

Thesis Title : Authority of National Anti-Corruption Commission in Inspection of  
Judiciary: Case Study on the Judge is accused on the Abuse of Power

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Degree : Master of Laws (Public Law)

Academic Year : 2011

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## ABSTRACT

The National Counter Corruption Commission (NACC) is an independent government agency appointed by the Constitution of the Kingdom of Thailand. The NACC has the duties to investigate into any actions of the state official or Government official who commits or involves in corruption, malfeasance in office, or any wrongful offence to control the state official or Government official to use the power and duties legitimately. The problem at hand is that, even though the judge is a part of the state judicial system and is considered to be independent from any type of possible interference, the judiciary is able to be investigate by the NACC same as any officials in other offices. Thus, this thesis particularly aims to study and research on the power of the NACC for inspecting and investigation the actions of officials in the judiciary system in the case where the judge may be accused of abuse of power conducting to liability of the accused judge, which is another way of the judiciary inspection executed by external organization.

The study of other countries' cases regarding the abuse of power by the officials in judiciary systems found that there are many possible ways for the judiciary system to be investigate by external organization such as; inspected by the Legislative or other authorized

organizations which have the particular process of inspection conducting to a position's offence, criminal offence, or disciplinary offence of the accused judge.

Additionally, the research also found that the judiciary inspection and investigation by external organization is executable. In Thailand, the NACC is an independent government agency appointed by the Constitution of the Kingdom of Thailand which has the power and duty to investigate the offence of corruption, malfeasance in office, or any wrongful offence committed by state official or Government official including the officials in judiciary system. In consideration of the exercise of powers of the NACC according to the Constitution and the Organic ACT on Counter Corruption, B.E. 2542 (1999), including the independence, neutrality, and broad power of inspection, thus, the NACC is the authority and appropriate organization to inspect the judiciary regarding corruption or abuses of power conducting to the punishments such as a discharge of position, criminal punishment, or disciplinary punishment.

Nevertheless, the mentioned judiciary inspection powers of the NACC still have problems and obstacles, particularly in the case that the judiciary is accused of abuses of power concerning the trial and judgement. Therefore, the researcher proposes that the Organic ACT on Counter Corruption, B.E. 2542 (1999) should be improves to enhance the suitability and efficiency of the judiciary inspection by external organization.