessible and effective mechanisms.

However, it is possible to consider establishing good practices for the performance of the Commission, such as maintaining confidentiality of information, treating all parties fairly

and equally, acting as a good example in society, showing responsibility for the Commission's performance, etc., as well as continuously evaluating the Commission's performance according to the principles of good governance and using the evaluation results to improve and develop continuously. Adherence to such principles of good governance will help the Commission have a framework for work that is transparent, honest, responsible, and truly for the public benefit, free from fraud or self-interest. In addition to helping to enhance the good image and credibility of the Commission, it will also help prevent corruption, abuse of power, or unfair decisions. Importantly, it will raise the standards of the legislative branch as a whole to become a strong, efficient institution that truly benefits the people.

Therefore, the development of the committee system is an important part in enhancing the efficiency of the parliament through enhancing the potential of the committee, opening up space for all sectors to participate in driving the movement, and supervising with the principles of good governance, which will enable the committee to monitor the executive branch, protect the interests of the people, and drive public policies that address social problems in a tangible manner. However, the reform of the committee system still requires cooperation from all parties to move forward seriously so that the committee can perform its duties to its full potential and ultimately create the greatest benefit for the country.

From the above, it can be concluded that the current Thai commission system still faces many problems and obstacles, both in terms of structure and authority that are not consistent with the context of social change, duplication of tasks among commissions, work processes that are still inflexible and slow, lack of mechanisms to push and follow up on recommendations into practice, as well as budget limitations and insufficient personnel, which result in the commission's performance being inefficient and unable to truly respond to the needs of the people.

The author therefore has policy recommendations to develop the commission system in three main areas as follows:

1. Adjusting the structure and duties of the Commission to be clear, comprehensive and consistent with the changing context. Commissions with similar missions may be merged. Defining the duties to cover supervision, inspection and monitoring of law enforcement in practice. Increasing the role in pushing public policy and solving the country's urgent problems, and allocating a budget and personnel sufficient to perform duties.

2. Improving the working process and consideration methods of the committee to be more concise, fast and participatory, such as setting a clear time frame for consideration, applying digital technology to reduce steps and time, opening channels for the public and stakeholders to participate in providing information and expressing opinions in order to receive comprehensive suggestions and solve problems at the right point.

3. Creating a mechanism or setting binding measures for the government or relevant agencies to implement the recommendations of the committee in a tangible manner, such as specifying the government's duty to report results or explain reasons in cases where the committee's recommendations are not implemented, disclosing reports and monitoring the

government's performance to the public, and setting penalties for failure to comply without reasonable cause, so that the committee's recommendations are truly effective in practice.

Such policy proposals are considered a new approach for research on parliamentary studies and democracy development, which does not focus only on analyzing the structure and powers of the committees, but also emphasizes reforming the working process and creating a mechanism to link the results of the work to the implementation, which will enable the committees to perform their duties to their full potential and create tangible policy changes, which will lead to the development of the efficiency of the parliament and the strengthening of Thailand's democracy in the long term.

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