

An Inequality Reduction in Accessing Thai Criminal Justice Process by Community Justice Approach

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Abstract

An inequality reduction in accessing to justice in Thai society through community Justices is a qualitative research whose aim is to explore possible approaches to employ the concept of community justice to effectively minimize unequal access to justice in Thai society. This research put together data obtained from the government officers in the ministerial level, provincial community justice agencies and community justice centers. The research finds that poverty, insufficient or false legal knowledge, abusive use of legal knowledge and power, absence of people's participation in the justice process and limitations in other aspects, are the five main causes of inequality of access to justice. Moreover, the community justice process is able to minimize inequality of access to justice in Thai society through the preventive approach, which includes the provision of proper legal knowledge and sufficient assistance after a problem is occurred. Community justice process allows people in all areas of the country to be granted the justice they are fundamentally entitled to and access to fair services from the agencies in the justice process. The access to such service must be easy, convenient, fast, economical, and equal. The problems and obstacles from the incorporation of community justice approach to eliminate unequal access to justice include the lack of laws to enforce the process of community justice, the potential of the committees controlling the operation of community justice centers and community justice network, the absence of well-developed and effective mediation as well as the lack of effective enforcement of mediation outcomes. An appropriate and contextually derived developmental approach of community justice's system and operation to minimize inequality of access to justice in Thai society encompasses the determination of the management mechanism of provincial community justice office. Community justice centers should be categorized according their strength, while the exchange of knowledge between community justice centers and community justice network should be encouraged. The potential of new body of knowledge should be reinforced while existing body of knowledge should be constantly revised and improved. The reform of the structure of community justice centers is also crucial while agencies within the justice process should carry out visits to stay informed about current situations and problems people in local communities are facing.

Keywords: Community justice, Thai criminal justice, Inequality

Introduction

“The Public Right is Meaningless Without Mechanisms for Access to Justice.”
(*Accessibility to Criminal Justice Process of Ethnic Group, Wararat Seangda, 2016*)

“Fairness is Greater than Justice. Without Fairness, There is No Justice.”
(*Foreword, Prawase Wasi, Chairman of the National Reform Assembly, 2012*)

“All Persons are Equal before the Law, and Shall Have Rights and Liberties and be Protected Equally under the Law.”
(*Section 27, Constitution of the Kingdom of Thailand, 2017*)

The provision in Section 27 of the Constitution of the Kingdom of Thailand 2017 legislated that “*all persons are equal, and shall have rights and liberties, and be protected equally*”. However, in reality there are other dimensions to be considered regarding equality, rights, liberties, and protection; for example, the dimension of access to justice of people. These days, it has been found out that the poor, underprivileged, uneducated, and rural people were socially excluded in terms of basic rights which are to receive fair justice and justice service from agencies in justice system. This leads to the problem of inequality in access to justice in Thai society. Presently, Thai society has been confronted with social inequality in various forms such as income inequality, education inequality, inequality in access to public services, healthcare inequality, rights and liberties inequality, and inequality in access to justice or justice system. The aforementioned social inequalities considerably affect Thai people’s quality of life and Thai society as a whole. The current situation shows that the inequality in access to justice or justice service from criminal justice agencies is one of the most crucial problems that should be resolved urgently. There are many examples of this problem featured in mass media such as ‘scapegoating’ or an arrest of a wrong person, the case of a poor person who had no money to hire a lawyer to defend himself, or another case when a poor person had no money to meet bail and eventually got arrested until the court delivered the judgement. This brings about the catchphrase which is “*The rich man stays home, the poor stays in jail. Only the poor get prison*”. (Paiboon, 2014)

To access the justice or justice system is a one of the basic rights of Thai people to receive fairness and justice service from criminal justice agencies. Nonetheless, the current social situation demonstrates that many Thai people are not receiving these rights. There is an interesting quote about the lack of public rights that says, “*The Public Rights is Meaningless without Mechanism for Access to Justice*” (Saengda, 2016). Inability to access to justice can be called an inequality condition in other words. Thailand is one of many countries that have inequality problem regarding the access to justice, especially the access to criminal justice. The Ministry of Justice had realized the aforementioned concern and desired to distribute justice among the citizens extensively, so it decided to apply community justice into criminal justice administration operated by its subordinate bodies.

In addition, another important reason why the Ministry of Justice applied the community justice to reduce inequality in access to justice is that community justice is a process giving importance to people, supporting and encouraging people to participate in community care, preventing problems in community by providing legal knowledge and justice service from criminal justice agencies, and desiring to establish genuine social justice (Editorial Department of Justice Magazine, 2015). Moreover, according to a survey about justice policies based on public needs which was conducted by the Bureau of Policy and Strategy, Ministry of Justice, 59.2% of the respondents chose the community justice as their top public need (Office of Justice Affairs (2009). Although a community is a small unit in a society, a community is a vital space for living as well as other activities. Every individual in a community expects his or her community to be peaceful or, to put it simply, without crimes (Rujiprak & Limprasert, 2015). Furthermore, the community justice also benefits the community in many aspects, for example, community members can control and resolve community problems because they can know the causes of problem and potential solutions better than the outsiders or officers from criminal justice agencies. In this case, they can access to justice and justice service from criminal justice agencies easily, conveniently, and rapidly. This can ultimately reduce inequality that may occur in the future.

Since the Ministry of Justice has applied community justice into inequality reduction regarding the access to justice, this brought up the question “what are the main factors affecting inequality in access to Thai justice?” and “how can the development of community justice system and pattern sustainably reduce inequality in access to justice?” Additionally, this led to the next question “what is the appropriate approach to develop community justice system and pattern in order to sustainably reduce a problem of inequality in access to Thai justice under the Thai social context?” Therefore, this research aims to promote the development of community justice in Thailand as well as supporting the policy implementation of the alternative justice systems in order to reduce inequality in Thai society.

Objectives

The study aims to investigate the factors affecting inequality in access to Thai justice. The next objective is to explore problems and challenges in community justice implementation with regard to the mitigation of inequality in access to justice in Thai society, together with to study community justice system and pattern development approaches to reduce inequality in access to justice in Thai society.

The concept of community justice

The alternative justice system is a concept and measure to build social justice that allows agencies, stakeholders, citizens, and communities to play significant roles and participate in implementing guidelines, rules, and mechanisms while performing criminal protection, crime control, and community management, conflict resolution, juvenile delinquency prevention, small-scale crime prevention, victim rehabilitation, and community-based corrections. All of these should be operated along with the main criminal justice system or enhance the operations of the main justice system in order to altogether achieve the ultimate goals which are the safety of lives and properties, social peace, and national stability. The

alternative justice system in Thai society has been identified as an important approach to develop national justice system. It is expected to promote living security, pleasantness, and peace based on social justice. People, hence, can live happily and receive fair rights towards the enhancement of integrated justice system and law enforcement as well as alternative justice system. It must protect the rights and liberties of people, especially the underprivileged, children, and women, and prevent or resolve drug-related crimes and other criminal justice issues in the society.

Generally speaking, a criminal justice system which has not completely integrated with the community tends to cause difficulties in crime control. Currently, Thailand has developed the alternative justice system in the forms of pre-trial, trial, and after trial to genuinely engage the public in criminal resolution. The concept of an alternative justice system, which emphasizes the participation of people in Thai society, has involved the concept of community justice based on the view that if the government has an authority to control disputes in the community by using various approaches in the mainstream justice system, they can truly resolve problems. Nevertheless, this method may not be as effective as it should be or may not be able to solve every problem because this government control model is centralized and cannot be applied to every single community. In reality, every community has different cultures, traditions, and beliefs. Therefore, the new alternative justice system is to return problem-solving authority to a community and its members. This will help the community members to discover the solutions together, while the government shall support and promote them to increasingly participate in the criminal justice system (Kittayarak, 2007).

Community justice is an action strategy in the form of measures, methods, or processes for communities; a community is an important element for engagement or partnership. Moreover, the main tasks of community justice are to prevent and control crimes and community lawlessness, and to solve conflicts by providing rehabilitation of violence and reintegrating offenders into the community (Kittayarak & Uaamnoey, 2007). According to the reviewed literatures, Thai scholars have defined the community justice correspondingly, although some had defined it in different dimensions. To illustrate, Uaamnoey (2005) defined the community justice as the participation of people who are related to the community problems. The main objective of the participation is to find solutions and the ways to prevent such consequences or other conflicts that can reoccur in the community. This conforms to its definition developed by Community Justice Development Division, Office of Permanent Secretary in which community justice is a strategy to support or promote people to realize the effects of community problems, and a strategy to support or promote people to participate in preventing problems as well as solving conflicts in the community.

Applying the community justice in the Thai justice system is not new. To implement the community justice for enhancing the mainstream justice system in Thai society is highly crucial because it is a process that gives importance to people respecting the access to justice. The Ministry of Justice also anticipates the community justice to help people, particularly the poor, in terms of reducing costs in the mainstream justice system. This includes the transportation fees to make complaints with the police or to go to the court, court fees, and food costs. It is also a process that all walk-ins can access to justice easily and rapidly. In addition, it is a process promoting people to govern their own communities. This will strengthen the

community and reapply the folkways as a problem-solving method which can enhance the unity and harmony in the community more than applying the mainstream justice system.

The projects conducted to support the mobilization of community justice based on the national strategies should enhance the citizen opportunities in terms of the access to justice, develop the concept of 'Community Justice' in order to achieve practical results, establish 'Community Justice Networks' and community justice centers at the district or high level to help people in legal issues, justice system and conflict reconciliation, and ultimately improve and strengthen laws and justice alongside with the interdependence of people in the community. All of these should be supported by the agencies under the Ministry of Justice in the form of partnership that requires mutual thinking, collaboration, and responsibilities. The "Community Justice Network" is the key to public-private partnerships regarding criminal justice provision, social justice, and peace building. The public sector should promote the public participation in the form of networking so that they can collaborate with the government to complete a variety of tasks and missions related to the community interests. Furthermore, the public sector should also strengthen the networks by allowing the establishment of their own community justice centers as a mechanism to explore collaborative approaches between the government and the civil society to build a fair society. In other words, the public sector is responsible for promoting strong networks by establishing a community justice center in each community as well as a channel to access to justice. There should be also the knowledge sharing between the government and the public in order to strengthen the private sector to maintain justice, promote peace at the community and national levels, and reduce inequality in access to justice among the citizens (Duriyapakit, 2011). It can be said that inequality in access to justice is the inequality, unfairness, injustice, and lack of opportunities in regard to the receiving of justice and the access to justice service provided by criminal justice agencies. It also includes the lack of opportunities to receive basic rights from criminal justice system. This widens the inequality gap between social classes in the society. The root cause of inequality in access to justice embeds in the gap between social classes such as the lack of education, income inequality, and living in rural areas. To reduce the inequality in access to justice is vital and necessary for Thai society because it is not only a basic right of people to receive justice and justice service from criminal justice agencies, but also a reflection of the efficiency and effectiveness in criminal justice administration of those agencies. It can fundamentally dispel the abuse of power that might lead to corruption.

Based on the reviewed literatures about inequality in access to justice and community justice, the researcher found out that the role of community justice and community justice agencies such as community justice policy and strategy department, provincial justice policy and strategy department, provincial justice office, and community justice center, can together reduce inequality in access to justice effectively. This can be regarded as sustainable mitigation of inequality in the access to justice (Woranam et al., 2019). Strictly speaking, community justice is another essential approach for enhancing the effectiveness of the mainstream justice system. Still, the mainstream justice system needs to be sustained everlastingly as a mechanism to control the society. By integrating the mainstream justice system with the community justice, sustainable justice can be henceforth provided to the public, and the mainstream justice system itself truly becomes a system prioritizing the social justice.

Research methodology

This study is a qualitative research by which the data was collected from documents related to the concept of community justice, interviews, and focus group discussions between stakeholders in community justice operations. The informants in this research were classified into three groups as follows:

Group 1 Ten executives from the Ministry of Justice and the Office of the Permanent Secretary, Ministry of Justice (interviews).

Group 2 Ten governmental officers from a provincial community justice agency and a community justice center (two focus group discussions).

Group 3 Ten representatives from the public community justice networks (two focus group discussions).

The informants in Group 2 and Group 3 were the representatives from the best practice community justice groups selected by the Bureau of Policy and Strategy as the representatives of a province that had strong operations and were successful in implementing the justice system to solve problems in the community.

Research results

1. Factors causing inequality in access to Thai criminal justice system

“ The justice herein may include the acknowledgement of rights. Rights acknowledgement is justice by which people shall not be suppressed by government officers or those who have better status or education. That is why the current justice system is difficult to access. It is too formal. Being a culprit, defendant or even detainee all takes costs. It takes time and miles. There is no court in a village, a subdistrict, or even a district, so there are expenditures for both sides, the public sector and the private sector.”

“An important problem is how to quickly end it, make it up-to-date, pay less money, and stay closest to each of us. We may question that shall we not wait for the justice system? If we do not wait for the justice system, what are we going to do then? So, the community justice is good to try. The justice herein is to give opportunities to people in engaging in establishing and developing a body of knowledge for the volunteers as well as the rights of people. Moreover, it must be an alternative solution for the conflicts in the community, and brings back the focus on the community.”

According to the informants as narrated above, involving the community in the reduction of inequality in access to Thai justice is a basic right to reduce and eliminate inequality in the justice system. The government or criminal justice agencies play an important role in promoting the access to justice among the citizens by focusing on how to perform the operations rapidly and how to minimize the costs. Besides, there should be no discrimination in education levels or occupations in regard to the access to justice; every individual shall have equal rights.

By the same token, the findings gained from the public networks on the issue of social changes influencing the community demonstrated that since the current public space structure has been periodically changing, many rural areas became urbanized. Some areas have become

tourist attractions, agricultural farms, or industrial estates. This has increased the non-registered population pursuing jobs in those urbanized areas. The non-registered population is unlikely to acknowledge or cherish the community as much as those who have been originally living in the community because the entry of these people is just the influx and turnover of labor. This causes the difficulties in gathering to preserve rights or peace in the community as well as inequality in access to justice. This is a problem concerning the authority in public space structure which conforms to the study entitled “Dynamism of rural-urban transformation: implications for the next decade” conducted by Rattanasakalwong et al. (2008). The study examined the inequality in criminal justice system in urban and rural societies, and revealed that rural people who lived in the remote areas tended to lack opportunities to access justice, for instance, they could not approach experienced judges who usually served in Bangkok or big provinces only while most of the new judges were sent to work in upcountry or remote areas.

With regard to inequality in access to justice among people in the aforementioned areas, the research results show that it was mainly caused by a number of factors as follows:

1) Poverty

Thailand's criminal justice system involves countless processes and numerous agencies. To access justice or criminal justice service from criminal justice agencies usually takes time and costs a fortune from the start to the end of a dispute. In other words, a victim may not only have to pay for transportation fees, lawsuit, food, and bail, but also lose income from taking day offs as well as wasting time at the same time. This may automatically lead to the inequality in access to justice between the rich and the poor. Therefore, some people decide not to access the mainstream justice system from the beginning. One of the informants gave an interesting point of view as narrated below:

“As far as I know from my experience, if poor people were accused, they would be more likely to confess in order to extenuate the penalty because they were not sure of self-defense. They had to consider about the costs of lawsuit beforehand, and according to Thai law, if a defendant defends him/herself and loses, he or she will be punished full of penalty. Therefore, sometimes when they considered that the penalty was not too serious, they chose to confess and be imprisoned. This brings about the catchphrase ‘the rich stays home, the poor stays in prison. Some of them, as I’ve said, saw this as a karma from previous lives, so they believed that they would just stay in jail for a while and then come back to their families. However, if they had defended themselves, they would have paid the fees but still receive the full of penalty. This is obviously inequality. If they have money, they can defend themselves and have power and companions.”

2) Ignorance of law

This issue includes both partial education-in law and incorrect legal knowledge. As the ignorance of law is a reason why people do not protect their own rights and do not know the process or how to access the justice system, many are violated or innocently confess to crimes they did not commit. In fact, the crime itself may be a compoundable offense or actually they

are not the offenders. More importantly, the rights to access fairness and the justice system in Thai society are provided in the form of estoppel. In other words, people cannot claim that due to their inadequate legal knowledge, they do not know what kinds of actions violate the laws in order to escape liability in the justice system. Today, Thailand has established a number of special jurisdictions such as the Central Tax Court, Central Intellectual Property and International Trade Court, Central Labor Court, and Juvenile and Family Court. Therefore, it is even more difficult for the citizens to know every single law.

3) Unlawful use of legal knowledge or authority to take advantage of others

Due to the fact that Thailand operates its justice system based on the concept of “whoever claims shall attest”, so the main mechanism is that the person who claims has to find evidence by him/herself to present at the court. This process may give opportunities to the officers in criminal justice agencies to unlawfully take advantage of both parties. Additionally, this problem may also occur when a party has better capital in life, for instance, if a party has better legal knowledge or is wealthy enough to hire several lawyers to defend him/herself while another party doesn't have money even to hire a lawyer, inequality will inevitably happen with the underprivileged party.

4) Lack of public participation in the justice system

Since Thai Criminal Justice system in the past prioritized the investigation and inspection of a wrongdoer in order to punish him or her according to the legal process, it sometimes neglected the victims and the community as a whole. This had led to many problems, for example, the case of an offender who had received the full sentence and then went back to live in the community where the victim also lived in. As both sides still had the feeling of hatred and trauma, the wrongdoer was hated and stigmatized by other community members. This indirectly forced him or her to reoffend over and over again.

5) Other limitations in the justice system affecting inequality in access to justice in Thai society

- There is a lack of inquiry officials at police station in some areas. If the inquiry officials are doing field work, it is unlikely to have any inquiry official at the police station.
- The processes in the criminal justice system are usually financially troublesome. This problem is highly related to poverty issues, for example, the financial burdens derived from transportation, taking day offs, extra fees, and bail.
- Many officers claim that they can help offenders to escape from liability or can facilitate the operations in the criminal justice system. There is a catchphrase that says “these people are looking for extra income around the court”, meaning there are criminals claiming themselves to be acquainted with an officer who can help them to escape from liability. This includes the case of dishonest officers who offer the facilitation in the prosecution processes as well as in escaping from liability under the condition that they must get paid. Nevertheless, they cannot make that happen most of the time. Litigants or their relatives who believe these claims may lose a huge fortune, eventually.

2. Problems and challenges in the community justice implementation for the mitigation of inequality in access to justice

The findings revealed the problems and challenges in community justice operations regarding the mitigation of inequality in access to justice as explained below:

1) The lack of law enforcement referencing community justice

The lack of law enforcement with reference to community justice is a critical concern which needs to be urgently resolved by implementing laws and regulations based on the concept of community justice. The implementation of such laws is not only necessary and beneficial for facilitating legal operations, but it also provides credibility to the Provincial Justice Office and its officers. This means the lack of law enforcement in relation to community justice might cause mistrust in the criminal justice officers. People would have no confidence in the performance of the officers, while the officers themselves would not be aware of their duties. Moreover, it would be more difficult to enforce the laws, for example to reconcile the conflicts.

2) Incapability of the justice district office committee and the community justice networks

As the acknowledgement of the mainstream criminal justice and community justice is still limited to certain groups of people. The informants suggested that there were only a few numbers of people in Thai society who genuinely understood the judgment processes. Even the governmental officers whose duties were not directly under the criminal justice system also had insufficient knowledge in this field. Some officers, in addition, did not have adequate legal knowledge, causing some limitations in their performance. The impacts of the Justice District Office committee's and the community justice network's incapability reflected in the fact that some Justice District Offices did not have enough potential to perform their duties. As mentioned before, the acknowledgement of the mainstream criminal justice was still limited and difficult to comprehend, and the roles of the Justice District Offices were diverse and entangled with a myriad of laws. Thus, the performance of the community justice networks had been faced with infinite problems. This conforms with a study conducted by Bumnan Suvanrak (2016) which focused on the facilitation of justice in order to minimize the social inequality. The case study of the Justice District Office establishment suggested that the officers who lack capabilities, knowledge and experiences in community services, including the collaboration with relevant agencies, negatively affected the overall capacity of the Justice District Office committee and the community justice networks.

3) The Lack of Standards in Reconciliation and the Enforcement of the Reconciliation Advice

Reconciliation is an essential process for the pilot Justice Provincial Office and the Justice District Office. However, there are problems regarding the lack of law enforcement which concerns the community justice. It leads to the uncertainties in the pilot Justice Provincial Office and the Justice District Office's reconciliation processes. Caused by the lack of the national standards in reconciliation processes, the impacts of insufficient standards in

reconciliation, as well as the lack of reconciliation advice enforcement are reflected in their inability to meet the litigants' needs.

This is in line with a study executed by Thammasat University Research and Consultancy Institute (2014). The project evaluated the establishment of the pilot Justice Provincial Office Fiscal Year B.E. 2557 presented to the Justice Community Development Office under The Office of the Permanent Secretary, the Ministry of Justice. The study advocated that according to its third mission 'reconciliation', if the litigant does not act upon the reconciliation agreement, the enforcement effects on such flouting have not been supported by the law, similar to the Community Government Act B.E. 2457.

4) The lack of reconciliation standards in all areas and the lack of the reconciliation enforcement

Even though reconciliation is a critical process for the pilot Justice Provincial Office and the Justice District Office, due to the lack of law enforcement within the Justice District Office there are uncertainties embedded in the pilot Justice Provincial Office and Justice District Office's reconciliation processes. One of the reasons is that there is no standardized reconciliation process at the national level, causing the incapacity to enforce the reconciliation advices in some cases. This corresponds to the study performed by Thammasat University Research and Consultancy Institute (2014) which evaluated the pilot Justice Provincial Office establishment project in the fiscal year of B.E. 2557 presented to the Justice Community Development Office under The Office of the Permanent Secretary, the Ministry of Justice. The study focused on the third mission, conflict management. In other words, the conflict management in the pilot Justice District Office's reconciliation processes does not guarantee that the litigant would follow the advised reconciliation agreement due to the lack of law enforcement, similar to the Community Government Act B.E. 2457.

5) Problems in the justice district office's organizational structure

The changes in the Justice District Office's organizational structure between Phase 2 to Phase 3 (See Table 1) in some areas have minimized the roles of the community and maximized the roles of the governmental officers; this does not conform to the concept of community justice. In addition, the frequent organizational structure reforms have affected the lucidity of the operation processes and the on-going operations. This complies with a study conducted by Suvanrak (2016) on the facilitation of justice in order to minimize social inequality. The case study of the Justice District Office establishment demonstrated that the frequent changes in the order of operations were one of the obstacles in propelling the establishment of the Justice District Office.

Table 1 The Comparison of the Justice District Office's Organizational Structure Development between Phase 2 and Phase 3

The Justice District Office's Committee	The Justice District Office's Organizational Structure (Phase 2)	The Justice District Office's Organizational Structure (Phase 3)
Chairman	Chosen by the committee	Sub-district chief
Vice-chairman	Chosen by the committee; 2 positions, respectively.	-
Committee	<ol style="list-style-type: none"> 1. Chairmen of the administration committee of the local villages were internally chosen; 2 positions. 2. Members of the local sub-district administrative organization council or members of the local municipal council internally chosen by the villages committee; 2 positions. 3. The representative or the chairman of the local district occupational group internally chosen by the villages committee; 2 position. 4. (Former) Chairman of the Justice District Office chosen from the sub-district; 1 position. 5. Community policeman; 1 position. 	<ol style="list-style-type: none"> 1. Sub-district development officer 2. Sub-district community police 3. Local village headman 4. Chief executive of the SAO 5. (Former) chairman of the Justice District Office from the sub-district (if applicable). 6. Labor volunteer, social development and human security volunteer, volunteer probation officer, and village healthcare volunteer; 1 position for each.
Experts	Chosen by the Justice District Office committee; 2 positions.	-
Committee and Secretary	Law agent whom is appointed by the Chief Executive of the SAO and the mayor of the local district; 1 position.	Appointed law agent or officer of the local administration office; 1 position.
The Justice District Office's Consultant	<ol style="list-style-type: none"> 1. Superintendent in the local sub-district police station 2. Minor district chief 3. Sub-district development officer 4. Local village headman 5. Chief executive of the SAO and/or the mayor of the local district 	-

The Justice District Office's Committee	The Justice District Office's Organizational Structure (Phase 2)	The Justice District Office's Organizational Structure (Phase 3)
	6. The representative of the Justice District Office 1 position for each.	

The research results showed that appointing the minor district chief as the chairman of the Justice District Office might have some effects on the organization's operations. According to the operational processes under the Ministry of Interior, there must be only one district chief in each district, but the numbers of deputy district chiefs are varied depending on the size of the district. So, it can be implied that the deputy district chief is responsible for his/her sub-districts in many aspects. This might cause the inability to perform as a chairman of the Justice District Office at some points. Furthermore, the newly appointed deputy district chief might even have a lower governmental ranking than the ones whom have been working at the local Justice District Office for a while, causing some problems in management. In the same manner, the reputation of the newly appointed deputy district chief might also affect the level of "trust" within the Justice District Office or the justice community networks in that local area. Additionally, as being a newly appointed officer who has only recently moved in, the new deputy chief might not be well-known or trusted by the local people because each locality has its own unique and particular concerns which differ from other areas. The new deputy chief might not truly recognize the issues and might disrupt the current Justice District Office's operations. The samples from the Public Community Justice Networks asserted that:

"I think the process we are doing right now is working well. Allowing the local people to participate in the process is a good thing because the local people know the best about their locality. Appointing the government agents as the chairmen, sometimes, causes troubles because they do not know the in-depth information. The local people are usually cautious or maybe even afraid of the chairman position."

6) Other challenges in the operations

Apart from the major problems and challenges mentioned above, there are other minor issues such as:

- The majority still lacked the knowledge and understanding about the community's criminal justice processes as well as the rights of each individual in the processes.
- The budget was inadequate for the operations of the Justice District Office, for example, traveling expenses, meeting expenses, and document preparation expenses.
- The number of the operational officers were too few when compared to the increasing number of the newly established justice district offices. Also, each province has differences in size and geographical conditions, leading to the differences in the number of the justice district offices which obstructed the operational officers in terms of the effective surveillance in their responsible area.
- The establishment of the Justice District Office was in the form of a "great leap forward". The samples from the group of operational officers in the pilot justice district offices

stated that, lately the justice district offices had been established according to the policy implemented by the Ministry of Justice. They were neither established according to the willingness of the local people nor the justice path of the community protection and strengthening. Thus, this may not support the Justice District Office. Furthermore, due to the unstable policies combining with the frequent changes in the Justice District Office's organizational structure, there were confusions and hesitations among the operational officers, committees, community justice networks under the Justice District Office.

The problems mentioned above are conformed to a research conducted by Suvanrak (2016) on the facilitation of justice in order to minimize social inequality. The case study of the Justice District Office establishment revealed that there were a number of problems in establishing the justice local office such as the lack of operational officers, the lack of knowledgeable and experienced officers, insufficient budget, and too frequent changes in the Justice District Office's policies.

3. The Guideline for the development of the community justice system to mitigate inequality in access to justice in Thai society

1) Identifying Mechanisms for provincial criminal justice administration

Clearly identifying mechanisms for the provincial criminal justice administration is significant because it smoothly mobilizes the operations of the Justice District Office. The Ministry of Justice had appointed the Justice Provincial Office Development Committee or JPDC to be a surveillance organization at the provincial level in which its operating approach was to unite all the criminal justice processes within a province in order to ensure the smooth effective operations. It also aided the local people by reducing inequality in access to justice within the province.

Moreover, the study also suggested that the facilitation mechanisms of criminal justice and provincial-level collaboration had a positive correlation with the mitigation of the inequality in access to justice in Thai society. That is to say, the operations at the provincial level, including the community justice processes, the researcher believed that the Ministry of Justice had effectively boosted up the effectiveness of the community justice processes in order to reduce the inequality in access to justice. This also allowed the citizens to gain the access to justice and received the criminal justice service from the government agents more practically and sustainably.

2) The classification of the justice district offices ranged from the weakest to the strongest levels

A benefit of classifying the justice district offices is the enhancement of the performance of the justice district offices and their operational officers. This is because the classification would help in reforming the operational processes and motivate the justice district offices to compete with the stronger ones. It also motivates the currently strong ones to keep improving in order to reach the sustainable point.

However, in this aspect, some groups of informants asserted that classifying the justice district offices is a double edged sword. To put it simply, the strong justice district offices might be satisfied with the ranking or have achieved their comfort zones. Thus, the thought of improvement might become inessential. On the other hand, the inferior ones might be

discouraged in providing services or ignored their improvement potential; this may ultimately increase the disadvantages among the citizens in terms of the access to justice or generate more inequality in the society.

In other words, the development in this area must be done carefully with effective management. More importantly, there must be stable and sustainable maximization of the justice district offices' strengths, not only just aiming for better ranking.

3) The knowledge sharing between the justice district offices and community justice networks

The enhancement of the performance of the Justice District Office committee and community justice networks by exchanging the knowledge between the Justice District Office and the community justice networks can be done by improving the capabilities of the Justice District Office committee and community justice networks and using the mechanisms from the best practice justice district offices and community justice networks as the models. This ideal development is a by-product from the classification of the justice district offices. It also supports the study by comparing the factors affecting the performance of the Justice District Office. In this case, exchanging the knowledge means to recreate a model based on the lessons learned from the best practice justice district offices and the best practice community justice networks by focusing on the management of the operations and processes that are excellent in serving the citizens. Furthermore, it is to explore the factors that cause the impairment of justice district offices and community justice networks as well.

The classification of the justice district offices and the community justice networks not only reduces their limitations in terms of performance, but also enhances their role models. Although some justice district offices have been classified into the best practice group already, due to the fact that each justice district office consists of different components such as various ethnic populations, diversity in occupations, and level of urbanization, a variety of new knowledge is encouraged. This knowledge could help in improving the protection and development of the community so that the local people could live a happy life and share their love, care, and help with others in the community. This includes helping others to gain access to justice and receive the criminal justice service from the government agents in the criminal justice system.

4) Enhancing the new knowledge and regularly revising the old knowledge

The establishment of the Justice District Office would be useless and the criminal justice administration would be meaningless if the operational officers cannot perform the operation due to the lack of knowledge. Thus, enhancing the new knowledge and regularly revising the old knowledge is a must, especially for the agents who work at the newly established justice district offices. In addition, the informants also suggested that the Ministry of Justice should create the trainings on community justice processes and encourage the registration of those who passed the trainings. This is to enhance the operational skills among the officers and set up the conditions for mastering the higher skills. For instance, the reconciliation course should be separated into preliminary, intermediate, and advanced levels. From the study, it is clear that enhancing the new knowledge and regularly revising the old

knowledge is a key to successful development of the justice district offices and its future operations. Not only focusing on the new knowledge but also regularly revising the old knowledge is essential. This conforms to the study conducted by Thammasat University Research and Consultancy Institute (2014) in which one of the keys to successful criminal justice administration conditions of the pilot justice district offices is their committee and the operational agents. The aforementioned study emphasized that the performance of the justice district officers depends on both the justice district office committees and the community justice networks.

5) The justice district office's organizational structure reforms

The research results demonstrated that the reformation of the Justice District Office's organizational structure could enhance the current Justice District Office's organizational structure. The best organizational structure for the Justice District Office is the structure that focuses on the people and reduces the importance of the government agents in the criminal justice system. This involves the reduction in the importance of the Provincial Administrative Organization. This kind of structure, hence, focuses on the citizens as it composes of the representatives from different sectors and reduces the importance of the public sector.

6) The field visit to monitor and follow up the operations of the criminal justice agencies and meeting the local people

Currently, the administrators in the Ministry of Justice have been focusing on the field visits to closely monitor and follow up the operations of the criminal justice agencies at the provincial level as well as to visit the local people in the rural areas. Based on the concept of Thai Community Justice System, the main indicator of the field visit is to bring the service of the Ministry of Justice to the local people. This helps them to know, understand, and gain access to the services of the Ministry of Justice as much as possible. Additionally, the government will be able to comprehend the needs, wants, and problems of the local people by acquiring the information directly from them, in return. The development in this aspect does not only effectively provides the services of the Ministry of Justice to the local people, but also allows the local people to understand the duties of the Ministry of Justice as well as the basic rights of Thai citizens, including the right to access to justice and the right to receive the criminal justice services from the agencies under the Ministry of Justice.

Recommendations

This research has divided its suggestions into two aspects which are, first, the suggestions regarding the ministry-level policies which are correlated with the ministry-level and central-level government officers, and second, the suggestions for local-level practices which are related to the community justice officers and the representatives of the public community justice networks as follows.

Suggestions regarding the ministry-level policies

The major suggestions regarding the ministry-level policies are to hasten the law implementation to enforce the community justice processes. If the Ministry of Justice could

pass the Community Justice Act promptly, it would be highly beneficial for the society. The rise of alternative criminal justice administration is not only currently wanted, but also the community justice act which could also benefits the community in many ways such as reconciliation and peace building, more effective criminal justice operations, and clear authorization of the operational officers. This may reflect in the increase of trust in terms of the governmental officers' performance and reputation from the public's point of view. Moreover, the local people would acknowledge the Justice Provincial Office and Justice District Office who allow them to gain the access to justice and receive the services from criminal justice agencies in all areas with no discriminations in genders easily, speedily, efficiently, and fairly.

Suggestions for local-level practices

1) There should be the enhancement in capabilities, skills, and knowledge of both the operational officers at the district level and the heads of the community justice networks with the purpose of improving criminal justice services to be more effective and excellent in service delivery.

The enhancement in the capabilities, skills and knowledge should be gradually done by levels in the form of knowledge sharing.

- 1) Level 1: The operational officers in the local community pass on the knowledge and skills to the heads of the community justice networks.
- 2) Level 2: The heads of the community justice networks pass on the knowledge and skills to their successors in the community justice networks.
- 3) Level 3: The heads of the community justice networks pass on the knowledge and skills to the community justice networks.
- 4) Level 4: The community justice networks pass on the knowledge and skills to their next generations.
- 5) Level 5: The community justice networks pass on the knowledge and skills to the public. The condition is not to pass on the knowledge only to a specific group of people so that such knowledge and skills would not be clustered in only one specific area, which may lead to the lack of motivation, and ultimately ineffective operations.

2) It is necessary to constantly reform the evaluation process of the Justice District Office's operations, especially for the newly established justice district offices. For instance, the design of the evaluation form must be easy to understand by all ages and should not be too complicated to fill in the form. Besides, the evaluation report should be sent to the community justice networks and the justice district offices on a yearly basis or every time that there is a change in the evaluation form in order to establish a national standard for all areas.

3) There should be the timely awareness raising among the citizens in the rural areas, especially the non-registered population in order to help them understand about the roles of the Justice Provincial Office and Justice District Office, including the newly established ones in each area. With this, they could access to justice more conveniently, promptly, effortlessly, and fairly even if the non-registered population might not hold Thai citizenship.

4) The reconciliation centers in the rural areas should be established under the Justice Provincial Office. The purpose of the establishment is to minimize the conflicts in the community and the impacts of the mainstream justice such as the exceeding expenses and the overcrowded number of cases in the court. Furthermore, another goal of the establishment is to solve the problems in the Justice District Office's reconciliation process due to the fact that, at present, the Justice District Office's reconciliation process has not been standardized in all areas. Last but not least, it is expected to solve the lack of reconciliation advice enforcement issues.

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