

The Lawyers Council of Thailand and Its Role in Promoting Legal Equality in Society

Akepong Sirimahakul*, Chaturong Permrunguang, Tanawat Pisitchinda, Ratichai Rodthong, Petchara Charusakul

Suan Sunandha Rajabhat University, Bangkok, Thailand

**Corresponding author. Email: akapong.si@ssru.ac.th*

ABSTRACT

The Lawyers Council of Thailand is a statutory body established under the Lawyers Act B.E. 2528 (1985). While being a private organization, it has been entrusted with administrative authority from the state to regulate professional legal standards and to serve as part of the legal aid system for the public. The Council's responsibilities must be grounded in constitutional principles, especially those concerning the protection of fundamental rights and freedoms and the guarantee of equality before the law. However, disparities in economic status, education, and opportunities remain widespread, resulting in many disadvantaged individuals lacking access to justice. This necessitates state mechanisms to reduce inequality. The Lawyers Council thus has a crucial role in supporting legal equity by assisting underprivileged groups in line with constitutional values. This article examines the role of the Lawyers Council through a political science perspective, evaluating its internal organizational management and proposing appropriate strategies for enhancing its capacity to promote legal equality through various initiatives and the work of legal professionals.

Keywords: *Lawyer, Legal Equality, Political Science, Law, Access to Justice*

1. INTRODUCTION

On September 25, 2015, during the United Nations General Assembly at the UN Headquarters in New York, the international community adopted the 2030 Agenda for Sustainable Development. This agenda, endorsed by 193 member states, including Thailand, outlines 17 Sustainable Development Goals (SDGs) aimed at transforming the world by 2030. Among them, Goal 16 *Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels* (United Nations, 2015). This aligns with Thailand's 2017 Constitution, which mandates the reform of the justice system. The National Committee on Justice System Reform has accordingly emphasized the importance of providing legal assistance to citizens, including the provision of legal counsel in both civil and criminal cases (Committee on Justice System Reform, 2017).

This underscores the critical role of lawyers as mechanisms for equitable access to justice. The Lawyers Council of Thailand, as a key justice sector institution, is responsible for regulating the legal profession nationwide and maintaining close ties with the public. Beyond regulating legal practice, Section 7(5) of the Lawyers Act B.E. 2528 also assigns the *Council a role in promoting legal education, assistance, and public legal literacy* (Lawyers Council Under the Royal Patronage, 2013). Therefore, this study aims to investigate the current roles and functions of the Lawyers Council in providing legal aid to disadvantaged populations, identify existing challenges, and propose viable solutions for reform.

1. To examine the role of the Lawyers Council of Thailand in promoting legal equality in contemporary Thai society.
2. To analyze the problems and obstacles that hinder the Lawyers Council's efforts and to identify effective strategies for enhancing its role in supporting underprivileged social groups, in alignment with the Thai Constitution and international standards on access to justice.

2. LITERATURE REVIEW

Equality is a foundational principle in political science. Legal equality, which ensures the protection of rights and freedoms under the law, is a core tenet. H.L.A. Hart, a British legal philosopher, argued in *The Concept of Law* that

“like cases should be treated alike and different cases differently.” This principle implies that when facts are identical, the state must apply the same legal standards, and when facts differ, different standards must apply to ensure fairness (Jumpa, 2008).

In Thailand, the 2017 Constitution, the highest law of the land, guarantees equality before the law in Section 27, which affirms that all individuals are equal and entitled to equal protection under the law. Despite this, in practice, economic conditions continue to create class divisions and unequal opportunities including access to legal protection. Thus, it is essential that the state supports disadvantaged groups.

A thesis titled “The Poor Get Prison” and Criminal Justice Policy Response for the Poor identifies four key issues limiting public access to justice: (1) high costs of legal procedures, (2) discriminatory practices, (3) procedural complexity and formalism, and (4) public lack of legal knowledge (Masaning, 2019). These issues demonstrate that access to justice is often reserved for the privileged, despite its status as a fundamental constitutional right.

As a legally established professional organization under the Lawyers Act B.E. 2528, the Lawyers Council of Thailand is appropriately positioned to support state efforts to advance legal equality. In fiscal year 2024, the Council provided legal aid to 300,568 individuals (Lawyers Council Under the Royal Patronage, 2025).

This aligns with the views of Dr. Artika Tyner, Associate Vice President at the University of St. Thomas, who contends that lawyers must transcend their traditional intermediary role and collaborate directly with neglected communities. They should lead efforts to uphold human dignity and basic needs through three pillars: social justice work, leadership, and public policy advocacy (Tyner, 2013).

Despite this ideal, lawyers have traditionally functioned as independent professionals who charge for their services often making them inaccessible to the poor. Consequently, the Council has not always taken a proactive stance in providing public legal support. Nevertheless, as of 2024, the Council had 87,008 lawyers in Thailand (Lawyers Council Under the Royal Patronage, 2025), a significant number relative to the country’s 65,951,210 people (Department of Provincial Administration, 2024). Along with nationwide distribution, it affirms their capacity to serve the public effectively.

3. FINDINGS

Currently, the Lawyers Council of Thailand operates thirteen legal aid programs targeting underprivileged populations: (1) Legal Aid Committee: Litigation support in civil and criminal cases. (2) Environmental Law Committee: Legal aid on environmental and natural resource matters. (3) Human Rights Committee: Legal support concerning human rights nationwide. (4) Administrative Litigation Committee: Assistance in administrative court cases. (5) Dispute Mediation Committee: Facilitates dispute resolution with the aim of reducing court cases. (6) Consumer Protection Committee: Legal services for consumer rights issues. (7) Volunteer Lawyers for Government Agencies: Legal advice in courts and via telephone. (8) Volunteer Lawyers for Police Stations: Legal support for suspects and victims at 344 police stations. (9) Legal Literacy Project: Public legal education through lectures, electronic media, and publications. (10) Southern Border Reconciliation Center: Legal aid in Thailand’s southern border provinces in cooperation with military and justice agencies. (11) Youth Justice and Volunteer Lawyer Reform Project: Capacity-building for lawyers handling child and youth cases. (12) Anti-Torture and Enforced Disappearance Project: Legal protection in human rights abuse cases. (13) Public Interest Legal Affairs Office: Legal support for both public and private organizations to ensure constitutional rights protection.

These projects demonstrate the Council’s current proactive efforts to ensure equal access to justice for all groups, helping to eliminate legal inequality caused by lack of knowledge or resources.

4. ANALYSIS

To assess the suitability of the Lawyers Council of Thailand as a leading institution for promoting legal equality, one must consider its organizational structure, legal capacity, and reach. In 2024, there were 87,008 registered lawyers under the Council, while the Thai population was 65,951,210. This indicates a lawyer-to-population ratio of approximately 1:758 the highest professional legal representation rates per capita in the country. These legal professionals are also geographically distributed across all provinces, enhancing their potential to reach citizens nationwide.

Unlike public sector officers, lawyers are not bound by bureaucratic limitations and possess diverse legal expertise, making them well suited to support legal equality initiatives. However, transforming the role of lawyers from private practitioners into active agents of public legal assistance remains a challenge. It requires a unified strategic direction and coordination, which the Lawyers Council is uniquely positioned to provide.

Despite this potential, the Council's efforts are currently hampered by vague legal mandates, inadequate compensation for participating lawyers, and limited state funding. In 2024, the total government budget allocated to the Council for all 13 legal aid programs was 137,726,300 baht, a sum insufficient to meet the actual demand for legal services. As a result, the Council has had to screen and occasionally reject applicants for assistance.

5. CONCLUSION

Although the Lawyers Council of Thailand plays an important role in supporting the public through various legal aid programs, it continues to face several challenges. These include Budget constraints: The Council relies heavily on limited government funding and donations. Lack of permanent personnel: Most legal aid services are provided by volunteers, making consistent support difficult. Reactive approach: Legal assistance depends on citizen-initiated requests, which are evaluated by a committee, limiting outreach. These obstacles inhibit the Council's capacity to function as a truly proactive institution in promoting legal equality for all.

6. RECOMMENDATIONS

Policy Recommendations: To enhance the Council's role in promoting legal equality, the following measures are suggested: Increase public funding: Greater financial support from the state will ensure the sustainability and expansion of legal aid services. Hire full-time legal staff: Designate core lawyers for continuous legal aid delivery, supported by volunteers as necessary. Promote proactive engagement: Encourage partnerships with local civil society organizations to broaden legal outreach and create a community based legal support network.

Academic Recommendations: Future research should explore Pre-litigation dispute resolution mechanisms to reduce reliance on formal legal processes. Curriculum development for basic legal education in schools to increase legal literacy among youth.

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