

## **ANTI- CORRUPTION REFORM IN THAILAND**

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### **ABSTRACT**

Corruption in Thai society has long been deep-rooted and proven to be difficult to solve. Despite the attempts being made by several sectors to provide remedy, the problems remain persistent. In addition, the acts of corruption have become more complicated. Therefore, it is crucial to examine bodies of relevant knowledge and have them strategically utilized in anti-corruption reform measures that suit the country's current situations. The conduct of this particular study has been implemented with two main objectives: 1) to examine factors that enable corruption to prevail in the functioning of the government and private sector in Thailand; and 2) to examine a suitable anti-corruption measures for Thai society. Researchers have reviewed relevant literatures, conducted in-depth interviews with qualified key informants, and analyzed factors pertaining to corruption problems in Thai society. The result showed that the crucial factor that enabled corruption to prevail was associated with values deemed acceptable by society members, i.e. patronage or repayment of someone's kindness. The factor that enables corruption to prevail in the government sector lies in the relationship between those with power and those without power. In addition, corruption in the government sector is also associated with that in the private sector as well. This study has found that the suitable anti-corruption approach suitable for Thai society is comprised of four elements: 1) establishment of collaboration among various organizations, agencies, and other sectors involved in anti-corruption; 2) provision / revision of laws and regulations related to corruption prevention and eradication; 3) reinforcement of social power in corruption monitoring; and 4) promotion of moral society.

**Keyword:** Corruption, Reform, Collaboration

## **1. Background and Signification of the Study**

The problem of ‘corruption’ has such a severe impact upon Thailand in terms of social, economic and political development. The world commune has long realized the gravity of the situation and thus has made a concerted effort so as to alleviate all kinds of corruption by means of cooperative endeavors such as in the case of the United Nations and the United Nations Convention against Corruption (UNCAC), certain international organizations in Europe and the convention for economic cooperation and development on foreign corruption, certain international organizations in Asia Pacific region and the operation plan for anti-corruption in Asia Pacific region, etc., all significantly in aims at adopting protective and preventive measures against corruption, as well as promoting international cooperation in light of prevention of corruption.

Thailand has adopted and signed the United Nations Convention against Corruption (UNCAC) 2003 on December 9, 2003, and submitted the instrument of ratification so as to join the alliance on March 1, 2011 (Wantanee Sabsuksamran, n.d.; Sawaeng Boonchalermvipas and Paisarn Limsatid, 2008, p. 47). In fact, Thailand has remained incessantly assiduous in making a concentrated effort so as to prevent corruption from occurring and to truly promote cooperation in tackling with the problem pertaining to corruptive behaviors, the testament to which may be witnessed in the form of having established domestic workgroups and organizations directly in charge of anti-corruption activities, not to mention the enforcement of several legal instruments accordingly. However, the problem of corruption in Thailand remains severe and thus requires immediate reform due to its deep-rooted nature prevalent and woven into the fabric of Thai society at large, the phenomenon of which is also reported in several research papers and studies. For instance, the research and study of values of corruption in Thailand conducted in 2006, 2009 and 2011 by King Prajadhipok’s Institute has revealed that the general public tended to come to witness more of corruptive behaviors; a number of people were of the opinion that certain corruptive behaviors were acceptable (Thawilwadee Bureekul & Ratchawadee Sangmahamad, 2014). Another conduct of the study on the same subject in 2011 and 2012 also by King Prajadhipok’s Institute, pertaining to the Strengthening Integrity in Thai Society project: Problem, Indicator and Guidelines for Development, has revealed that Thai society remained deprived of an effective approach to carrying out the promotion and encouragement of the value of integrity, and that the country’s education system had yet to strategically focus upon ethics (integrity), and that the government had yet to be placed under proper scrutiny, and

that communication with the general public regarding the issue of integrity remained absent, etc. (King Prajadhipok's Institute, 2012). In addition, the study being conducted in 2013 and 2014, pertaining to the Social Refinement Process and Practicing of Integrity Strategy: Case Study of the Local Administrative Organization, has revealed that there remained relevant problems in local communities which resulted in the inception of corruption; these problems included an absence of effectiveness of legal enforcement, the insufficient qualifications of local executives and officers of the local administrative unit, the general public lacking a sense of public participation and good conscience, as well as corruptive behaviors found along the road to political arena (King Prajadhipok's Institute, 2014).

The aforementioned findings are merely the tip of the iceberg, a series of primary examples that calls for further study in light of the subject of anti-corruption reform in Thailand. Corruption is an urgent issue and it needs resolving at once; furthermore, the problem also requires cooperation from all sectors in society without which the sustainable prevention of it will never taken place.

## **2. Objectives**

2.1) To study favorable factors to corruption and its prevalence in the operations of both government and private sectors in Thailand.

2.2) To study suitable guidelines for prevention of corruption in Thailand.

## **3. Relevant Literature**

The term “corruption” has a variety of meanings in accordance with the organizations and/or scholars involved therein. Essentially, the term “corruption” concerns dishonest or unethical conducts apropos of abusing the powers of public administration by civil service officers, politicians and/or government agencies. Corruption exists in various activities undertaken by private sector as well, especially when it comes to the private entities that are to be in regular contacts with government agencies. Therefore, not only does corruption denote the violation against rules and regulations imposed upon the allocation of public resources in response to monetary offers or for political supports, but also the misuse of powers by local authorities in order to obtain benefits for themselves or those in circles. Such abusive actions include extortion, taking bribes, embezzlement, as well as an occasional disguise as gifts giving; in addition, corruption also concerns the abuse of powers of one's position/office for promotion of group members, the abuse of authority so as to dishonestly draw up certain policies, or the misallocation of resources for the benefits of one's own

‘people’, all of which behaviors are against the code of ethics and morality (World Bank, 2014; King Prajadhipok’s Institute, 2000).

Regarding the forms of corruption in Thailand, they may be categorized as follows:

**1) Political Corruption:** Politicians are initially given political power and, with power, their behaviors change, such as making decisions in order that one will obtain benefits for oneself rather than for the general public (Vargas-Hernández, 2009). Acts of corruption include buying votes, gifts giving (alcoholic beverage, drink, etc., during festivities), buying out electoral competitors in order that they will not compete for an opportunity to run for the office, bringing the targets on tour or visitations with expenses paid by the governmental spending (as seen in the case of the local administrative organization), publishing and dissemination of the group’s old credentials by utilizing the governmental spending in hope for popularity among constituents, etc. (The Office of the Election Commission of Thailand, 2014). In addition, political corruption also involves payment of bribes in return for the allocation of invaluable resources such as license/permit for telecommunication project/enterprise, coal extraction, etc. (U4 Anti-Corruption Resource Center, 2014).

**2) Corruption in Public Administration:** This form of corruption is most common in Thai society. The pattern includes paying tributes to those with authority in procurement, payment of bribes, demanding for benefits, corruption in governmental bids by providing illegal cooperation and/or receiving incentives from private entities, distortion of rules and regulations, negligence, embezzlement of governmental assets, counterfeiting, etc. (Pasuk Phongpaichit, 2000; Suthirat On-thieng, 2001; Ministry of Public Health, 2001; Vicha Mahakun, 2007).

**3) Corruption in Private Sector:** This form of corruption resembles the one found in public administration. Corruption in this category includes violation against rules and regulations, concealing of facts, tax evasion, embezzlement, misconducts carried out in the process of petitioning for governmental project license/permit, Ponzi schemes, illegal facilitation of monetary spending upon recreational activities, reinvention of benefits (Jarawan Sukumalpongse, 2013; Sophon Pornchokechai, 2009).

Furthermore, there are other forms of corruption more or less akin to the aforementioned three such as acts of corruption in local administration, one found in educational sector, etc.

#### **4. Methodology of the Study**

This particular study is qualitative and based upon the information and data obtained from certain documents and in-depth interviews with five experts<sup>1</sup>. Information obtained from certain documents concerns that in terms of meaning/definition, factor and guidelines for prevention/protection against corruption proposed by scholars, organizations in Thailand and abroad. Regarding the in-depth interview, data are provided by the expert interviewees to acquire the essence of major issues such as the situation of corruption in Thailand, the forms of corruption from past to present in various sector, the measures against corruption, as well as public participation by people in anti-corruption reform. The ‘analytic induction’ technique has been employed with the contents analysis to predicate the result.

#### **5. Result of the Study**

##### **5.1 Favorable Factors**

According to the relevant documents and the interviews with five experts, the favorable factors to corruption and its proliferation are as follows: 1) Social, cultural, economic and political problem; 2) Exercising discretion; 3) Law and Procedure; 4) Ineffectiveness of inspection; 5) Blockade against Prevention of Corruption (and news and information).

##### **1) Social, cultural, economic and political problem.**

The values harbored within the society, its culture and tradition, especially in the case of consumer society in which financial incentives are deemed to be of higher value than goodness and integrity. Thus, people predominantly aim for their own prosperity regardless of the means by which to achieve the riches of goods and fortune all for quick and easy money, and hence society members being in wants of clear conscience in terms of awareness of the preponderancy of ethics. In consequence, with such a plethora of those kinds of thoughts, the majority of people seemingly succumbed to temptation, thus compromising their own integrity for the benefits of materialistic allurements that are derived from the name of the family and fortune to such extent that they simply do not mind imitating the rich only

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<sup>1</sup> The experts are scholar and former senator. Also, some of them are representative from the Office of the National Anti-Corruption Commission, Anti-Corruption Organization of Thailand, and Thailand People's Network Against Corruption. Interview period was 11 – 20 May 2015.

to gain what they want in the process regardless of whether or not it be right or wrong (Jaruwan Sukumalpongse, 2013; Udom Ratamarit, 2001). In addition, social and cultural condition also helps to create the model of corruption as witnessed in terms of improper patronage, being considerate to people with seniority at work, nepotism and such (Veeravit Kongsakdi [interview], May 14, 2015; Mana Nimitmongkol [interview], May 14, 2015; Jaruwan Sukumalpongse, 2013).

Regarding economic condition, there are correlations between corruption and the desire to cater to one's own needs and wants of money and power. The findings have revealed that a number of corruptive minds were in need of money; thus, economic disparity and the problem of poverty contributed to corruptive behaviors, for instance, in the case of certain civil service officers with a relatively lower level of income who were indebted and thus have fallen for misconducts (Werner, 1983, cited in King Prajadhipok's Institute, 2010; Jandosova et al, 2003; Udom Ratamarit, 2001; Sirirat Vasuwat [interview], May 20, 2015).

Politics also plays part as another favorable factor to the inception of corruption. Political parties have become part of business in politics. In consequence, talented figures are bought out from one to another political party in order to secure the cutting edge in politics; at the end of the day, the systematically organized units have formed in light of the desire to be in pursuit of benefits whilst at work in politics, not to mention the fierce competition so as to cling to the powers of public administration to be shared among one's own groups (political parties) and circles of friends/relatives, thus the fount of political deals in exchange between politicians and civil service officers (Sirirat Vasuwat [interview], May 20, 2015; Udom Ratamarit, 2015; Pasuk Phongpaichit and Sungsidh Piriyanangsan, 2001).

## 2) Exercising improper discretion.

Thanks to the intricacies of rules and regulations imposed thereupon and thus woven into the fabric of public administrative structure in toto, the paradigm of civil service is quite daunting a mission for those in private sector and the general public to comprehend. This, unfortunately, helps to create conditions by which certain corrupt minds in civil service benefit in their unjust pursuit of benefits, for instance, from leniency on rules and regulations being provided for those in contacts who are in need of expediency in exchange for something in return. The long and unwanted civil-service process, in particular, would require visitors to spend a considerable amount of time in tandem with the monopoly of powers and the excessive extent of discretion being carried out by the officers in question, the phenomenon of which is responsible for a high corruption rate in government agencies. The

notion that certain civil service personnel *ex officio* have a final say in their approbations also contributes to the possibility for them to abuse their powers and thus has become an instrument by which the officers in question seek unearned benefits. Note that the authorities are not required to be in relatively higher positions in order to be able to wrongfully enjoy the fruits of corruption, the phenomenon of which thus more or less serves as a testament that any complicated process with a sole decision-making party/person tends to bring into light corruptive acts in the end due to the needs and wants to be facilitated throughout, to which the officers in charge, for incentives in return, are more than willing to cater (Pasuk Phongpaichit et al, 2001; Tipawadee Meksawan, 2000; Mana Nimitmongkol [interview], May 14, 2015).

### 3) Law and Procedure.

Legal system has been found to represent another major cause for which investigation into corruptive acts and wrongdoings often came to no avail. Due to loopholes and unfavorable rules and regulations thereof, certain legal instruments and organizations/institutes in charge of suppression of corruption and anti-corruption operations are unable by law to effectively address certain forms of corruption. In addition, legal enforcement and disciplinary actions are not robust enough to bring to annihilation the foundation of corruption in toto. Furthermore, another significant setback pertaining to legal elements lies in the disguise of corruption: corruption is not something easy to spot, its existence oftentimes being far from obvious, making it such a daunting task merely to locate evidence, not to mention that it takes two to tango, which means that either wrongful party shall not come clean, and not to mention that, in order for disciplinary actions to be taken, the case needs undergoing a long, tiresome process of finding evidence and witness accounts, etc. (IMF, 1998; Udom Ratamarit, 2001; Jaruwan Sukumalpongse, 2013; Pas Passattha, 2013.)

### 4) Ineffectiveness of inspection.

With the agencies in charge being relatively negligent in terms of controlling, monitoring and supervision, thus comes into play the fount of motivation to improperly take risks for financial incentives in light of corruption. In comparison, the risks taken in corruption pay more than drug trafficking, not to mention a less extent of peril. Therefore, people, themselves as society members, have become motivated to take risks for huge benefits in return when taking into account the notion that the number of punishments in the end seemed insubstantial in comparison (Tipawadee Meksawan, 2000; Jaruwan Sukumalpongse, 2013; Veera Somkwamkid, 2014).

Considering the mechanism of audit and investigation, it has been found that, despite a variety of anti-corruption and suppression units available at work, they tend to be unable to operate in their fullest capacity. In addition, in spite of corruption being pinpointed and in process, there were also endeavors made so as to prevent the process from continuing and to avoid punishment (Sirirat Vasuwat [interview], May 20, 2015; Veera Somkwamkid [interview], May 14, 2015).

#### 5) Blockade against Prevention of Corruption (and news and information).

The element of the problem is somewhat related to the realization/awareness of and acceptance in corruption; *id est*, with certain society members finding corruption acceptable, one tends to protect the culprits merely to ensure that the effects do not reach one's own threshold. Should there be any endeavor to undertake investigative activities, prevention takes place, which includes an attempt not to provide facts of which the society at large could have learnt. According to one interviewee, in the case of corruption in an educational institute in Suphan Buri province, there was an absence of cooperation in terms of strengthening youth against corruption; in addition, the case of corruption in Ayutthaya Shipbuilding Industry and Technology College, in which there were attempts being made so as to conceal evidence of wrongdoing in the wake of complaints whilst the complainers reportedly ended up being in trouble. The outcome of anti-corruption activities could denote high risks and high costs of one's life. In brief, not only is there an attempt to prevent anti-corruption activities from taking place but also an endeavor to conceal information and intelligence in aims at depriving the general public of becoming aware of the incidents (Mana Nimitmongkol [interview], May 14, 2015; Veera Somkwamkid [interview], May 14, 2015).

## **5.2 Anti-Corruption Measures**

According to the interviews being conducted with the experts and relevant literatures apropos of suggestions and guidelines for anti-corruption reform, the measures may be divided into: creating cooperation between government agencies and other sectors involved in anti-corruption; the development of law, the rules and regulations on anti-corruption and suppression; social empowerment; as well as an attempt to create moral society, the details of which are shown below:

1) Cooperation between government agencies and other sectors involved in anti-corruption.



According to the finding, the forms of corruption continue evolving. Therefore, organizations in charge of anti-corruption operations in both government and private sectors, as well as civic society sector, should learn to properly address the problem from the case studies in Thailand and abroad whilst simultaneously making an attempt so as to comprehend the context of the predicament as it would be impossible to solve corruption problems without thoroughly understanding the detailed fabric of the entire structure. Such guideline is in line with the suggestion provided by World Bank (1997) in which there had to be reform of incentive system and that of the operational process so as to practically help alleviate corruption.

Cooperation between government agencies and other sectors involved in anti-corruption, the revision and evaluation in regard to corruption -- with respect to becoming updated about the entire situation -- is related to the capacity and performance of the organizations in charge in terms of creating the points of coordination in light of prevention and taking measures against corruption, as well as conducting audit and investigation in the process, with higher effectiveness. The finding may be summarized that the government sector in toto should enhance its effectiveness and create good governance whilst at work, especially the independent organizations. For instance, in 'Australia', every administration would give importance to improvement and amendment of laws related to anti-corruption so as to ensure that they become continually updated, whilst the independent anti-corruption commission was strategically focusing upon human resources development in fullest capacity, thus making for the availability of a pool of talented personnel in charge of anti-corruption activities. In another instance, 'Hong Kong Special Administrative Region' witnessed her independent anti-corruption commission being truly free, professionally transparent and operating in unity whilst being receptive to all sectors to become involved in the process of fighting against corruptive behaviors. Likewise, 'Singapore' has the fine, collectively systematic anti-corruption and suppression operation rather than working haphazardly independently of each other; in addition, in light of interrogation and arrest, actions were ascertained to be taken against 'all' wrongdoers involved, not to mention the availability of truly independent anti-corruption unit with relatively high salary, development schemes and good cooperation received from other agencies.

## 2) Development of law, the rules and regulations on anti-corruption and suppression.

It concerns amendment and enactment of new laws to ensure that the level of punishment become properly more severe and in line with current situations, as well as covering the entire range of the paradigm, due to one of the causes of corruption being a less

degree of punishment (which means a relatively lower cost of corruption), the failure to cover the whole spectrum and the exercising of illegal influence upon legal loopholes so as to allow the culprits to remain free by law. Such guideline is in line with the suggestion provided by World Bank (1997) in which there had to be legal reform, strengthening the judicial process and enabling the judicial units to become professionally independent.

Such legal measures taken by force and controlling are in line with the cases being witnessed in several countries. For instance, 'Canada' has managed to issue the legislations pursuant to the Constitution regarding the governmental spending, and whereby the national income must be thoroughly audited by the parliament; there are also restrictions against certain parties becoming involved in signing contracts/agreements with the projects of the partner states under the treaty, and there are criminal punishments being practically exercised upon bribe receivers and the prohibition that officers be not allowed to receive any gift or present worth more than CAD\$ 20. On the other hand, 'Singapore' has issued and practically enforced the law across the board. In addition, the aforementioned cases have also proven in line with the reform proposal made by King Prajadhipok's Institute (2014b) re Anti-Corruption; for instance, there be external parties in charge of examining the procurement process of government agencies, there be legal amendment on the authorities making decision without (improperly) exercising discretion. However, the legal measures alone may not bring to an end the problem of corruption; for instance, both 'Sweden' and 'Singapore' have enjoyed the law and order in place where citizens abide by the law with rare cases of corruption not only because of legal measures but also for the existence of social measures working in combination as well (Veeravit Kongsakdi [interview], May 14, 2015).

According to the suggestion by World Bank (1997), one certain anti-corruption strategy concerned taking control over monetary issues and performing accounting/procurement audits. It may be said that the strategy took the direction by which people with political powers, high-level civil service officers and/or those at operational level yet with the opportunity to resort to corruptive behaviors were required for their income and expense to be audited and for their assets to be revealed to the public, as well as taking the tax measures. In 'Denmark' the high-level civil service officers are required to reveal their expense and detail the documentation of gifts and presents received from others; furthermore, the audit of governmental spending is to be carried out by ombudsmen.

### 3) Social empowerment.

The approach entails public participation in audit and investigation, as well as witness protection regarding the corruption case, which may call for legal substantiation in order to

enable the popular sector to become part in practically monitoring the occurrences in addition to providing knowledge to the general public in forms of diverse activities whilst simultaneously encouraging people to become responsible for public and society at large. The popular sector may participate in anti-corruption activities by changing their paradigms and adopting the integrity pact in case of the transparency project of state's large-scale construction (Mana Nimitmongkol [interview], May 14, 2015; Veeravit Kongsakdi [interview], May 14, 2015; [interview] May 20, 2015).

In addition to public participation in the state's project in order to prevent or alleviate problems of corruption, witness protection program must be made practical in response to the popular movements in terms of providing witness accounts to the authorities in light of corruption legal cases. Relevant laws whereby the popular sector becomes able to increasingly participate in audit and investigation should be enacted as well. The popular sector with its power of observation shall become integral a part to monitoring accordingly (Veera Somkwamkid [interview], May 14, 2015; Sirirat Vasuwat [interview], May 20, 2015; Juree Vichit-Vadakarn [interview], May 12, 2015). The opportunity to be provided for the general public to take part in public participation in audit and investigation is in line with the implementation by Hong Kong Special Administrative Region by which the community public relations section has been established to form public attitude (Korakoch Vanakorakul, 2013).

#### 4) Creation of moral society.

Creating common values and the shared rules and regulations to be observed by society members shall help tune up the similar frequency in terms of perception, thus resulting in the desirable behavioral pattern with respect to anti-corruption, not to mention being the fount of power of popular sector. On the other hand, the governmental sector shall require newfound norms whereby human dignity is valued as translated in terms of responsibility and public conscience, which should serve as the highest priority for the government officers; in addition, the strategies must be continually implemented into serious actions as well (Mana Nimitmongkol [interview], May 14, 2015). Creating common values is in line with Denmark, which is renowned for being a land of transparency due to her citizens realizing the impacts of corruption as a problem. In addition, it also falls in line with the guidelines adopted in Canada re social nourishment whereby adults become good role models to children, civil service officers become good role models to the general public and are promoted upon the basis of meritocracy.

The interviewees have revealed that a person is deemed most important variable to the process of anti-corruption reform. Despite a well-founded order of the system, corruption will come into light unless the personnel involved have no sense. Society members, *id est*, children and adults alike, should be educated and thus become “developed”. Human resources development by means of solely focusing upon children rather than both adults and children may not be able to lead to success to anti-corruption activities (Juree Vichit-Vadakarn [interview], May 12, 2015; Veera Somkwamkid [interview], May 14, 2015).

Human resources development with respect to civil service officers must call for proper selection and recruitment. For instance, whereas Hong Kong during the British rule had been facing myriads of corruption problems, nowadays the law has become more robust and more effective, thus resulting in the region witnessing a pool of personnel of high caliber in civil service field. With proper selection and recruitment, pay raise shall only work in tandem, thus possibly helping prevent officers from resorting to taking any corruptive actions. In addition, based upon meritocracy, civil service officers may be able to grow without necessarily relying upon being appointed (Sirirat Vasuwat [interview], May 20, 2015). Such paradigm has proven accordant with the approach taken by Singapore whereby the increase in income and fringe benefits has been made for the Singaporean civil service officers in aims at alleviating corruption; on the other hand, those in popular sector who has the intent of participating in auditing and investigation into the state’s performances are also required to provide detailed documentations of their assets with no exception due to the possibility that the general public may be prone towards corruption akin to the governmental sector (Veera Somkwamkid [interview], May 14, 2015).

Human resources development ranging from youth, civil service officers, politicians to the general public has proven to be in line with ‘Canada’, whereby the Canadian government has given importance to social nourishment. Canadian youth are to be educated in the subject of Duty of Citizens in order that they understand what is expected from them. ‘Singapore’ has managed to include in the national curriculum the course on morality and ethics, which is to be taught in different levels ranging from kindergarten to university. ‘New Zealand’ has ensured that public consciousness be ingrained in terms of importance of family institute, education and economy, as well as ethics.

The premiership or any other form of highest administration is another major variable to the success of anti-corruption reform. Policy must be imposed and implemented in earnest, thus being led by leaders, without whose firm resolution the problem of corruption is most likely to remain prevalent and further expand into private sector, the impacts of which are

also to be made upon the general public (stakeholders) as well as society over and over again (Veera Somkwamkid & Mana Nimitmongkol [interview], May 14, 2015; Kattiya Kannasut, 2004). For instance, in case of 'Canada', every government has continually given importance to the issue of legal reform regarding anti-corruption. 'Singapore' has the leaders who truly support anti-corruption operations in full.

In addition, the matter of transparency and its atmosphere is of importance as well. The issue concerns the promotion of supportive environment in which transparency is inspired and encouraged including PR campaign and the revealing of detailed operations of both governmental and private sectors as deemed necessary and appropriate, etc. Creating supportive environment to transparency has proven to be in line with several cases abroad having taken place in organizations and supported by academicians. For instance, 'Denmark' promoted various types of medias to be free in their investigation into corruption, which also led to revelation of wrongdoings by politicians (Transparency International Denmark, 2011). 'Thailand' witnessed the proposition made by the National Anti-Corruption Commission and by the Office of Public Sector Anti-Corruption Commission for the so-called watchdog to be at work, investigation to be carried out by the press and medias, as well as public referendum to be conducted, in order to establish ranking of the corruption-free government agencies; in addition, channels were to be provided for public complaints, as well as legal amendment (Act) and keeping news and intelligence most updated, not to mention the establishment of integrity pact whereby public sector is to reveal procurement information.

## **6. Conclusion, discussion, and suggestions**

### **6.1 Conclusion**

Regarding the favorable factors to the inception and continuity of corruption in Thai society, there are a number of problems pinpointed in terms of system, law, ineffective investigation/audit, as well as the overlaps of organizational responsibilities and the absence of cooperation and coordination. In addition, apropos of societal and cultural elements, it has been revealed that patronage, as well as nepotism, still remains in Thai society; furthermore, there exists the perception towards risk-taking versus costs of corruption in positive light. The societal and cultural factor has become overlapped with individual factor, the latter of which may include a low level of income, the lack of morality and integrity, the absence of public conscience, no motivation -- all making for the high acceleration rate of corruption.

Apropos of the approach to anti-corruption taken by agencies in Thailand and abroad, there are six measures optimal for Thai context to be adopted against corruption as follows:

1) Law and policy.

This includes legal amendment and enactment with the intent of practically enforcing the laws across the board pursuant to the Year 2003 United Nations Convention against Corruption (UNCAC) by reducing the degree of improper discretion exercised by authorities, promoting a decline in conflicts of interest and policy corruption, as well as improvement to tax measures.

2) Personnel.

This includes ideal leadership whereas the general public, civil service officers in general, as well as politicians, must become ethical.

3) Participation by agencies in charge.

This includes having anti-corruption and suppression agencies, revealing accurate information to the public, promotion of transparency and public participation, as well as adopting integrity pact.

4) Social measures and citizen empowerment.

This includes public participation in investigation and audit, as well as the policy process, strengthening the foundation of citizens, the press and medias becoming involved in disseminating information and monitoring, as well as the development of social nourishment process.

5) Process of implementation.

This includes legal enforcement in stricter manner; improvement to the efficiency of judicial process within the court of law and ensuring that it be implemented with equality and justice; providing for access to information and increasing the number of petition channels; simplifying the process by which to undergo the aforementioned channels; inspiring public consciousness among civil service officers, politicians and society members; revealing assets to be implemented by civil service officers and politicians; as well as implementing reformation of civil service by determining ethical standards of civil service officers and politicians.

6) Reintroducing positive culture.

This includes implementing reforms to reintroduce positive culture to society, strengthening the foundation of ethics whilst reducing the extent of patronage and nepotism.

## **6.2 Discussion**

The conduct of the study of anti-corruption reform in Thailand has yielded the interesting findings which also provide the testament to the previous studies in re problems and obstacles to anti-corruption operation in Thailand, and which have proven accordant with the results obtained internationally; id est, whether or not it be in terms of law, rules and regulations, all of which require great effort so as to ensure that enforcement be carried out in actual practice with the purpose of tackling the loopholes and the endeavors to otherwise elude the wheels of the law. In addition, other factors such as individuals, the work process, culture, as well as the values not in favor of anti-corruption, have taken place in society at large including political field and business, akin to civil service discipline; these factors shall not disappear unless there be robust measures to be adopted and taken against corruption. Therefore, this particular study has been conducted in pursuit of proper measures to be adopted for the sustainable development of transparent society at large.

Anti-corruption measures are of great importance and urgent. The United Nations Convention against Corruption (UNCAC) has stipulated that corruption-monitoring measures be taken not only by public sector but also private sector, civil society sector, mass communication, as well as the general public. The findings hereof have proven accordant with the guidelines provided in the aforementioned instrument (UNCAC) by which Thailand must operate in no time in order to attain the anti-corruption goals, whether or not it be in terms of promoting participation among government agencies, revealing information in transparent fashion or establishing specialist organization to be at work in this field. Furthermore, in regard to the issue of legal enforcement, the matter is deemed to be significant by all nations; the judicial process must be efficient and implemented in all fairness so as to maintain the basilica of 'justice' throughout. Improvement of information system must also be carried out akin to that of developed countries having already been provided for their citizens.

Regarding the preventive measures, it has been revealed hereof that several measures compliant with the guidelines stipulated in the Year 2003 United Nations Convention against Corruption (UNCAC) must be adopted to the benefits of Thailand within the country's own unique context, commencing from legal and policy measures, which call for amendment and revision of laws, rules and regulations to be most effectively utilized in the anti-corruption activities. Measures must also be taken across the board in all aspects in the same fashion as developed countries and region including Denmark, Canada, Singapore, Australia and Hong Kong, pursuant to the UNCAC instrument.

Other types of measures of interest include social measures, whereby citizen empowerment, as well as an act of strengthening of public participation among all sectors, signifies a major element in preventing corruption. The idea is that not only is it the duty of authorities but also that of all other sectors, as well as mass media, to participate in unity pursuant to the United Nations Convention against Corruption (UNCAC). There are propositions made by scholars and experts which have proven accordant with other studies, and which need implementing in tandem with making change in terms of culture, values and the idea of adhering to ethics and morality; for instance, the suggestions by scholars and interviewees, all remarks being intended to serve in helping to strengthen the Thai society and working to provide sustainable immune system to the country. Last but not least, corruption shall remain unless leaders make change -- which means that leaders must be able to serve as role model whilst people follow suit in moral fashion regardless of their professions (politicians, businesspersons or civil service officer), etc.

### **6.3 Suggestions**

This particular study has also provided suggestions for the implementation of anti-corruption reform in Thailand as follows:

#### **6.3.1 Creating cooperation and integration of work between government agencies and other sectors**

1) In light of cooperation and integration of work between government agencies and other sectors being made in order to put to motion the **National Strategy on Prevention and Examination of the Abuse of the State's Power** among independent regulatory agencies, government agencies, the popular sector, as well as mass communication; the campaign, which is hosted by the National Anti-Corruption Commission (NACC), strategically focuses upon suppression by means of enhancing the level of efficiency in interrogation, which calls for amendment of rules and regulations, as well as interrogative criteria, in addition to strengthening and developing the operation of interrogation officers into true professionalism.

In addition, in terms of 'prevention' and 'education', the NACC must serve as a major supporter in tandem with other allies the latter of all of which collectively play the role of actor/operator; for instance, the South Korean operation titled the **Korean Pact on Anti-Corruption and Transparency (K-PACT)**, (Jintana Puttamata, 2005) which falls under the responsibilities of the Anti-Corruption and Civil Rights Commission (ACRC) and mainly focuses upon suppression, as well as being part of the alliance accountable for both prevention and education/development.



2) Providing for central database for investigation into corruption which is also linked to those of other investigative agencies. The aforementioned central database must be accessible for the general public and comprised of preliminary data on investigative organizations, petition and complaints, audit and investigation, the results, as well as polls on public opinions/attitude and confidence and trust in those entities.

3) Developing the protective system and supportive mechanism by which to provide protection for whistleblowers, as well as witnesses, in aims at serving as motivation and incentive to enhance the level of their confidence in becoming engaged in the case.

4) Developing the effective accounting audit system, including the one utilized in conducting investigation into relevant documents of those holding political positions, the government officers, as well as members of the independent regulatory agencies and committees, in the event of irregularities in financial status or in the increase of assets.

4.1) The authority shall be shared by the NACC and the SAC (State Audit Commission) whereby investigative committee is to be established and comprised of an equal number of committee members representative of both entities.

4.2) The audit agency or the government agency directly in charge, id est, the Revenue Department, to provide information on personal income tax of those persons; the Anti-Money Laundering Office (AMLO) is to provide information or participate in the operation as part of the investigative committee in the event that the case may involve predicate offense/offence; private organizations such as financial institutes must provide financial information and transactions belonging to those persons and those related to them for the benefits of investigation and making summary report by the NACC.

5) Establishing the Tripartite Committee comprised of representatives of the NACC, the Office of Attorney General, as well as academicians, in order to conduct interrogation, locate additional witnesses and prepare the summary report of professional opinions -- in the event that the accusation has been deemed not baseless by the NACC on account of the interrogation, and therefore the proposition for impeachment has been made, and the report has been submitted to the criminal court for political officer holders in order that the criminal case might be proceeded, yet the attorney general has deemed the accusation to be groundless.

6) The topic of establishing the specialist court in the case of corruption should be taken into consideration.

7) The topic of establishing the administrative court (financial discipline section) should be taken into consideration in order to conduct the audit and address the issue of budgetary spending being put at risk and possibly harmful to the nation.

### **6.3.2 Development of Law and Relevant Rules and Regulations**

1) Implementing the revision and/or amendment of laws pursuant to the United Nations Convention against Corruption (UNCAC), such as: the Act on Criminal International Cooperation 1992, in order that repatriation and pursuit of fugitives become more effective; the bill of assets acquired from wrongdoing, in order that confiscation be made effective by law.

2) Revising the statutes of limitation and the interrogation process prior to the court of law.

3) Revising the law, rules and regulations on the investigation/audit system regarding corruption by utilizing the prior year documents pertaining to tax payment and financial transactions so as to examine the irregularities in financial status or in the increase of assets of political office holders, committee members of independent regulatory agencies, as well as high-level government officers.

4) Amending the Official Information Act 1997 so as to serve the original intent of good governance of the state's public administration by also specifying the exception of disclosure, counterbalancing the power of improper discretion of the authorities in revealing information.

5) Issuing the law on witness protection program for the benefits on providing protection for whistleblowers, the law to be legally applied to all categories of corruption and there mandatorily being joint agencies to cooperate in providing defense mechanism, as well as providing for legal aid and assistance with respect to the attempt to gain access to information of government sector and other sectors related to civil service-related database.

### **6.3.3 Social Empowerment**

1) Public administration must strictly observe the principle of transparency and that of public participation, especially with respect to legal enforcement of the information related to civil service agencies, as well as regarding the law, rules and regulations on public participation in public process, implementation of the action plan/project/activities affecting the general public, there must be a hearing of public opinions and feedbacks of the stakeholders.

2) Developing the integrity pact by providing the opportunity for the popular sector and experts in several disciplines to participate in the procurement process of the state's

large-scale projects, as well as the opportunity for them to gain access to relevant information, take part in monitoring and reporting to the general public.

3) Developing the so-called watchdog mechanism in national, provincial and local levels in order that information be provided with respect to investigation/audit of public administration.

#### **6.3.4 Strengthening Moral Society**

1) Strengthening the Alliance of Integrity Networks in accordance with the National Integrity Development Plan 2012-2016, in which all major institutes within society are to participate in promoting the subject of integrity, and by which leaders at all levels are to serve as role model, and by which high-level leaders are to express their political will in nourishing cooperation among family institute, educational institute and religious institute through socialization, praise and social sanction. Creative media shall also work to help disseminate information on integrity to the general public.

Alliance of Integrity Networks is comprised of four main sectors: (1) Public sector, including state enterprise, local administrative organization, civil service agency, independent agency, as well as other government agencies; (2) Business sector; (3) Mass communication; (4) Civil society sector.

2) Working to motion the National Integrity Development Plan by the Alliance of Integrity Networks in national, local and community levels. Note that the Moral Center Thailand (Public Organization) is to serve as the focal point at which coordination and practices, as well as quarterly reports, are to be implemented and submitted to agencies in charge and to the general public.

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