

Legal Measures On Building Control Act In Thailand

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ABSTRACT

This research aimed to study the problems and obstacles related to legal measures for building control and to study appropriate measures and methods to be used as a guideline for resolving problems and revising building control laws with efficiency and fairness. This study is a documentary research. The findings revealed that the problems and obstacles related to the legal measures on building control consisted of (1) the problem of using the authority of the local officials to permit the construction of buildings (2) the problem of punishing offenders (3) issues with fine comparison; and (4) issues with appeals and appeals. In addition, the guidelines to solve problems and improve the building control law effectively and to create fairness are as follows: (1) the provisions of the building control act should be amended; According to the section relating to the application for permission to construct, modify, demolish or move the building that "or the occupant of the building" (2) the provisions of the consideration of the application for a permit relating to the period for reviewing the application for the Building Control Act should be amended from within 45 days to within 90 days from the date of request. (3) Exercise of powers of local officials Central rules should be established to control before the appropriate discretion of the local officials. (4) issuing punishment orders for violators under the building control laws of local officials. If the issuance of an order has a guarantee of fairness that is lower than that of the central law, the local official shall use the procedure for making an administrative order according to the central law in making the order. (5) Request for extension of time for submitting an appeal to the local official. The appeal must be filed with the local official who issued the order as the cause of the case and shall include submitting to the letter courier in the office of the local official or sending by post to the local official as well (6) Comparison of criminal cases, in an offense

under the building control law, the investigating officer should have the power to settle the offense against the building control law, like other criminal cases in general.

Keywords: legal measures, building control, Building Control Act B.E. 2522

INTRODUCTION

The Building Control Act B.E. 2522, amended (No. 5) B.E. 2015, specifies that local officials have the power to inspect various actions related to the said Act. within its jurisdiction in all cases, which is an act of inspecting and supervising compliance with the Building Control Act. To perform duties to achieve the objectives or intent of the law. At present, Thailand has developed in terms of politics, government, transportation, especially the economy. This results in the construction of a large number of buildings or tall buildings. If free construction is allowed, it may cause danger to the people in the future. Therefore, building control laws must be enacted to control such construction. Administrative enforcement measures include empowering local officials to use their discretion in accordance with the law in granting or not granting permission to construct any kind of building. Including having the power to order the suspension of construction, modification, demolition or moving of buildings. and has the power to issue an order prohibiting the use of the building Make changes to the building or allowing illegal buildings to be demolished This power is the independent power of local officials according to the Building Control Act B.E. 2522. They have the power to inspect various actions related to the said Act. Within its jurisdiction in all cases which are actions to inspect, supervise, ensure compliance with the Building Control Act B.E. 2522 in order to perform duties to achieve the objectives or intent of the said law.

For the case of building control There is the Building Control Act B.E. 2522 (1979) as an enforceable law. To control and ensure compliance with the laws that have been laid down. Applicable only to communities with relatively dense populations. It is more urban in nature than it is to be enforced in rural areas. In other words, it applies only to areas where it is necessary to manage land use according to the city plan. But the use of legal measures regarding building control creates the following problems.

1. Problems with the use of authority by officials

Problems with the use of authority by officials in requesting permission to proceed according to All types of Building

Control Acts, such as requesting construction permission. Request permission to modify the building Requesting permission to demolish buildings, etc., and methods for granting or not granting permission from local officials. Including officials involved with building control laws. The provisions of the law are unclear or do not facilitate the performance of duties by local officials while causing injustice to the accused citizens. This causes people to refuse to obey the law with complacency. Empowering local officials to use their discretion in accordance with the law in granting or not granting permission to construct buildings of any kind. Including having the power to order a suspension of construction, modification, demolishing or moving a building and having the power to issue an order prohibiting the use of a building. Make changes to the building or allowing illegal buildings to be demolished This power is the independent power of local officials.

2. The problem of punishing offenders

There is a problem as to whether local officials will have the power to order offenders to demolish buildings constructed in violation of the law according to Section 42 of the Building Control Act. which is an administrative obligation But such compulsory conditions are rarely effective according to the intent of the law. This is because the owner or occupant of the building often refuses to comply with orders. As for local officials, they rarely take action to demolish buildings. due to fear of the influence of the perpetrator Including the risk of being sued. Although the provisions in Section 43 provide that officials can submit a petition to the court requesting the issuance of an arrest warrant for detention. But there are problems in considering the requests of local officials and there may be delays.

3. Problems in comparing fines

Enforcement of the provisions of Section 74 creates a problem of unfairness to the offender, namely in the case of a continuous offense which requires fines and daily fines where the offender is a poor person. When the committee has compared and determined the fine. But the offender did not have the money to pay the fine. or there is not enough fine money as the committee has calculated within 30 days, the offender must be sued to the court. This Act has the effect of greatly affecting the rights of the people. Especially the mandatory conditions in criminal law.

4. Appeal problems and appeal consideration

Section 52 License applicant Licensee The informant under Section 39 bis and the person who receives an order from a local official under this Act has the right to appeal the order to the Appeals Committee within 30 days from the date of knowledge of the order. Problems regarding the time period for filing an appeal normally require an appeal to be submitted to the Appeal Committee within 30 days from the date of knowledge of the order. But in some cases, there is a request to extend the time period for filing an appeal, for example, there are special cases where an appeal cannot be filed within that time limit. The law does not specify rules and procedures.

From the problems mentioned above The researcher therefore saw that it was necessary to study legal measures regarding building control. To find a solution to this problem more clearly.

OBJECTIVES

1. To study and analyze problems and obstacles related to legal measures regarding building control.
2. To study appropriate measures and methods to use as guidelines for solving problems and improving building control laws efficiently and creating fairness.

RESEARCH METHODOLOGY

This is a documentary research which is a study of textbooks, books, articles, Supreme Court judgments, research related to building control, especially the Building Control Act B.E. 2522 (1979), Criminal Procedure Code. and the Criminal Code.

FINDINGS

1. Problems regarding the use of authority by local officials in granting permission to construct buildings.

This is because local officials have important powers and duties as the person who considers permission to construct, modify, demolish, move, certify the use or change of use of buildings. and building use inspection certification Including being in charge of ensuring that the owner or occupant of the building complies with the law if violations are found. This gives local officials wide powers to control. Therefore, local officials can be considered an important driver as they directly enforce the law so that the various measures specified in this Act can be effective. In concrete practice From studying the Building Control Act, B.E. 2522 and the Ministerial Regulations issued under the Building Control Act, B.E. 2522, it was found that there were no criteria established to control the inappropriate use of discretion by local officials. Methods and procedures for requesting permission to construct or modify a building of the private sector only, together with the practice of granting

permission to construct or not to construct a building or any other structure of the local official, there will always be an order granting permission to construct a building if the owner or occupant of the building submits plans and plans and various items. Correct according to the criteria set forth in ministerial regulations and local ordinances. Even though the project or construction has an impact on the environment, even though according to the theory and principles of using appropriate discretion of local government organizations that have been transferred missions and decentralized decision-making power from the central government, local officials will be guaranteed authority. In exercising discretion not to issue permits for construction or modification of buildings. If it is seen that such permission will cause problems and affect the environment, causing significant results in the environmental control of buildings not being screened according to the principles that should be from local government agencies at all and officials. The state lacks expertise and experience in enforcing the law effectively. There is no clear publicity about the law, procedures, penalties, and procedures. The results of the study should encourage officials to study the law to gain true understanding. Including clear and continuous publicizing of laws, procedures, penalties, and procedures. It will enable people to follow the Building Control Act B.E. 2522 correctly.

The researcher therefore saw that In order to use the power to consider as appropriate, which is the use of the discretion of local officials to achieve results that are practically possible and consistent with the objectives of building control. Therefore, criteria for the use of discretion should be laid down appropriately by comparing the form and content of regulations issued by authority in accordance with the command principle by modifying them to be consistent and correct with the governance principles of local government organizations. That is, it should be specified as a Cabinet resolution or a regulation of the Office of the Prime Minister issued by virtue of the Government Administration Act B.E. 2534 concerning the case of granting permission for the construction of buildings or structures according to the law that may have an impact on the environment. which must not be allowed or must be carefully considered at the outset Even though the plans and various items have been submitted legally. In order to have central criteria for controlling before exercising the discretion of local officials more thoroughly than before, including that general criteria should be established in the form of ministerial regulations. To force local government agencies to seek approval from the Building Control Committee as the supervisor of local officials' operations first every time they request permission to construct a

building or structures in a large private housing project. This may have a significant impact on the environment or nearby communities.

Thailand should apply the building control laws of the Republic of Singapore and Negara, Brunei Darussalam in this respect. This is because the application for permission in Singapore has moved from applying for permission to a Computer Aided Design and Drafting (CADD) format file that has been done since 1997 to Building Information Modeling (BIM) in 2015, and in Negara and Brunei. Darussalam also uses the system of the Republic of Singapore. The applicants for permission have very little direct contact with officials. Submitting a request for permission involves submitting the form directly into the government computer system. And when submitted, it is considered finished. Can be built immediately Because the Republic of Singapore and Negara, Brunei, Darussalam will interpret that the submitted form is legal. Unless government officials have randomly inspected and found only problems. which is submitted via computer It is considered to eliminate the issue of discretion in order to prevent negotiations to receive benefits and to create transparency and accountability. It is something that can solve this problem. For Thailand, what will be followed regarding the application for online permission can be done by repealing unclear laws. and giving too much discretion to the officials and must be linked to information from many other agencies in Thailand

PROBLEMS IN PUNISHING OFFENDERS

The problem with enforcing building control laws is the problem of implementing the powers and duties of local officials. Power here means the authority to supervise, control, inspect building operations within their area of responsibility. Go correctly and efficiently according to the objectives and intent of the building control law. From the study, it was found that when considering issuing an order granting permission or not granting permission to carry out construction, modification, demolition, moving, including use or change of use of a building, local officials have a process for examining permission applications in cases where citizens submit them. Applications for permission to operate buildings must be considered by the local official and issue a license or a letter notifying the permission order along with reasons to the people requesting permission within forty-five days from the date of the official. Local received that request. But the problem that occurred later was that when permission was granted to proceed, the applicant did not comply with what he had requested. Therefore, causing the said building to be characterized as a building that is not legal. is the construction, modification,

demolition, or moving of a building in violation of the Building Control Act, ministerial regulations, or local ordinances. or other related laws for example, the National Environmental Quality Promotion and Preservation Act, B.E. 2535, allows local officials to issue orders to owners or occupiers of buildings, supervisors, operators, and employees. or the subordinates of the said person to stop such acts.

When an offense, which is an offense under Section 40 of the Building Control Act B.E. 2522, has occurred, the law requires local officials to issue orders to those who have committed the offense or violation to take corrective action or change by submitting an application for permission or Notify the local official according to Section 39 bis within the specified period but not less than thirty days. Or in the case of reasonable cause, the local official has the power to extend the said time further. By applying Section 27 *mutatis mutandis*. But if the violation is a case where it cannot be corrected or changed or the building owner did not comply with the order of the local official who ordered the building to be repaired in the first place. The local official shall have the power to issue orders to the owner or occupant of the building, the supervisor or the operator. Demolish the building in whole or in part within the specified period, but not less than thirty days. The demolition must be carried out according to the criteria, methods and conditions specified in the ministerial regulations or local ordinances.

Issuing an order from the local official against the owner or occupier of the building. Construct, modify, demolish or move buildings. for such persons to act or refraining from acting in the case of a violation of the Building Control Act. Issuing orders from local officials and is an administrative order that has an impact on People's property rights Therefore, the framework set forth in the said law must be strictly followed. Especially the local official who issues the order must be a person with authority. Administrative consideration is that they must be appointed according to law. and must be an authority figure duty in that matter In addition to the aforementioned legality, another important aspect is the use of discretion. Do not use discretion beyond the limits provided by law. Strictly use discretion as authorized by law. and not misrepresenting the use of discretion

Problems with the issuance of orders by local officials which are considered administrative orders issued in accordance with the Building Control Act. There is an example case, namely the Supreme Administrative Court's judgment at Aor. 36/2004. When the facts appeared that the six plaintiffs had constructed the disputed building

without permission and it was already a completed building, the mayor issued an order prohibiting the use of the disputed building and issued an order. Demolish the disputed building in accordance with Section 40, Section 41 and Section 42 of the Building Control Act. The mayor's order was issued by virtue of the building control law. It is in the nature of an administrative order according to Section 5 of the Administrative Procedure Act. However, because the law on building control does not have provisions regarding the steps and procedures of officials in issuing administrative orders. which is a specific administrative procedure Therefore, the preparation and implementation of the mayor To arrange for an order prohibiting the plaintiff from using and demolishing the disputed building. Therefore, the provisions prescribed in the Administrative Procedure Act must be followed. As it turned out, the mayor's preparation and action to provide such an order The mayor did not notify and called the plaintiff to inquire. or notify the plaintiff to submit an application for permission before issuing the said order, therefore it can be considered that The mayor did not give the owner of the disputed building a sufficient opportunity to know the facts and did not give the opportunity to argue and present evidence in accordance with Section 30 of the Administrative Procedure Act. together with the said command It is an administrative order made in writing which must include reasons according to Section 37 of the same Act. And as shown in the order, the reason for using the discretion to issue the order was stated only because the plaintiff had not received permission for construction from the local official, without any other material facts showing that What are the dangerous conditions of the disputed building? Therefore, it is forbidden to use the building. And how can such a building not be properly transformed. Therefore, the building must be demolished. Such an order is an unlawful administrative order. This is because the process was not carried out correctly according to the format, steps, or essential methods specified. For actions in accordance with the Administrative Procedure Act The court revoked the order.

From the said case, the problem was found that the Building Control Act, B.E. 2522, Section 41 and Section 42 are laws that give authority to local officials to issue orders or determine measures against owners or occupiers of buildings that are constructed, modified, or demolished. or move the building By violating the provisions of the law, it causes the building to be constructed to be incompatible with the purpose and spirit of the building control law, which aims to require buildings to be stable and strong. But

when the said order is an administrative order issued by a local official and is considered a duty official according to the Administrative Procedure Act, B.E. 2539, Section 5 provides the definition of the word official as follows: official means a person. A group of persons who exercise power or are authorized to use the administrative power of the state to carry out any act in accordance with the law and in Section 3 it is specified that the administrative procedures in accordance with various laws shall be as specified in this act Except in cases where the law has specified specific administrative procedures and has criteria that guarantee fairness or has standards in administrative performance that are lower than the criteria specified in the Administrative Procedure Act, it is considered central law. or general law For the use of administrative powers and duties by officials regarding the issuance of administrative orders. If there is a specific law, what are the criteria and procedures for officials in issuing administrative orders? Officials must comply with that specific law. Except in the case where there is no specific law specifying the criteria and procedures for work or if there is a specific law specifying it but the said criteria are of a nature that guarantees fairness lower than the criteria provided in this Act. or a specific law specifies standards for civil service that are lower than the standards for civil service in this Act. Officials cannot use specific laws to enforce this Act. For this reason, if it is the case that a specific law specifies the rules and procedures for issuing administrative orders, officials will compare the rules in the specific law for which they are responsible with the rules in this Act to determine whether the specific law specifies the criteria that Guaranteeing fairness or standards in the performance of official duties not lower than the criteria set forth in this Act or not? If so, officials must apply the rules appearing in that specific law to enforce the case. If not, the officials will not be able to enforce the rules in the law they enforce in that case. Instead, the rules in this Act must be used.

The provisions of Section 41 and Section 42 of the Building Control Act B.E. 2522 do not clearly specify the details of the steps for making orders, which is a standard for government service, meaning the quality and efficiency of government operations, such as Providing reasons in administrative orders is what makes the performance of administrative work to a higher standard. Therefore, in the case where the Building Control Act B.E. 2522, which is a specific law, requires only certain types of administrative orders to be made in writing. that officials must provide reasons for issuing administrative orders However, this Administrative Procedure Act requires that administrative

orders made in writing and confirmation of administrative orders in writing must include reasons. and determine what the content of the reason must consist of. It is considered that the Administrative Procedure Act stipulates standards of official performance in relation to giving reasons in administrative orders that are higher than considering the issuance of orders by local officials in the Building Control Act, B.E. 2522 (1979).

Therefore, it is considered appropriate to adopt the steps for making orders in the Administrative Procedure Act, B.E. 2539, which can be considered an order that has a higher quality of fairness assurance than orders issued under the Control Act. Building 1979 came as a standard for local officials to issue orders to the public. By taking the steps in Section 3 and Section 5 of the Administrative Procedure Act, B.E. 2539 (1996) and adding them to the Building Control Act, B.E. 2522 (1979) in the section regarding Powers and duties of local officials To make it easier for local officials to enforce and in order to guarantee fairness to the people who must comply with that order.

Thailand should adopt the building control law of the Federation of Malaysia in this respect. This is because the Federation of Malaysia has a building control law that outlines the use of state power at a detailed level and has to fill gaps in the use of power specified in the law in many cases. For example, if you order demolition and then do not demolish it. An arrest warrant can be issued If you arrest them and refuse to dismantle them, the property must be seized. If there is no property, the property must be seized and then imprisoned, etc. In addition, building control officers of the Malaysian Federation have very special powers when compared to Thailand, namely the power to arrest on their own without having to rely on the police. This is considered to be an important power and easily causes fear in the general public. It is considered to be the enforcement of building control laws that give government officials a great deal of power.

PROBLEMS IN PAYING FINE

This is because the Building Control Act B.E. 2522 has stipulated criteria for comparing cases in Section 74 in cases where a violation of the building control law has occurred. The authority to compare cases is the Case Settlement Committee. From the study, it was found that in cases where there was a violation of the Building Control Act, the investigating officers did not have the authority to compare all offenses according to the Building Control Act. Even though the accused consented to the comparison because according to the spirit of the building control law, it is

intended to be compared by the case comparison committee. It is clearly stated in the third paragraph that The investigating officer shall submit the matter to the Case Settlement Committee for further action. Therefore, it can be seen that an offense under the Building Control Act is an offense against the land that requires prosecution under the criminal law, with the investigating officer having the authority to prosecute according to the law. But in the said provision, the investigator is required to submit the matter to the case settlement committee, which causes the time period for that case to be delayed. Because if there is a case regarding violations against building control laws occurring in the area of responsibility of the investigator and the injured person has brought the case to the said investigator, When the investigator investigates an offense and the victim and the accused agree to make a fine, it is considered appropriate that the investigator should have the power to make a fine which will cause the case to be settled at the investigation stage by having the investigator make a record and hand over the money to pay the fine. The committee will compare the case further.

Comparing the cases of the committee comparing the cases This can be done only if the law allows comparison. From the study, it was found that the Building Control Act of 1979 did not specify criteria for which level of offenses must be punished by comparison. It is only the independent discretion of the case settlement committee. that the offender should be punished or not, or how he should be punished, such as receiving a fine by comparing cases or should be punished by prosecution and imprisonment The use of the discretion of the case settlement committee is therefore because the law gives it too wide a power, causing building owners to not receive fairness in using such discretion or creating space for requesting leniency from officials in their case. must be prosecuted which prevents law enforcement from truly achieving its objectives. Therefore, it is considered appropriate to establish criteria for case comparison in the Building Control Act B.E. 2522 or add ministerial regulations or local ordinances so that the case comparison committee can follow the said criteria instead of using discretion and for fairness. People who have a duty to follow

In the case of determining the fine that the accused must pay, it is usually at the discretion of the Case Settlement Committee as well. In practice, there are government regulations or regulations that set the standard of fines according to the severity of the offense so as not to cause theft. But from the study it was found that If the determination of fines is in accordance with the

requirements or regulations of the government that have been determined according to the severity of the offense every time the case fines are compared, there should not be a problem because it is in accordance with the standards that have been set. But in practice, if the case settlement committee determines a fine that is higher or lower than the government's requirements or regulations, This is considered an unfavorable comparison that violates the consent of the victim. As a result, the case did not break up. Therefore, government regulations or regulations that set standards for fines should be added to ministerial regulations or local ordinances so that the committee can determine fines in accordance with ministerial regulations or local ordinances without having to use its discretion again. This will make it easier to implement and provide the same standards for enforcement.

In addition, the comparison of legal cases that resulted in the termination of the criminal case according to Section 74 consists of Section 37 of the Criminal Procedure Code only. The problem is the suspension of corrective actions to make changes to the building. as well as the illegal demolition of buildings still exists. The provisions of Section 74 do not specify details regarding the building that is the basis of the case and how to proceed further. Because having to do or have to do so does not stop the criminal case. Therefore, it is considered appropriate to add in Section 47 for clarity in order to ensure that the said building has the correct characteristics according to the objectives of the building control law and is safe for living in, including nearby buildings, by requiring that the Being the owner or occupant of the building must be compelled by legal measures or enforcement measures, such as administrative enforcement measures or civil enforcement measures.

PROBLEMS IN APPEALING THE CASE

Appealing orders of local officials according to the Building Control Act B.E. 2522, in which the committee and administrative officials are of the opinion that It is an exercise of authority under the Building Control Act in conjunction with the Administrative Procedure Act and Section 52, paragraph one, Section 51 (1). The Building Control Act B.E. 2522 specifically stipulates the procedure for appeals regarding orders of local officials. Therefore, the appeal period procedure provided in the Administrative Procedure Act does not have to be applied. Therefore, when considering appeals under the Building Control Act, the Building Control Act B.E. 2522 must be followed.

The time period for filing an appeal must be filed within 30 days, that is, from the date of knowledge of the order. And if there are additions or amendments to the original appeal that has already been submitted, it must be done within that time limit as well. From the study, it was found that the Act Building Control Act 1979. In the process of submitting an appeal, it must be submitted to the local official who issued the order which is the basis for the appeal. Therefore, problems arise in interpreting the law and in practice. Submitting an appeal to the pickup and delivery officer Books in the office of the local official or sending an appeal by post to the local official Will it be considered a valid appeal to the local official or not? Also, sending appeals by mail to the Appeals Committee. which is probably illegal Because the law requires submission to the local official who issued the order which is the basis for the appeal. It is not to be sent by post to the Appeals Committee. However, appeals sent by post to the Appeals Committee within 30 days will be accepted by the Appeals Committee. Then send it back to the local officials to check, collect it and send it back again to see if you like it or not. And from the study, another important problem was found: Requesting an extension of the time period for filing an appeal in cases where there are special circumstances that make it impossible to file an appeal within the specified period. Building Control Act 1979, Section 5, Appeals Such details have not been specified in the ministerial regulations and local ordinances. It does not appear that any additional provisions have been made.

Therefore, to facilitate the interpretation of the law and its application in practice in order to reduce the problem of ambiguity of the law. Therefore, it is considered appropriate to provide additional details in the Act or Ministerial Regulations or local ordinances. That an appeal must be submitted to the local official who issued the order which is the basis for the appeal and shall include submission to the letter officer in the local official's office or sending by post to the local official as well. In addition, requesting an extension of the time period for filing an appeal in cases where there are special circumstances in which an appeal cannot be filed within the specified period. In such cases, it is deemed appropriate to use the criteria for extending or shortening the time period, Section 23 of the Civil Procedure Code, to be used as a guideline. Requesting to sell time to file an appeal by submitting a request to extend the period before the expiration of 30

days to the local official who is responsible for receiving the appeal, but the delivery of the order of the local official must comply with the Building Control Act B.E. 2522, Section 47 or Section 47. Bis, the day it is considered to have received the order and known about it. Must comply with the said provisions as well.

RECOMMENDATIONS

In studying the problems and obstacles in building control law, namely the Building Control Act B.E. 2522, the researcher is of the opinion that the issuance of administrative orders by local officials In dealing with buildings that are constructed in the local area, it is their responsibility. This includes granting or not granting permission. To build a building Change the building. Use the building. Move the building. or have that building demolished In issuing such an order, the local official must issue the order only by virtue of the power that the law has specified to do, which is the power under the Building Control Act B.E. 2522, ministerial regulations, local ordinances. and other related laws Because today's social and economic conditions are changing rapidly. This is the cause of building construction according to demand. But the building had problems with the standards of the building that was constructed. And this problem affects the safety of the people living in that building. as well as those who live in the vicinity of the said building The important problem is the performance of local officials in enforcing building control laws to achieve the objectives established by the laws. Local officials are still unable to carry out their duties efficiently as required by law. Therefore, in order to meet the objectives and intent of the building control law to be effective in bringing maximum benefit to the people. Therefore, suggestions have been made as guidelines for improving and amending the law to be suitable for the current conditions of Thai society that fairly covers the rights of people who are affected by the orders of local officials. The researcher would like to present it as follows.

1. The provisions of the Building Control Act should be amended according to Section 21 or other sections. related to permission to construct, modify, demolish or move buildings By adding the message: "or the occupant of the building" in issuing orders to local officials to cover all groups of offenders who may commit crimes in order to punish the offenders correctly and fairly.

Section 21, which originally stated that “Whoever wishes to construct, modify, or move a building must obtain permission from the local official. or notify the local official and proceed according to Section 39 bis” amended to

Section 21 “Whoever wishes to construct, modify, or move a building must obtain permission from the local official. or building occupant or notify the local official and proceed according to Section 39 bis.”

2. The provisions for consideration of permit applications should be amended regarding the time period for reviewing applications under the Building Control Act. Section 25 requires local officials to complete consideration of permit applications within 45 days, revised to “within 90 days. ” from the date of receipt of the request

Section 25, which originally stated that “In the case of applying for a license Let local officials review and issue permits. or there will be a letter notifying the order not granting permission along with the reasons. The applicant for the license shall be notified within forty-five days from the date of receipt of the application.

In the case of necessary circumstances the local official may not issue a license or may not yet be able to issue an order. Not permitted within the time period specified in paragraph one. The time period may be extended for no more than two additional periods. Each time does not exceed forty-five days. However, there must be written notification of each time extension and necessary reasons to the license applicant before the end of the time period under paragraph one or as the time has been extended, as the case may be.

In the case where the local official issues a license or has an order not to allow it, the local official will inform the applicant of the license without delay.” Amended to

Section 25 “In the case of submitting an application for a license Let local officials review and issue permits. or there will be a letter notifying the order not granting permission along with the reasons. The applicant for the license shall be notified within ninety days from the date of receipt of the application.

In the case of necessity the local official may not issue a license or may not yet be able to issue an order. Not permitted within the time period specified in paragraph one. The time period may be extended for no more than two additional periods. Each time does not exceed forty-

five days. However, there must be written notification of each time extension and necessary reasons to the license applicant before the end of the time period under paragraph one or as the time has been extended, as the case may be.

In the case where the local official issues a license or orders a refusal, the local official will notify the license applicant without delay.”

3. Concerning the use of powers by local officials Central criteria should be laid down to control before the exercise of appropriate discretion by local officials. By comparing the form and content of regulations issued by the authority according to the principles of command by adjusting them to be consistent and correct with the principles of local government organization governance. It should be specified as a Cabinet resolution or a regulation of the Office of the Prime Minister issued by virtue of the law on public administration. and must establish ministerial regulations to force local government agencies to seek approval from the Building Control Committee if it is a large private housing project which may have a significant impact on the environment.

4. Regarding the issuance of punishment orders for offenders under the building control law by local officials. If issuing an order in accordance with the Building Control Act B.E. 2522, which is a specific law, has a lower guarantee of fairness than the central law, the local official shall lead the steps in making an administrative order in accordance with the central law, namely the Administrative Procedure Act. The 1996 Administrative Act, which has higher guarantees of fairness than specific laws, is used in making orders according to Section 41 and Section 42 in order to ensure that the issuance of such orders is fair and gives an opportunity to those who receive it. those affected in that order explained their reasons.

5. Regarding the request to extend the time period for filing an appeal of an order to the local official. For clarity in interpreting the law and for ease of enforcement by local officials. It is seen that there should be additional details in the Building Control Act B.E. 2522 in the part regarding appeals against orders of local officials, stating that “An appeal must be submitted to the local official who issued the order which is the basis of the case. and shall include submission to the letter delivery officer in the office of the local official. or sending by post to local officials as well.”

As for requesting an extension of the appeal period in cases where there are special circumstances in which the appeal cannot be filed within the specified period. It is considered appropriate to use the criteria for requesting an extension or shortening of the time period in Section 23 of the Civil Procedure Code as a guideline for requesting an extension of the time period for filing an appeal, but to follow the method for filing an appeal as specified in the Building Control Act B.E. .2522 as before

6. Regarding the comparison of criminal cases In violations of the building control law, in comparison of cases of offenses related to the building control law, which are considered criminal cases that are normally within the power of the investigating officer. But the Building Control Act, B.E. 2522 (1979) intends for cases to be settled by a case settlement committee. In practice, injured people will bring cases to file with the investigator, but the investigator has no authority and must refer the matter to the case settlement committee according to the criteria. of the Building Control Act, B.E. 2522, he himself made the comparison. It is considered appropriate that the investigator should have the power to compare cases of offenses against the building control law like other general criminal cases in order to make such comparisons quicker and reduce the process, but the investigator must make a report and send it to the case comparison committee every time to keep it as evidence.

As for the criteria for setting standards for fines It was deemed appropriate to add a ministerial regulation to allow the Case Settlement Committee to follow the said criteria in the same way, instead of using the discretionary power of the Case Settlement Committee. In order for people to receive fairness in the case of setting equal fines for the same offense. It is seen that it is appropriate to compare cases in violations of the building control law where the cases were settled according to the Criminal Procedure Code in the part where the owner must treat the building in order for the building to be valid for the purposes of the law. is to add in Section 47 of the Building Control Act that "The owner or occupant of the building must be compelled by legal measures, which are administrative measures or civil enforcement measures

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