

Rule of Law and Public Participation in Law Drafting Process

หลักนิติธรรมกับการมีส่วนร่วมของประชาชนในกระบวนการร่างกฎหมาย

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Abstract

Studying the rule of law and public participation in the lawmaking process under a democratic regime with the King as Head of State is essential in setting the framework of all types of laws that affect the enforcement of people within the country and promote genuine public participation. The objectives of this study are to 1) study the definition, meaning, and origin of the words "Rule of law" and "Rule of legal state" and 2) Study the relationship between the rule of law and the principles of human rights. Principles of good governance and democratic processes and public participation, and 3) Study problems and guidelines for promoting public participation in the legislative process according to the rule of law using a study method in the form of Document Research in which the researcher studies and researches information, especially information that is documents or text. I have written an Analysis and synthesis of knowledge from various documents and found that direct political participation of citizens by proposing laws has problems and obstacles during the process of submitting laws according to the Act on Proposing Laws B.E. 2013 and the problems and obstacles in the consideration process that are caused by both the executive and legislative branches playing a high role in the Thai legislative process. In the process of proposing laws by the people, it is seen that relevant laws can be amended to push the process forward. Bills with citizens' signatures can effectively push through legislation. Solving any problem must be based on the correct conceptual framework regarding the rule of law, the rule of legal state, human rights principles, and good governance. It proposes a solution in two dimensions: the first short-term dimension is legal amendments and new laws, and the long-term second dimension is to promote public participation in the legislative process by strengthening citizens.

Keywords: Rule of Law, Public Participation, Law Drafting

Introduction

Countries in the liberal democratic world have found that to develop strong democratic politics, it is necessary to have quality citizens. Political development, therefore, means making politics effective with quality citizens. The results of the action between political elements will cause a political change from old methods to new methods, which should be better, and many elements must be in harmony. Doing things together are social members, citizens, political society, principles or regulations (constitution), state mechanisms or tools (various agencies), and the liberal economic system. In these five elements, the people are the most essential part. However, the people within the state will be an important variable. That will cause political change and change political rules or the constitution.

It is well known that the people rule democracy. Democracy cannot be successful if people do not participate in the exercise of sovereignty under a fair legal framework, or in other words, according to the Rule of Law. The rule of law is an important principle that will be cited to support the legitimacy of law enforcement, whether on the side of the law enforcer or the side of the person enforcing the law. It is a basic philosophy. Every lawyer knows, is familiar with, and has the meaning of the rule of law, meaning “Basic Principles of Law” Royal Institute Dictionary 1999. This is because the rule of law is a fundamental legal philosophy of the state for governing and enforcing the law under democratic governance. There is a true justice process and protection of the rights and liberties of people under government. In practice, there are often conflicts in interpreting or enforcing the law under different principles of the law due to differing opinions. However, lawyers recognize the importance of the rule of law that must be established and maintained in every society. (Athaphon, 2014)

Therefore, if academics or lawyers are aware of and adhere to the importance of the rule of law, it will result in the enforcement or compliance of the law to be efficient and effective with fairness according to the intent of the Constitution, which is truly the highest law of the country and will result in development, knowledge, and understanding, and increasing the potential of officials. Government personnel, including users of state power at all levels, must have attitudes, knowledge, and a thorough understanding of the rule of law to create a society governed by effective laws acceptable to people in society and provide opportunities for citizens to enter. Participate in expressing opinions in politics and national administration, jointly deciding to solve problems, allocating resources, and receiving equal and fair protection of rights and freedoms according to international human rights principles.

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The student, as a lawyer, is therefore interested in studying to gain a thorough understanding of the principles of law, which will be an essential piece of legal knowledge that will be useful as a basis. In drafting and analyzing draft laws to comply with the rule of law.

Objectives of the Study

1. to study the definition, meaning, and origin of the words “Rule of law” and “Rule of legal state.”
2. To study the relationship between the rule of law, the principles of human rights and good governance. and the principles of democracy and public participation.
3. To study problems and guidelines for promoting public participation in the process of proposing draft legislation that follows the rule of law.

Methods of Conducting the Study

1. This study was conducted in the form of Document Research, especially information that documents or written texts, and then analyzing and synthesizing knowledge from various documents will be the source of this research.
2. Data collection tools and methods Collected from document books Various academic articles published in the relevant content are Public Documents.
3. Presented in the form of Academic articles.

Scope of Study

The content scope of the study consists of

1. Origin and definition of “Rule of law” and “Rule of legal state.”
2. Analyze the context of the relationship between the rule of law, human rights principles, good governance, democracy, and public participation.
3. Problems and limitations of public participation in the draft law proposal process.
4. Guidelines and suggestions for promoting public participation in the law-making process.

Study Period

Starting from February - July 2022

Literature Review

Development of the modern rule of law in England. In 1214, King John II, who ruled England then, used his power unfairly. The people suffered, resulting in 25 nobles and cardinals. Rise to resist and force King John II. They signed the promulgation of a law, "The Great Charter" or "Magna Carta" on June 21, 1215 AD, containing 63 clauses to limit some of King John II's royal powers. The essence of the Magna Carta is that no person is above the law, and a ruler cannot arbitrarily exercise power over the people even the King. Therefore, it can be said that the rule of law first appeared in 1215 AD. At that time, the concept of the rule of law emphasized that the rule of law must be supreme, basing administration on the body of the law and not on the individual. Because any person can easily use power as they wish. Later, the rule of law concept was developed and summarized through systematic and well-established explanations. Dicey, a famous British jurist, looked back to Aristotle and saw that a king who ruled using power according to his own will was less valuable than one who led according to the law. Dicey saw that all actions of the executive or government must be subject to the law and not infringe on the rights and freedoms of the people arbitrarily. Suppose it appears that the executive branch or administration has acted in violation of the law. In that case, such action must be filed with the Court of Justice or the Ordinary Court, which protects the rights and liberties of the people and confirms equality before the law according to the principles. Rule of Law therefore, Dicey calls for the state to have a duty to protect people's rights and freedoms through the power of the courts. Later, the rule of law was significantly developed in the United States. The rule of law has two meanings depending on which state uses the law: between a legal system like the United Kingdom and a legal system like the United States. (Suntareeya Mueanpawong, 2011) In cases where the King cannot collect taxes without the consent of the assembly of priests and nobles or refraining from using or not imposing laws on any person, it cannot be done, contrary to the principle of equality legally. Moreover, the King cannot arbitrarily arrest and imprison anyone. If that person has not been convicted of an offense, etc. Although the Magna Carta did not expressly express the concept of freedom and the rule of law had not yet fully materialized, it was sometimes criticized as protecting the aristocracy more than the public. Magna Carta, which is in force in England today, contains many principles of the rule of law, all of which have been formed and developed into a clearly defined rule of law. Many scholars believe that the Magna Carta originated the modern concept of the rule of law. When the King signed the Magna Carta, the people wanted to limit the King's power. By negotiating for the King's recognition and protection, in order to increase their rights and liberties, many laws protected the rights and liberties of citizens, including in the year 1628 AD, during the era of King Charles I, Parliament enacted the

Petition of Rights. To protect property rights and personal freedom by declaring that parents, governments, and courts must respect such rights. This law can be considered to have given birth to the jury trial method, which has four essential points:

1. The trial and adjudication of the case must proceed without delay.
2. Prohibiting the excessive demand for collateral in bail.
3. Prohibition of cruel and cruel punishment, and
4. Guarantee the right of citizens to a jury trial.

The three legal documents reflect two essential principles: "The use of written law to replace uncertain administrative customs to limit the power of the ruler and guarantee the rights and freedoms of the people." They are also the starting point of the social contract because the King signed the above documents based on the idea that the King must rule the people according to the correct customs that existed in the past, which was a contract between the people and the King. The King does not follow the customs, and it is considered that he does not follow the social contract. The people have the right to demand that the King comply with the social signs or customs that have come about. This concept of the social contract is an idea that was developed significantly in the European continent. As a result of these three laws, the power of the British King was progressively limited, with the power of the British Parliament increasing until it became a true monarchy. The monarchy's power was purely symbolic, and the courts established the supremacy of Common Law. Judge Sir Edward Coke ruled that the King and Parliament were subject to Common Law. Therefore, the King's legislation and the Parliament's enactment cannot contradict the Common Law the court developed. The court retains the absolute power to decide whether a law or rule conflicts with Common Law, even though the concept and The Coke ruling would not make the court the highest authority in the British system of government because laws passed by Parliament bind the court. Common Law cannot reject laws passed by Parliament, although Coke's ideas appear. In the judgment, it has been an essential component of the rule of law in England until today. (Chitaporn Pisonyabut, 2013)

In addition, many foreign academics explain the concept of the rule of law (Suksa Umcharoen, 2000), such as Professor Joseph Rez, a famous political scientist who influences ideas in the academic circle. The rule of law embodies the need to provide guidelines for individual conduct and to set the minimum level of harm resulting from arbitrary discretion. Because the rule of law, it has no meaning and must respect the basic principles of Dicey's theory of constitutional law. Professor Jiffery Jowell stated that since the past, the rule of law had been a principle regarding the mechanisms of legal enforcement, from controlling discretion to setting principles for exercising administrative power. Legal matters and determining the process for issuing laws or orders, but at the same time, the rule of law must also be related to the substance

of various administrative actions of the executive branch, which is a matter of substance (Substance). The rule of law is the principle of the Constitution that is not written. Most of the main points have the same principles; only the topic of the rule of law has been rearranged, and the principles of the law have been added to ensure that a democratic society does not distort the use of power. Professor E.C.S. Wade of the University of Cambridge has mentioned the rule of law in one of his constitutional textbooks, *The Rule of Law*.

In this modern era, there are characteristics of the law that will help create governance according to the rule of law. As explained by professor Lon L. Fuller, a famous American lawyer who is of the opinion that the law in order for the rule of law to become a reality must have important characteristics (Chaiwat Wongwattanasan, 1998) as follows:

1. The law must be generally applicable to all persons, including government officials.
2. Laws must be openly promulgated.
3. Laws must be enacted to be effective in the future, not enacted to be effective in the past.
4. Laws must be enacted with clear language to avoid unfair enforcement.
5. The law must not contain contradictory statements.
6. The law must not require people to do things that would not be possible.
7. The law must be reasonably stable, but it must also be open to amendments in line with changing social conditions.
8. Laws which have been promulgated must be enforced in accordance with each other. Must enforce compliance with the content of the law that has already been promulgated.

Scope of Human Rights

Human rights have a broader meaning than legal "rights." Lawyers generally describe rights as benefits recognized by law that follow a narrow legal basis in the sense that a person must be recognized by law to have rights. Only. They will not have or receive rights if the law is not written to acknowledge it. But in terms of "human rights," The scope of human rights is broader than what is guaranteed by law. Human rights, which are recognized around the world as minimum standards of human treatment, can be classified into five types of rights:

1. Civil rights include the right to life and body, Freedom and security of life, and not to be tortured, not attacked, or killed. Rights in the justice process include the right to equality before the law and the right to be protected from wrongful arrest or imprisonment. The right to a fair trial by an independent judge in a court of law. The right to acquire citizenship is the Freedom of religious people to believe and act according to their beliefs.

2. Political rights include the right to choose one's way of life, both politically and economically—society and culture, including natural resource management and freedom of expression.

3. Economic rights include the right to employment, to choose work freely and to receive fair wages, the right to own property, and to achieve an adequate standard of living.

4. Social rights include the right to education and health insurance, mothers and children must receive exceptional care, full personality development, social security, and the Freedom to choose a spouse and create a family.

5. Cultural rights include freedom to use language or convey meaning in one's local language, freedom to dress according to one's culture, to perform activities according to one's own local culture and traditions, to practice religious beliefs, and to have recreation. Cultural performance They can be granted without anyone forcing them. Therefore, it can be said that all "legal rights" are not human rights. There are only certain rights. They are considered human rights because they are something humans are born with and cannot be transferred to others. No one can take it away from each human being, and rights that are human rights are considered the minimum standards of conduct between human beings, such as killing or harming each other, even though there is no law stating that breaking or killing is an offense for every person. People know in their hearts that it is an offense. Still, the fact that people in the country do not receive adequate "food" for their survival does not constitute anyone breaking the law, but it is a type of human rights violation that the government must deal with for the people. The nation receives sufficient food for survival, opinions, and expressions, the right to participate with the state in activities of public interest, freedom of peaceful assembly, freedom of association, and the right to free elections.

Principles of good governance, regulations of the Office of the Prime Minister on good governance and social affairs, and royal decrees concerning the principles and methods of good governance, B.E. 2003 that gives importance to 8 essential principles of good governance.

1. Rule of Law (Rule of Laws) essential principles which are the essence of the "rule of law" consists of 7 principles:

- 1.1 Principles of separation of powers
- 1.2 Principles for protecting rights and freedoms
- 1.3 Principles of legality of the judicial and administrative branches
- 1.4 Legality in content
- 1.5 Principles of independence of judges
- 1.6 Principle "There is no guilt and no punishment without law."
- 1.7 The principle of the supremacy of the Constitution

2. The principle of separation of powers is an essential basis of the rule of law because it represents the coexistence of separation of powers, checks, and balances.

3. Principles of protection of rights and freedoms: The rule of law is related to the individual's right to freedom and equality. Both rights mentioned above are considered the basis of "human dignity," which is an essential principle according to the spirit of the Constitution.

4. Principles of legality of the judicial and administrative branches. The judicial or organizational use of laws that limit the rights of the people is the result of laws that the representatives have approved of the people. The judicial branch must not Consider and adjudicate a matter to be different from the provisions of the law. The judiciary is bound to apply the law equally. The judiciary is bound to use its discretion without flaw.

5. The principle of legality in content is the principle that calls for the legislative or administrative branch that enacts secondary laws to set legal criteria to follow the principle of certainty of the primary law, prohibiting the law from having retrospective effect and the principle of legality reasonable.

6. Principle of independence of judges: Judges can carry out their judicial duties without any interference. Judges are bound only by the law and make decisions based on their conscience of freedom from 3 things, namely. Freedom from litigants, freedom from the state, and freedom from society.

7. The principle of "No offense and no punishment without law" is that the person cannot be prosecuted when there is no legal provision to make it an offense.

8. The principle of supremacy of the Constitution means that the Constitution is recognized as the highest law in the legal system of the state, and if a lower law is contrary to or inconsistent with the Constitution, such law is not effective.

Research Methods

The objectives of this study were: 1) to study the definition, meaning and origin of the word "Rule of law" and "Rule of legal state" 2) To study the relationship between the rule of law and human rights principles, good governance and democratic principles, and having public participation and 3) to study problems and ways to promote public participation in the process of proposing draft legislation that is in accordance with the rule of law. The relevant content which is a public document consists of the following important points:

1. This study was conducted in the form of Document Research. Especially information that is a document or written text, then analyze and synthesize knowledge from various documents by source and definition. The meaning of the word "The rule of law" and "Rule of legal state" starting with the evolution of the modern rule of law in England. which is the study

of Chitaporn Phisabutra and the definition of the meaning of the rule of law by Special Professor Thanin Kraiwichian and the concept of the rule of law by Worajet Phakharat and Chanchai Sawangsak who discuss the differences. The difference between the rule of law and the rule of legal state is a difference in the origin of the law. Differences in legal surnames, differences in content differences in the protection of basic rights, differences in the control and inspection of law enactment, and differences in the separation of powers. Important points that must be mentioned It is about the rule of law and development by studying the royal initiatives of His Majesty King Bhumibol Adulyadej as presented in public documents. Trairat Worakul and in the section on the concept of human rights principles by Kumphon Phonwan that discusses the human rights concepts of philosophers and lawyers. Explaining the Preamble of the Universal Declaration of Human Rights discussion of the scope of human rights by the Department of Rights and Freedoms Protection Including the principles of human rights then there is the concept of good governance by Bowonsak Uwanno, Thawinwadee Burikul and others.

2. Data collection tools and methods Collected from document books various academic articles that are published in the relevant content which are Public Documents.

3. Presented in the form of Academic articles

Results

The study will analyze the relationship between each concept and public participation in the democratic legislative process. The analysis will be divided into two parts:

Part One: The rule of Law and the relationship between human rights and good governance.

Academic documents On the international rule of Law and human rights protection (International Rule of Law and the Protection of Human Rights) of the Department of Law Faculty of Political Science and Law Burapha University (2013) mentioned the year B.E. 2004 Kofi Annan, who holds the position of Secretary-General of the United Nations, proposed a definition of the rule of Law that "The rule of Law refers to the principles of good governance in which every person, institution, and organization that exists in both the public and private sectors, including the country itself, is responsible for various laws (accountable to Law) that have been announced. Applied and enforced equally, adjudicated independently, and followed human rights norms and standards. It also stipulates that the principle of supremacy of Law is equality under the Law, Principles of responsibility for the Law, justice in the use of the Law, Principles of separation of powers, Participation in decision-making, clarity of Law, avoidance of arbitrary acts and principles of legal transparency." It can be seen from this definition that the meaning of the rule of Law does not stand alone. Suppose we must consider the surrounding context linked to the principles

of the rule of Law, especially the principles of good governance and democratic principles. In that case, these are interconnected and mutually strengthened, especially in enhancing the rule of Law to protect citizens' human rights or fundamental freedoms. Therefore, Mr. Kofi's definition of the rule of Law is thus closely linked to the principles of human rights, which are internationally guaranteed by several critical international conventions, such as:

1. Convention on the Elimination of Racial Discrimination (CERD)
2. International Covenant on Civil and Political Rights (ICCPR)
3. International Covenant on Economic, Social, and Cultural Rights (ICESCR)
4. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
5. Convention against Torture and Cruel, Inhuman Treatment or Punishment that degrades one's dignity (CAT)
6. Convention on the Rights of the Child (CRD)
7. Convention on the Rights of Persons with Disabilities (CRPD)

For the ASEAN region, the preamble of the ASEAN Charter, which is the primary constitution of countries in the Southeast Asian region (ASEAN), states that "member countries of the Community of Southeast Asian Nations (ASEAN) must adhere to the principles of democracy and the rule of law and principles of good governance in respecting and protecting human rights and fundamental freedoms." In addition, Article 1(7) of the Charter also states one of the objectives of ASEAN: "To strengthen democracy, good governance and the rule of law, and to promote and protect human rights and fundamental freedoms," etc. A Human Rights Resource Center (HRRC) study has proposed vital indicators. The rule of law for human rights in the ASEAN region has four aspects:

First, are the government, public officials, government agencies, and their agents subject to constitutional or other laws?

Second, the law and process of arrest. Are the detentions and punishments lawful and openly lawful and not arbitrary? This principle involves the application of state criminal law to promote and protect human rights and fundamental freedoms, such as the right to freedom. Physical integrity, personal security, procedural justice of the law, and maintenance of fundamental rights, dignity, freedom, and security, including the justice of the law.

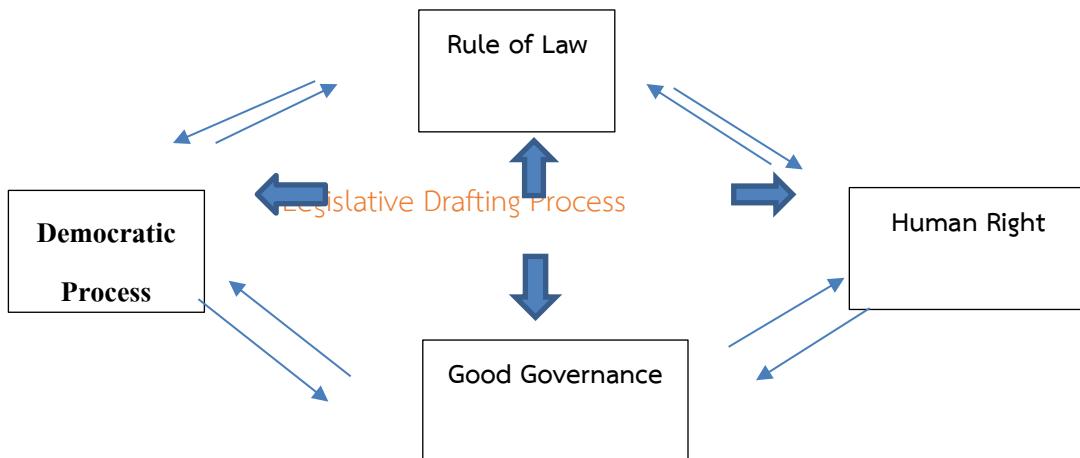
Thirdly, people have access to the justice process as the process that the law has established and enforced is accessible, fair, and efficient. And has been applied equally and equally. Are the principles related to the law universally promulgated and enforced equally? Do people have equal and effective access to the court process?

Fourth, is there administration of justice-by-justice institutions and judicial institutions that are competent, impartial, and independent?

Professor Witit Mantaporn (2015) presented the future of a new dimension of the rule of law and democracy using the 5 P's:

- 1 Prevent(problem) by respecting human rights and democracy
- 2 Protect rights protect rights
- 3 Provide/access remedies/justice to access
- 4 Promote/foster capacity-building on law and law/making and enforcement compliant with international standard
5. Provide people's participation in the legal and judicial process.

In summary, it can be seen that there is a relationship between the rule of law, human rights principles, good governance principles, and the democratic process, which are indicators of each other that are important in affecting the development of political society stable and robust as follows.



The figure shows the connections showing important principles in the lawmaking process

Part Two: Rule of Law and Public Participation according to the Law, Problems and Obstacles for this second part.

All of the above is considered to lay the foundation for a common understanding of the rule of law in various not depends on an important factor: The participation of the people. Thailand has a democratic system of government with the King as Head of State. The Constitution is the highest law in governing the country, which divides the political and administrative structure according to the principle of separation of sovereignty, consisting of executive power, legislative power, and judicial power. Using such power Must be following the principles of the Legal State and the Rule of Law because Thailand is a state ruled by law. Parliament is the main organization for exercising legislative power according to the Constitution, which in the past consisted of two

houses, the House of Representatives and the Senate, which had the power to enact laws. act Constitutional Act and approval of emergency decrees issued by the executive branch Principles of good governance, including having the power to amend the constitution. It also has the power and duty to control government administration, appoint and remove persons as specified by the constitution, and give approval on important matters by exercising the power of Parliament in the capacity of representatives of the people. Therefore, such power must reflect the will of the majority of the people as much as possible. It is accepted that "Sovereignty" belongs to every citizen as the right holder, but the people cannot exercise sovereignty by themselves. Therefore, there is a mechanism for exercising such power through the representatives of the people. Whenever the representatives of the people do not exercise power according to the will of the people or not as promised to the people, the people, as the owners of power, have the right to reclaim that power.

In conclusion, although there is an opportunity for citizens to participate in politics according to the constitution, which every constitution has designed a mechanism for participation, the practical facts and the rules for proposing the draft bill by citizens have steps and processes that are not easy to access and are complicated.

Conclusion and Recommendations

From the study, it was found that the direct political participation of citizens in proposing laws has problems and obstacles during the process of proposing laws according to the Act on Proposing Laws, B.E. 2013, and obstacles in the process. Consideration is caused by both the executive and legislative branches playing a high role in the Thai legislative process. In the process of proposing laws by the people, it is seen that relevant laws can be amended to allow the process of pushing forward bills by signing names. People can effectively push for laws by proposing solutions in two dimensions:

Dimension 1: The short-term solution is legal amendments and new legal provisions as follows. It is seen that the 2013 Act on Legislative Submissions should be revised to facilitate the process of people's submission legislatives and to make it a law that has the image of promoting the participation rights of the people even more by proposing improvements in 3 issues:

- 1.1 It is proposed that people's signatures for legislative proposals use only the signature of voters along with their 13-digit national ID card number as the main basis for submitting bill proposals to the Speaker of the National Assembly for consideration.
- 1.2 Propose to increase the channels for supporting voters to submit their laws,

such as having the Election Commission take part in supporting as they have in the past, in addition to only the Law Reform Committee and the Secretariat of the House of Representatives only

1.3 Proposes the elimination of criminal provisions from the 2013 Act on Legal Entry to make it a law aimed at promoting the direct exercise of political rights by citizens rather than using laws to control them.

1.4 Proposes that the discretion of the Speaker of the House of Representatives in the case of ordering a draft bill to be considered by the House of Representatives must see whether there is a draft bill that is in the process of being submitted for legislative proposal by the people or not, provided that there are not less than 20 public representatives. has submitted a matter to the Speaker of the National Assembly that he will proceed with the signature of a proposed law on a matter and prohibits the Speaker of the House of Representatives, who is the ex officio Speaker of the National Assembly, from introducing a bill that has the same principles and content as the bill that is in the process of being entered People's names are requested unless the people's representative has shown delay in registering the full number of names required by law. In such a case, the Speaker of the House of Representatives can include the bill proposed by the Cabinet or its members. House of Representatives without drafting a people's bill

1.5 Propose that in the case where the House of Representatives resolves not to accept the principles of the draft bill proposed by the signature of the people, the draft bill be submitted to Parliament to consider whether to accept the draft for consideration or not. If Parliament resolves not to accept it for consideration, Representatives of the people who have signed up to propose a law have the right to propose to the Speaker of the National Assembly a request to hold a referendum on the said bill to give the final decision-making power to the people who are the real owners of the power to wish to approve the draft. Is the Act that has been submitted to public law proposed? This is an approach that is accepted and practiced in many countries.

Dimension 2: The long-term operational approach is to promote public participation in the legislative process by strengthening citizenship strengthening public participation in the legislative finalization process to be according to the rule of law Human rights principles and good governance principles as mentioned above, one important way to promote participation in the legislative process, which is a long-term but sustainable operational guideline, is regarding strengthening citizenship by providing education to create citizens, Civic Education is bringing education together with politics to be consistent with 6 important democratic principles: 1. The principle of sovereignty belongs to the people (Sovereignty of the People) 2. Principles of rights

and freedom (Rights and Liberty) 3. Principles of Reason (Rationality) 4. Principles of fraternity (Fraternity) 5. Principles of equality (Equality) and 6. Principles of law (The Rules of Law) both Education in the school system (Formal Education) and informal education (non-formal Education), thus enhancing the important characteristics of citizens in a democracy. That is, the people must be players, not bystanders, and truly exercise their sovereignty to benefit the public at large. Good citizens therefore must have an understanding of rights. Freedom to express opinions and participate in governance within the framework of the principles of human dignity and respect for the rights of others, as well as responsibility for one's own opinions and those of others for the well-being of friends. together with the nation due to their actions, including the problems of the country. For this reason, citizens in a democracy

They should be aware of their responsibilities and that of others. Do not leave the management of the nation or the determination of various policies solely to politicians, leaders, or the government. Please help monitor and make recommendations to those policies, including proposing drafts. Law according to the legislative process the removal of civil servants and politicians who perform their duties illegally. The study sees that the factors that will make the promotion of citizenship successful from the lessons of Germany are two factors that can be used as guidelines:

1. The government sector does not interfere too much because Civic Education was not created to serve government organizations and was not created to induce citizens to learn to respect the system. What are the rules? They are created to provide an opportunity for people to participate in political or social decision-making or to have the ability to propose draft laws that come from the problems and needs of the people themselves. Respect human rights principles and adhere to the principles of good governance.

2. Accepting diversity of thought and having a variety of methods means having a diverse group of organizations, both political and social, that promote political knowledge and democratic governance for the people. The government only provides budget support for those organizations to be able to operate so that people can learn in a variety of ways, dare to think, dare to make decisions to present draft laws according to the legislative process, not using other methods or approaches that do not follow the process. Lastly, in this democracy, the researcher believes that no matter how the law is proposed to be amended it will allow the people to have access to the legislative process in proposing bills if the majority of the people still lack a sense of good citizenship in the way Democracy also makes it difficult for the proposal of bills by the people through the legislative process to have quality or be successful according to the spirit of the law because of the consciousness of citizens who adhere to the rule of law. The principles of human

rights and good governance in a democracy should be in the consciousness of everyone, whether lawmakers, law enforcers, those who must abide by the law, etc.

References

Auncharoen, S. (2000). *Use of administrative power and democratic development: Study of specific cases of use administrative power of the government* [Master's Thesis]. Ramkhamhaeng University.

Burikun, T. et al. (2002). *Study project to develop an index to measure the results of the development of a good management system*. Nonthaburi: King Prajadhipok's Institute.

Kraiwichian, T. (2011). Rule of law. *Parallel Law Journal*, 6(1), 1-62.

Mantaporn, W. (2015). *The rule of law and sustainable democratic development in Thailand*. Lecture on Date: 7 November 2015. From the 17th Academic Conference on the Rule of Law and Democracy at United Nations Conference Center by King Prajadhipok's Institute.

Phakharat, W. (2010). *The rule of law and the rule of law*. Niti Rath Journal, Niti Tham.

Phonwan, K. (1995). *Human rights development*. Bangkok: Winyuchon Publishing.

Sawangsak, C. (1995). *Basic knowledge of administrative law*. Bangkok: Winyuchon.

The Universal Declaration of Human Rights. Retrieved 17 July. 2022, from <https://www.krisdika.go.th/librarian/get?sysid=561157&ext=pdf>

Uwanno, B. (2004). *Public Law Volume 1* (5th ed.). Bangkok: Winyuchon Publishing House.