

Abstract

The trend of free trade which has been expanded since the late of nineteenth century, the economic and social needs and world trade rules after establishment of the World Trade Organization (WTO) as well as the World Bank lead to the trend of civil justice reform around the world called the international paradigm of the civil justice system or the civil procedural system. It is a fundamental principle to improve access to justice. Access to justice, which derives from social policies and the trend towards human rights, emerges not only within domestic laws, such as provisions of the constitution and civil procedure law in many countries, but also within international laws i.e. the Universal Declaration of Human Rights (UDHR) and European Convention on Human Rights (ECHR).

The objective of this research is to study and analyze the similarities, the differences, the advantages, the disadvantages and the problems between Thai civil justice reform and foreign civil justice reform. And the research will find whether Thai civil justice reform is consistent with the international paradigm of the civil justice system or not by using a methodology of documentary research studying in the contexts of legal history, legal sociology and comparative law, and using the Civil Procedure Code as the core of civil justice management. The research also proposes solutions to the problems of Thai civil justice system reform towards the international paradigm.

It was found that the current civil procedural system of Thailand is based on social surrounding, performance of government agencies and knowledge management and technologies in the late nineteenth century. At that time the liberal civil procedural system, which was a modern concept of foreign countries, was adapted to the Thai civil procedural system, which derived from Thai traditional law, so as to be appropriate for the transitional period and correspond to the change and demand in Thai society. Although the Thai civil justice system or civil procedural system has been

adjusted continuously, it has been to solve the specific problems occurring during a specific period of time. Reform of the Thai civil justice system or civil procedural system has been mostly done without using the Civil Procedure Code as the core of the civil procedural system. The given reform has corresponded to the needs of Thai society in term of tool use rather than systematic or structural concepts as the reform in many foreign countries.

However, Thai civil justice reform is consistent with the problem solving process of lawyers or judges in Thailand. They often do not have a plan or the principles of the reform in advance. It is the solution to the internal and external factors, which seems to lack direction, but actually it does not lack one as it is the specific Thai style. Thai civil justice reform also has resulted in satisfactory performance when compare with foreign countries. The disadvantage, however, is that the reform in Thailand may not have the motivation or incentive to solve the problems of the reform as a whole as the reform in foreign countries, and there are still many difficulties and problems.

Therefore, the Thai civil justice system is still not consistent with the international paradigm of the civil justice system and the changing economic and social situations. The solutions to the problems of the Thai civil justice system are to reform the Thai civil justice system with systematic concepts, solve the problems basing on the principle and structural concepts instead of depending on the specific problems and apply the Civil Procedure Code as the core of the civil procedural system in order to deal with the problems of the Thai civil justice system without using the separate concepts as the past. This can truly enable Thai civil justice system reform meets the international paradigm of civil justice system and the changing economic and social needs.