



***Thailand: Legislative Framework  
to Support Reducing Unnecessary  
Regulatory Burdens (RURB)***

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# CONSTITUTION OF THE KINGDOM OF THAILAND

(Enacted on 6 April 2017)

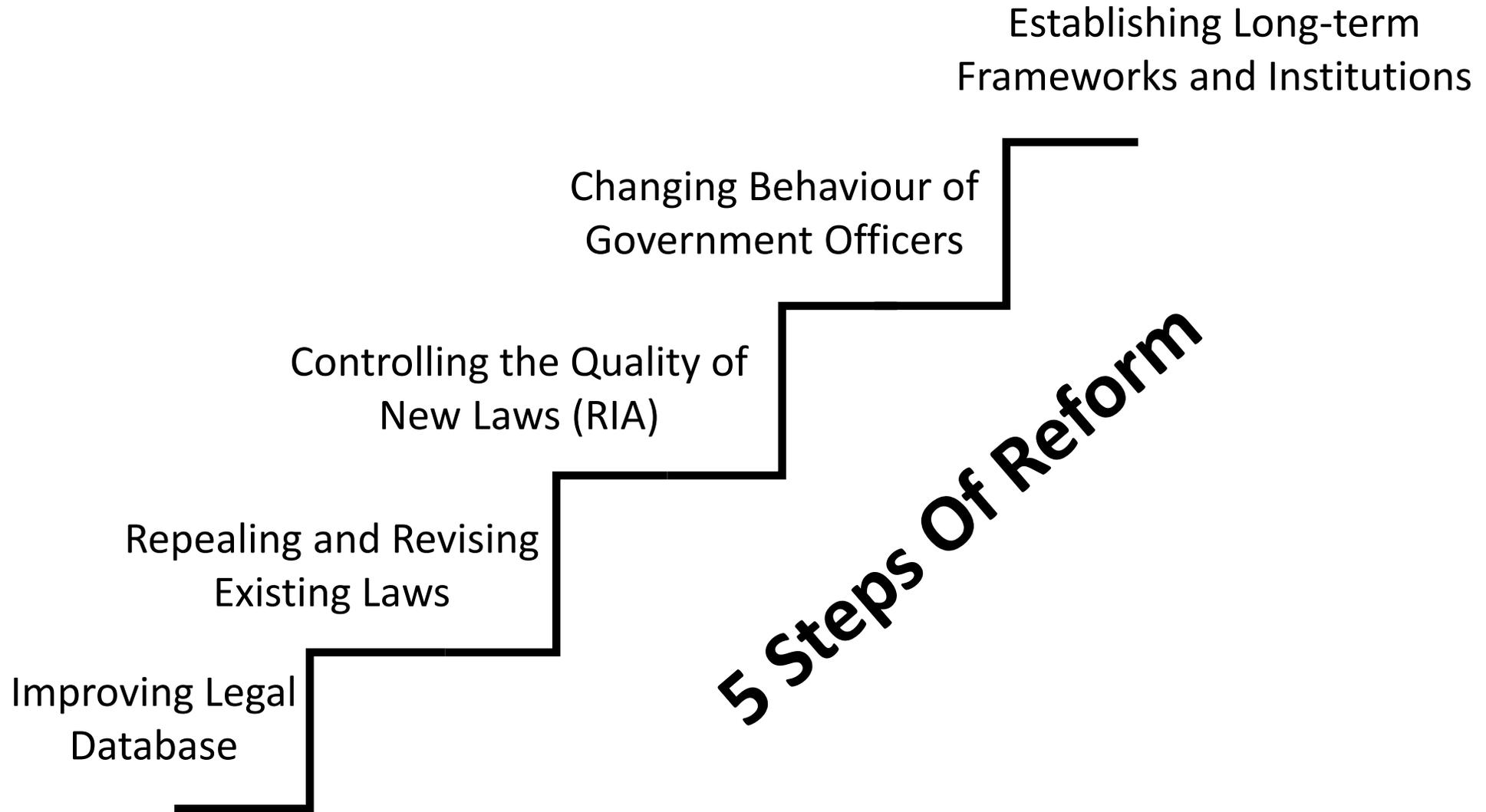
**Section 77** The State should introduce laws only to the extent of necessity, and repeal or revise laws that are no longer necessary or unsuitable to the circumstances, or are obstacles to livelihoods or engagement in occupations, without delay, so as to abstain from the imposition of burdens upon the public. The State should also undertake to ensure that the public has convenient access to the laws and are able to understand them easily in order to correctly comply with the laws.

Prior to the enactment of every law, the State should conduct consultation with stakeholders, analyse any impacts that may occur from the law thoroughly and systematically, and should also disclose the results of the consultation and analysis to the public, and take them into consideration at every stage of the legislative process. When the law has come into force, the State should undertake an evaluation of the outcomes of the law at every specified period of time, for which consultation with stakeholders shall be conducted, with a view to developing all laws to be suitable to and appropriate for the changing contexts.

The State should employ a permit system and a committee system in a law only in cases of necessity, should prescribe rules for the exercise of discretion by State officials and a period of time for carrying out each step provided by the law in a clear manner, and should prescribe criminal penalties only for serious offences.

## **New Principles of the Thai Legal System**

- The State should introduce laws only to the extent of necessity.
- The State should repeal or revise laws that are no longer necessary or unsuitable to the circumstances, or are obstacles to livelihoods or engagement in occupations, without delay, so as to abstain from the imposition of burdens upon the public.
- The State should also undertake to ensure that the public has convenient access to the laws and are able to understand them.
- Prior to the enactment of law, the State should conduct consultation with stakeholders and conduct regulatory impact assessment.



# Current Organisation Framework

- National Reform Committee: Legal Issues
  - Providing action plans and procedures for the long-term law reform
  - Monitoring government agencies to comply with the national reform plans
- The Law Reform Committee, The Council of State
  - Highly academic-oriented permanent body
  - Providing recommendations on key legal reform to the Cabinet
- The Fast-Action Law Reform Committee, The Office of the Prime Minister
  - Temporary body focusing on quick-win issues
  - Launching a “Regulatory Guillotine” project in May 2018

## **Fist Step: Improving Legal Database**

- The current database only contains Statues, Royal Decrees, and Ministerial Regulations.
- The new database, to be completed by 2020, will also contain Notifications, Cabinet Resolutions, Circulars, and completed information on Licenses.
- The data will be in easily searchable format with translations of key laws.

## **Second Step: Repealing and Revising Existing Laws**

- Royal Decree on Revision of Law, B.E. 2558 (2015) (Sunset Law)
- Regulatory Guillotine Project (reviewing 1,000 key licenses)
- The Council of State is developing new curricular to train legal offices from all government agencies.

## **Third Step: Controlling the Quality of New Laws**

- The Draft Act on The Legislative Drafting and the Evaluation of the Outcomes of Law, B.E. .... by the Council of State
  - The Regulatory Impact Assessment Process
  - The Systematic Consultation Process

## **Fourth Step: Changing Behaviour of Government Officers**

- Most difficult steps
- The Government Procurement and Supplies Management Act B.E. 2560 (2017)
- The Licensing Facilitation Act, B.E. 2558 (2015)
- The Draft Act on The Organic Act on Anti-Corruption, B.E. ....

## **Fifth Step: Establishing Long-term Frameworks and Institutions**

- National Reform Plans
  - Fast-track Process for National Reform Laws
  - Establishing the Fast-Action Law Reform Committee as a Permanent Body
  - Increasing citizen Involvement in Legislative Branch
  - Legal Education Reform
  - Legal Literacy Programme
  - The Application of Information and Digital Technology to Reduce Corruptions

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