

STRENGTHENING COMMUNITY JUSTICE THAT EMPHASIZES PARTICIPATORY INTEGRATION: NAKHON PATHOM PROVINCIAL JUSTICE OFFICE

Surapat Bhichaibade ¹

Abstract

The purpose of this study is to 1) study the role of enhancing community justice through the principles of participatory integration: A case study of Nakhon Pathom Provincial Justice Office and 2) study the problems and obstacles to the promotion of community justice by integrating the principles of participation, in the case study of Nakhon Pathom Provincial Justice Office. This is a qualitative research study, collecting data by using semi-structured in-depth interviews to get information on interesting issues.

Results from the study according to objective no.1 found that the role of community justice enhancement through the principles of participatory integration, Nakhon Pathom Provincial Justice Office, was carried out in 6 main areas:

1. As a representative of the Ministry of Justice at the regional level, in coordination with government agencies under the Ministry of Justice, both inside and outside of the Nakhon Pathom province. This included liaising with general government agencies in the judicial process in the province as assigned, facilitating access to justice, and responding with services for people at the regional level by focusing on access to areas for people to have a role to work together.

2. The role of promoting justice at the community level by focusing on creating legal awareness for people in the area.

3. The role in administration of fair fund benefits. Requesting Witness Protection And helping victims in criminal cases.

4. The role of development and promotion of public participation in the integration of public-sector collaboration with the participation of the community, by creating a community justice network with the capacity to facilitate justice.

5. The role of giving counseling and legal assistance to the people in the area.

6. Receiving complaints, grievances, and reports of frauds from local people.

According to objective no.2 The results of the study of problems and obstacles in the role of promoting community justice with integrated principles of participation consists of 3 aspects, namely:

1. Structural problems of authority between departments that have similar work characteristics which causes public confusion in how to request and receive services from

¹ Lecture of the Faculty of Management Sciences, Department of Public Administration, Silpakorn University. Contact location the Faculty of Management Science, Silpakorn University, Phetchaburi Information Technology Campus, E-mail: surapat@ms.su.ac.th , surapat107@hotmail.com

Recived: January 10,2020; Revised: March 20,2020; Accepted: March 24, 2020

that department

2. Budget related to these activities. Projects of the Provincial Justice Office will only have support or restrictions from the Ministry of Justice's orders without the Act (Act) to support in the operation of the area or cases. All have expenses and equipment in operation. When staff or networks are restricted in this section, it is necessary to use personal property or equipment for operations; therefore, the duty performance is not as effective as it should be.

3. Public relations. There are no proactive public relations; therefore, it is not possible to distribute news thoroughly in both the community and the Nakhon Pathom province.

Key words: community justice, integration, participation

1. BACKGROUND AND IMPORTANCE

Crime is a major problem that has a significant impact on the quality of life of the population and national security. Damage caused by crime, such as theft, rape, physical abuse, and drug problems, have a severe impact on the welfare of the people - Peace of society and the nation (Uthen, 2013). Therefore, crime is one of the most important social problems and the government must be the main agent in preventing and resolving this problem in order to create a society with sustainable quality.

In this regard, a resolution to crime in all categories should be developed in accordance with the judicial processes of the Western world, which relies on the judicial process of government organizations, police, courts, prosecutors, the corrections department, and the probation department, as a mechanism for implementing the justice process. However, the judicial process only implements the criminal justice system and does not comply with principles of justice that will lead to peace within society. In many cases, the judicial process in Thailand has faced terrible problems, affecting its credibility and the sanctity of the judicial process (Marshall, 1985, p.1) In the past, the process of justice in many areas lacked

integration either during its distribution or because persons in the judicial process performed their duties incorrectly and therefore victims of crime were not protected by social justice (Somchat Iam Anuphong, 2006, p. 98.) and communities lack participation because the state is the monopolist in the judicial process. These problems result in weak communities with a lack of responsibility and become a burden to the government resulting in a lack of effective crime prevention and an inability to solve crime within the justice process (Kay Pranis, 1998). This situation could become a crisis which could lead to the failure in the operation of the criminal justice system of the country, affecting peace in society.

The Ministry of Justice has the primary mission to create justice and peace in society. With this in mind Provincial Justice Offices should be established as a representative of the Ministry of Justice and the integration of government agencies and departments under the Ministry of Justice at the provincial level. The organization in the justice process should be used as a tool to solve problems by adopting the concept of "Community justice" used to strengthen justice and achieve true peace in the community (Kittiphong Kittayarak, 2007, Nor. 8-9) by allowing people to participate in solving

problems. The government has therefore implemented a community justice network project under the strategy “All citizens fair to participate” (Justice for All, All for Justice). This will be the key to achieving the goal of creating a partnership between the government and communities to facilitate justice, and create fairness and peace in society together, by carrying out various tasks related to the benefits of the community and encouraging the network to be strong and able to establish its own community justice center to be a mechanism in the selection of ways to help the government and civil society sectors join together in “A fair society” where people are treated fairly and equally under the law and making a peaceful society which is free of crime and drugs, creating the cornerstone for economic development and a sustainable society (Office of the Permanent Secretary, Ministry of Justice, 2559, page.1)

As for the operation of the Provincial Justice Office, it serves to promote and support the community justice network. It is a network-based operation that allows interested people to participate in activities that are public; especially, in relation to the mission of the Ministry of Justice. The Ministry of Justice will organize training and exchange information about the mission guidelines for network integration to members of the network that are interested and are ready to join the government in establishing a community justice center. This will be a concrete mechanism for working with the Ministry of Justice in the community in helping, giving advice, and solving basic problems related to rights and freedoms violations and the role of crime prevention in the community. The role also includes news

notification, cooperation in forensic science, and the role of news surveillance (Office of the Permanent Secretary for Justice, 2016) of crime problems occurring in Thai society; especially, those occurring in Nakhon Pathom province where almost all kinds of crime occur and there is a high growth rate (Thapanaphong Chaiyarangsi, 2004: 7). Nakhon Pathom province is an important strategic trading town and there has been a large increase in narcotics being stored there waiting to be distributed to various groups and becoming a major epidemic in specific areas in the community. Nakhon Pathom province, being a densely populated area also suffers from other forms of crime such as the illegal trade in arms and drugs, burglary, robbery, and snatching, etc.

The Ministry of Justice has a policy to continuously develop the pilot provincial justice office. The project has been expanded in the fiscal year 2555 to include the Office of Justice, Nakhon Pathom. In addition, the Nakhon Pathom Provincial Justice Office was awarded the second runner-up with a prize of 200,000 baht in a contest run by the Provincial Office of Justice for the fiscal year 2013. Currently, the Nakhon Pathom Provincial Justice Office has 116 community justice centers in Nakhon Pathom driving the policy development of the provincial justice office to be a government agency under the law as well as being a mechanism to bring government policies into practice in the provincial areas so that people can access justice easily, conveniently, quickly, and more economically. (Nakhon Pathom Provincial Community Justice Office Ministry of Justice, 2012).

The researcher was interested in studying the strengthening of community justice with the principles of participatory

integration. A case study was examined of the Nakhon Pathom Provincial Justice Office to be an agency that can respond to the solution and direct justice to the community that meets the needs of the people.

2. RESEARCH OBJECTIVES

1) To study the role of community justice enhancing through the principles of participatory integration. A case study of Nakhon Pathom Provincial Justice Office

2) To study the problems and obstacles to the promotion of community justice through the principles of participatory integration. A case study of Nakhon Pathom Provincial Justice Office

3. RESEARCH METHODS

Education subject “Strengthening Community Justice with Integrated Principles: Nakhon Pathom Provincial Justice Office” The researcher used quantitative research methods to obtain information based on the research objectives.

3.1 Population and important data providers

Population used in the study and interviewed as a member of the Community Justice Network by purposive selection in this research were, key informants, operators, and those directly involved in the prevention of crime in the Nakhon Pathom Provincial Justice Office

1) Nakhon Pathom Provincial Justice Office staff: 4 persons

2) Staff of Nakornchaisri Subdistrict Community Justice Center 1 (Pilot Justice Center Year 2014); officers

of Don Yai Hom Subdistrict Community Justice Center 1 (Pilot Justice Center 2014); Rai Khing Subdistrict Community Justice Center; officers of Ban Luang Subdistrict Community Justice Center Staff of Lam Hoei Community Justice Center, and the staff of Wat Samrong Community Justice Center; totaling 12 people.

3) 12 people participated in the training of the fair hearing program

The search for related persons that needed to be interviewed began with the interview of officials of the Nakhon Pathom Provincial Justice Office who transfer knowledge to people in the Nakhon Pathom area, and then conducting interviews to inquire about other people using the Snowball Technique.

3.2 Study methods

Research on enhancing community justice by integrating principles was focused on the Nakhon Pathom Provincial Justice Office with an emphasis on the study of the roles and responsibilities of Nakhon Pathom Provincial Justice Office as a primary unit in promoting justice for the community by integrating Participation. The researcher then used the following methods of data collection: Semi-Structured Interviews, observation through participation of training in the Justice Tour Program, in-depth interviews, and space exploration, including a triangular test to find information from multiple sources. Data Triangulation, a study that seeks to be true in its natural state, and Naturalistic Inquiry by the researchers themselves was used to find the relationship between the role of the community justice agency in community management and the result of promoting justice to the community

by starting with the participation of the people in the community. This included the study of the prevention of crime in the community and the study of problems and obstacles in the operation of the Office of Justice in which the researcher focused on data analysis, interpreting, and creating conclusions using concepts for the Community Justice theory, including good government management by giving people the opportunity to participate which is an important guideline for managing the entire government and the people sector that creates fairness in the community.

3.3 Study tools

The main tools used for data collection in this study were Question line for interview, Semi-Structured Interview, and Non-Participatory Observation, the use of a Recorder to record while interviewing to collect as much detail as possible from the interviewee, and also a review of the data to check the accuracy of the notes taken.

3.4 Data collection methods and data sources

3.4.1 Primary data

This is the information that the students collected directly from the source, which was done by interviewing and inquiring. This type of information has never been collected before. In this study the researcher used semi-structured interviews as the main tool in conjunction with field visits to the Nakhon Pathom Provincial Justice Office. Data was collected about the roles and duties of the community justice network in preventing crime in the

community areas of the province. The population used in the study and interviewed were related persons, namely the Executive Chairman, the Nakhon Pathom Provincial Justice Office Executive Vice President, the Nakhon Pathom Provincial Justice Office Executive Committee, the Nakhon Pathom Province Justice Office President of Community Justice Center, and people in the area chosen by purposive selection.

3.4.2 Secondary Data

In this research, secondary data is any other information that is not collected directly but comes from information collected by others related to the role of the Community Justice Center, Nakhon Pathom Province. The researcher collected data from reports, documents, and publications related to the research in order to gather basic information for further research. There are 2 important sources of secondary data:

- 1) Various government reports and government organizations
- 2) Reports and articles from books which have been published in the form of information and that can be distributed in the form of reports, articles, journals and publications; including documents received from attending meetings and observing various agendas.

3.4.3 Non-Participatory Observation

Non-Participatory Observation is data collected the researcher's observations while in the Nakhon Pathom Provincial Justice Office area. This was planned, systematic observation and

data recording of important points from observing with logical data links, including the importance of correctness control and the reliability of the data in this study. The researcher participated in the observation of meetings at public hearings held in that area once a month. The event information was recorded, summarized, and then evaluated. The roles and responsibilities of the Nakhon Pathom Provincial Justice Office in assessing crime solving in the community of Nakhon Pathom province and in organizing a community justice center was then analyzed by participating in the Mobile Traffic Fair.

3.4.4 In-depth interview

In the interviews, in-depth questions were asked to elicit detailed responses. In addition to giving explanations, respondents were also asked to give reason. This type of interview works well in research studies on human behavior, attitudes, needs, beliefs, values, and personality in various ways.

3.4.5 Group Interview

The researcher used questioning and dialogue between the interviewer and the interviewees of 2 or more at a time as an in-depth interview. This is a type of interview including in-depth discussion by inviting participants to join specific groups. The participants are then given an opportunity to discuss the problems together and exchange their views on the various issues with the specific aim of gathering accurate and relevant information.

3.4.6 Data validation

Data validation in qualitative research commonly uses methods of inspection (Triangulation Method) which can be done in 3 ways:

1) Data checking using a data triangle is the source inspection of data in terms of time, place, and person, to determine if the data when collected at different times, different locations, and with different contributors, still receives the same data, or not.

2) Examining the data of the researcher's triangle we can verify that if the storage is changed to someone other than the researcher the information remains the same.

3) Examination of data triangles in the method is the examination of data obtained from 3 different data collection methods which achieve the same result, such as observation methods, interviews, and document usage making the data reliable (Reliability) and consistent with the objectives to be studied. All of the information obtained using primary and secondary data is integrated into the researcher's concepts without prejudice of the situation and the duration of the study period in order to be as accurate as possible.

3.5 Data processing and data analysis

Analyze the qualitative data obtained from data collection using various methods. This includes data analyzed by compiling, categorizing, classifying issues, analyzing, and synthesizing the details of various topics in each issue relating to the roles and duties of the provincial justice

office to promote community justice by focusing on the integration of participation from all parties. What is the appearance of the Community Justice Center? To summarize the results of the research, the data obtained from this study will be checked for consistency of data from sources (different informants) and methods (semi-structured interviews and field observation) by using the Triangulation technique together with data from the event in order to determine whether there is a clear conceptual framework for the Community Justice Center. This will determine the purpose and problems in the work to be studied focusing on the operational role of the Office of Justice, Nakhon Pathom Province, to strengthen community justice in the area. Integration from all parties and the study of problems, obstacles, and limitations of the process involved in the work of government agencies related to the administration of community justice. In addition, a check for the accuracy of the data obtained and analysis of the data in order to reach a conclusion according to the objectives set by the researcher.

4. SUMMARY, DISCUSSION THE RESULTS AND RECOMMENDATIONS

4.1 Summary of studies

4.1.1 The role of the promotion of community justice through the principles of participatory integration.

The Nakhon Pathom Provincial Justice Office was established in accordance with the order of the Ministry of Justice B.E. 2557 (2014), where the Nakhon Pathom Provincial Justice Office is a pilot

provincial justice office under the Office of the Permanent Secretary of Justice, appointed by civil servants in the Office of the Permanent Secretary for Justice. The study found that Nakhon Pathom Provincial Justice Office has no laws, established acts, or power to act directly. It was established under the order of the Ministry of Justice, following the order of the Ministry of Justice, or policy implementation Strategy of the Ministry of Justice, and the policy of the Prime Minister to practice at the regional, or provincial level only giving an opportunity for provincial access to justice and therefore strengthening community justice, including the development of alternative justice processes to be effective and more productive. From the study's data collection, the researcher found that Nakhon Pathom Provincial Justice Office has the mission roles in 6 areas as follows:

1) As a representative of the Ministry of Justice at the regional level in government coordination, to coordinate and submit grievances and facilitate access to justice to people in Nakhon Pathom province. It is also the main unit that coordinates the work of the government under the Ministry of Justice in Nakhon Pathom province and coordination with government agencies that are not in the Ministry of Justice, Nakhon Pathom province. It also has the duty to coordinate with departments in the justice process in the province to ensure efficiency.

2) The role of promoting justice in Nakhon Pathom province is to create legal awareness. With the coordination of relevant departments within the public relations community, the mission of the Nakhon Pathom Provincial Justice Office and the Community Justice Center is to

inform the public about ways to get access to alternative justice processes, including the notification of the rights that people should receive.

3) The role in the operation of the fair fund to promote support of the protection of rights and freedoms of the people, to be equitable and fair so they can easily access the justice process.

4) The role in the development and promotion of public participation. There is collaboration between the government and the public sector in the form of a community justice network. A network to provide the ability to provide justice to people at the community level. The fair in Nakhon Pathom province will go into providing legal knowledge and knowledge about the judicial process, creating legal awareness for the public to increase legal knowledge, as well as integrating with the Damrong Dharma Center, an agency outside the Ministry of Justice, which is a government agency in Nakhon Pathom Province, in order to have the ability to manage policies and strategies in driving the community justice system to reduce social inequality and create reconciliation for the people to achieve concrete results

5) The role of legal counsel to help people to access justice more easily by working in the Provincial Justice Office to provide counseling and legal advice to solve problems for people and coordinate and pass on information free of charge to the relevant agencies to assist according to their powers and duties.

6) With regard to the receipt of complaints, grievances, and receiving reports of illegal acts in the area the study found that Nakhon Pathom Provincial

Justice Office is just an agency that accepts the matter and coordinates in order to pass on the information to other agencies. It has the power to manage the matter in order to proceed to further authorities. It can coordinate and follow up with help for those people released, acquitted, rehabilitated, and returned to the community. Nakhon Pathom Provincial Justice Office is responsible for accepting and coordinating matters to be forwarded to other departments to continue to perform according to its authority.

Therefore, from the operational role of the Nakhon Pathom Provincial Justice Office in all 6 areas above, it is found that the Nakhon Pathom Provincial Justice Office is like a representative of the Ministry of Justice at the provincial level, whose main duty is to coordinate and collaborate with the agencies in the judicial process in facilitating justice in response to the service of accessing the justice system to the public.

4.1.2 The results of the study into the problems and obstacles to the promotion of community justice through the principles of participatory integration in the case study of Nakhon Pathom Provincial Justice Office, found 5 areas of concern:

Section 1) Personnel problems of the Nakhon Pathom Provincial Justice Office. It was found that the personnel have different levels of knowledge and competency in each area. This includes limited staff to provide knowledge to community justice centers. There are not enough staff to help the people in the community because the position is unstable and without welfare; therefore, it is constantly

in need of recruiting new personnel, causing the work to be uninterrupted, delayed, and inefficient.

Section 2) Public relations. It was found that the public relations of the Nakhon Pathom Provincial Justice Office operate in a narrow circle. Access to communities in the area only involves traveling with the Provincial Justice Project once a year. Public relations via television or radio is not available, so people lack knowledge and understanding of the authority of the Office of Justice, Nakhon Pathom. This causes people to be confused about the roles and responsibilities of agencies that have similar power and duties.

Section 3) The problem of structural redundancy and authority between departments that have similar operational characteristics. This causes the public to be confused about the services offered by the department and they may consider that the Nakhon Pathom Provincial Justice Office has a redundant role in the Dhamma Center.

Section 4) Problems with limited budgets. The budget is insufficient to cover the Act for Compensation of the Victim, Compensation and Expenses to criminal defendants, equipment expenses necessary for operation, equipment costs for training, and providing knowledge to the public in Nakhon Pathom province.

Section 5) Problems with law or the statute certified to officers. Staff do not have the power to fully operate and this may make people unconfident in the operation of the Nakhon Pathom Provincial Justice Office.

4.2 Discussion of research findings

A Study of the Strengthening of Community Justice by Integrated Participation Principles: Nakhon Pathom Provincial Justice Office. It is important to further discuss the study results by providing analytical methods based on theories and research documents related to the research objectives as follows:

4.2.1 The role of the promotion of community justice through the principles of participatory integration: A case study of Nakhon Pathom Provincial Justice Office.

From the concepts and theories mentioned, it can be said that The Office of the Permanent Secretary for Justice has invented a tool for provincial administration by establishing “Provincial Justice Office” acts as a government agency representing the Ministry of Justice According to the judicial process at the provincial level which is specified in accordance with the strategic plan for the development of the Thai bureaucratic system 2003-2007. To increase capacity, it can link the work of various sectors and transfer operational tasks in regional and local administrative organizations The roles and responsibilities of the Nakhon Pathom Provincial Justice Office were given by an order from the Ministry of Justice to authorize the Office of the Permanent Secretary for Justice to arrange for the Office of Justice in Nakhon Pathom to be a government agency of the Ministry of Justice which is in line with the Micro Level theory. Broom and Seiznick (1997) discussed the role that consists of 3 characteristics:

1) The Socially Prescribed or Ideal Role is an ideal role that has the rights and duties according to the position of the society. 2) The role that should be performed (The Perceiver Role) is a role that an individual believes should act according to the position but which may not be the same as the ideal and may vary from person to person. 3) The Performed Role has actually been performed. This will depend on the beliefs, expectations, and perceptions of each individual, as well as the pressures and opportunities of each society over a period of time. Nakhon Pathom Provincial Justice Office has specified duties and responsibilities. This is something that should be done and can be done. For example, giving support to driving the 5 main tasks of the Community Justice Center in developing a community justice system by creating a community justice network for the prevention and relief of crime problems.

In addition, the Nakhon Pathom Provincial Justice Office has the role of a representative of the Ministry of Justice at the regional level in coordinating the submission of grievances and to facilitate access to justice for the people in Nakhon Pathom province. This focuses on providing knowledge, training, coordination, and public relations in the area to move the community justice center forward. Therefore, the Ministry of Justice has established a community justice network project under the strategy. "Universal justice Citizens Participate" to allow citizens to participate with the Ministry of Justice as partners and members of the Community Justice Network. By developing it as a community justice coordinator in various duties such as preventing and solving crime problems and remediation for

offenders in the community and settlement of disputes in the community. For example, by training people that are members of the community justice network to have a better understanding of the laws that people should know, protection of rights and liberties under the constitution, measures and mechanisms for protecting the rights and liberties of the people in the justice process, and for people to coexist peacefully and in harmony with communities under various cultures and ways of life. As well as promoting thinking processes gathering together members of the Community Justice Center to establish a community and gain access to the judicial process and also, to exchange knowledge between the government and the people to create peace and security for communities and the nation. This project has full community justice guidelines, starting with the Community Justice System Development Project in the pilot province with participating partners, the Department of Probation, Department of Rights and Freedom Protection, Office of Narcotics Control, Office of the Permanent Secretary, Development board, Provincial Justice Office, and the Community Network Development Subcommittee. This is consistent with the research of Surasak Thanakitamorn (2010) that studied the relationships of public participation that affect justice: a case study of the Community Justice Center in Chachoengsao Province. It is important to be aware of the roles and responsibilities of citizens and officials that play an important role in reducing crime to build a strong community and for the peace of society. Community leaders should build trust among members of the fair. It was found that the community plays a very important role in building the participation of

community members to create trust among members of the community and the fair work.

4.2.2 Problems and obstacles to the promotion of community justice through the principles of participatory integration: The case study of Nakhon Pathom Provincial Justice Office.

1) There are structural problems of powers and duties between departments that have similar operational characteristics. Therefore, this causes people to be confused in how to request and receive services from that department, and they may see that the Nakhon Pathom Provincial Justice Office has overlapping operational roles with the Center for Preservation of Dharma. In addition to this, there is the legal problem where staff do not have the authority to work together. This causes an inability to fully provide justice to the people.

2) The budget related to activities and projects of the Provincial Justice Office will only have support or restrictions from the Ministry of Justice's orders without the Act (Act) to support the operation in various areas or cases. All have expenses and equipment in operation. When staff or networks are restricted in this section, it is necessary to use personal property or equipment for operations and therefore the duty performance is not as effective as it should be.

3) Public relations in creating awareness. The provincial justice office does not have good publicity. That is to say, there is no proactive public relations. It is unable to spread news thoroughly both in the community and in Nakhon Pathom

province. Because of this, people are not sure of the location, role, and process for receiving justice assistance from the Provincial Justice Office. As a result, when people have lawsuits or disputes, they often use the judicial process they are already familiar with, such as reporting to the police, or they notify the Damrong Dharma Center etc.

4.3 Recommendations

4.3.1 Suggestions from studies

1) Suggestions for the authority structure. The Ministry of Justice should establish an agreement with local agencies related to the services of justice in the community to have a law to certify the management to work across the coordinated agencies. This will allow people to get the most out of public services and reduce the problem of duplication of work by the agencies themselves. It would also reduce the confusion when there is a need to contact departments to solve problems for the people in the area.

2) Public relations suggestions. The Nakhon Pathom Provincial Justice Office should not only distribute brochures or flyers to the public as in the past, but should increase the time it visits the area to 12 times a year or an average of 1 time per month. This would ensure it is able to give knowledge and advice about the law more comprehensively. It should also engage in public relations via Facebook and by using LINE ads owned by the Nakhon Pathom Provincial Justice Office. This could act as a medium for providing legal knowledge and useful information to the public. It could also

provide advice via the admin page more quickly by using social media as a link between government agencies and the people. This would increase the process of community participation and in turn strengthen the ability to respond to changes in the present.

3) Budget suggestions. The Ministry of Justice should cooperate with the private sector by allowing the private sector to host with local people. This would help to raise funds to set up a community justice cooperative in order to support various projects in the provision of public services in the fair. These funds could also be used as circulating expenses, and to protect the lives and property in the area. This would make local people feel aware of community justice together which would lead to more concrete participation in the judicial process.

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