

# REGULATORY IMPACT ASSESSMENT FOR LAW REFORM: A COMPARISON OF THE PARLIAMENT ROLE

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## Abstract

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Regulatory impact assessment (RIA) is a pivotal tool for shaping and enhancing the quality and effectiveness of laws (Davidson et al., 2021). This research focuses on comparing RIA mechanisms in the Organisation for Economic Co-operation and Development (OECD) member countries and Thailand. It involves analyzing RIA criteria, methodologies, impact assessment report preparation, and quality assurance for legislation. Employing qualitative research methods, the study employs document analysis, in-depth interviews with key informants from legislative, administrative, and legal sectors, individuals impacted by laws, and experts in various fields. Content analysis was employed. The study emphasizes the crucial roles of the government and Parliament in RIA development. Delegating RIA responsibilities to independent organizations aims to reduce legislation volume and improve its quality, contributing to a “good parliament” and an “effective government” following democratic principles and the Thai Constitution of 2017. The research underscores Parliament’s crucial role in standardizing law impact assessment. This promises better legislation quality, transparency, and accountability, aligning with global standards and encouraging public participation for improved governance and societal well-being.

**Keywords:** Roles of the Parliament, Regulatory Impact Assessment, RIA, Legal Reform, Governance

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## 1. INTRODUCTION

The process of evaluating the impact of laws, both before the enactment of new legislation and after, as well as the revision of existing laws still in effect in

each country, not only serves the purpose of maintaining a positive image of a “good parliament” and a “effective government” following democratic principles but also supports governance based on the rule of law. The inclusion of a law impact

assessment in the constitution, which is the supreme law governing the country, represents a new principle not previously present in any previous versions of the Thai Constitution. It was introduced in the Thai Constitution of 2017 (Office of the Constitutional Court, 2017), Section 77, Paragraph 2, which states that “before the enactment of any law, the state shall arrange for the solicitation of relevant opinions, an analysis of the potential impacts of the law from all aspects, and a transparent disclosure of these opinions and analyses to the public. This information will then be considered at all stages of the legislative process”. Once a law is in effect, the state is required to regularly assess the effectiveness of the law at intervals specified, taking into account input from relevant stakeholders, in order to develop each version of the law to align with and be suitable for the changing contexts. Therefore, the parliament must listen to input from all parties to analyze the impact of the law (Prutipinyo, 2015; Thananithichot, 2020; Lurang et al., 2021).

Furthermore, in Section 16 of this constitution, it is stipulated in Article 258 concerning legal matters that there should be mechanisms in place to revise laws, regulations, or various enforceable directives that were in effect before the promulgation of this constitution. These revisions are to be brought into alignment with the principles outlined in Article 77 and developed to conform to international standards. This should involve the use of authorization systems and operational procedures by committees, only to the extent necessary to ensure efficiency, and clarity of responsibility, and to avoid excessive burden on the public. Additionally, it aims to enhance the country’s competitiveness and prevent corruption, and misconduct (Office of the Constitutional Court, 2017).

From the provisions of Article 77 and Article 258 of the constitution, it is evident that this constitution has the intent to make future laws of high quality, promoting better regulation, without hindering public participation, the freedoms of the people, and the operations of private businesses. Therefore, the parliament must establish mechanisms to assess the impact of laws both before their enactment and once they become enforceable. Such assessments may be required when proposing amendments to existing laws to make them suitable for the changing context. This includes a mechanism for evaluating the quality of law impact assessments (Ganga, 2018; Lurang et al., 2021). The objectives of assessing the impact of laws, both before their enactment and after they become effective, are to improve the legislative process of the state and create government responsibility for the laws enacted by continuously enhancing the quality of various state laws compared to what is gained or lost through legislation. This aims to promote transparency, involve all stakeholders in the legislative process, and ensure that the laws that are enacted undergo comprehensive analysis of their necessity and various potential impacts that may arise in the future. Therefore, the principle of law impact assessment arises from the fact that Thailand currently has an excessive number of laws in force, spanning from royal decrees, royal ordinances, ministerial regulations, ministry announcements,

departmental regulations, and local ordinances, exceeding one hundred thousand in total (Nilprabhan, 2012). This abundance of laws leads to significant issues such as the infringement of the rights and freedoms of the people due to laws that go beyond necessity, complicated processes, excessive time, manpower, and budget allocation, causing unnecessary complexity. Ultimately, it may lead to citizens choosing to avoid compliance with the law or engaging in corruption and circumvention.

Given its significance, it is essential to study how Parliament plays a primary role in establishing and developing a standardized mechanism for analyzing the impact of laws. This mechanism will provide a uniform basis and standards that all agencies proposing legislation can adhere to. Furthermore, there is a need to enact laws that provide detailed guidelines and methods for preparing impact assessment reports for legislation. This would also involve the establishment of an independent organization responsible for evaluating and ensuring the quality of standardized impact assessment reports that conform to international standards. This entire process aims to enhance the mechanism for creating impact assessment reports and to ensure that proposed laws are of high quality. Numerous research efforts have been dedicated to exploring regulatory impact assessment (RIA) mechanisms. For example, the work of Dunlop et al. (2012) delved into 31 case studies from the European Union (EU) and the United Kingdom (UK), highlighting RIA’s crucial role in the advancement of the better regulation agenda. Meanwhile, Schmidtchen et al. (2021) uncovered potential discrepancies within environmental legislation where RIA intersects with the polluter pays principle. Despite these contributions, there remains a notable gap in comparative analyses of RIA mechanisms between the Organisation for Economic Co-operation and Development (OECD) member nations and Thailand, indicating an area ripe for further investigation. Therefore, this study aims to examine the evolution of RIA principles, comparing mechanisms across the OECD nations and Thailand. It focuses on RIA criteria and methods under the Thai Constitution of 2017 (Articles 77 and 258c), and the creation and quality assurance of legislative impact assessment reports. The research also highlights Parliament’s pivotal role in shaping a standardized RIA framework, which is essential for analyzing law impacts. Utilizing qualitative methods like document review, in-depth interviews, and discussions with stakeholders from legislative, administrative, and legal sectors, affected individuals, and experts, the study ensures data robustness through triangulation, incorporating various analysis techniques. It underscores the government and Parliament’s significant roles in RIA progression, advocating for independent organizations to handle RIA duties. This approach seeks to streamline legislation, elevate its quality, foster a “good parliament”, and enable an “effective government”, in line with democratic norms and the Thai Constitution of 2017. The research posits that a standardized RIA process will enhance legislation quality, transparency, and accountability, thus meeting international standards, fostering public engagement, and preventing potential issues,

ultimately promoting societal prosperity through improved governance and beyond.

The paper consists of six sections. Section 1 introduces the study. Section 2 provides the literature review. Section 3 describes the research methodology. Section 4 presents the results. Section 5 presents the discussion. Section 6 includes conclusions, limitations, and recommendations.

## 2. LITERATURE REVIEW

Regulatory impact assessment (RIA) refers to the process used to scrutinize and evaluate the expected consequences of laws, whether in the creation of new legislation or the modification and enhancement of existing laws that are still in effect (Thailand Development Research Institute, 2015; Adelle et al., 2014; Kurniawan et al., 2018; Davidson et al., 2021). Although RIA is a relatively new concept in the Thai Constitution of 2017, Thailand has been employing this tool since 1988, particularly in the case of laws governed by the leading industrial countries that are members of the OECD (Moonla, 2020; Thasai, 2020). The practice of assessing the impact of laws, both before and after their enactment, has a history in Thailand, beginning with the regulatory framework established in 1988 by the Office of the Prime Minister (Chanhom & Wittayawarakul, 2018). Since then, this mechanism has evolved, including the development of additional guidelines in the Secretary-General's Office of the Cabinet in 1991, the formation of the Legal Reform Committee for National Development in 2001, and the issuance of Royal Decrees related to the submission and meetings of the Cabinet in 2005. Moreover, Article 4(2)20 and Article 12 of the Royal Decree on the Submission and Meetings of the Cabinet in 2005 stipulate that the drafting of Royal Acts and Royal Decrees must adhere to the regulations set by the Cabinet, specifically those concerning the criteria and methods for presenting proposals to the Cabinet. In May 2016, the Cabinet passed a resolution confirming its approval and requiring government agencies to strictly adhere to these regulations when proposing legislation to the Cabinet, as well as establishing guidelines for future amendments.

The RIA process in Thailand serves several critical purposes. Firstly, it aids in establishing clear and standardized guidelines for public administration, fostering transparency and fairness in legal proceedings. Secondly, RIAs enhance the quality of laws and regulations, aligning them with international standards and safeguarding individual freedoms and private sector activities. They also promote good governance principles, as mandated by Article 77 of the Thai Constitution, to ensure high-quality legislation. Furthermore, RIAs encourage transparency in Parliament's legislative activities and invite input from various stakeholders, fostering participation from the public and private sectors. Lastly, RIAs ensure that all legislative drafts undergo rigorous need and impact assessments, considering their potential societal effects. To effectively achieve these objectives, the RIA process needs to engage all relevant stakeholders, following OECD guidelines for public consultation in lawmaking and maintaining transparency and assessment quality (Law Reform Commission, 2016;

Office of the National Economic and Social Development Council, 2016).

Legislation and regulations play a crucial role as governing tools established by the state to be adhered to by both government agencies and the public. The state is bound to follow legal principles when formulating legislation, considering three fundamental tenets: necessity, proportionality, and effectiveness (Srivithaya, 2015, 2017). These principles are analyzed to determine the full impact of the proposed laws. The benefits of this analysis lie in its ability to guide the formulation of legal policies and public administration under the fundamental state policies stipulated in the Constitution. Thailand, as a member of the Association of Southeast Asian Nations (ASEAN), adheres to the regulatory standards set by the ASEAN Economic Ministers in 2005, which were confirmed by the Economic Ministers of ASEAN in 2005, emphasizing the importance of these standards for analyzing the necessity and assessing the impact of laws. The assessment of the impact of laws involves a seven-step process: problem identification, setting objectives, developing options, analyzing the best alternatives, consultations, summarizing outcomes and recommendations, and strategic planning for implementation and monitoring (Jacobzone et al., 2007). After meeting the criteria and steps mentioned above, the agencies responsible for evaluating the impact of laws must prepare and disclose two documents to the public, which are the RIA and the regulatory impact statement (RIS). The agencies proposing the legislation must ensure the necessity of the law before submitting it for further consideration in the parliament (Chanhom & Wittayawarakul, 2018). In this regard, the parliament carries out activities in line with the announcement of the Representative's Council regarding the criteria and methods of public consultation and impact analysis that may result from the draft legislation presented by the members of the Representative's Council. Several methods are employed, including technology-mediated public comments, consultations, interviews, surveys, and any other method deemed appropriate by the office of the Secretary-General of the Representative's Council. Once approved by the Chairman of the Representative's Council, the office may appoint a state council or a Representative's Council member to support the execution of tasks or to appoint regular civil servants of the Representative's Council to carry out the duties as specified in the announcement.

## 3. RESEARCH METHODOLOGY

This investigation employed a qualitative methodology as its foundational research strategy, characterized by the execution of in-depth interviews. As articulated by Taherdoost (2022), the essence of qualitative research is to uncover the underlying motivations and contexts influencing the decision-making processes and behaviors of individuals or collectives. The interactive nature of in-depth interviews facilitates a dynamic exchange, enabling the accumulation of nuanced data throughout the dialogue. These interviews are instrumental in eliciting detailed insights on targeted subjects, thereby generating rich, precise information pivotal

for fulfilling the study's aims. In-depth interviews with pivotal informants across three distinct groups were strategically selected through purposive sampling to align with the study's aims. These groups included: 1) seasoned experts within the legislative, administrative, and legal realms; 2) stakeholders impacted by legislative actions on both the private sector and societal level; and 3) authorities in legal, political, public administration, and economic disciplines. The methodology embraced a triangulation framework to corroborate findings, ensuring a robust verification of data gleaned from these critical informant clusters.

Furthermore, the research methodology incorporated the documentary analysis technique, a rigorous process entailing the systematic categorization, exploration, interpretation, and delineation of constraints within physical sources. This encompasses an extensive array of documents, including but not limited to personal manuscripts, business records, governmental archives, correspondences, and legal directives. The essence of document analysis lies in its detailed scrutiny and interpretation of content to unveil latent meanings, augment comprehension, and foster informed conclusions. This method is meticulously structured to deconstruct documents, unveil multifaceted meanings, and extract profound insights pertinent to the phenomenon under study. It benefits significantly from integration with other qualitative methods like interviews, facilitating a holistic grasp of the subject matter. By leveraging a diverse spectrum of data sources, including historical narratives, policy documents, and media narratives, the documentary method aids in navigating the complexities of social phenomena with an enriched perspective (Altheide & Schneider, 2013; Lumivero, 2023).

In the realm of data analysis, content analysis emerges as a pivotal qualitative technique, enabling the systematic and unbiased examination of diverse phenomena. This method affords researchers the ability to formulate dependable conclusions from data, whether it be verbal, visual, or textual. Through qualitative content analysis, researchers engage in a meticulous process of distilling data into precise themes or categories, relying on inductive reasoning to ensure the accuracy of their deductions. This approach is characterized by a diligent examination and continuous comparison of data, allowing for the direct extraction of themes and categories from the dataset by the researcher, thereby enhancing the reliability and depth of the analysis (Mezmir, 2020; Limna, 2023). Consequently, content analysis was strategically utilized to scrutinize the collected data, underpinning the research with a methodologically sound and academically rigorous foundation.

#### 4. RESULTS

The legal frameworks of different countries come in various forms and exhibit varying levels of efficiency. On occasion, the practice of comparing Thai legislation with that of other nations, such as England or France, holds significance. It serves as a means to identify the most effective and optimal path for the development of Thailand's legal system. Such comparisons may also provide valuable

insights by drawing lessons from the experiences of other countries in addressing challenges or enhancing Thailand's legal framework. Moreover, this approach aligns with the idea that comparing Thai law to that of other nations can contribute to enhancing transparency and fairness within the legal system. It can aid in the ongoing improvement of legal procedures and the judicial system. By referring to the achievements and lessons learned from other countries, Thai laws can be better tailored to address current and future societal needs. Nonetheless, it is vital to exercise caution when comparing laws between countries, as each nation possesses unique societal and cultural contexts. The incorporation of laws from other countries into the Thai legal framework may necessitate adjustments to align with Thailand's specific circumstances and realities. Continual evaluation and enhancement of the domestic legal system are crucial to ensure that the laws function efficiently and serve the population to the fullest extent. Still, comparing the Thai legal system with that of England, France, and the Netherlands, the preparation of draft legislation by the Thai parliament has no independent agency for doing RIA reports on draft legislation and people's participation in the RIA process.

##### 4.1. The role of the national parliaments in the OECD and EU countries

The Council on Regulatory Policy and Governance of the OECD has made it clear that ensuring the quality of the regulatory structure is a dynamic and permanent role of governments and parliaments. National parliaments are institutions responsible for using good legal principles in the process of legislation. This is achieved through public deliberation on legislative drafts presented to the parliament to efficiently review the impact of the laws. The OECD has examined the legal management in its member countries, including those in the EU, and found that commissions or agencies within the national parliaments have been proactive in developing the role of the parliament in assessing the impact of laws and reforming legislation regularly. For instance, in France, legislative drafts are prepared by various ministry agencies, which then submit RIA reports for quality assessment by the State Council (*Conseil d'État*), acting as the government's legal consultant.

##### 4.2. The role of parliament in the Netherlands

The Netherlands has successfully developed an RIA organizational mechanism, setting a noteworthy example for the EU and other countries. This success is attributed to the efficient RIA mechanism established by the Advisory College for the Testing of Administrative Burdens (ACTAL) in 2011. ACTAL operates independently outside the governmental framework and provides recommendations to the government and parliament intending to reduce the number of laws and regulations that burden companies and citizens. However, ACTAL does have certain weaknesses in policy formulation for legislation. Therefore, ACTAL-watching organizations have prompted the cabinet to cease using the "Integrated Framework for Policy Analysis and

Legislation” (IFPL) and opt for a more effective RIA system over the previous one, known as the “Interdepartmental Commission for Constitutional Affairs and Legislation”. Consequently, the Netherlands discontinued the use of ACTAL’s RIA mechanism, which came to an end on June 1, 2017.

#### 4.3. The role of parliament in the United Kingdom

In 1997, the Better Regulation Task Force was established, and in 2006, the Parliament passed the Legislative and Better Regulation Act, leading to the establishment of the Better Regulation Commission (BRC). In 2012, the BRC transformed into the Regulatory Policy Committee (RPC) to operate independently as a Special Public Body under the government without affiliation to any governmental agency. In 1997, the House of Commons set out five fundamental principles for testing legislation presented by the Parliament to determine whether it is suitable for the legislative process. These principles include proportionality, accountability, consistency, transparency, and targeting. Secondary legislation is screened by the government, while the RRC in the House of Commons reviews secondary legislation proposed by the government to become primary legislation, as mandated by the Deregulation and Contracting Out Act of 1994.

#### 4.4. The role of the parliament in Germany

In Germany, the RIA mechanism plays a central role at both the federal and state levels. The first evaluation step requires government agencies to prepare RIAs based on 27 impact assessment questions before submitting draft laws to Parliament. The Parliamentary Act of 2006 was further amended in 2011, establishing the National Regulatory Control Council (NRCC) as an independent federal government body to support the government in enhancing the quality of legislation and reducing the regulatory burden on the public sector. The NRCC has the authority to review draft laws proposed by the Government and Parliament. Within the Parliament, co-advisory standing committees have the responsibility to assess the impact of legislation, with the President of the Audit Court evaluating the efficiency of these laws. The German Federal Constitutional Court has set criteria for assessing the impact of legislation in the Parliamentary Act to guide the legislative process toward legal rationality, transparency of procedure, and effective results. The mechanism used by Parliament to handle the RIA process varies according to the context of each OECD member state. They can be categorized into two groups. The first group involves countries where Parliamentary Committees oversee and audit the RIA process, such as Canada and the Netherlands. The second group includes countries where Parliamentary Evaluation and Analysis Units control and audit the RIA process, developing Specialist Evaluation Units to support parliament members in overseeing the quality of legislation and the impact assessments, as seen in the EU and the UK.

#### 4.5. The role of the parliament in Thailand

Thailand has established an RIA mechanism through the Basic Law on Drafting Legislation and Assessing the Effects of Legislation Act, B.E. 2562 (2019), which is a fundamental law enacted following the Thai Constitution of 2017. This mechanism aims to provide a clear framework for assessing the impact of laws based on intent and principles, as specified in Articles 77 and 258 of the Constitution. Given the significant number of laws in effect today, which has led to public discontent and an excessive regulatory burden, the Thai Constitution Article 77 expresses the intent to reform the legislative process to prevent such issues. This reform also aims to establish clear criteria and procedures for legislation.

The Basic Law on Drafting Legislation and Assessing the Effects of Legislation Act, B.E. 2562 (2019) seeks to enhance the clarity of criteria and practices regarding law drafting and impact assessment. It covers the actions of state agencies not involved in the administration and specifies the criteria for law drafting. This includes defining the types of laws, such as constitutional laws, royal decrees, and acts, which impose a specific obligation and impact on the public. The law requires the use of information technology and network systems for disseminating information (central system) and verifying the necessity of legislation. It mandates that government agencies justify the necessity of legislation, provide clear and substantiated information, and seek input from relevant parties before drafting any law. These inputs should include key principles or issues related to the draft legislation. Furthermore, the law establishes the criteria for reviewing the content of legislation, encouraging government agencies to consider reviews at various stages, such as when introducing a licensing system or a committee system. It sets the responsibilities and authority of the Legislation Development Committee for implementing this law. In addition, the law specifies penalties for offenses and wrongful conduct to prevent non-compliance or violations.

As for the criteria and practices for assessing the effectiveness of laws after they become effective, the Basic Law on Drafting Legislation and Assessing the Effects of Legislation Act, B.E. 2562 (2019) has determined the method, persons responsible, monitoring, duration, accessibility to the content of the law, and exceptions for disclosing specific types of information. This act ensures that legislation that is already in force remains in effect only to the extent that it is not inconsistent or contradictory with the content of this law. The main benefit of this law to the public is the establishment of criteria that contribute to higher-quality laws that do not burden the public excessively. It also facilitates the revision or repeal of outdated or inappropriate laws. The public is provided with avenues for information access, and there are no associated costs. The law also gives the court the authority to exercise discretion to determine penalties that alleviate harm to the livelihood or occupation of the public without undue harm to them, without necessarily revoking or amending the law in question.

#### 4.6. Analysis of lessons learned from regulatory impact assessment in Thailand

Analyzing the lessons learned from conducting RIA in a member country of the OECD and comparing them to Thailand's experiences, we can identify strengths and weaknesses that can guide the development of the Thai parliamentary system. We found that before the enactment of the Basic Law on Drafting Legislation and Assessing the Effects of Legislation Act, B.E. 2562 (2019), Thailand faced obstacles and limitations when evaluating the impact of laws, including:

- The process of preparing reports analyzing the impact of laws in Thailand primarily occurred after the laws had already been drafted. Relevant agencies in Thailand often viewed RIA reporting as an impediment, considering it as a mere procedural formality of checking a box, rather than an essential component of the legislative process.

- The evaluation of law impact in Thailand was mainly focused on primary legislation, such as royal decrees. In contrast, other countries emphasize the assessment of secondary legislation and non-legislative measures of the state. Additionally, the core laws in Thailand were comprehensive and extensive, making it challenging to assess their impact thoroughly.

- In Thailand, both government agencies and the Parliament still lacked comprehensive guidelines for evaluating the impact of laws. These guidelines should include precise indicators, criteria, and procedures for developing high-quality RIA reports, which would serve as the global standard for all agencies before presenting draft laws.

- The process of preparing RIA reports in Thailand lacked mechanisms and procedures for engaging and collecting public input effectively. There was no specific law concerning public consultations, which would define the efficient and effective means of gathering public opinions. In addition, Thailand lacked independent central agencies responsible for quality control and review of RIA reports. Consequently, RIA reports did not undergo rigorous reviews to ensure they met global standards and criteria.

By addressing these limitations and implementing best practices observed in OECD member countries, Thailand can enhance its RIA process, making it more effective, efficient, and aligned with international standards. This, in turn, will contribute to more informed and well-considered legislation, resulting in a positive impact on Thai society and the legal landscape.

## 5. DISCUSSION

In this discussion, the focus is on the role of national parliaments in the OECD and EU countries in the context of RIA. RIA is a mechanism aimed at enhancing the quality, efficiency, and transparency of legislation. Several countries have adopted RIA systems to assess the impact of laws and regulations more effectively. National parliaments are recognized as crucial institutions responsible for ensuring the quality of regulatory structures. They are tasked with using sound legal principles in the legislative process. This is achieved by conducting public deliberation on legislative drafts and efficiently reviewing the potential impact of these laws (Jakupec & Kelly, 2016; Jarrar, 2018).

Consistent with the works of OECD (2020), Prutipinyo (2015), Purnhagen and Feindt (2015), Karpen (2018), and Oermann and Schulz (2019), several countries within the OECD and the EU have implemented RIA mechanisms, each with its unique approach. In France, legislative drafts are prepared by ministry agencies, which are then subject to quality assessment through RIA reports by the State Council, serving as the government's legal consultant. The Netherlands successfully implemented an RIA mechanism through the ACTAL, which aimed to reduce regulatory burdens. However, this system had weaknesses, leading to calls for a more effective RIA system. The UK established the Better Regulation Task Force and passed the Legislative and Better Regulation Act, leading to the creation of the RPC. These bodies work independently and focus on principles like proportionality, accountability, consistency, transparency, and targeting. Germany emphasizes RIA at both federal and state levels. Government agencies prepare RIAs before submitting draft laws to Parliament. The NRCC was established to support the government in improving the quality of legislation. Thailand introduced a comprehensive RIA mechanism through the Basic Law on Drafting Legislation and Assessing the Effects of Legislation Act, B.E. 2562 (2019). This law aims to provide a clear framework for assessing the impact of laws and reforming the legislative process. It covers criteria and procedures for law drafting, necessitates public input, and specifies penalties for non-compliance (Srivithaya, 2017; Santos & Vijay, 2022).

National parliaments are recognized as crucial institutions responsible for ensuring the quality of regulatory structures. They are tasked with using sound legal principles in the legislative process. This is achieved by conducting public deliberation on legislative drafts and efficiently reviewing the potential impact of these laws. Various countries within the OECD and the EU have adopted RIA mechanisms, with different approaches. The discussion also concludes with an analysis of lessons learned from Thailand's experience with RIA. According to the Office of the Council of State (2019), before the new law, RIA in Thailand often occurred after laws were drafted, with agencies viewing it as a procedural formality. The focus was primarily on primary legislation, and the comprehensive nature of core laws made assessment challenging. Comprehensive guidelines for evaluating the impact of laws were lacking, as were specific laws for public consultations. Independent central agencies for reviewing RIA reports were absent. The goal is to highlight the importance of enhancing the RIA process and aligning it with international standards to ensure well-informed and well-considered legislation. This can lead to more effective governance and better outcomes for the public.

The example countries provided insights into how different nations approach RIA, and Thailand's recent efforts to establish a comprehensive RIA mechanism demonstrate the country's commitment to improving its legislative process. The challenges and lessons discussed can serve as a useful reference for other countries looking to implement or refine their own RIA systems.

## 6. CONCLUSION

The research explored the role of the Thai Parliament in developing the RIA mechanism to align with the Thai Constitution of 2017 and in comparing RIA mechanisms between OECD member countries and Thailand. It has been found that both the Government and the Parliament play vital roles in developing RIA mechanisms to reduce the quantity of legislation and enhance its quality, known as “better regulation”. To achieve this, the establishment of independent bodies to conduct RIA, free from bias, is recommended. The ultimate goal is to produce well-rounded RIS with clear and substantial evidence. Pre- and post-legislation RIA will contribute to a “good parliament” and an “effective government”, in line with democratic and legal principles. Thailand should improve its RIA mechanism to meet global standards, similar to most OECD member states. The success of creating high-quality RIA reports under international standards is the main focus. This requires the development and refinement of the RIA mechanism to ensure its efficient and effective implementation. Most significantly, the Parliament currently lacks a mechanism for evaluating the impact of laws. The government agencies are responsible for proposing legislation and jointly conducting RIA before submitting it to the Parliament. Therefore, the Parliament needs to play a pivotal role in developing a suitable RIA mechanism for assessing the RIA reports of draft laws presented by the parliamentary members and the public. This will drive the RIA process towards increased efficiency and effectiveness in the future.

This research reveals essential practices and policy recommendations aimed at enhancing legislative quality and efficiency. It underscores the need for “better regulation” by reducing legislative volume and improving law quality through the development of unbiased RIA mechanisms conducted by independent bodies. This approach aligns with democratic principles and legal standards, advocating for both pre- and post-legislation RIAs to ensure transparency, public

participation, and laws that are based on clear, substantial evidence. Aligning Thailand’s RIA processes with global standards is emphasized as crucial for fostering high-quality regulatory impact statements and enhancing the country’s international governance reputation. The research highlights a significant gap in the Thai Parliament’s ability to evaluate the impacts of laws, suggesting the establishment of mechanisms for critical assessment of RIA reports to promote efficient and effective law making. Overall, these recommendations aim to improve governance through more informed, evidence-based legislative decisions, aligning with best practices internationally and advancing democratic engagement.

This study has its limitations which should be acknowledged. The research predominantly focuses on Thailand and OECD member countries. The findings may not be entirely generalizable to countries with different political, legal, and administrative contexts. Future research could involve a broader range of countries, including non-OECD members, to understand the applicability and effectiveness of RIA in different legislative and cultural contexts. The study relies heavily on qualitative research methods, including document analysis, interviews, and subgroup discussions. While these methods provide in-depth insights, they might not capture the quantitative impact of RIA practices effectively. To complement the qualitative insights, future studies could include quantitative methods to measure the impact of RIA practices on legislative quality, government efficiency, and public satisfaction. Further research could involve a wider range of stakeholders, including marginalized groups, to understand the comprehensive impact of RIA and ensure that the legislation is inclusive and equitable. In-depth case studies comparing specific aspects of RIA between countries or over time within the same country could provide more granular insights into what practices work best under particular conditions. Exploring the role and impact of emerging technologies in enhancing RIA processes and outcomes could be a forward-looking area of study.

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