

# Thailand's Experiences in Development of the Collaboration Mechanism among State, Citizen, and Community According to Constitution the Kingdom of Thailand 2017

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## Abstract

This research on Experiences to Develop Collaboration Mechanism between State, Citizen, and Community aims to analyze the experiences on State duties creating citizen and community rights for monitoring or accelerating State performance, and creating the right to sue State organ. It also aims to suggest the development pathway of citizen rights and freedom, as well as the mechanism for the State to perform its duties under the Constitution effectively. The research methodology is examined by reviewing related documents, holding a meeting including focus group to 26 state organs officials and community representative. The result of the research shows on the issue of the education problem that the form is over considered by State organs. The mechanism during education management between State and citizen should balance the education power by giving an opportunity to other agencies to have rights on education creation and management in a parallel with State. While currently natural resource management, the problem occurs by management without unity due to the accordance with the way of life. By this, State and private sectors play as supporters for learning which is essential for further development in resource management. This can be exercised by inviting the community to have a role in the management because this is important for the existence of society. Moreover, it can be performed by strengthening the citizen to be involved in the participation effectively, and this will lead to stipulate the pathway of the practice of related persons in natural resource management, balanced and sustainable development.

**Keywords:** Experiences to Develop, State, Citizen, Community

## Introduction

The objective of this research is the rights and liberties of citizens and communities and the performance of State duties as stipulated by the Constitution: Lesson for the development of mechanisms for cooperation between government sector and citizens and communities. (Saisuntorn, 2007: 78) This research aims to study and analyze the lesson about the functions of the State that will create the right of citizens and communities in monitoring or expediting the operation of the State, or to create the citizen or community right to take legal action against a State agency in order to gain benefits directly, to study and analyze the rules and

process of the exercise of citizens and communities rights as prescribed (Prokati, 2007: 45) under Section 51 of the Constitution the Kingdom of Thailand and relevant laws, to consider and summarize the model of the government agencies in performing their duties under the Constitution in accordance with the rights to directly access and benefit from such performance (Sittipong, 2018: 37) and to suggest the guideline to develop the system on guaranteeing citizens and community rights and develop the mechanism for the highest efficiency and effectiveness of the State performance as prescribed under the Constitution of the Kingdom of Thailand.

## **Literature Review**

The power of educational management, the natural resources and environment management (Tonchai, 2014: 68-69) are stipulated by the main laws. In addition, there are many significant laws providing the law of education management on the policy for decentralization of educational management, namely the Constitution the Kingdom of Thailand 2017, the National Education Act 1999, and the Determining Plans and Process of Decentralizations to the Local Administrative Organization Act 1999. According to the Determining Plans and Process of Decentralizations to the Local Administrative Organization Act, (Metasuttirat & Wangkanond, 2017: 129-135) this Act entitles the Local Administrative Organization (Chuilampen, 2015: 75-80) having the power and duty to manage the education. Moreover, the power of natural resources and environment management of the Local Administrative Organization is stipulated by the promotion and Conservation of National Environmental Quality Act 1992, and the Local Administrative Organization (Chaithup, 2017: 122) is entitled to have power and duties complying with the Principles of Decentralization. (Jankeaw, 1996: 45-65) The operation under power and duties of the Local Administrative Organization must be supported by the local laws. (Lerdpaitoon, 2004: 134-136) Moreover, the Local Administrative Organization (Chiangmai, 2007: 34) has enacted the laws to support the management, maintenance and use of forest, land, natural resources and the environment. (Aewsriwong, 2005: 57)

In addition, the natural management laws of the Local Administrative Organization are the specialized laws enacted for specific issues. It can be said that there are no the connection between each law even though (Boonyakit et al. 2003: 43) the problems of resources management always lead to the same issue that cause to the deterioration of resources (French, 2008: 35-60) and poor quality of education. This impacts to the life quality of local people, and leads to the problems of law enforcement. Therefore, the people should truly participate in every stage of raising the mechanism of management. In the case of water management, (Kasetsart University, 2012: 67-78) local people should participate in the management to appoint the committee, (Metasuttirat, 2017: 129-139) focus on the watershed and basin river management, (Jankeaw, 1996: 108) apply strategies linked to tributaries and main rivers by use of self-reliance, relying on the locals for the developing integration. Moreover, such participation also includes the management of security, food, areas, resources, decentralization. Furthermore, (Burikul, 2009: 33) there is the creating the watershed database (Tongkachok & Karnjanawat, 2019: 643-662) with people in order to plan the watershed management by emphasizing power allocation for managing sufficient water in the areas of the agriculture, consumption, tourism for leading to the development of watershed management plans. For the forest management, (Uwanno, 2009: 75-80) there should be the participation in the case of the reserved forest and giving a protection to people who have settled down in areas before the announcement of preservation and protection zone, and the area connected to the area of the Local Administrative Organization. In order to prevent the forest encroachments, there should be the providing coalition of forest

conservation, and encouraging people to participate in forest management under the local provisions.

### **Research Methodology**

The methodology of this research reviews the concept of theory and literature related to the management of the natural resources and environment and brainstorm target groups from 26 representatives of the government and civil society sectors selected from a group of experts in natural resources and environment and the educational management. Moreover, this research develops the methodology for learning and exchanging information about the government and communities' cooperation system.

The researcher used the method triangulation to verify data by using the data triangulation, (Denzin, 1970) investigation triangulation, and theory triangulation. Also, the researcher investigated the relevant problems of the guidelines for cooperation between the government and communities, studied issues of the government duties establishing the rights of people and communities to monitor or expedite the government's action or establishing the right to prosecute the government agency to provide a direct benefit to people and community, and studied and analyzed the criteria and process of exercising the rights of people and communities. Finally, the results from such analysis had been discussed and summarized. Then, the research recommendations are organized. The duration of the research study is one year.

### **Research Results**

The exercise of rights of citizens which is included the communities should comply with the regulations and legal procedures stipulated by the organization which the regulations and legal procedures are differences in each organization. Beginning with the ombudsman (Leelavachitropat, 2016: 45-50) to the cabinet until filing a case to the court, this is the formulation for the organization to have power and duties as a tool of monitoring, finding the facts and exercising their discretion along with the legal principles in order to protect the interests of citizens and communities from the State functions. Meanwhile, citizens and community also enable to exercise their rights as provided by the Constitution in participating to benefit from the state duties although there are some regulations and procedures may be an obstacle to the exercise of rights of the citizens and communities. (Sriram & Sajjarax, 2017: 99-115) However, the exercise of rights of citizens and communities as provided by the Constitution shall be operated in order to protect such benefits to be actual happening and prevent the loss of right prescribed by the law.

This research aims to emphasize the rights and liberties of citizens and communities and the performance of State duties as stipulated by the Constitution. The previous lesson related to the development of mechanisms for cooperation between government sector and people and communities is the problem of the educational management because of the State agency is excessive taking into account of the form. This results in the education does not meet the needs of juvenile in order to build on the further idea. The practical resource management which lacks of the actual public participation and causes the disorder leads to the deterioration of the local environment.

The research defines the issue analysis for leading to the mechanisms for cooperation between government sector and people and communities, the organization in managing both education and natural resources management, including the government sector which is the central organization for enforcing laws. For the Local Administrative Organization, it can be said that such organization is mostly close to people and communities. This organization is subjected to the Determining Plans and Process of Decentralizations to the Local

Administrative Organization Act 1999. The use of power of the Local Administrative Organization must be supported by the local law.

The significant criteria of mechanism that encouraging citizens and communities to involve with the natural resources management The national strategy on competitiveness community such as National Strategy Act 2017 master plans of Thailand under Thailand's National Strategy 2018-2037 (National Strategy Secretariat Office, 2018) and the educational management is to provide the local provision of the natural resources and environmental management including the conservation of good culture, local wisdom, the education that not contrary to the relevant laws. This is based on local culture which can lead to the self-development, the strengthening of community, the sustainable development in the quality of life and society at province and sub-district level. Such provisions must be established as the provincial policy, and provide the memorandum of cooperation for the establishment of local provisions on the sustainable management of natural resources and the environment in order to bring the policy to be practical. Moreover, the establishment of such provisions should entitle rights and duties for member of natural resources and environment network to define forest boundary of community, boundary line of utilization and other management areas whether by water or by sea, and to mutually work with other relevant agencies. In addition, the provisions should include the co-operation, creating the management plan, the activities to maintain and restore the natural resources and environment within a village, and the coalition to create and improve regulations of natural resources and environment at village level.

The mechanism of educational management between government and citizens should be a balance of power in education by providing opportunities to various sectors having rights and power to be an educational creator and manager along with the State. The various sectors consist of the Local Administrative Organization, family, society, religious institutions and private educational institutions. These organizations can create a new culture in the education for Thai citizens. This is because of the entitlement to these organizations causing to develop the education in critical-thinking. According to the entitlement for such organizations, it is considered that only the State is impossible to improve a quality of education. The concept of community management is about relationship between citizen and the ecosystem which citizen can lean on and take advantages from the community leading to build up a body of knowledge in natural resources management. For this reason, it can be said that all resources are interconnected resulting in the variety of characteristic management in each community, and the resource utilization in each community becomes a key factor in living. Furthermore, it is seen that the natural resources relates to each community tradition. Therefore, the resources management may not be achieved by the central or local law enforcement because of the differences of the social context.

Decentralizing natural resource management to locality and community by public participation directly in the forest management or the water management is the characteristic of the community in managing resources. Citizens and communities can participate in the management, create various groups of management, such as traditional group and senior group. Moreover, citizens and communities can participate to draft their self-regulations, fine and punish the offender by themselves, share benefits by being co-ownership of the community, manage the resources by adhering to the criteria of controlling, use of power, management, exploitation of natural resources including the inspection and controlling member of the organization.

The research found that the effective management should respond and resolve problems with a public collaboration, such as providing knowledge hubs and platforms which citizen and community can exchange the knowledge, restoring the natural abundances to promote

community strengthening among the change in society, economy, politics, and natural resources.

The decentralization of administrative power is a threat to the society because only the State cannot respond to the changes that are rapidly occurred. In addition, there are plenty differences in such administrative power which is considered to be unacceptable from the democratic society. Thus, providing an opportunity for public participation to manage or allocate resources in the society can lead the fundamental of democracy.

In addition, the research found that the existing mechanisms are inadequate to resolve the system of education and local resources due to the lack of appropriate measures of resources management in case of the public participation. When the current government has not responded to operate the ideas and suggestions from public participation, it results in those ideas and suggestions have not been implemented. This situation is occurred because there is no the representatives of those people who have legal authority to carry out their ideas and suggestions.

The previous public participating in the conservation and management of the natural resources and environment is at the low level. This is because social attitudes, values, and organizational cultures about the public participation have different ways of understanding. For this reason, the mechanism of public participation in the natural resources and environmental management should be improved including the thought reform by establishing the institution for development the public participation in the management of the natural resources and environment. The status of such institution will be the Hybrid Organization in order to coordinate the strengths for driving the practical reform of the mechanism and to do its duty for driving the thought reform. Another duty of the institution is to provide the knowledge management in the areas of the process of participation to manage the natural resources and environment. Moreover, there is the cultural obstacles and the power and interests which obstruct the actual public participation. These are the significant problems relating to the thought and practice.

The role of such institution is to provide the education and training for all people involved in the management of natural resources and the environment, and support staffs to implement a public participation process along with process of raising environmental awareness and environmental ethics. Furthermore, the Local Administrative Organization plays the important role to legislate the local provisions related to the natural resources and environment in the community in nature of supporting the public participation.

The mechanisms for cooperation between government sector and citizens and communities needs a legal right to support the community about public participation. Although there has been a reference to legal rights for public participation at the constitutional level, there has not specified the legal rights, especially at the lower level of the Act. Thus, it is necessary to reform the laws in order to support the citizen rights to meaningfully participate in the natural resources and the environmental management in the area of forest resources.

Building on that theme, this research argues for a discursive and conceptual realignment of community management that better takes into account these extra-community aspects. It does this by first highlighting the associated connection between community management and community participation, and the somewhat related conflation between the community-based management of natural resources and the community management of national and environmental resources supply. Arguing that the collective action problems inherent in the literature and empowerment challenges from participatory development are qualitatively different to the contemporary national and environmental resources supply challenge, the research introduces thinking regarding the co-production of public services as a more useful conceptual frame for community management. It then presents an overview of findings of reportedly successful community management programs.

Similarly, in the particular context of domestic national and environmental resources supplies, it is argued that it is now more useful to frame community management as an arrangement between state and citizens for public services rather than conceptualize it using tools designed to study common-pool resource management or participatory development. In an analysis of how basic services are often managed countries, emphasize the increasing importance of inter-organizational partnerships in service delivery and develop the concept of institutionalized coproduction which they define as: of public services through regular, long-term relationships between state agencies and organized groups of citizens, where both make substantial

However, when functions of the State are determined, the State must perform its functions. Whether such functions are the obstacle to the administration or not, it depends on the aspect of the State. Furthermore, the mechanism in each activity created by the State is the mechanism for citizens and communities to participate in such activity as much as they can. This can prevent the claim of their right against the State resulting in removing all of obstacles, and lead to the administration running smoothly.

## **Conclusion**

The Constitution of the Kingdom of Thailand 2017 concerning the state duties chapter should be amended to be clear. The provisions in such chapter is the absolute enforcement that the State must operate its functions and all State agencies are binding to comply with. There are activities being the duties or responsibilities of the State as provided in the Constitution. If such activities have been determined for the immediate purpose of the public interests, citizens and communities should have rights to call on the government to carry on such activities and should be entitled to the impeachment against relevant State agencies. This is to provide the citizens and communities benefits in accordance with the laws.

There should have the law amendment and enactment for the support and protection of citizens and communities' rights, namely the human rights law on the citizens and communities participation in the natural resource and environmental management, laws on citizens participation in a process of the public policy planning and the law improvement and development for management reforms of natural resources and environment, such as the Promotion and Conservation of Natural Environmental Quality Act, forest law, water law and environmental law.

There should have the measures to boost the knowledge, consciousness and awareness of the significance of the conservation forest, forest resources, wildlife and ecosystem as well as the prevention and rehabilitation of the natural resources in the areas of the forest, wild animals, and marine and coastal resources.

In addition, there should have the campaigns of publicity to encourage the value awareness of natural resource conservation on the conserved forest, watershed forest, jungle including its surrounding areas, particularly a bold - mountain forest.

Moreover, ability development and participation encouragement of the relevant organization composing of the community organization, local administrative organization, private organization, administrative agencies and coastal fishery communities.

Another suggestion is the support and promotion of creating the network in the prevention, protection, and restoration of the conservation forest, watershed forest, forest resources, wild animals and the marine and coastal resources.

Furthermore, there should have the support and development of the community environment arrangement including the process application for making the local laws or the communities' rights in the sustainable local administration. This could build the sustainable development on co-existence and dependence between communities and environment.

According to the findings, it has found there have still been issues dealt with the research suggestions as follow: If the mechanism between state and citizens will be concretely adopted and implemented in the effectively education-system development of children and juvenile, in order to be the effectively driven mechanism, the research is of suggestions that local government organizations should deliver the local legislations conformable with the nature of such local government. For instance, the municipality-made laws or laws passed by local government regarding the educational and natural resources management should base on the nature or circumstance of natives, communities and local administration.

Guidelines for application of findings: The creation of said mechanism held to be an essence of findings. Consequently, it is suggested that the understanding in the guideline for the mechanism use could increase the effectiveness of its adoption and implementation. This research has pointed out that it should have the activities to build the recognition, acceptance and compliance with the law relating to the management of the education and natural resources. It could directly benefit local people and could lead to the sustainable resource existence as follow:

Information campaign: The issues of managing the education, natural resources and environment deemed an environmental problem impacting on the natural resources. Therefore, there should have the improvement on the knowledge and understanding over the environmental problems and effects to the citizens and communities being a directly interested person. This could urge the awareness of the cooperation and participation of citizens and communities for seeking the problem-resolution measures by the use of local law movement. Additionally, there should be the systematic management over the information classification into the education and natural resource fields.

Citizen participation: The management related issues as mentioned held a problem which citizens and communities shall be an interested person and be directly affected because of it being as both a doer and a victim. The presence of citizens' knowledge, understanding and participation in the problem management could decrease the issues and conflicts and could also lift the effectively management capacity. For this reason, on the support and promotion of management capacity, the citizens and communities should be entitled to the public participation in any stage of the process even the process of policy determination or of policy planning. This could better the educational and natural resource management including citizens' well-being.

The public participation of the aforesaid management is the series of citizens participation process with the State and the relevant government agencies including local government since a process of knowing , learning, thinking, planning and decision making as well as a process of operation, supervision, monitoring, transparent checking and fair benefits receiving with the higher-level participation and in practice.

The community development in province and sub-district level by the community-strengthening creation for the sustainable development should be stipulated as a provincial agenda for all provinces' implementation. Moreover, there should have a memorandum of cooperation in local law making on the sustainable management of the natural resources and environment for its policy brought into the concrete implementation.

The local communities should have mutual powers between communities to create the local laws on the natural resource and environmental management including the preservation of good culture, local wisdom and education not contrary to relevant laws and based on the local culture way. This will lead to self-development and community strengthening for the sustainable development over the life quality and society at the province and sub-district level.

The main objective of making the mentioned memorandum of understanding is to guarantee that any policy could be adopted and implemented in the concrete practice while the making

of mentioned local laws is aimed to create the understanding and awareness of the natural resources and environmental management.

Province-level agencies should provide a cooperation plan of the educational and natural resources and management in provincial areas by provincial administrative organizations' movement. In addition, the local administrative organization at every level are required to participate in the strategy for seeking a form of management-related mechanism between State and citizens.

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