

Book Review

Thai Administrative Law: Essential Elements

Voraphol Malsukhum

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Thai Administrative Law: Essential Elements by Voraphol Malsukhum is the first and long-awaited English-language textbook on Thai administrative law. It introduces the fundamental concepts, principles and legal categories of this core area of public law, with frequent references to case studies and relevant legal provisions. The book is a most welcome addition to the growing English-language literature on Thai law¹ that had been slightly limited regarding textbooks on public law.²

Thai Administrative Law is well-suited not only for undergraduate law students in international programs³ but also for international readers with an interest in Thai law. It is a concise textbook that succeeds in laying the indispensable foundations of Thai administrative law, including its sources, key principles and actors, modes of administrative action, substantive and procedural limitations, review mechanisms, and grounds of liability. Voraphol integrates multiple case studies throughout his explanations, which reflects the relevance of Supreme Administrative Court decisions not only for illustrative purposes but, more importantly, for the

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¹ Other recently published textbooks on Thai law in English include Ronnakorn Bunmee, *Thai Criminal Law* (LexisNexis 2024) <[URL](#)>, reviewed by Lasse Schuldt in Thai Legal Studies, Vol. 4 No. 2 (2024) 255–59; Khanuengnit Khaosaeng, *Intellectual Property Law in Thailand* (Sweet & Maxwell 2025); Chanisa Ngamapichon, *Laws of Security Interest in Thailand* (Springer 2025) <[URL](#)>.

² So far, the only book-length explanation of Thai public law in English has been Andrew Harding and Peter Leyland's *The Constitutional System of Thailand: A Contextual Analysis* (Hart 2011).

³ Currently, these programs are the Bachelor of Laws (LL.B.) Program in Business Law (International Program) at the Faculty of Law of Thammasat University, and the Bachelor of Laws, experiential learning in Business and Tech Law (LLBel) (International Program) at the Faculty of Law of Chulalongkorn University, where Voraphol is an Assistant Professor.

interpretation and application of administrative law in Thailand.⁴ Tables of cases and legislation and a (slightly short) index facilitate the quick and targeted access to specific decisions, laws and other topics of interest.

Chapter 1 introduces the “Fundamentals of Administrative Law.” Voraphol approaches the subject with a view to the breadth and diversity of administrative matters. From a variety of recent case studies, he moves to examining definitions of this area of law, where he includes English and continental European views besides the Thai perspectives. The first chapter indeed takes frequent inspiration from foreign sources as regards the structure, nature and purposes of administrative law as well as its relation to constitutional law (pp. 9–22).

The book may therefore be seen in a tradition of Thai authors who incorporate foreign views into their explanations of Thai law, often with some relation to the legal systems of the places where they received their graduate education.⁵ It may also reflect Thailand’s mixed legal culture, where Siamese and foreign legal concepts were merging from the late 19th century until the present, creating tectonic layers⁶ that challenge simple classification along the binary Civil/Common Law distinction.⁷ English law, for instance, had been taught alongside Siamese law at the old Ministry of Justice Law School, founded in 1897, for roughly four decades, before legal education was eventually integrated into the University of Moral and Political Science (founded in 1934, renamed Thammasat University in 1952).⁸ Siam’s turn to legal codification from the beginning of the 20th century, then, led to strong legal borrowing from French, German and other continental legal systems.

Thai administrative law, however, developed along a trajectory that differed quite substantially from the other branches of law, as almost every trace of “original” Thai characteristics was removed in its evolution. According to Harding and Leyland, “there are few, if any, features of Thailand’s administrative justice which display obviously autochthonous Thai characteristics relating to traditional law.”⁹ Instead, a “French Connection”¹⁰—from Pridi Bhanomyong to generations of scholars, judges

⁴ Lasse Schuldt and Supakorn Wilatratsami, “Environmental Cases at the Supreme Administrative Court 2021–24” (2025) 5(1) *Thai Legal Studies* 75–103 <[URL](#)>; Lasse Schuldt and Supakorn Wilatratsami, “The Jurisprudence of the Supreme Administrative Court 2021” (2022) 2(1) *Thai Legal Studies* 138–58 <[URL](#)>.

⁵ Voraphol received his Bachelor of Laws from Thammasat University, and his Magister Juris and Doctor of Philosophy in Law from the University of Oxford.

⁶ Andrew Harding, “Comparative Law and Legal Transplantation in South East Asia: Making Sense of the ‘Nomic Din,’” in David Nelken and Johannes Feest (eds), *Adapting Legal Cultures* (Hart 2001).

⁷ Kongsatja Suwanapech and Paul J. du Plessis, “Law and Identity: The Case of the ‘Common Law’ of Scotland with Comparative Insights from Thailand” (2021) 1(1) *Thai Legal Studies* 63–74 <[URL](#)>.

⁸ Munin Pongsapan, “Legal Education at Thammasat University: A Microcosm of the Development of Thai Legal Education,” in Andrew Harding, Jiaxiang Hu, and Maartje de Visser (eds), *Legal Education in Asia: From Imitation to Innovation* (Brill Nijhoff 2018) 299, 301–2 <[URL](#)>.

⁹ Harding and Leyland (n 2) 190.

¹⁰ Peter Leyland, “The Emergence of Administrative Justice in Thailand Under the 1997 Constitution,” in Tom Ginsburg and Albert H. Y. Chen (eds), *Administrative Law and Governance in Asia: Comparative Perspectives* (Routledge 2009) 230, 236 <[URL](#)>.

and senior administrators who were trained in France—entrenched French public law concepts,¹¹ such as the central importance of the public interest and a rather objective (rather than subjective) understanding of legality. The enactment of Thailand's Administrative Procedure Act B.E. 2539 (1996), however, incorporated multiple concepts and provisions from German administrative law, in particular from Germany's federal and state administrative procedure acts.¹² This led to the adoption of Otto Mayer's conceptualization of the administrative act, the recognition of the protection of legitimate expectations in administrative procedure law, and thus an increasing relevance of subjective rights.¹³ *Thai Administrative Law* covers these elements of Thai legal history in passing. A subsequent edition might consider to examine the effects of past legislative choices on the interpretation of contemporary administrative law in additional depth.

Chapter 2 covers the sources of administrative law, both written and unwritten. Among the written sources, the chapter discusses the relevance of constitutional law for administrative cases, which also receives emerging recognition in judicial adjudication.¹⁴ The explanation of different types of subordinate legislation and their respective places in the normative hierarchy (pp. 37–41 and 44–49) appears slightly short when compared to the high practical relevance of these secondary rules. Voraphol also mentions the position of laws and orders created in the aftermath of coups d'état, which is an interesting element of Thai law, reflecting the country's troubled constitutional and political history (pp. 55–57).

Written and unwritten sources of law remain a reference point for Chapter 3 that deals with general principles of administrative law. Voraphol highlights inherent tensions of public law by distinguishing between general principles that sustain the public interest and administrative efficiency and, on the other hand, principles in support of individual rights and liberties, such as legality, equality before the law and proportionality (pp. 76–90). Here, it would have been interesting if Voraphol had included his opinion on whether the protection of legitimate expectations amounts to a general principle of Thai administrative law, as this matter recently became relevant in a high-profile case in which Thailand's Supreme Administrative Court retroactively revoked the building permit of a condominium building in Bangkok ("Ashton Asoke").¹⁵

¹¹ ชาญชัย แสงศักดิ์, "อิทธิพลของฝรั่งเศสในการปฏิรูปกฎหมายไทย" (2538) 14(2) วารสารกฎหมายปกครอง [Chanchai Sawaengsak, "The French Influence on the Reform of Thai Law" (1995) 14(2) Administrative Law Journal] (Thai) 64–170; โภคิน พลกุล, "ท่านปรีดีกับศาลปกครอง" (2544) 1(2) วารสารวิชาการศาลปกครอง [Bhokin Bhalakula, "Pridi and the Administrative Court" (2001) 1(2) Administrative Courts Journal] (Thai) 68–132.

¹² วรเจตน์ ภาคีรัตน์, กฎหมายปกครอง ภาคทั่วไป (นิติราษฎร์ 2554) [Worajet Pakeerut, *Administrative Law. General Part* (Nitirat 2011)] (Thai) 106ff; Peter Leyland, "The Origins of Thailand's Bureaucratic State and the Consolidation of Administrative Justice" in Andrew Harding and Munin Pongsapan (eds), *Thai Legal History* (Cambridge University Press 2021) 192 <URL>.

¹³ Schuldt and Supakorn, "Environmental Cases" (n 4) 81–83.

¹⁴ Schuldt and Supakorn, "Jurisprudence" (n 4) 150–53.

¹⁵ See also Voraphol's examination of the "Ashton Asoke" case (pp. 188–90). The case is also discussed in Schuldt and Supakorn, "Environmental Cases" (n 4) 94–96.

Chapter 4 introduces the central, provincial and local administrative bodies that, together with state enterprises and other administrative organs, form Thai public administration. The chapter distinguishes the relations between different levels of administration into those relationships characterized by strict control (“supervision”) and those that are based on relatively loose control (“superintendence”) (p. 110). Voraphol also points to the difficulties in deciding whether a given organ or institution amounts to an administrative body and raises noteworthy case studies to illustrate the point (pp. 119–33).

The following Chapter 5 on “Types of Administrative Action” provides a clear distinction between actions under private law and public law and, regarding the latter, between actions resulting in *factual* effects and those resulting in internal and external *legal* effects. The chapter is particularly instructive where it discusses the difficulties that may arise when distinguishing between internal orders and administrative acts, or between contracts under private law and administrative contracts (pp. 152–66). On the latter issue, Voraphol usefully presents the different views in the judiciary and in parts of legal scholarship, rightly calling for doctrinal unity in the interest of legal certainty (p. 160).

Chapter 6 is titled “Substantive Norms” and addresses the grounds of judicial review that are based on alleged violations of general principles of law protecting individual rights and interests, such as the prohibition of unfair discrimination, the principle of proportionality, or legal certainty and legitimate expectations. There is some overlap with Chapter 3, but Chapter 5 usefully combines all substantive grounds of judicial review in one place. Voraphol notes that substantive violations render the administrative action in question “invalid” (p. 199). Regarding administrative acts, it might have been useful to distinguish between errors that make an administrative act “just” unlawful and those that result in its invalidity.¹⁶

The following Chapter 7 introduces the procedural grounds of judicial review. It sets out the scope of application of the Administrative Procedure Act B.E. 2539 (1996) and its particular relevance for the issuance of administrative acts. In this respect, Voraphol covers competence and jurisdiction, impartiality, the rights to be accompanied, notified, heard and to be given reasons, as well as the authority’s duty to inform about available legal remedies (pp. 225–46). The consequences of procedural violations are distinguished based on the severity of the error in question. For future editions, it might be worthwhile to consider including additional information on the procedural requirements for other administrative actions, such as administrative enforcement, which is characterized by its most direct impact on individual rights and interests.

Chapter 8 then sets out the procedures to control the legality of administrative action, either by way of appeal (also called objection) against administrative acts, triggering internal administrative review, or through judicial remedies. This chapter also introduces Thailand’s two-level administrative court system, the matters within

¹⁶ Schuldt and Supakorn, “Jurisprudence” (n 4) 139–42.

the courts' jurisdiction as well as the conditions for filing cases with the administrative courts (pp. 275–96). Voraphol provides a concise explanation of all important elements and usefully arranges them in tables that greatly facilitate this overview. With respect to the requirement of standing, a future edition may expound the intricacies of individual concern and relevant case studies in additional detail.¹⁷

Finally, Chapter 9 deals with administrative liability. Besides a quick overview of contractual liability, it mainly covers liability without fault and liability for wrongful acts, in particular under the Act on Tortious Liability of Officials B.E. 2539 (1996).

In conclusion, *Thai Administrative Law: Essential Elements* will, without a doubt, become required reading for students in international programs on Thai law. As a systematic introduction, it will also serve as an important source for anyone interested in the fabric of Thai administrative law from both academic and practical perspectives. In particular, the book will greatly facilitate the comparative study of this key area of Thai law that is so strongly characterized by foreign influences.¹⁸

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¹⁷ On this, see also Schuldt and Supakorn, “Environmental Cases” (n 4) 78–83.

¹⁸ Among recent publications on comparative administrative law in Thai language see, for example, ต่อพงษ์ กิตติยานุพงศ์, กฎหมายปกครองเปรียบเทียบ : ฝรั่งเศสและเยอรมนี (โครงการตำราและหนังสือประกอบการสอน คณะนิติศาสตร์ มหาวิทยาลัยธรรมศาสตร์ 2569) [Torpong Kittianupong, *Comparative Administrative Law: France and Germany* (Textbooks and Teaching Materials Project, Faculty of Law, Thammasat University 2026)] (Thai).