

THEMATIC TITLE	LEGAL PROBLEMS REGARDING OMBUDSMAN'S AUTHORITY: A CASE STUDY OF FACT-FINDING ON THE ISSUES HAVING A BROAD RANGE OF IMPACTS TOWARDS THE COMMUNITY
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ABSTRACT

This independent study on legal problems regarding ombudsman's authority in case of the study of fact-finding on the issues having a broad range of impacts towards the community aims to (1) investigate background, concepts, theories, and criteria related to duties and authority of ombudsman in case of the study of fact-finding on the issues having a broad range of impacts towards the community, (2) explore laws of Thailand and foreign countries related to duties and authority of ombudsman in finding facts on the issues having a broad range of impacts towards the community, (3) analyze problems related to ombudsman's fact-finding on the issues having a broad range of impacts towards the community, and (4) find out the approaches to solve the problems related to ombudsman's fact-finding on the issues having a broad range of impacts towards the community.

The results found problems and obstacles of the Organic Act on Ombudsman B.E. 2560 as follows: (1) Regarding the problems on a lack of criteria to consider a case resulting in a broad range of impacts towards the community, Section 4 does not provide a definition nor clear criteria on the issues related to the act leading to a broad range of impacts towards the community, which causes ambiguity of fact-finding; (2) Regarding the problems of ombudsman's fact-finding on the issues having a broad range of impacts towards the community, Section 32 Paragraph 2 does not specify a method of fact-finding on the issues having a broad range of impacts towards the community, which does not require the

ombudsman to listen to opinions of the impacted community, but it depends on ombudsman's discretion in fact-finding; and (3) Regarding the problems on ombudsman's authority in requesting the state agencies or government officers to temporarily stop an act which might cause a broad range of impacts towards the community, there are no legal measures specifying the ombudsman to have authority in temporarily stopping an act of the state agencies or government officers during incomplete fact-finding of the ombudsman.

Therefore, the researcher would like to propose the amendments of the Organic Act on Ombudsman B.E. 2560 as follows: (1) adding the definitions of "having a broad range of impacts towards the community" and "community" in Section 4, (2) adding Section 32/1 to enforce the ombudsman to listen to facts from the impacted community, and (3) adding Section 33/1 to empower the ombudsman to temporarily stopping an act of the state agencies or government officers and specifying procedures in considering the request, as well as penalties in case of failing to consider the request without any reasonable cause.