

THESIS TITLE:	MEDIATION ON DISPUTE: STUDY IN CASE OF THE THIRD PARTY MEDIATOR OF DISPUTE IN THE ADMINISTRATIVE CASE
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ABSTRACT

The objective of this thesis is to study the legal measure for mediation of dispute of the Administrative Court where the third person acts as the mediator of the administrative case after the promulgation of the Act on Establishment of Administrative Court and Administrative Court Procedure B.E. 2542 (1999) and after the issuance of the Rule of the General Meeting of Judges of the Supreme Administrative Court on the Mediation of Disputes in Administrative Case B.E. 2562 (2019). Based on the afore-mentioned Act and Rule, the Administrative Court has the power on the mediation of dispute. In regard to the mediator, the afore-mentioned Act and Rule stipulates that the Administrative Judge (who is not responsible for the case file) can act as the mediator. In case the Administrative Judge can act as the mediator, as a result, the Administrative Judge shall have more burden, duty and responsibility, and the efficiency of administration of administrative case may decrease. Accordingly, it should be appropriate if the third person acts as the mediator of the administrative case. However, the Act on Establishment of Administrative Court and Administrative Court Procedure B.E. 2542 (1999) and the Rule of the General Meeting of Judges of the Supreme Administrative Court on the Mediation of Disputes in Administrative Case B.E. 2562 (2019) has no provision regarding the power and duty, rule, process and qualification of the mediator who is the third person.

Based on the study, it is found that French Republic and Federal Republic of Germany (who are the model of procedure of the hearing of administrative case of Thailand) permit the

third person to act as the mediator of the administrative case. French Republic permits the mediator of dispute by the selection of the Administrative Court. Moreover, French Republic has the provision of laws clearly stipulate the qualification of selection including the remuneration of such mediator.

According to the conclusion and study result at this time, the thesis author deems that it is appropriate to amend the Act on Establishment of Administrative Court and Administrative Court Procedure B.E. 2542 (1999) that the parties of administrative case have power to file their request to the Administrative Court or to authorize the Administrative Court to appoint the third person to act as the mediator of the administrative case. In addition, there should be promulgation of law to stipulate the qualification of the mediator as the standard in the selection of the third person who acts as the mediator of dispute. In this connection, the Administrative Court should hold the training and should store the data of the mediator of dispute of the administrative case. In addition, the remuneration of mediator (who is the third person) should be clearly fixed. The mediator (who is the third person) will help reduce the number of cases which are filed to the Administrative Court. Moreover, it is convenient and speedy for the parties of administrative case to exercise their right in Administrative Court. As a result, the procedure on the administrative dispute mediation will be successful with more efficiency and effectiveness.