

**INTERNATIONAL ASSOCIATION OF SUPREME ADMINISTRATIVE JURISDICTIONS (IASAJ)
MAGISTRATE'S EXCHANGE PROGRAMME
NOVEMBER, 2025
INTERNSHIP REPORT**

NAME: BICU VASILE

JURISDICTION: HIGH COURT OF CASSATION AND JUSTICE OF ROMANIA

HOST JURISDICTION: SUPREME ADMINISTRATIVE COURT OF THAILAND

I was selected by IASAJ to participate in an exchange program in Thailand, at the Supreme Administrative Court of Thailand. The program took place for 12 days, November 3 to 14, 2025.

1. Programme of the exchange

Monday, 3 November

11.00 - 12.00 hrs. - Courtesy call on the President of the Supreme Administrative Court

12.00-14.00 hrs. - Luncheon reception hosted by President of the Supreme Administrative Court

14.00 - 16.00 hrs. - Visit of the Public Law Library and the Administrative Court Museum

Tuesday, 4 November

10.00 - 12.00 hrs. - Meeting with Mr. Trahngan Kietsiroj, President of the Central Administrative Court (Knowledge sharing)

13.30-16.00 hrs. - Participation in first hearing in the Supreme Administrative Court

Wednesday, 5 November

10.00 - 12.00 hrs. - Visit of Trial Room, Case Filing Units, Consultation Room and Facts, Inquiry Room

14.00 - 16.00 hrs. - Meeting with Mr. Anucha Hunsawasdikul, Judge of the Supreme Administrative Court (Knowledge sharing on "Administrative Court procedure, appeal against the judgment or order of the Administrative Court of First Instance, and examples of administrative cases")

Thursday, 6 November

09.30 - 12.00 hrs. - Participation in first hearing in the Central Administrative Court

14.00-16.00 hrs. - Meeting with Mr. Pairoj Minden, Judge of the Supreme Administrative Court (Knowledge sharing on "Environmental Cases")

Friday, 7 November

10.00 - 12.00 hrs. - Participation in a presentation by the Bureau of Information Technology on "the Electronic Court System" followed by a demonstration of the e-Court system

14.00 - 16.00 hrs. - Self-study

Saturday, 8 November and Sunday, 9 November

- Free time

Monday, 10 November

10.00-12.00 hrs. - Study visit at the Constitutional Court

13.30-15.30 hrs. - Study visit at the Ombudsman

Tuesday, 11 November

10.00 - 12.00 hrs. - Courtesy call on President of the Supreme Court of Thailand and study visit

14.00-16.00 hrs. - Self-study

Wednesday, 12 November

10.00-12.00 hrs. - Lecture on "The Structure and Role of Romanian High Court of Cassation and Justice: Administrative and Tax Litigation Chamber" given by Judge Vasile Bicu

14.00-16.00 hrs. - Self-study

Thursday, 13 November

10.00-12.00 hrs. - Meeting with Mr. Prasat Pongsuwan, President of Personnel Administration Division of the Supreme Administrative Court (Knowledge sharing on "Cases involving a dispute in relation to other liability")

14.00 - 16.00 hrs. – Meeting with Mr. Vishnu Varunyou, Vice-president of the Supreme Administrative Court (experience sharing, knowledge exchanges and conclusion)

Friday, 14 November

10.00-16.00 hrs. - Visit of the Grand Palace, the Temple of Emerald Buddha and Jim Thompson House

2. Judicial System in Thailand

According to the Constitution of the Kingdom of Thailand B.E. 2560 (2017), there are four bodies exercising judicial powers: the Constitutional Court, the Administrative Court, the Military Court and the Court of Justice.

The Constitutional Court reviews the legality of any bill or law as well as verifies the qualifications of the members of the House of Representatives, senators and ministers. The Administrative Court hears cases about state contracts and disputes involving state agencies or state officials – whether it involves the issuance of rules, orders, actions or the dereliction of their duties. The jurisdiction of the Military Court includes cases concerning disciplinary issues of the military officers and disputes between military officers under related military laws. The Court of Justice has the powers to try and adjudicate all cases except those specified by the Constitution or the law to be within the jurisdiction of other courts.

In the case of a dispute on the competent jurisdictions of the Court of Justice, the Administrative Court, or the Military Court, a ruling shall be made by a committee consisting of the President of the Supreme Court as Chairperson, the President of the Supreme Administrative Court, the Chief of Military Judicial Office, and not more than four qualified persons as members.

The Administrative Courts have the competence to try and adjudicate administrative cases as prescribed by law. The Courts are divided into two levels: the Supreme Administrative Court and the Administrative Courts of First Instance.

a) The Administrative Courts

The Supreme Administrative Court

The Supreme Administrative Court is a single court and therefore has jurisdiction over the whole country. A case within the competence of the Supreme Administrative Court shall be filed directly with the Supreme Administrative Court, no matter where the cause of action arose or the plaintiff is domiciled. However, a case needs to be filed in accordance with the rules provided by the law

The Supreme Administrative Court has the competence to try and adjudicate the following matters:

- (1) Cases involving a dispute in relation to a decision of a quasi-judicial commission as prescribed by the General Assembly of the Judges of the Supreme Administrative Court;
- (2) Cases Involving a dispute in relation to the legality of a Royal Decree or by-law issued by the Council of Ministers or with the approval of the Council of Ministers;
- (3) Cases prescribed by the law to be within the jurisdiction of the Supreme Administrative Court;

(4) Cases in which an appeal is made against a judgment or an order of an Administrative Court of First Instance.

In the Supreme Administrative Court, a quorum for trial and adjudication requires at least five Supreme Administrative Court judges.

The Administrative Courts of First Instance

The Administrative Courts of First Instance are divided into the Central Administrative Court and Regional Administrative Courts.

The Central Administrative Court has jurisdiction over Bangkok Metropolitan Area and the provinces of Nakhon Pathom, Nonthaburi, Pathum Thani, Samut Prakan, and Samut Sakhon as well as provinces outside the jurisdiction of Regional Administrative Courts. At present, such provinces include Nakhon Nayok and Saraburi. It can also accept to try and adjudicate cases within the jurisdiction of Regional Administrative Courts which are filed with the Central Administrative Court.

Regional Administrative Courts having jurisdiction over local provinces as prescribed under Section 94 shall be set up and prescribed their jurisdictions in consideration of the amount of litigation and personnel administration of an Administrative Court. However, it is not yet possible to open Regional Administrative Courts in all provinces as prescribed in the Act so the General Assembly of Judges of the Supreme Administrative Court has the power to prescribe Regional Administrative Courts already in operation to have additional jurisdiction over nearby provinces as may be required in order to render justice to the people. At present, there are fourteen Regional Administrative Courts having jurisdiction over all provinces across the country.

The Administrative Courts have the competence to try and adjudicate, or give orders over the following matters:

(1) Cases involving a dispute in relation to an unlawful act by an administrative agency or a State official, whether in connection with the issuance of a by-law or order, or in connection with other acts, by reason of acting without or beyond the scope of powers and duties, or in a manner inconsistent with the law or the form, process, or procedure which is the material requirement for such act, or in bad faith, or in a manner indicating unfair discrimination, or causing unnecessary process, or excessive burden to the public, or amounting to undue exercise of discretion;

(2) Cases involving a dispute in relation to an administrative agency or a State official neglecting official duties required by the law to be performed or performing such duties with unreasonable delay.

(3) Cases involving a dispute in relation to a wrongful act or other liability of an administrative agency or a State official arising from the exercise of power under the law, or from a by-law, an administrative order, or any other order, or from the neglect of official duties required by the law to be performed or the performance of such duties with unreasonable delay;

(4) Cases involving a dispute in relation to an administrative contract;

(5) Cases prescribed by the law to be submitted to the Court by an administrative agency or a State official for mandating a person to do a particular act or refrain therefrom;

(6) Cases involving a matter prescribed by the law to be under the jurisdiction of the Administrative Courts.

The following matters are not within the jurisdiction of the Administrative Courts:

(1) Actions concerning military disciplines;

(2) Actions of the Judicial Commission under the law on judicial service;

(3) Cases within the jurisdiction of the Juvenile and Family Court, Labor Court, Tax Court, Intellectual Property and International Trade Court, Bankruptcy Court, or other specialized courts.

An Administrative Court of First Instance has the competence to try and adjudicate cases within the jurisdiction of the Administrative Courts except for cases falling within the Jurisdiction of the Supreme Administrative Court.

In the Administrative Courts of First Instance, a quorum requires at least three judges for trial and adjudication.

In Administrative Court procedure, there are two important positions: a judge-rapporteur and a judge-commissioner of justice. President of a chamber of an Administrative Court of First Instance shall appoint himself/herself or an administrative judge in his or her chamber as the judge-rapporteur. A

chamber of an Administrative Court of First Instance may include the President, Vice President, President of a chamber or judge of an Administrative Court of First Instance. Any of these judges can be appointed as the judge-rapporteur.

In addition, the President of an Administrative Court of First Instance shall appoint a judge-commissioner of justice from administrative judges in that Court who is not a judge in the chamber carrying out the trial and adjudication of the

b) The Court of Justice System

There are three tiers of courts under the Court of Justice: courts of first instance, appellate courts, and The Supreme Court.

b.1. Courts of first instance

Courts of first instance include civil courts and criminal courts in Bangkok, provincial courts, *kwaeng* courts, and other courts prescribed by law as a court of first instance, such as juvenile and family courts, the Central Bankruptcy Court, labour courts, criminal courts for corruption and misconduct cases, the Central Tax Court, and the Central Intellectual Property and International Trade Court.

In courts of first instance, except for cases falling within the competence of a single judge, a case shall be tried and adjudicated by a panel comprising two judges, except in *kwaeng* courts and in courts where the law establishing the court prescribes otherwise.

In courts of first instance, a chief judge or chief justice is responsible for the judicial affairs of the court. The director of the administrative office, under the chief judge or chief justice's supervision, is responsible for the administrative affairs of the court. Chief justice of a region oversees the administration of courts of first instance in the region, i.e. provincial courts, *kwaeng* courts, and juvenile and family courts.

In civil cases, the plaintiff generally files a case with the court within the jurisdiction of which the cause of action arises or the defendant has a domicile. If the case involves immovable property, the plaintiff may file a case with the court within the jurisdiction of which the property is situated or the defendant has a domicile.

In cases where a suit is filed with the Civil Court but the case arose outside its territorial jurisdiction, the Civil Court may exercise its discretion to accept the case for trial and adjudication or order a transfer of the case to another competent court, for example, for online sale transaction cases and environmental cases.

In matters pertaining to criminal cases, the court in a district where the offense has been committed, alleged, or believed to have been committed, or where the accused resides or was arrested, or where the inquiry official conducts an inquiry, holds jurisdiction over the cases.

In cases where a criminal suit is filed with the Criminal Court but the case arose outside its territorial jurisdiction, the Criminal Court may exercise its discretion to accept the case for trial and adjudication or order a transfer of the case to another competent court.

Kwaeng Courts

A *kwaeng* court has power to try and adjudicate cases, as well as to conduct inquiries or issue orders for which a single judge is competent, as prescribed in Section 24 and Section 25 paragraph one of the Law for the Organization of the Court of Justice.

Criminal cases within the jurisdiction of *kwaeng* courts must involve offenses with a maximum punishment of three years imprisonment, a fine not exceeding 60,000 baht, or both. For civil cases, the amount of claim or the value of the property in dispute must not exceed 300,000 baht.

The primary function of *kwaeng* courts is to expedite the resolution of small cases with minimal formality and expense; therefore, the trial process is simplified, and oral judgments or summarized judgments may be issued.

Provincial Courts

Provincial courts are competent to try and adjudicate all civil and criminal matters not falling under the jurisdiction of other courts, such as *kwaeng* courts.

To ensure that people in distant areas have physical access to justice, some large provinces may have more than one provincial court. For example, in Nakhon Ratchasima Province, there are four provincial courts: Nakhon Ratchasima Provincial Court, Sikhio Provincial Court, Bua Yai Provincial Court, and Phimai Provincial Court.

If a case falling within the jurisdiction of a *kwaeng* court is filed with a provincial court, the provincial court has discretion regarding whether to accept the case or transfer it to the competent *kwaeng* court.

Juvenile and Family Courts

Juvenile and family courts are specialized courts, encompassing the Central Juvenile and Family Court, provincial juvenile and family courts, and provincial courts with juvenile and family divisions. A panel in a juvenile and family court consists of two professional judges and two lay judges, with one of them required to be a woman. Appeals against judgments or orders of juvenile and family courts are to be submitted to the Court of Appeal for Specialized Cases.

Given the current independence of the Court of Justice from the Ministry of Justice, while the Department of Juvenile Observation and Protection operates under the Ministry of Justice, it is imperative to enhance the legislation governing the establishment and procedures of the juvenile and family court. This refinement is necessary to align with the powers, duties, and the evolving structure.

Furthermore, it is appropriate to improve provisions concerning the protection of rights, welfare, and practices for children, women, and family members, as well as the procedures of the juvenile and family court, in conformity with the Constitution, the Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Discrimination against Women. Consequently, the Juvenile and Family Court and Procedure Act B.E. 2553 (2010) was enacted.

Other Specialized Courts

In addition to the juvenile and family court, there are four other specialized courts in Thailand: the tax court, intellectual property and international trade court, bankruptcy court, and labour court.

The establishment of these specialized courts aims to ensure that specific or technical issues are addressed by appropriately knowledgeable adjudicators. Judges for specialized courts are appointed from those who possess competent knowledge in their respective areas.

The panels of judges in the intellectual property and international trade court and the labour court consist of both professional judges and lay judges. Lay judges, recruited separately, work in collaboration with professional judges to adjudicate cases.

It is important to note that, currently, there is only one court for each of the intellectual property and international trade court, tax court, and bankruptcy court, all located in Bangkok. These are namely the Central Intellectual Property and International Trade Court, the Central Tax Court, and the Central Bankruptcy Court. However, there are the Central Labour Court in Bangkok and regional labour courts situated in nine regions across Thailand.

Appeals against judgments or orders from the aforementioned specialized courts shall be submitted to the Court of Appeal for Specialized Cases.

The Criminal Courts for Corruption and Misconduct Cases

Criminal courts for corruption and misconduct cases consist of the Central Criminal Court for Corruption and Misconduct Cases in Bangkok and nine regional criminal courts for corruption and misconduct cases. They were established under the Act Establishing the Criminal Court for Corruption and Misconduct Cases B.E. 2559 (2016), with the aim of dedicating specific courts to misconduct cases, expanding corruption case prosecution to the private sector and lower levels of government officials, and expediting the adjudication of corruption cases.

The hierarchy of a criminal court for corruption and misconduct cases is equivalent to a court of first instance. Its responsibility is to try and adjudicate corruption and misconduct cases against government officials, as well as against other persons, whether as a principal, instigator, or accomplice.

Appeals against judgments or orders from criminal courts for corruption and misconduct cases shall be submitted to the Corruption and Misconduct Case Division of the Court of Appeal.

b.2. Appellate courts

The appellate courts in Thailand comprise the Court of Appeal, the Court of Appeal for Specialized Cases, both located in Bangkok, and regional courts of appeal situated in nine regions across the country. These appellate courts handle appeals against judgments or orders from the courts of first instance.

In accordance with Section 226 paragraph six of the Constitution of the Kingdom of Thailand B.E. 2560 (2017) and the Election of Members of Local Assemblies or Local Administrators Act B.E. 2562 (2019), the Court of Appeal and the regional courts of appeal are empowered to try and adjudicate cases concerning the revocation of the right to candidacy in an election or the revocation of the right to vote, particularly related to the election of members of local assemblies and local administrators.

It is important to note that an appeal against a judgment of a provincial court is not necessarily submitted to the regional courts of appeal in the same region where the provincial court is situated. In determining the competent appellate court, the relevant laws governing that particular matter should be considered. For example, an appeal against a judgment in a narcotics case rendered by Phuket Provincial Court shall be submitted to the Narcotics Case Division of the Court of Appeal, rather than the Court of Appeal, Region VIII.

Each appellate court is led by a president, assisted by vice presidents. A panel in the appellate court is formed by at least three justices.

Each appellate court includes a research division comprising research justices and judges. The primary function of this division is to assist appellate justices by examining all relevant factual and legal issues of the cases, conducting legal research, and consulting with appellate justices to ensure uniformity and fair results.

b.3. The Supreme Court of Justice

The Supreme Court is composed of the President, a maximum of six Vice Presidents, the Secretary, and Supreme Court Justices. A panel in the Supreme Court is formed by at least three justices. The President of the Supreme Court holds the position of the head of the Court of Justice, sitting at the pinnacle in both judicial and administrative structures. Similar to the appellate courts, the Supreme Court features a research division consisting of research justices and judges.

The Supreme Court has the power to hear and adjudicate cases specified by the Constitution or the law to be submitted directly to it. It also hears and adjudicates appeals against judgments or orders from the courts of first instance and appellate courts as prescribed by the law. In cases where the Court, subject to regulations set by the plenary session, deems the legal or factual issues raised in the appeal to be insignificant for consideration, it may reject such cases.

Following the enactment of the Civil Procedure Code Amendment Act (No. 27) B.E. 2558 (2015), effective from November 8, B.E. 2558 (2015), the process of submitting civil appeals to the Supreme Court has transitioned from a right-based system to a permission-based system. The Supreme Court has the power to assess whether the appeal submitted to it (*dika* appeal) deserves a permission to be adjudicated. In the event that the Court denies permission for the *dika* appeal, the judgment or order issued by the appellate court becomes final.

The Plenary Session of the Supreme Court

The Supreme Court may convene in a plenary session to decide cases of exceptional importance or those requiring reconsideration or overruling of its own precedents. The quorum for the plenary session is no less than half of the total number of justices in the Supreme Court.

In 2019, Rules on Legislative Drafting and Evaluation of the Outcomes of Law Act B.E. 2562 (2019) was instituted with the aim of alleviating the undue burdens imposed by legislation on individuals and fostering a system where the efficacy of laws is continuously monitored and refined in line with evolving social and economic dynamics.

In the case where a court of justice is obligated to apply a provision of law that would result in a detrimental impact upon the person who has failed to comply with it, if there is an opinion of the court or a party that such legal provision is inconsistent with Section 5 paragraph one of the Act; it is no longer necessary or unsuitable to the circumstances, or constitutes an obstacle to livelihoods or

engagement in occupations, the matter may be submitted to the plenary session of the Supreme Court for decision.

If the plenary session decides that the said legal provision is inconsistent with Section 5 paragraph one, the court may either decide against imposing the penalty or impose a lesser penalty or enforcement than prescribed in the law. The conclusion that such legal provision is inconsistent with Section 5 paragraph one shall apply to all cases that the Court of Justice has the jurisdiction to adjudicate. In this regard, the person who is in charge of the execution of the law shall undertake necessary steps to make the provision consistent with Section 5 paragraph one without delay.

The Criminal Division for Persons Holding Political Positions

The Criminal Division for Persons Holding Political Positions was established in the Supreme Court to serve as a trial court for cases involving accusations against the Prime Minister, a minister, member of the House of Representatives, senator, or other individuals holding a political position. These accusations may include amassing unusual wealth, committing malfeasance in office according to the Criminal Code, performing duties dishonestly, or engaging in corruption under other laws.

During the trial, a member of the House of Representatives or a senator is unable to claim the immunity provided in the Constitution. The Criminal Division for Persons Holding Political Positions relies on the inquiry case file of the National Anti-Corruption Commission and may conduct further inquiry to gather additional facts and evidence as it deems appropriate, following the procedure outlined in the Organic Act on Criminal Procedure for Persons Holding Political Positions B.E. 2560 (2017). The judgment becomes final unless an appeal is permitted by the plenary session of the Supreme Court.

The panel of this special division consists of nine justices, each holding a position not lower than Justice of the Supreme Court or Senior Justice of the Supreme Court. Members of the panel are elected by a plenary session of the Supreme Court on a case by case basis.

The judgment of a case under this Division is reached by a majority vote; each member of the panel prepares a written opinion and makes an oral statement in the meeting before reaching a decision. The decisions or judgments of the Division shall be published in the Royal Gazette.

The Revocation of Electoral Rights

According to Section 226 paragraph one of the Constitution, if there appears evidence to reasonably believe that a candidate of an election or selection has committed a dishonest act in the election or selection or has connived at such act of other persons, the Election Commission shall submit a petition to the Supreme Court for an order to revoke the right to candidacy in an election or the right to vote.

Serious Contravention or Non-Compliance with the Ethical Standards Cases

In the case where there is reasonable ground to suspect or there is an accusation that any person holding certain positions as provided in Section 235 paragraph one of the Constitution is involved in the case of serious contravention or non-compliance with the ethical standards, the National Anti-Corruption Commission may directly submit the matter to the Supreme Court for decision. The accused person, if convicted, shall be removed from office and the Court shall revoke the right to candidacy in an election of such person and may or may not revoke his or her right to vote for a period of not more than ten years, as prescribed in Section 235 paragraph three.

The structure of the Courts of Justice is divided into two parts : administration and adjudication. Before August 20, 2000, the Ministry of Justice was responsible for the administrative works of all courts. The main role of the Ministry of Justice was to provide courts with supports, including budget, personnel and office equipment, to enable them to operate their works efficiently. At present, the Office of the Judiciary, an independent organization and a juristic person, is the only organization responsible for the administration of the Courts of Justice. This change will guarantee independence of the Thai Judiciary from political interference. In the judicial service, Section 197 of the Constitution of the Kingdom of Thailand B.E. 2550 (2007) prescribes that the trial and adjudication of cases are the powers of courts, which must proceed with justice in accordance with the Constitution and the law and in the name of the King. In addition, Section 218 prescribes that the Courts of Justice have power to try and adjudicate criminal, civil, bankruptcy, and all cases which are not within the jurisdiction of other

types of courts. When there is a problem of whether a particular case will fall under the jurisdiction of which type of courts, the Committee on the Determination of the Power and Duties among Courts presided by the President of the Supreme Court is authorized by Section 199 of the Constitution to make a decision. Such decision is final.

The Commission on jurisdiction of courts

By virtue of the 2007 Constitution, Section 199, the Committee on the Determination of the Powers and Duties among Courts is established to cope with the case where there is a dispute on the competent jurisdiction among the Courts of Justice, the Administrative Court, the Military Court or any other court, by empowering the Committee to make decision upon such dispute. The Committee shall consist of the President of the Supreme Court of Justice as Chairman, the President of the Supreme Administrative Court, the Presidents of the other Courts and not more than four qualified persons as provided by law. The Secretary of the Supreme Court shall be the secretary of the committee, and the secretarial work of the Commission is under the responsibility the Administrative Office of the Supreme Court, which is also in charge of administrative works and implementing the Committee's orders.

3. Conclusion

I want to express my sincere gratitude to AIHJA (IASAJ) for the possibility to visit the Supreme Administrative Court of Thailand from 03 until 14 November 2025.

The objectives of the Association were fully achieved, by promoting the exchange of views and experiences between the two Supreme courts of administrative jurisdiction.

During the visit I learned about the judicial system of Thailand, especially the organisation and functioning of its administrative justice, as well as the digitalization of judiciary and other law enforcement bodies.

Also I would like to express my deep gratitude to the President of the Supreme Administrative Court of Thailand and to the wonderful Thai colleagues which I met during my study visit, especially those who organised the schedule and those who helped me to understand the administrative judiciary of Thailand. During the study visit I observed a sincere willingness from my colleagues to explain any aspects.

I had the opportunity to hold a lecture for the colleagues of the Supreme Administrative Court of Thailand and the Central Administrative Court in Bangkok about the structure and the role of High Court of Cassation and Justice of Romania and the Romanian judicial review of administrative acts (with a questions and answers session that followed the lecture).

I was impressed by the wide applicability of e-services within administrative judiciary, the technical status of new technology I have found in the Central and Supreme Administrative Court of Thailand. I have visited both courts and witnessed directly, since I took part in two court hearings via videoconference. This is a „good practice” for the Romanian judicial system.

I am pleased to conclude that the study visit fully met my expectations.

The manner this internship was organised, the way I was received and the experiences I gained lead me to conclude that this exchange was the most important internship I have had the opportunity to benefit from.

JUDGE AT THE HIGH COURT OF CASSATION AND JUSTICE OF ROMANIA

BICU VASILE

