The Future of the Thailand Court of Justice: Current Trends and Challenges

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Judicial Bodies in Thailand

- The Constitutional Court, the Court of Justice (COJ), the Administrative Court, the Military Court
- The COJ handles over 1,000,000 cases annually (2011 – 2014)
- Limited resources: 4,329 judges and 8,860 personnel
- A three-tier court system
The Supreme Court of Thailand

- At least 33,000 cases annually (2011 – 2014)
- 172 justices and senior justices
- Average clearance rate at 40.9%
- Average case-processing time: N/A
Current Trends

1. The Appeal Procedure to the Supreme Court in Civil Cases
2. The Creation of New Specialized Divisions in the Criminal Court
3. Gearing toward the Electronic Court
1. The Appeal Procedure to the Supreme Court in Civil Cases

- As of 8 November 2015: no longer a right of the party
- A leave to appeal is needed
- Reasons: to allow the adjudications of the Supreme Court to proceed effectively and be fair to all parties involved
Examples of Significant Cases Worthy of Consideration by the SC

1. The issue involves the public policies or the public order
2. Inconsistencies on questions of law between judgments of the CA
3. Questions of law that do not have a precedent of the SC
4. Incompatibility with the final judgment of other courts
5. For interpretation purpose
6. Other issues stipulated by the Rule of the CJ
Appeal Procedure: Previously

- Before 16/5/08: an appeal restriction based on the disputed amount on questions of fact. No restriction on questions of law.

- As from 16/5/08: In addition to the amount limitation, the SC can dismiss an appeal either on questions of law or questions of fact if such appeal has “no substantially reasonable grounds” to be considered by the SC.
Consequences

- Restriction on the right of the court users.
- Amendment remarks are not sufficient
- Need to emphasize the change of the role of the SC
- Curb the number of new incoming cases
- Focus on pending cases
- The increasing paramount of the CA
- Affect the remuneration of the lawyers: they have to adjust
2. The Creation of New Specialized Divisions in the Criminal Court

- The Anti-Human Trafficking Case Division
- The Corruption and Misconduct by State Official Division
- The Narcotics Case Division
New Specialized Divisions (con’t)

**Purposes**

- To better provide justice to society
- To emphasize the intention of the Thailand government and COJ in tackling these types of offenses vehemently and severely
The Anti-Human Trafficking Division

- Direct response to the 2015 Trafficking in Persons (TIPS) report by the US Department of State
- Criticism: the seriousness of the criminal justice system in dealing with the issue.
- Pressure from the international arena can play a part in changes within the local judiciary
Comments on New Divisions

- Make no huge difference in terms of case management: same limited manpower
- Affect the time spent on other kinds of cases
- Comparison of the gravity of each crime is still not conclusive
- How can we measure the success of these three units? The number of cases filed?
3. The E-Court

- 2 out of 240 courts are in the beginning steps of an e-court
- The greatest obstacle: the budget
- Must be treated as a national agenda
- New amendments on procedural law
- E-judgement and order storage system
- The regulation of the CJ
Challenges

1. The SC has to show that it can adjudicate the remaining cases and incoming criminal cases within an acceptable timeframe.
2. Public perception and satisfactory survey issued by the COJ is necessary.
3. Data Collection: number of cases, case processing time, and results.
4. Readiness of relevant laws and regulations as well as budget.
The Thailand Court of Justice shares the aim of every judiciary organization around the world to further and cement public trust and confidence in the judiciary.