

**The Adaptation of  
The National Counter Corruption Commission  
As It Relates to Political Corruption**  
**การปรับตัวของคณะกรรมการป้องกันและปราบปราม  
การทุจริตแห่งชาติ (ป.ป.ช.) ต่อการคอร์รัปชันทางการเมือง**

Somchai Thaisanguanvorakul<sup>1</sup>

สมชาย ไทยสันนวนรุกุล

**บทคัดย่อ**

การวิจัยครั้งนี้มีวัตถุประสงค์เพื่อศึกษาลักษณะการคอร์รัปชันทางการเมืองสมัยรัชกาล พ.ศ.๒๕๕๗ ทักษิณ ชินวัตร ตามข้อกล่าวหาของคณะกรรมการตรวจสอบการกระทำที่ก่อให้เกิดความเสียหายต่อรัฐ (คศส.) ศึกษากระแส การตีนตัวของสังคมไทย บทบาทและทิศทางในการปรับตัวของ ป.ป.ช. และ ปัจจัยความสำเร็จในการปรับตัวของ ป.ป.ช. ต่อการป้องกันและปราบปราม คอร์รัปชันทางการเมือง การวิจัยนี้เป็นการวิจัยเชิงคุณภาพโดยสัมภาษณ์เจาะลึกจากผู้ให้ข้อมูลที่สำคัญ 14 คน แนวทางการสัมภาษณ์มี 3 ประเด็น คือ (1) ประวัติการณ์การคอร์รัปชันทางการเมืองสมัยรัชกาล พ.ศ.๒๕๕๗ ทักษิณ ชินวัตร (2) ปัจจัยทางสังคม และ (3) บทบาทในการปรับตัวของ ป.ป.ช. ต่อการป้องกันและปราบปรามคอร์รัปชันทางการเมือง วิเคราะห์ข้อมูลโดย การถ่ายทอดคำสัมภาษณ์เป็นตัวบท (texts) และวิเคราะห์ตัวบทโดยการจัดกลุ่มคำสัมภาษณ์ตามกรอบแนวคิดของการวิจัย

<sup>1</sup> Chairman of the Executive Committee of SNC Group (SNC Former PLC, SNC Pyonsan Evolution Co., Ltd., SNC Suntech Co., Ltd. etc)

ผลการวิจัย พบว่า การคอร์รัปชันทางการเมืองสมัยรัชกาล พ.ศ.๗ ทักษิณ ชินวัตร มีการกล่าวหามากกว่าสมัยก่อน ดังข้อมูลจาก คดส. การคอร์รัปชันทางการเมืองดังกล่าวเป็นการคอร์รัปชันแนวใหม่ ได้แก่ การคอร์รัปชันเชิงนโยบายและผลประโยชน์ทับซ้อน ซึ่งมีมูลเหตุจากการครอบครองอำนาจของทุนขนาดใหญ่กับอำนาจทางการเมือง ซึ่งมีลักษณะสำคัญ ๕ ประการ คือ (1) นักธุรกิจเข้ามามีอำนาจทางการเมืองและเป็นรัฐบาลด้วยตัวเอง (2) เป็นรัฐบาลที่เข้มแข็งและเป็นผู้นำที่เข้มแข็ง โดยอาศัยเสียงข้างมากและอำนาจตามรัฐธรรมนูญปี ๒๕๔๐ (3) ขยายเครือข่ายการเมืองไปยังชนบทโดยอาศัยนโยบายประชานิยม (4) แทรกแซงระบบการตรวจสอบขององค์กรอิสระ โดยอาศัยอำนาจของสมาชิกวุฒิสภาในการสรุหาราคานเข้าสู่องค์กรอิสระ (5) อาศัยข้อมูลภายในคอร์รัปชัน กระทำการย่างหลักทรัพย์และແຍบยล ทางด้านการรับรู้และการตีตัวของสังคมต่อการคอร์รัปชันทางการเมือง แม้ยังมี้อยและนักวิชาการส่วนหนึ่งรู้สึกพิศหวัง แต่ก็มีการตีตัวมากขึ้นเมื่อเทียบกับสมัยก่อน โดยเฉพาะการรับรู้ถึงการตรวจสอบคอร์รัปชันของคดส. และบทบาทขององค์กรภาคประชาชนที่ต่อต้านคอร์รัปชัน ผลจากการตีตัวทำให้เกิดความพยายามปฏิรูปทางสังคมและกฎหมาย ได้แก่ การปลูกจิตสำนึกต่อต้านคอร์รัปชันและแก้ไขกฎหมายเพื่อป้องกันการคอร์รัปชันทางการเมือง

สำหรับบทบาทและการปรับตัวของ บ.บ.ช. นั้น ได้ปรับตัวตามกระแสการตีตัวของสังคม ทิศทางการปรับตัวของ บ.บ.ช. มี ๒ ด้านใหญ่ ๆ ได้แก่ ด้านสังคม บ.บ.ช. ต้องเร่งสร้างผลงานและแสดงบทบาทให้สอดคล้องกับแรงผลักดันจากการต่อต้านการคอร์รัปชัน และด้านกฎหมาย ต้องแก้ไขกฎหมายกับรัฐธรรมนูญ เพื่อทำหน้าที่ปราบปรามการทุจริตเชิงนโยบายและผลประโยชน์ทับซ้อนมากขึ้น ปัจจัยความสำเร็จของการปรับตัวของ บ.บ.ช. อยู่ที่การสร้างผลงานให้สังคมยอมรับ ต้องเข้มแข็ง จริงจังและขยายบทบาทการป้องกันคอร์รัปชันออกไปเพื่อให้เกิดการปฏิรูปการต่อต้านการคอร์รัปชันในสังคม

ผู้วิจัยได้นำข้อมูลจากการวิจัยไปปรับใช้กับทฤษฎีการคอร์รัปชันทางการเมืองของวิคเตอร์ ที เลโวน์ (Victor T. LeVine) สรุปว่าการคอร์รัปชันทางการเมืองของไทยมี 2 กระบวนการ คือ กระบวนการทางลักษณะ ซึ่งเป็นการควบรวมทุนขนาดใหญ่และการเมือง จนเกิดการคอร์รัปชันเชิงนโยบายและผลประโยชน์ทั้งสอง ส่วนอีกกระบวนการการหนึ่ง คือ กระบวนการขยายตัว ได้แก่ พฤติกรรมของการคอร์รัปชันทางการเมืองและเครือข่ายทางการเมือง ซึ่งเป็นมัจจุบันสนับสนุนกระบวนการทางลักษณะ

ผู้วิจัยได้เสนอแนะให้สังคมช่วยกันจับตามองกระบวนการปฏิรูปในการป้องกันและปราบปรามการคอร์รัปชันให้ดำเนินไปอย่างต่อเนื่อง และเห็นว่าต้องเปลี่ยนแปลงองค์กร ป.ป.ช. ให้ดีขึ้น โดยเริ่มจากการสร้างภาคคณะกรรมการ ป.ป.ช. รวมทั้งการปฏิรูปต้องสร้างกระเสถารต่อการตั้งตัวและทำให้กระบวนการต่อต้านคอร์รัปชันภาคประชาชนเข้มแข็ง ทางทางลดการกระจุกตัวของเครือข่ายทางการเมือง และเพิ่มประสิทธิภาพในการบริหาร สร้างวัฒนธรรมและอุดมการณ์ให้กับ ป.ป.ช. นอกจากนั้น เสนอให้วิจัยเรื่องความล้มเหลวของการออกแบบนโยบายกับการคอร์รัปชันทางการเมือง สำนักงานนโยบายและแผน สำนักงานคณะกรรมการกฤษฎีกา ที่มีต่อการเมืองที่คอร์รัปชัน การเปรียบเทียบการคอร์รัปชันเชิงนโยบายกับต่างประเทศ บทบาทของสื่อมวลชนในการต่อต้านการคอร์รัปชัน และการศึกษาองค์ความรู้และแนวทางในการแยกทุนกับการเมืองออกจากกันอย่างเป็นรูปธรรม และเหมาะสมสำหรับสังคมไทย

**คำสำคัญ:** การคอร์รัปชัน, การคอร์รัปชันทางการเมือง, การปรับตัวของ ป.ป.ช.

## Abstract

*The objective of this research is to study the characteristics of political corruption as provided by the Assets Examination Committee (AEC)'s investigation, during Pol. Lt. Col. Thaksin Shinnawatra's administration; the awareness as viewed from Thai society in general and the role of the National Counter Corruption Committee (NCCC) and how it adapted during the course of the investigation and success factors of such adaptation against political corruption. This research is qualitative and was carried out by means of in-depth interviews with 14 significant sources. The questions placed emphasis on (1) Political Corruption occurrences during Pol. Lt. Col. Thaksin Shinnawatra's administration, (2) Social factors and (3) The Role of NCCC Adaptation towards political corruption. The answers were analyzed by transcribing the interview answers to text, and then analyzing the text by grouping the answers, as per the research framework.*

*Based on the research, it is apparent that political corruption during Pol. Lt. Col. Thaksin Shinnawatra's administration had increased more than in the past. Evidence of this was provided by the Assets Examination Committee (AEC)'s investigation. These cases indicate a policy of corruption and conflict of interest, which was a new and sophisticated form of political corruption, derived from the merging of capital power and political power. There are five distinguishing characteristics of this new form of corruption, which comprise of (1) business persons having*

*influence over political groups or becoming government officers themselves (2) the government and its leaders being exceptionally strong due to a large election majority and its power under the Constitution B.E. 2540 (3) the expansion of political networks into rural areas using populist policies (4) intervention by Government in an independent organization's audit system, by using the power of senators to influence the recruitment committee. (5) The use of insider information to commit corruption discreetly by various methods.*

*Although the social perception and awareness of political corruption is still low and some academic persons are still disappointed at the current levels, it is better than in the past, especially the perception on AEC's investigation process and the roles of anti-corruption civic groups. Increased awareness has lead to noticeable social and legal reform and to the building of an anti-corruption mindset, along with the introduction of specific anti-corruption laws.*

*As for the role and the adaptation of the NCCC, it is aligning itself and better conforming to this renewed social awareness under the new constitution and improved NCCC law. There are couple major directions in NCCC's improvement; one is the social aspect and the other one is the legal aspect. Under the social aspect, NCCC has to speed up presenting its work and show to the public that its role is in line with society's anti-corruption mindset. Under the legal aspect, the relevant laws and constitution need to be revised so that the work of countering*

*policy corruption and conflicts of interest can be better performed. In doing so, the success factors of the NCCC will be based upon its work performance, acceptance by society, strength and seriousness in carrying out its tasks and enhancement of its role in preventing corruption—all working together to generate an elevated anti-corruption social mindset.*

*The researcher has applied the information derived from the survey with the political corruption theory of Victor T. LeVine and can summarize that there are two steps in Thai political corruption; the main process and the expansion process. The main process is the merging of huge amounts of capital and political power which have lead to a policy corruption and conflict of interest. The expansion process is the behavior of political corruption and its networks, which supports the main process.*

*The researcher suggests society should continuously monitor the reform process in preventing and suppressing corruption, and is of the opinion that the NCCC needs to be further developed and enhanced, starting with selection process for its commissioners. The building of social awareness and the cultivation of a strong anti-corruption belief in society is a crucial component and, the reduction of political webs and administrative work improvement are also necessary. In addition, the researcher suggests conducting research to study the relationship of policy setting against political corruption, the influence of populism prevailing upon corruption and the trust of people in corrupt politicians, foreign policy on corruption, the role of mass communication in preventing corruption,*

*the role of anti-corruption among ordinary citizens, and finally to come up with way in which Capital can be removed from Politics in a way that will be acceptable to Thai society.*

*Keywords: Corruption, Political Corruption, Adaptation of The National Counter Corruption Commission*

## **Background and Importance of the Problem**

Corruption is a problem affecting the whole of mankind. It is immoral, illegal and apparently a criminal act, which has an extensive social and political impact on any nation. More importantly, it is a major obstacle for development. Economists have found that political corruption has a negative correlation with economic development, which means that the more prevalent corruption is, the less successful development schemes are likely to be. Furthermore, corruption has negative impacts on economic policy formation and implementation, distorting policies and preventing them from being completely successful. (Lederman, Loayza and Soares, 2001: 3)

At a political and economic turning point, developing countries tend to see a greater chance of corruption due to lack of well-established institutions and rules and regulations. Corrupt politicians can easily abuse their power for their personal gains—for example, bribery of politicians or governmental officials in order to influence policy-making or distort policies or laws for their own benefit and for the benefit of their influential support groups. (The World Bank, 2000: xiii)

Political corruption has evolved and expanded in scope over the

years and has now become a lot more sophisticated. Many new forms of corruption have been introduced. An important one is “policy corruption” – meaning corruption from the policy-making stage. Rewards may even be offered or taken before any project takes place. Policy corruption mostly involves major government investment infrastructure projects, such as construction of airports, subway systems and expressways.

Previous research studies on corruption were primarily theoretical and often did not list solid evidence. (Gould, 1983: 1) Studies, therefore, could not keep up with modern corruption practices. To better understand the true nature of corruption, it is necessary that theories and empirical evidence be integrated. The resulting broader perspective and deeper level of analysis will then help us find solutions to the problem of corruption.

Regarding the research problem, the researcher observed that the recent political phenomenon in Thailand, especially during the time of the Thaksin Shinawatra’s administration from B.E. 2540–2549, was characterized by three major aspects of political corruption, which are:

(1) During the time of the Thaksin Shinawatra’s administration, there were a large number of accusations regarding corruptive use of political power, as appeared in the AEC’s reports on a number of cases of political corruption.

(2) The National Counter Corruption Commission (NCCC) has tried to adapt itself in dealing with corruption, announcing its performance to the public, trying to close overdue cases and modifying the organic Act on Counter Corruption 2542 B.E.

(3) Political and Economic Risks Consultancy Ltd. (PERC) – a leading consulting firm for political and economic risks – ranked Thailand

eighth among 14 Asian countries in 2550 B.E., a worse ranking from the previous year. Foreign investors, the company explained, felt that corruption problems in Thailand became much more serious from the previous year. Despite the September 2006 coup, PERC believed that there was no reason to be confident that the behavior of Thai politicians would become more transparent. (Thai Post, 2550 B.E.: 14 March, page 1)

Interesting research questions are: whether the level of political corruption activities during the time of the Thaksin Shinawatra's administration had increased or had become more apparent and why, which direction the NCCC should take and how successfully the NCCC would adapt itself, how its adaptation would help reduce political corruption in the post-Thaksin era, what factors or conditions would enhance the NCCC's adaptation, and what factors would ensure that political corruption would be reduced. This entire phenomenon lies in a social context. Therefore, it is necessary that the social contexts at the time be studied; especially public awareness and, the need for counter-corruption reform from the Thaksin Shinawatra's era to the present day.

## **Research Objectives**

- (1) To study the nature of political corruption in the Thaksin Shinawatra's administration as seen from the AEC's perspective.
- (2) To investigate the trends of public awareness in Thai society of political corruption during the Thaksin Shinawatra's administration.
- (3) To study the roles and directions of the NCCC in adapting itself towards prevention and suppression of political corruption

(4) To study the success factors for the NCCC's adaptation with regard to corruption prevention and suppression

### Research Methodology

This is qualitative research as the topic requires an in-depth study and descriptive details of the issue under study.

Selection of research samples was purposive sampling due to the limited of number of people with an in-depth knowledge of political corruption. Random sampling was not required as the research issue concerned a social phenomenon with social occurrences that were related and explicable. Furthermore, random sampling could also yield such data that were divisive and could not be interpreted. (Miles and Huberman, 1994: 27) The key informants, as shown in the table below, are experts in the area of corruption prevention in Thailand.

**Table 1:** Key Informants in the Research

Names	Positions
1. Mr. Klanarong Jantuk	Committee member (NCCC, AEC) and former NCCC secretary-general
2. Mr. Kaewasan Atipote	AEC Committee member
3. Mr. Jaran Bhakdiddhanakul	Permanent-secretary, Ministry of Justice
4. Kunying Jaruwan Manethaka	Director-general, Office of the Auditor-General of Thailand
5. Assoc.Prof. Juree Wichitwathakarn	Chairperson, Public Service and Civil Society Center, NIDA and former President of NIDA
6. Mr. Tharit Pengdit	Deputy Director-general, Department of Special Investigation

Table 1: (continued)

Names	Positions
7. Assoc.Prof. Teerapat Serirangsan	Former Minister, Prime Minister's Office, General Surayut Chulanon's government
8. Mr. Phongthem Thepkanchana	Former Justice Minister, Thaksin Shinawatra's government, and former deputy leader of Thai Rak Thai Party
9. Mr. Phachara Yuthidhamdamrong	Former Attorney General
10. Mr. Panthep Klanarongran	NCCC Chairman
11. Mr. Weera Somkwamkid	Secretary-general, People's Network against Corruption
12. Professor Dr. Sombat Thamrongthanyawong	President, National Institute of Development and Administration
13. Mr. Seree Suwanphanom	Second Deputy Chairman, Constitution Drafting Concil, and former Bangkok senator
14. Mr. Alongkorn Pholabuttr	Petchburi MP and deputy leader of the Democrat Party

The research theme comprises three main issues: the study of political corruption occurrences during the Thaksin Shinawatra's administration, the social trends at the time and the NCCC's adaptation towards political corruption. The interviews were structured along this line. Issues discussed followed the research framework and involved three variables, namely:

(1) political corruption occurrences during the Thaksin Shinawatra administration's government.

(2) social factors.

(3) the NCCC's adaptation towards political corruption prevention and suppression.

In collecting data, structured in-depth interviews were held. The recorded interviews were then transcribed.

The qualitative analysis of the data was carried out by way of organizing, studying, sorting, and interpreting data and the analysis was finally presented in a research report with tables, organized along the lines of the research questions. The interviews were first transcribed. The texts were then interpreted along the conceptual framework in the research. The data was then validated by way of triangulation, where interview data was checked against documentary data and observations. Major informants also read the research report to check, correct and make recommendations.

## **Research Results**

Research results are presented here in line with the research conceptual framework. The findings are then discussed and concluded as a model of political corruption in Thailand as follows:

(1) Political corruption occurrences during the Thaksin Shinawatra's administration.

The research has found that there were more political corruption occurrences during the Thaksin Shinawatra's administration than in earlier governments. As a matter of fact, case evidence revealed that such occurrences had certain characteristics. A prominent one was that there

were much more power resources involved than ever before, in terms of money, business and benefits. This led to widespread misbehavior, policy corruption and conflicts of interest. Another notable feature that fuelled corruption was the fact that the political network itself was expanded by populism. Such was corruption in a new form. There were five major reasons why political corruption was more prevalent than before.

1. Business people gaining political power and eventually becoming part of the government themselves.
2. An exceptionally strong government and government leader with a majority of electoral votes and with increased power in terms of the constitution B.E.2540.
3. The expansion of the political network into the countryside by means of populist policy.
4. The audit system of independent bodies being interfered with through the use of senators' powers in nominating certain individuals to sit on independent bodies.
5. The use of insider information to find new and subtle ways of corruption such as seeking personal gains from the Securities Exchange of Thailand.

Moreover, it was noted that policy corruption was corruption in the highest form as it stemmed from the centralization of large capital power and political power. Those with political power were policy makers exploiting their power for their own benefit in order to accumulate funds, which would then provide them with further political foundations.

## (2) Social factors

Public awareness of and alertness to political corruption during the Thaksin Shinawatra's administration was generally low compared to those in developing countries. However, the corruption was a scandalous matter and a significant percentage of the middle class in urban areas was aware of it.

On the other hand, people's attitude towards corruption partly sustained it, since Thai people often regarded it as a small problem and somewhat acceptable. However, they apparently became more aware of the various issues as the civil sector was more investigative and its work had yielded results obvious to the public eye. Indeed, the key to corruption prevention and suppression was the civic power. The public's role as seen in the non-government organizations, volunteer groups and the media has helped counter corruption.

It can be concluded that political corruption during the Thaksin Shinawatra's administration has made the public more aware. Corruption during earlier governments had government officials at the forefront, while politicians and other groups took the back seat. On the contrary, during the Thaksin Shinawatra's administration, it was business that led politics. Businesspeople became politicians while government officials and other groups took subordinate roles.

Regarding the push for reform, the public has now become alert enough to push for reform to a certain extent. There have been two major aspects of reform. One is legal, from the constitution to law countering corruption directly. The other is social, which aims at fostering a counter-corruption mindset and which promotes anti-corruption movements. This

helps prevent corruption, which is better than suppression. Both formal and non-formal education are also important in creating the mindset desired.

### (3) The NCCC's adaptation towards political corruption

The NCCC is an independent agency according to the constitutions B.E. 2540 and 2550. It has a direct responsibility to prevent and suppress corruption. The constitution B.E.2550 keeps its independent status while making a few improvements including the addition of the provincial NCCC and the reduction of workload. However, the NCCC was required to improve itself in terms of administration and monetary reward system. Meanwhile, it was considered efficient enough. However, some informants were not confident about the individuals who held positions in the NCCC and doubted that the government and politicians would be willing to reform the investigation process for fear of repercussions . Nevertheless, it was advised that a good system be created by way of power distribution.

Some informants noted that the NCCC could not catch up with corruption and Thailand did not succeed in solving the problem because responsible agencies were not capable, not courageous and not sincere. Lacking also, were development of a body of knowledge, personnel and effective work methods. More importantly, the public needed to be more participative. The NCCC needed to adapt itself starting from getting freedom in administration, organization and investigation. External factors like political intervention were also a problem. Problems with internal factors includes: the organization size does not correspond with duties and responsibilities, a lack of budget, lack of qualified personnel, organizational

culture and personnel administration. All these need to be improved.

Success factors for the NCCC adaptation toward political corruption abound. First, the NCCC people need to be honest, visionary, and efficient in creating a counter-corruption mechanism. It should also restrict itself to major cases, ensure that law is enforced, see to it that personnel are appropriately rewarded and finally, strive to improve society's attitude towards the agency.

Looking at the matter systematically, to deal with policy corruption, related law needs to be reviewed and the NCCC success relies on political environment factors, participation, reform of values and political culture, promotion of virtues, fair and transparent elections, and reform of the governmental system. To ensure success, the NCCC needs to produce work results and prove to society that it is a strong and serious organization. It also needs to expand its counter-corruption role to society, inviting the public to work along with the agency against corruption.

The NCCC's current mission focuses on prevention and suppression including the promotion of virtues, ethics, a counter-corruption consciousness, charging and investigating top executives and politicians. One of the NCCC's problems is that it cannot perform fully as its scope of responsibilities is too broad. It is also hampered by administrative, cultural and ideological problems. In adapting itself, the NCCC was driven by the 19 September 2006 coup and the establishment of the AEC to investigate political corruption. It was also driven by the anti-corruption movement within the civil sector as well as the counter-corruption mindset of people in general. The NCCC thus needs to adapt both socially and legally. Socially, it needs to present its work and show clearly it has worked in

line with the anti-corruption drive. Legally, laws regarding corruption needs to be reviewed so that they are in accordance with the constitution and they deal more effectively with policy corruption and conflicts of interest. Whether it succeeds or not in adaptation, depends on its performance, proving its strength and seriousness and working with society in general. Then it will be accepted by society.

## **Discussion**

Major issues arising from research results are as follows:

(1) Political corruption occurrences during the Thaksin Shinnawatra's administration.

There were more political corruption occurrences during the Thaksin Shinnawatra administration than before; considering the corruption cases investigated by the AEC. Such was corruption in a new form, namely, policy corruption and conflicts of interest. This results from the merging of large-scale capital power and political power. Incorporated in this form of corruption are the following characteristics:

1. Businesspeople having the political power and in some cases becoming part of the government themselves.
2. Exceptionally strong government and Prime Minister with a majority of electoral votes and immense power in terms of the constitution B.E. 2540
3. The political network expanding into the countryside in the form of populist policies.

4. The audit system of independent bodies being interfered with through senators nominating certain individuals to sit in the independent bodies

5. The use of insider information to engage in various subtle forms of corruption such as seeking personal gains from the Securities Exchange of Thailand.

Regarding this issue, it can be expounded that political corruption during the Thaksin Shinawatra's administration has resulted in three changes to corruption in Thailand. Firstly, it is now possible for corruption to take place at the highest level through the use of political power, the society's utmost power. Another change lies in the nature of corruption. Before, it was simply small-time corruption like bribery. Now, it is corruption at a high-level, well-planned and on an enormous-scale. Thirdly, political corruption is hard to detect and prove due to the use of a wide variety of cunning and subtle schemes. Nevertheless, such corruption is still immoral and no less damaging to society than any other kinds of dishonesty or misbehavior. In particular, corruption has adversely affected the national development and the distribution of income. It also leads to decadence in people's political and moral standards and ultimately is a violation of democracy. This is because the population's needs, equality and fairness have been undermined by corruption. Those corrupt people have gained a privilege, which they use to create policies that benefit themselves. The general population has been segregated from the policy-making process. In this way, corruption is destructive to political participation and institutional reliability. In fact, corruption is a hindrance to political parties' reliability. This is because the coalition of political

parties is aimed at seeking economic benefits rather than political causes and ideals.

## (2) Social factors

The research has found that public awareness and the social intrigue in corruption in the days of the Thaksin Shinawatra's administration were considered minimal compared to developed countries. Some academics felt disappointed especially with people in rural areas. However, it could be said that the middle class and the public sector have become more alert about political corruption. They were aware of the AEC investigations and the roles of anti-corruption civic organizations, whose achievements included making some politicians responsible for their wrongdoing. These organizations have also made the public accept their investigative power to a certain level. Such alertness has led to efforts towards social and legal reform. Consciousness against corruption was stimulated and laws were reviewed and amended to prevent political corruption as in the case of the constitution B.E.2550 where there are stipulations on conflicts of interest, assets audit and demotion of those holding political positions.

Regarding this issue, it may be said that there were some reasons why the public alertness to political corruption during the Thaksin Shinawatra's administration was lower than expected by academics. One reason for this was that political corruption was too subtle or sophisticated to identify clearly. A high level of knowledge and information was required in reviewing the government. Those with access to and high perception of such information were mainly educated urban people. Those in rural areas were less perceptive and access was limited. The then government's

populist policy also benefited rural people in such a way that they could only admire the Thaksin Shinawatra's administration and an influential populist network flourished. Meanwhile, there was a political culture viewpoint. According to some studies, political cultural structure in the Asian region is hierarchical and people treat politicians reverentially. In this way, corruption hardly affects trust as it is regarded as an acceptable practice. This is why corrupt politicians, also regrettably in a large number, could still get re-elected into the parliament. Their success stems from the use of huge amounts of money and personal relationships between election candidates and voters. As there are also the social and cultural dimensions to the political corruption problem, it requires time and cooperation from many parties to successfully instill awareness of and alertness against corruption in people. Most importantly, the whole society needs to work on it altogether at the same time.

(3) The adaptation of the NCCC in preventing and suppressing political corruption

The research has found that the NCCC is an independent organization according to both the constitutions B.E.2540 and 2550. It has a direct responsibility to prevent and suppress corruption. Its present focus is on both prevention and suppression by promoting ethics and virtues, creating corruption-countering consciousness, charging and investigating top executives and political office bearers. One of its problems is that it cannot perform optimally as its scope of responsibility and authority is too broad. It has also faced political interference as well as encountered its own administrative, cultural and ideological problems. In terms of

adaptation, the NCCC was driven by the 19 September 2006 coup and the establishment of AEC to investigate political corruption. There was also a push from the public anti-corruption movement and people's feelings against corruption in general. In terms of law, the constitution B.E. 2550, with clear decrees regarding conflicts of interest to deal with the political corruption problem, has forced the NCCC to review its related law. The draft organic Act on counter corruption B.E..... was compiled but unfortunately the constitutional court deemed it to be unlawful, so it was never implemented. The NCCC is thus required to adapt both socially and legally. Socially, it needs to show some achievements and play its role in accordance with the push against corruption. Legally, it needs to work on laws regarding corruption suppression, bringing it in line with the constitution. It also needs to work more on policies which suppress policy corruption and conflicts of interest. The NCCC will only succeed if it can prove itself to society with its work; that it is strong and serious, and if it can get society to help prevent corruption and reform the counter-corruption practices.

Regarding this issue, it may be added that the NCCC is at its turning point, facing a mix of progressive and lagging powers at the same time. In other words, the NCCC was set up with the aim to prevent and suppress corruption. However, it could not fulfill its potential mainly due to the political intervention in the commissioner selection. Its work was also stalled as complaints were made to the constitutional court that commissioners had unlawfully raised their own salary, resulting in the former commission members being deprived of their positions. Also, it was assigned to investigate corruption at all levels, apparently too much

responsibility, resulting in a large backlog. This in turn means that it has not had much work results to show. In particular, to the public's dismay, it has not been very successful in punishing guilty politicians as expected. Indeed, the public's high expectations were due to the civic sector's success in the past movement to punish wrongdoing politicians. Therefore, with some cases of scandalous political corruption during the Thaksin Shinawatra's administration reaching trial and with AEC's term of office reaching an end, society rightly expected that the NCCC would take over this important role. Ways were paved to facilitate the NCCC's use of power, especially the legislation of conflicts of interest, investigation and the demotion of politicians in the constitution B.E. 2550. Nevertheless, the NCCC was held back in many ways. Legally, an organic constitutional law on the NCCC was not passed. Also, several informants were not certain about how serious the NCCC was with its work and thus did not come forward. It was thus of great interest to see what would happen once AEC handed over political corruption cases to the NCCC and if political intervention would still prevail in the NCCC. If the political intervention could continue, political corruption would become protected and appear in a mutated form with immunity against investigation. All in all, counter-corruption reform would be even more difficult.

### **Model of Thailand's Political Corruption**

Based on Victor T. Levine's theory of corruption (Buddhahoon, Sittiphan B.E.2531: 27-46), the above-mentioned political corruption during the Thaksin Shinawatra's administration in the form of policy corruption and conflicts of interest can be made into a model of Thailand's political

corruption as shown in Figure 1.

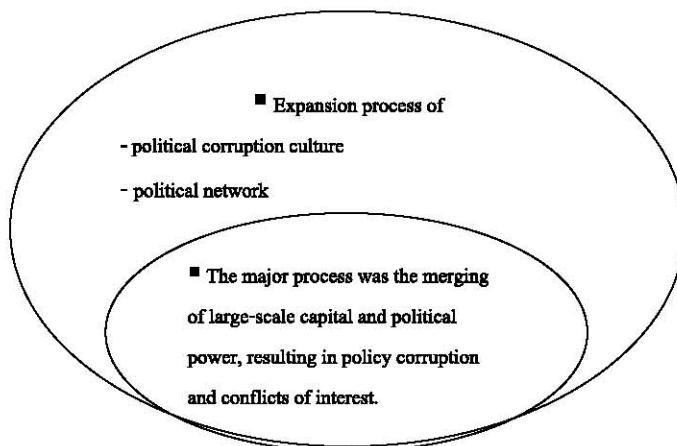


Figure 1: Model of Thailand's political corruption

The model of Thailand's political corruption shown in Figure 1 consists of the major process and the expansion process. The former refers to the behavior or the pattern of political corruption while the latter refers to factors supporting the expansion of political corruption.

The major process features (1) those in positions in the political system such as Pol. Lt. Col. Thaksin Shinnawatra and the politicians in the government (2) political commodities, namely, state policies and budgets (3) political resources, or the political capital of the government (4) exchange relationships and exchange networks, which includes both the vertical exchange relationships from the grassroots level upwards to those in the government consisting of ministers, senators, MPs, businesspeople, independent organizations and external circles, which are part of the network of the internal circles. These relationships are of particular

patterns, with repeated cycles and a tendency to expand further and further.

Political corruption starts with the use of huge amounts of money to build the foundations of popularity, using modern marketing strategies and buying votes to become government. Then as a government, populist policies are set to please the population, while also securing the same votes in the long term. At the same time, inside information and the government power is used for the benefit of the politicians themselves and their associates. Wealth is accumulated for further political funding and is systemically allocated among the core members of the government and external circles. At times, certain rewards may be offered in exchange for support. This includes the intervention into the selection of people to fill in positions in independent bodies or government offices at all levels, all this to ensure the thorough expansion of network both upwardly and downwardly.

In conclusion, the main process is the amalgamation of huge capital power and political power resulting in a kind of totalitarian power, which in turn leads to policy corruption and conflicts of interest. This has had a lot of detrimental effects on Thai society, politics and national development. However, it is difficult to take it as guilt as the power was acquired by way of a democratic election in accordance with the constitution B.E. 2540, which encourages the administration to be strong and hopes that independent organizations could strike the balance by offsetting the administrative power. On the contrary, the administration was so strong that it dominated the independent bodies.

The main process was further supported by the expansion process.

As part of a political corruption culture, political parties in the past often coalesced for their own benefits rather than for any ideology. Meanwhile, voters particularly at the lower level of society did not mind the politicians' corruptive practice and were ready to vote for whoever gives them money and for those they have personal relationships with. Another supporting factor is the political network expanded by the populist policy, governmental system network, and independent organizations. All this made the main process even stronger and virtually invincible.

Political corruption is thus corruption of the highest status as an absolute system of corruption, covering all forms and influencing all areas and all levels.

In dealing with the problem, there was a coup on 19 September 2006, followed by the establishment of AEC to investigate corruption cases and bring responsible people to trial according to the justice system. Prohibitive clauses regarding conflicts of interest were put in the constitution B.E.2550. The NCCC roles and responsibilities were reviewed to enable it to work more conveniently. The present status of the NCCC is thus in the adaptation period. A reform might be possible, which would enable the counter-corruption to continue successfully or worse, the NCCC might be politically dominated still, which would make the reform many times more difficult.

### **Recommendations**

1. The research results revealed that it was mainly external factors that affect the adaptation of the NCCC as it relates to political corruption

notably the fact the NCCC had to deal with policy corruption and conflicts of interest as in AEC investigation, the provision regarding conflicts of interest or the provision regarding provincial NCCC in the constitutions. All this required the NCCC to adapt itself greatly and possibly to totally reform its roles and responsibilities. However, the external factors changed, especially the political factors and the fights against corruption seemed to become slack. It has thus become a cause of concern that the adaptation might be delayed. Therefore, the public need to be more watchful of the counter-corruption reform process to ensure that it continues smoothly. This is because if people become less alert, the reform will start to lag. It is necessary that the civic sector, academics and the media put in a concerted effort to investigate and present new policy proposals to the government and the people's representatives, which include senators, MPs as well as audit organizations.

2. A problem lies in the fact that the NCCC had not produced much work. It also lacked determination and strength. However, several informants said that it was mostly people matters. For the NCCC to change positively, such as becoming stronger and taking its work more seriously, improvements need to be made from the NCCC executive level down to the office level. This inevitably lies in the process of selecting commissioners. Taking this into consideration, the constitution B.E. 2540 sets ways to avoid political intervention and domination. For example, it stipulates that the selection committee come mostly from the judicial system and that for politicians, only the speaker of the parliament and the opposition leader be committee members, and that the senate has only the power to approve commissioners, not the right to select them. In this

way, society hopes to have a strong and seriously committed NCCC. The NCCC office was also pushed toward more aggressive undertaking and fulfilling its independent body role efficiently. A cause for more concern for Thai people is in the case where politicians can still intervene even when the counter-corruption movement is strong and alertness at high level. If so, investigation could only head to failure and reform even more difficult to succeed.

3. The research has found that the success of the counter-corruption reform as in the case of Hong Kong was the result of the public alertness. Having learnt of scandalous and unfair cases and feeling unsatisfied, people there demonstrated in protest. The Corruption suppression agency responded, working strenuously until guilty people were punished. A new system then was put into place, incorporating prevention, modeling desirable behavior, and condemning wrongdoings. Heroic fights against corruption were honored and promoted, putting them in the course of becoming permanent culture. In the case of Thailand, it can be seen that corruption has grown to the point that it is felt that it has become harmful to people in general, considered the highest form of corruption according to the theory of political corruption. Counter-corruption reform grew from public alertness. The question is thus how the public can be alerted and how they can be made to fight against corruption. At present, some civic movements have been in place including the People's Network against Corruption, Consumer Protection Foundation, Center for Transparency in Thailand and Guard Dogs. These groups have had some achievements but the problem is in how to make them stronger and with bigger roles and how their roles can be expanded to all over the country. The answer lies

in the civic sector's political strength. Firstly the media must be liberated from the government control while assigned more social roles, particularly in countering corruption. It is noted that the media at present are focused on entertaining business, and praising people with good looks and wealth rather than good conduct and integrity. Furthermore, many informants see that education and the process of cultural change in the whole society are highly important. The young generation should be taught not to tolerate corruption from the start and should not be afraid to stand up and fight. However, while the role of the civic sector may have long-lasting effects, it takes a long time to materialize. In the short term, to stimulate society the investigation system needs to nail down corrupt politicians first, thereby giving others a warning while enhancing the possibility to create a complete investigative system further. In conclusion, counter-corruption reform is thus also a political fight. The more honest politicians there are in the system, the less corruption one can naturally hope to see.

4. The research has found that political corruption is a kind of political network, where members are bound to each other with personal benefits linked to the government's policies and budgets. The bigger the network, the more political corruption. At the same time, the more difficult investigation becomes as this network develops a more sophisticated form of protection for those involved. For example, not only are they well-versed in law and regulations, but they also have their own people in the government system, businesses, and investigative organizations. Therefore, in addition to relying on legal and social mechanism to solve the problem of political corruption, it is advisable that political power be dispersed to avoid the clustering of power. Possible approaches include

setting limits to political party funds so they do not grow too big and prohibiting payment of personal salaries on the side to senators or MPs. Also, government policies may be required to provide economic reasons to prove their validity. For instance, they may need to be presented along with a theoretical analysis of alternatives. This is to help reduce the use of populist policy.

5. The research has found that the NCCC still has some problems with efficiency, particularly those caused by administration, culture and ideology. As for the problem of scope mission and duties, the constitution 2550 B.E. has limited its dealings to major cases only, which should ease its burden to a certain extent. In the meantime, the NCCC should also try to improve its efficiency in other areas. As the NCCC is an independent body, society rightly expects it suppress and keep up with new forms of corruption. In this way, if the NCCC is still adamant about bureaucracy and lacking in initiatives, it cannot be a leader. Worse still, counter-corruption reform will be hard to achieve. The NCCC, therefore, should bring in new ideas of management, including organizational development, working on its image, aggressive strategies, participative work, accessing people and intelligence work development.

### References (in Thai)

Arunarua, Sirinthip. 2545 B.E. *A Study of Patterns and Process of Corruption in Government's Mega-Projects*. M.A. Thesis (Social Development), Faculty of Social Development, National Institute of Development Administration.

Assets Examination Committee (AEC). 2550 B.E. *Depositing it with the Nation*. Bangkok: AEC, Office of the Auditor-General of Thailand.

Bumrungsab, Chinpong, et al. 2546 B.E. *Corruption in Authority Positions Trading*. Bangkok: NCCC.

Constitutional Court's Verdict 3/2551 on February 19, 2551 B.E. "The National Legislation Chairman requesting the Constitutional Court to consider the legality of the organic Act on Counter-Corruption (Issue no. ...) B.E.....according to the Constitution, Section 141." Court Decision. <http://www.concourt.or.th> December, 2550 B.E.

Constitutional Court's Verdict 3-5/2550 on May 5, 2550 B.E. "The Attorney General Requesting for Dissolution of Chart Pattana Party, Pue Pen Din Party and That Rak Thai Party". Court Decision <http://www.concourt.or.th>. December, 2550 B.E.

Council for Democratic Reform (CDR). "CDR's First Statement". <http://www.cdr.go.th>. February, 2550 B.E.

Junanantadham, Supot, Wisanu Wongsinsirikul & Nattanan Wichitaksorn. 2547 B.E. *Corruption in Thai Government Agencies: A Case Study of Royal Thailand Police (A Metropolitan Police Station)*. Bangkok: National Council of Social and Economic Consultation.

Juthathep, Arpasri. 2542 B.E. *The Roles of NCCC in Forming the Preventive Measures for Corruption*. M.A. Dissertation (Social Development),

Faculty of Social Development, National Institute of Development Administration.

Kamdenlek, Korpkarn. 2546 B.E. *Implementation of Corruption Prevention and Suppression Policy*. M.A. Dissertation (Social Development), Faculty of Social Development: National Institute of Development Administration.

Kangsanan, Kowit, et al. 2544 B.E. *NCCC's Organizational Development and Increase of Capability*. Bangkok: NCCC.

Kannasood, Kattiya, et al. *Thai People's Morality, Behavior and Honesty*. Bangkok: NCCC.

Laodhammathat, Anake. 2549 B.E. *Thaksin and Populism*. Bangkok: Matichon Publishing.

*Matichon*. 2550 B.E. 15 February, p. 12.

*Matichon*. 2551 B.E. 4 February, p. 16.

NCCC. History and Duties. <http://www.nccc.thaigov.net> (accessed February, 2550 B.E.)

Nontawong, Suchata. *Attitude and Corruption Method in an Educational Office in Ubonrachatani Province*. M.A. Dissertation (Social Development), Faculty of Social Development, National Institute of Development Administration.

Piriyarangsan, Sangsidh. 2549 B.E. *Corruption Theory*. Bangkok: Ruam Duay Chuey Gan Publisher.

Phongpaichit, Pasuk. 2551 B.E. Governmental Convolution. *Matichon*, 27 February, p. 6.

Phongpaichit, Pasuk, et al. 2541 B.E. *Corruption in Thai Government System*. Bangkok: Office of the Commission of Counter-Corruption.

Phongpaichit, Pasuk, et al. 2546 B.E. *Business, the State and Corruption*.

Bangkok: NCCC.

Phongpaichit, Pasuk, Nuanno Trirat, Yongyut Chaiyapongse & Chris Baker.

2544 B.E. *Corruption in the Public Sector: Opinions and Experiences of Households*. Bangkok: Office of the Civil Service Commission.

Phongphaew, Pornsak, et al. 2539 B.E. *Knowledge about Corruption in Thai Bureaucracy*. Bangkok: Office of the Commission of Counter-Corruption.

Phuuddhahoob, Sittipan, Tran. 2531 B.E. Chai-anan Samutvanit, James C. Scotts, Edit. *Corruption*. Bangkok: Kopfai Publishing.

Pollabud, Alongkorn, et al. 2550 B.E. *The Black Book: Corruption Menu in Thaksin's Regime*. Bangkok: Dhammarat Thai Publishing.

Praprutdee, Bavorn. 2549 B.E. "Government Officials, Power and Ethics," Supporting documents for *Liberty, Power, Ethics and Thai Politics*, the 7<sup>th</sup> National Annual Conference in Political Science and Public Administration, Ramkamhang Conference Hall, Ramkamhang University, Bangkok, 27–29 November 2549 B.E.

Puapongsakorn, Nipon. 2543 B.E. *Strategies against Corruption in Thailand 2543 B.E.* Bangkok: Office of the Civil Service Commission.

On-Sri, Akamol. 2544 B.E. *Factors of the Development of Communal Organization Network's Strength*. M.A. Dissertation (Social Development), Faculty of Social Development, National Institute of Development Administration.

Ratamarit, Udom. 2542 B.E. *Solutions to Corruption in Thai Government and Politics*. Bangkok: The House of Representatives Office.

Rojanarangson, Siriporn. 2545 B.E. *Attitude and Social Immunity of Non-government Organizations toward Corruption*. M.A. Dissertation (Social Development), Faculty of Social Development, National Institute of Development Administration.

Santimeetaneedol, Patinan. 2546 B.E. *Structure and Organizational Management of the National Counter Corruption Commission (NCCC)*. M.A. Dissertation (Social Development), Faculty of Social Development, National Institute of Development Administration.

Satithit, Panya. 2533 B.E. *Office of the Auditor-General of Thailand and its Investigations into Corruption in Government Agencies*. Bangkok: College of National Defense.

Sereerangsan, Teerapat. 2549 B.E. *Thai Politicians: Causes, Impacts and Recommendations regarding Ethics, Conflicts of Interest and Corruption Problems*. Bangkok: Sai-Tan Publishing.

Sinsamut, Supol. 2534 B.E. *The Roles of Organizational Heads in Elimination of Governmental Corruption*. Bangkok: College of National Defense.

Sornsuphap, Rattapong. 2550 B.E. Immunity against Corruption. *Krungthep Thurakit*, 29 January, p. 6.

Sunthornpiphit, Chaichet. 2530 B.E. *Prevention of Governmental Corruption for National Security*. Bangkok: College of National Defense.

Techapeera, Kasian. 2545 B.E. Unjustified Expense due to Policy Corruption. Matichon, 26 January, p. 6

*Thai Post*. 2550 B.E., 14 March, p. 1.

Thanapornpan, Rangson. 2550 B.E. *Thaksinomics: Economics Thaksin Way*.

Yawaprapart, Supachai. 2543 B.E. "Government Corruption: Officials' Opinions and Approaches to a Corruption-free Society." Documents for *The 2543's Academic Seminar on Transparent and Corruption-free Society*, Organized by NCCC, Office of the Civil Service Commission, Thailand Development Research Institute, Ambassador City Hotel, Jomtian, Chonburi, 18-19 November 2543 B.E.

Yawaprapart, Supachai. 2544 B.E. *Research Report: Corruption in Thailand*. Bangkok: Office of the Civil Service Commission.

Worakitpokatorn, Pongthep. 2547 B.E. *A Study of the Most Efficient Management Policy of NCCC*. Bangkok: NCCC.

### References (in English)

Benson, George C. S., Marranen, Steven A., and Heslop. Alan. 1978. *Political corruption in America*. Massachusetts: Lexington Books.

Bookrags. "Political Corruption Summary." Political Corruption [http://www.bookrags.com/wiki/Political\\_corruption](http://www.bookrags.com/wiki/Political_corruption).

Brooks, Robert C. 1970. "The nature of political corruption." in *Political corruption: Readings in comparative analysis*. Heidenheimer, Arnold J. New York: Holt, Rinehart and Winston.

Change, Eric C. C. and Chu, Yun-han. 2006. "Corruption and Trust: Exceptionalism in Asian Democracies?," *The Journal of Politics* 68 (May): 259-271.

Gould, David J. 1983. *The effects of corruption on administrative performance: Illustrations From developing countries*. Washington, D.C.: The World Bank.

Heidenheimer, Arnold J. 1990. *Political corruption: Readings in comparative analysis*. New York: Holt, Rinehart and Winston.

Lederman, Daniel, Loayza, Norman, and Rodrigo Reis, Soares. 2001. *Accountability and corruption: Political institutions matter*. Washington, D.C.: The World Bank.

Levi, Michael and Nelken, David, eds. 1996. *The corruption of politics and the politics of corruption*. Oxford: Blackwell Publishers.

Nin, Alan Lai. 2000. A Quiet Revolution: The Hong Kong Experience. [www.icac.org.hk/en/services\\_and\\_resources/sa/qrhke/index.html](http://www.icac.org.hk/en/services_and_resources/sa/qrhke/index.html).

Pasuk Phongpaichit and Sungsidh Piriyarangsan. 1994. *Corruption and democracy in Thailand*. Bangkok: The Political Economy Centre, Faculty of Economics, Chulalongkorn University.

Sanjay Pradhan, et al. 2000. *Anticorruption in transition: A contribution to the policy debate*. Washington, D. C.: The World Bank.

Sirota, David. "The invisible culture of corruption" [www.creators.com](http://www.creators.com).

Susan Rose-Ackerman. 1999. *Corruption and government: Causes, consequences, and reform*. Cambridge: Cambridge University Press.

The World Bank. 2000. *Anticorruption in transition a contribution to the policy debate*. Washington, D.C.: The World Bank.

Theobald, Robin. 1990. *Corruption, development and underdevelopment*. London: The Macmillan Press.