

## **Legal Education Reform in Thailand**

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The expansion of Thai economy has recently had an impact on various sectors in Thailand including the learning and teaching in law schools around the country. This also has led legal profession to be in high demand. Even though prestigious law schools such as Chulalongkorn and Thammasat law schools play active roles in Bangkok, many other educational institutions outside the capital city, both public and private, have been offering law programs to local students on a high competitive basis.

Getting admitted into prestigious law schools might be very difficult and highly competitive. Alternatives are always opened for students with different background such as interest, age and availability to still have the opportunity to study law at either private universities, public universities in the provinces like Rajabhat Universities (which have been turned from teachers' training colleges into public universities) or open universities like Ramkhamhaeng University and Sukhothai Thammathirat Open University (on off-campus or correspondence basis). However, it can be observed that prestigious law schools that offer more business and international related subjects can attract more top students of the country. It can be said that the economic growth has also been one of the main reasons for the students in choosing course they want to take up.

The government's policy in promoting foreign direct investment in Thailand plays significant role in reforming the law school curriculum. The curriculums offered by the universities may be different but they all conform similar standards in order to comply with the changing nature of the international economic arena. Moreover, this phenomena is for a readiness to serve a drastic flows of foreign investment into Thailand under the scheme of free and fair trade promoted by the WTO which Thailand has become party to it and is obligatory to open the markets. In response to this, many more law schools have been established lately and a number of new law subjects and activities have been introduced in order to attract the students such as maritime law. Intellectual property law, franchising and licensing laws, corporate and project finance laws, share and securities laws, derivative laws, joint venture laws, taxation, international conflict resolution and arbitration, etc...

The design of curriculum of law schools in Thailand has changed from a traditional to a more student-centered one where the law lecturers prepare their lesson plans furnished with case studies, activities and effective evaluation. The students themselves take active roles in class and in group dynamic on a two-way communicative skill with the lecturers and among their classmates. The curriculum has recently included the academic theories, knowledge and skills in all aspects including politics, social and economic. Now it is a must to also include competency in foreign language and IT (information technology) so that law graduates will be able to transcend national boundaries and skills in communication and conducting legal research in international level. In response to this, the law school has established external networks and contacts. This generally involves formation of academic links with corresponding institutions abroad, with a view to facilitating academic exchanges and collaborative ventures.

Another implication of the legal education reform can be seen through a law degree offered to those who already received other first degree. Unlike a regular LL.B. program, some Thai universities have adopted an American concept that law should be studied as a second degree. A person with prior knowledge from other disciplines may have a better vision in the application of

laws. This is the rationale behind the implementation of another LL.B. program that is offered only to those with non-law degrees who wish to study law. The curriculum is exactly the same as that of the regular LL.B. program with two main differences: students are waived from the general educational requirements and the program is taught during non-business hours such as evening and weekend class. This type of program tends to become more and more popular as there is a trend for people to study law either to enter into legal profession or as a complement or value-added to their own careers and endeavors. It can be observed that many leading law firms are starting to recognize the law graduates via this particular module and hiring them as lawyers or legal consultants in the firms because of their versatile on basis of their double degrees profiles. In addition to that, many other graduates from this module have entered into judicial careers such as judges and public prosecutors and are expected to bring a change to a better in the organizations or institutions they are working in.

In term of business law, Chulalongkorn University has become leading law school that offers most business related law subjects with strong reputation in producing lawyers to work in international law firms or multi-nationals business operators. Its law programs and curriculums both in LL.B. and LL.M. levels have collaboration and links with leading foreign law schools, particularly from Canada and Japan and its priority is given to multi-nationals business transactions and investment related subjects. The graduates from Chulalongkorn Law School are now lawyers and legal consultants in leading international law firms and organizations. On the other hands, many of its graduates have become judges, public prosecutors and legal officers in the government agencies. This group of law graduates has become key-persons in many governmental departments who are helping to transform the legal practice and advisory given from traditional to a more responsive to the changing nature of world economy having a strong impact on the Thai markets as a whole. In addition, Thammasat Law School also has a very strong business and tax law diploma course while Assumption Law School is well-known for the law program taught in English. It seems that other law schools around the country are now working hard to shape up their curriculums towards this trend. The development of the design for curriculum can be seen in both undergraduate and graduate programs but it is more competitive in the graduate level, while the law program offered to those who already hold first degree in other disciplines are now expanding.

There are many good aspects of law program in Thailand. Firstly, it provides the law students with skills in memorizing the contents of major law codes and relevant Supreme Court's Decisions in order to apply these laws into argument, circumstances, real situations or facts. This traditional learning methodology is in line with the civil legal system that Thailand enjoys.

Yet there has not been easy as the teaching and learning process in the law schools still encounters a number of problems within the transforming process in order to serve foreign trade and investment under the scheme of free markets and to meet international standards and quality.

In this regard, there are also many negative aspects, on the other hands, that Thai law program must be developed to serve sophisticated business and administrative-related economic transactions and complex governmental agency vs. individual relations in Thailand itself. This includes:

1. The curriculum and the learning and teaching methodology does not encourage the law students to actively participate in the class discussions or group activities. This indicates that the student-centered methodology has not been fully introduced in most the law program since the learning process gives priority to the memorization of major law codes and court's decisions.

2. The curriculum covers a wide range of subject areas which apply to a broad range of legal practices, particularly the litigation of both criminal and civil cases.. There has not been enough concentration given to international trade and investment related subjects. This might be because it lacks of law lecturers or academics specialized in most and newly updated legal issues in international business. To hire foreign professors and to invite local leading law experts to give lectures in the law program will lead to a huge budgeting problem. The law school itself have very limited budget to send their staff or faculties for pursuing education or participating in training overseas to gain expertise as human resource development program.
3. The curriculum does not introduce a broad vision of the law students towards legal professions which they will be engaged in after obtaining the law degree. Most law graduates enter into legal profession as litigators or court lawyers while very small number work as business legal consultants in multi-national law firms since they lack of competency in foreign languages and IT. Judges and public prosecutors are one of most popular careers that law graduates expect to work since they are well-paid positions and gain high social recognition. This becomes another problem to indicate that the recruitment methods and process of Thai judges and public prosecutors are still not able to recruit the law graduates who do not have enough skills to cope up with issues relating to international law and business. The required qualifications and eligibility of the applicants to the recruitment process is not made in response to the promotion of international trade and investment which is now expanding.
4. The curriculum requires the law students to study in the Thai language for the whole program. Foreign language, particularly English, is compulsory for only two years and it is found that most law students do not continue studying English in third and fourth years which leads them to have insufficient skills and competency in foreign language. This has become the major problem for Thailand for not being able to serve high quality legal services to international clients who come to invest and operate their business in Thailand because of communication barrier and weak legal research skills in international level.
5. The curriculum introduces more of the Thai law based on major law codes, especially criminal law code, civil and commercial law code, civil and criminal procedural law codes but lack of any subject or activity to enable law students to study foreign laws on comparative basis from different countries enjoying different legal system. The curriculum also concentrates more on legal theories and skills than providing law students with problem-solving skills used on inter-disciplinary basis such as law and business or law and scientific type of projects, etc... This does not provide confidence to foreign investors. One of the solutions to this is for the law schools to expand the law program offered to those who already have had their first degree because these law students are more matured and have interdisciplinary skills with a law degree as their value added. They can serve the investor much better.

In summary, the learning and teaching in the Thai law school has continued to reform itself from a traditional to an international quality and standard with student-centered methodology approach being introduced along within the reforming process. Even though there are still more issues to be developed, the curriculums and its production in the form of law graduates are applying legal theory, philosophy, practice and skills in conforming to the changing nature of the world economy.