

บทความวิจัย (Research Article)

ปัญหาและความต้องการของชุมชนในการใช้ประโยชน์ที่ดินในเขต ปฏิรูปที่ดินเพื่อเกษตรกรรม*

Challenges and Needs in Community Land Utilization within
Agricultural Land Reform Areas

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บทคัดย่อ

การปฏิรูปที่ดินเกษตรกรรมเป็นกระบวนการทางกฎหมายที่ออกแบบมาเพื่อแก้ไข ปัญหาเกี่ยวกับการครอบครองที่ดิน การกระจายที่ดิน และการใช้ประโยชน์จากที่ดิน โดยมี วัตถุประสงค์เพื่อการรักษาความยุติธรรมทางสังคม การพัฒนาทางเศรษฐกิจ และการสนับสนุนวิธีการเกษตรกรรมในประเทศไทย ซึ่งบทความวิจัยนี้มีวัตถุประสงค์เพื่อ (1) ศึกษาปัญหาและความต้องการของชุมชนในการใช้ประโยชน์ที่ดินในเขตปฏิรูปที่ดินเพื่อ เกษตรกรรม โดยกลุ่มประชากรศึกษาสมัครใจเข้ารับการวิจัยนี้ประกอบด้วยผู้มีสิทธิในที่ดิน ในเขตปฏิรูปที่ดินเพื่อเกษตรกรรมหมู่บ้านสันทรายกองงาม ตำบลบ้านแซว อำเภอ เชียงแสน จังหวัดเชียงราย (2) ศึกษากฎหมายที่เกี่ยวข้องกับการปฏิรูปที่ดินเพื่อเกษตร และ (3) หาแนวทางในการพัฒนากฎหมายเพื่อให้สอดคล้องกับความต้องการของชุมชน และสอดคล้องกับบริบทของพื้นที่ที่เปลี่ยนแปลงไป โดยใช้วิธีวิจัยจากการค้นคว้า ทางเอกสารและการลงสำรวจพื้นที่วิจัยทำให้ทราบถึงบริบทของพื้นที่ ปัญหาและความ ต้องการของชุมชน และประชุมระดมความคิดเห็น ของเจ้าหน้าที่หน่วยงานต่างๆ ที่มีอำนาจ หน้าที่เกี่ยวข้องกับการใช้ประโยชน์ที่ดินปฏิรูปเพื่อเกษตรกรรม และนำข้อมูลจาก การลงพื้นที่มาศึกษาอย่างเป็นระบบเพื่อเป็นพื้นฐานในการศึกษาและหาแนวทางการพัฒนา กฎหมายเกี่ยวกับการปฏิรูปที่ดินเพื่อเกษตรกรรมให้สอดคล้องกับความต้องการของชุมชน และบริบทของพื้นที่ที่เปลี่ยนแปลงไป

ทั้งนี้ จากการศึกษาวิจัยพบและสรุปได้ว่าบริบทของพื้นที่ได้เปลี่ยนแปลงไป โดยพื้นที่ที่มีความเจริญทางเศรษฐกิจมากขึ้นและชุมชนมีความต้องการเปลี่ยนแปลงจำกัด ทางกฎหมายในการใช้ประโยชน์ที่ดินในเขตปฏิรูปที่ดินเพื่อเกษตร เช่น ผ่อนคลาย ข้อจำกัดให้ผู้ถือที่ดิน ส.ป.ก. สามารถซื้อ ขาย จำนองได้เช่นเดียวกับโฉนดที่ดิน หรือประกอบกิจการให้เช่าอาคารพาณิชย์ เป็นต้น คณะผู้วิจัยจึงมีข้อเสนอแนะแนวทาง ดังต่อไปนี้ (1) ควรแก้ไขเพิ่มเติมบทบัญญัติมาตรา 39 ของพระราชบัญญัติการปฏิรูปที่ดิน เพื่อเกษตรกรรม พ.ศ.2518 เพื่อให้ผู้ได้รับสิทธิที่ดินปฏิรูปที่ดินเพื่อเกษตรกรรมสามารถ โอนสิทธิในที่ดินไปยังเกษตรกรอื่นได้ (2) ควรแก้ไขเพิ่มเติมประกาศของคณะกรรมการ ปฏิรูปที่ดินเพื่อเกษตรกรรม เรื่อง รายการกิจการอื่นที่เป็นการสนับสนุนหรือเกี่ยวเนื่องกับ

การปฏิรูปที่ดินเพื่อเกษตรกรรม ให้ครอบคลุมกิจการอื่นคือการให้เช่าอาคารพาณิชย์ การให้เช่าพื้นที่จอดรถบรรทุกสินค้าข้ามแดน เป็นต้น (3) รัฐบาลควรเปลี่ยนเอกสารสิทธิที่ดินจากเอกสารสิทธิปฏิรูปที่ดินเพื่อเกษตรกรรม (ส.ป.ก.) เป็นโฉนดที่ดิน เพื่อสนับสนุนการพัฒนาวิถีชีวิตของชุมชนตามแผนเขตพัฒนาเศรษฐกิจพิเศษ ระยะที่ 2 ตามประกาศคณะกรรมการนโยบายเขตพัฒนาเศรษฐกิจพิเศษ (กนพ.) ที่ 2/2558

คำสำคัญ: กฎหมายปฏิรูปที่ดินเพื่อการเกษตร, ความต้องการของชุมชน, การใช้ประโยชน์ที่ดิน, การโอนสิทธิในที่ดิน

Abstract

Land reform in agriculture is a legal process designed to address land ownership, land distribution, and land utilization issues to maintain social justice and economic development, as well as support agricultural practices in Thailand. This research article aims to (1) study the problems and needs of communities in utilizing land within the land reform area for agriculture. The research group consists of landholders in the land reform area for agriculture in Sansai Kong Ngam village, Bansaeo Sub-District, Chiang Saen District, Chiang Rai Province; 2) Study of laws related to land reform for agriculture; and (3) find ways to develop laws that align with community needs and the changing context of the area. Utilizing research methods including document review and field surveys, the study aims to understand the area's context and community problems, gather input from relevant authorities on land use for agricultural reform, and systematically study data to form the basis for legal development in line with community needs and the changing context of the area.

The study found that the area's context has changed, with increased economic prosperity and a community desire to change legal constraints on land use within the land reform area for agriculture. For example, easing restrictions for landholders under the Agricultural Land Reform Act allows them to buy, sell, mortgage, similar to land titles, or engage in commercial leasing activities. Therefore, the research team proposes the following recommendations: (1) Amendment of Article 39 of the Agricultural Land Reform Act B.E. 2518 (1975) to allow landholders within the land reform area for agriculture to transfer land rights to other farmers; 2) Amendments to the Land Reform Committee for Agriculture announcements regarding other

supporting activities related to land reform for agriculture, such as commercial leasing and cross-border cargo parking; and (3) The government should convert all land rights from agricultural land reform documents to land titles to support community development according to the Special Economic Development Zone Plan Phase 2, per the National Committee for Special Economic Zone (NCSEZ) No. 2/2558 declaration

Keywords: The Agricultural Land Reform Act; Community Needs; Land Use; Conveyance

1. Introduction

The transformation of Thailand towards modernity has brought about comprehensive changes across various facets of Thai society, spanning the realms of the economy, politics, culture, society, and the environment. A notable area where these transformations manifest is the way of life adopted by the Sansai Kong Ngam village villagers, Bansaeo Sub-District, Chiang Saen District, Chiang Rai Province, particularly in their land utilization patterns. Sansai Kong Ngam Village, encompassing an expansive area of 7,000 Rai¹ and is located within the agricultural land reform zone (Notably, the entire expanse of the village is classified as “Agricultural Land Reform” rights land or Land Usufruct Certificate (ALRO 4-01) and apart from this, only one individual possesses land title deed). Moreover, the Bansaeo Sub-District hosts the Chiang Saen Port. This port is pivotal in facilitating commercial activities and transportation along the Mekong River, serving as a key connection point between Thailand and China. Furthermore, Sansai Kong Ngam Village has been earmarked as part of “The Special Economic Development Zone” (SEZs) Plan Phase 2, as per the declaration by the National Committee for Special Economic Zone (NCSEZ) in Announcement No. 2/2015² (NCSEZ Announcement 2/2558). This Plan Phase 2 encompasses three primary focus areas: (1) border trade promotion with an emphasis on trade and investment within the Greater Mekong Subregion (GMS), (2)

¹ Rai is a common plot size for land in Thailand. 1 hectare = 6.25 Rai or 1 Acre = 2.5 Rai

² The National Committee for Special Economic Zone (NCSEZ), **NCSEZ Announcement 2/2558 on the area’s identification of the second phase of special economic development zones** [Online], 1 January 2024. Source: https://data.opendevlopmentmekong.net/en/laws_record/2-2558-2

developmental needs of the community's lifestyle. The mismatch between the legal framework and the community's aspirations for development⁵ becomes apparent in various land uses that do not conform to the community's evolving needs. This misalignment underscores the importance of conducting a thorough study to understand the specific needs and problems encountered by Sansai Kong Ngam village in the Bansaeo Sub-District of Chiang Saen District. Therefore, the research article focuses on legal issues related to land reform. The objective is to develop informed recommendations and solutions to address the identified problems. This study aims to bridge the gap between existing legal conditions and the dynamic requirements of the community, specifically focusing on Sansai Kong Ngam village as the primary study area. The research seeks to facilitate a more harmonious integration of legal frameworks with the community's aspirations for growth and development.

2. Research Objectives

1) Investigate the community's requirements in the agricultural land reform of Sansai Kong Ngam village, Bansaeo Sub-District, Chiang Saen District, Chiang Rai.

2) Examine the regulations and legal procedures governing the acquisition of agricultural land, housing, and various activities related to its

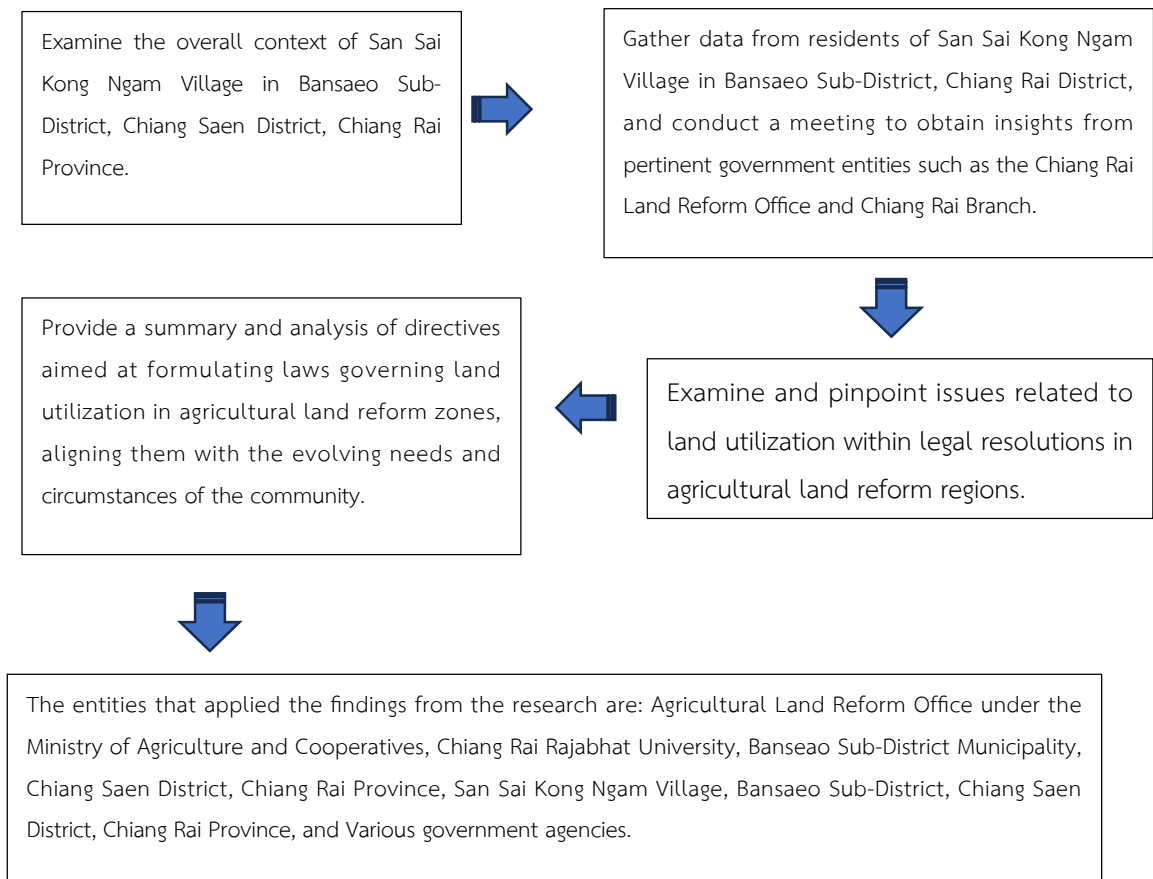
⁵ Suebsakun Kidnukorn, **The Roles and Measures of the State in the Provision of Land for the Establishment of Special Economic Zones: A Case study of Chiang Rai Special Economic Zone**, Thailand Science Research and Innovation (TSRI) (Bangkok: 2017).

agricultural use, ensuring alignment with the community's needs in Sansai Kong Ngam village, Bansaeo Sub-District, Chiang Saen District, Chiang Rai.

3) Study and seek recommendations for developing legal proposals for agricultural land reform acts that align with other land use activities to accommodate current land use's changing needs or contexts.

3. Research Scope

The conceptual framework guiding this research project is depicted in the following mapping.



4. Literature Reviews

The brief background of Thailand's Land Reform: Following the bloodless coup on July 24, B.E. 2475, Thailand transitioned from an absolute monarchy to a constitutional monarchy with aspirations to modernize the country and enhance peasant livelihoods⁶. In B.E. 2476, Pridi Banomyong initiated land reform as part of the National Economic Plan B.E. 2476, which aimed to nationalize and control all aspects of production, including agriculture. However, the plan, perceived as too radical and communist, led to Pridi Banomyong's exile. Subsequently, land reform was not pursued from B.E. 2475 to 2501 because government leaders, particularly Field Marshal Pibulsongkram, viewed it as a communist method⁷. In B.E. 2506, Field Marshal Sarit Thanarat, seizing power in a military coup in B.E. 2501, reconsidered land reform as an anti-communist and economic development strategy. The Land Policy Division, Department of Land Development, Ministry of National Development, was tasked with land reform duties. However, due to insufficient land and land ownership information, Sarit's government opted not to launch a land reform policy⁸.

During the period spanning B.E. 2506 to 2516, the Land Development staff conducted surveys to plan an appropriate land reform program. In B.E. 2515, a land reform proposal presented by the Department of Land

⁶ Akira Suehiro, **Land Reform in Thailand- The Concept and Background of the Agricultural Land Reform Act of 1975**, (1981), *The Developing Economies*, 19: 314 - 347 [Online], 10 January 2024. Source : https://www.ide.go.jp/library/English/Publish/Periodicals/De/pdf/81_04_03.pdf

⁷ Sakaraporn Thirasirikul, **Thailand's Land Reform: Agenda Setting Process for the Enactment of the Land Reform Law for Agriculture Act of 1975**, *Journal of Social Science*, Volume 40 Issue 1 (January-June 2009), pp. 134-136.

⁸ Ibid, pp. 134.

Development received approval from Field Marshal Thanom Kittikajorn⁹. However, the government did not decide to start the project, and Thanom's government was exiled by student-peasant-labor political movements on October 14, B.E. 2516¹⁰. Finally, under the Sanya Thammasak (Prime Minister) government, compelled by several peasant protests, the Agriculture Land Reform Act B.E. 2518 was enacted. This politically significant law marked the first Thai law to limit private ownership and redistribute unused land from the rich to the poor. Moreover, it was a result of the peasant movement in Thai history. It was praised as “a revolutionary new deal for five million farming families nationwide”¹¹.

In a study by Promsaka Na Sakolnakorn, conducted to explore guidelines for enhancing the regulations and management of ALRO4-01 land in Phuket province, it was found that from B.E. 2545 to 2550, land use changed drastically. The purposes of land use shifted from agricultural activities to non-agricultural activities, such as being rented for private tourism businesses, restaurants, and shops, as well as combining agricultural activities with rented accommodations.¹² The study proposed guidelines for land-use improvement in the ALR area and amendments to the Agricultural Land Reform Act, B.E. 2518, to align with the present socio-economic dynamics. Moreover, Sakaraporn Thirasirikul research in B.E. 2552 suggested that the policy stream in the context of land reform involves policy proposals and the role of policy

⁹ Ibid, pp. 135.

¹⁰ Ibid, pp. 136.

¹¹ Ibid, pp. 136.

¹² Thongphon Promsaka Na Sakolnakorn, et al., **Land-use change under the management of the agricultural land reform office: a case study in Phuket**, NIDA Development Journal, Volum 56 Issue 4 (November 2016), pp. 121-169.

entrepreneurs in driving the issue onto government and decision agendas. The Food and Agriculture Organization of the United Nations (FAO) conceptualizes land reform as an integrated program to remove economic and social development obstacles in the agrarian structure. This extends beyond a narrow focus on land tenure improvement, requiring broader agrarian structure and farmer livelihood enhancements. Implementing land reform involves various measures such as providing ownership opportunities, promoting land settlement and security of tenure, improving tenant conditions, organizing farms of economic size, land consolidation, and enabling cooperative organizations. In Thailand, land reform was externally developed for decades by international organizations like the World Bank, the United Nations, and the FAO, with major support from the United States and countries with successful land reform policies. Despite external proposals not directly influencing Thai government decisions, they included international seminars, FAO reports, and technical courses attended by Thai technocrats who later played crucial roles as policy entrepreneurs. Simultaneously, His Majesty the King, Bhumipol Aduljadej, supported land reform by establishing an agricultural cooperative unit that successfully addressed rural challenges.

In summary, the policy stream on land reform originated externally and benefited Thai political economy technocrats, becoming policy entrepreneurs who pushed the issue into government consideration. The King's land reform efforts, yielding fruitful results in remedying peasant livelihood and agrarian production, became a model for appropriate land reform in Thailand¹³. Furthermore, in B.E. 2554, Phungboon Na Ayuthaya

¹³ Sakaraporn Thirasirikul, **Thailand's Land Reform: Agenda Setting Process for the Enactment of the Land Reform Law for Agriculture Act of 1975**, pp. 138-140.

investigated land reform projects aimed at the future of agriculture in Thailand. The research sought to assess the outcomes of land organization through agricultural reform, study the current economic, social, and political aspects of land reform, and suggest improvements in research methods. The lack of irrigation systems and reliance on rainwater were common challenges, but farmers generally expressed satisfaction with the documentation from the Agricultural Land Reform Office (ALRO). The study also identified land transactions involving ALRO documents, although these were usually limited. Recommendations include transforming ALRO's document (ALRO Form 4-01) into a land title and developing a market mechanism alongside land issuance. It proposes that land titles should start with voluntary participation by farmers, ensuring a rigorous selection process for land recipients. The study advocates for lower land prices than market rates for leasing or leasing-purchase, with long-term payment conditions through banking systems. Furthermore, it suggests that ALRO should purchase private land to facilitate leasing or leasing-purchase for farmers under its oversight. The study emphasizes the need for up-to-date and accurate land information, reviewing laws aligning with current economic and social conditions, and revising or eliminating ineffective regulations. Continuous education and adaptation for officials and farmers are essential, with local authorities actively participating in the land reform process to suitably benefit agriculture in the long run¹⁴.

¹⁴ Peetiphong Phungboon Na Ayuthaya, et al., **Future Agricultural Land Reform Guidelines (A Complete Research Report)**, Thailand Science Research and Innovation (TSRI) (Bangkok: 2011).

5. Research Methodology

1) The researchers studied the general context of the target area, San Sai Kong Ngam village, Bansaeo Sub-District, Chiang Saen District, Chiang Rai Province, by gathering information from the district chief and examining the legal processes related to land ownership and use under the Agricultural Land Reform Act. Various government agencies were consulted.

2) The research team submitted an ethical approval request to relevant agencies and designed two research tools: a questionnaire and an interview guide. These tools were intended for use in the subsequent research with the study population.

3) After obtaining ethical approval, the research team conducted the first field visit to gather data and assess the opinions of the research population in the study area of San Sai Kong Ngam village, Bansaeo Sub-District, Chiang Saen District, Chiang Rai Province. The research focused on questions (Questionnaire) related to 1) general information of the respondents, 2) land ownership under Agricultural Land Reform, 3) legal knowledge, 4) issues in land use under Agricultural Land Reform conditions, 5) needs for land use under Agricultural Land Reform, and 6) additional comments and suggestions.

4) The research team conducted a meeting to gather feedback from government agencies regarding changes in the utilization of land under the legal dimension of Agricultural Land Reform. The participants included officials from the following organizations: 1) Land Office, Chiang Rai Province, Chiang Saen Branch, 2) Land Reform Office, Chiang Rai Province, 3) Forest Resource Management Office, 4) Bansaeo Sub-District municipality, 5) Assistant village head, 6) Chiang Saen Port, and 7) Service Centre for Completion of Investment in Chiang Rai Special Economic Zone.

5) The research team analyzed the data collected from the field study using the SPSS program to obtain statistical information and studied obstacles to acquiring expanded land ownership and utilization powers under the Agricultural Land Reform Act.

6) Summarize the study results into a research report, and the compiled information is then disseminated to the research population and relevant organizations for their future benefit.

6. Results

The results of an analysis of the data are intended to study the problems and needs of communities in the agricultural land reform in Sansai Kong Ngam Village, Bansaeo Sub-District, Chiang Saen District, Chiang Rai Province, and seek ways to develop laws to suit changing community needs. The results are divided into three parts:

6.1 The Research Population's Needs

The study of a research population group of 53 landholders with Land Usufruct Certificate (ALRO 4-01) revealed that 69.81 per cent of respondents encountered difficulties utilizing the land for agricultural purposes, while 9.43 per cent reported no issues. Furthermore, the research population needs;

1) The government to solve legal problems so that landowners can trade and transfer ownership of farmland for agricultural purposes.

2) To change Land Usufruct Certificate (ALRO 4-01) to land title deed for convenience in transferring rights, trading, and other activities on land and require the land to be inherited by the Civil and Commercial Code.

3) The government to open up opportunities for people to benefit from land that supports and is related to commercial agriculture and reduce fees on land reform.

4) The government to resolve restrictions on land use and reform agricultural land.

5) The government should resolve legal issues so landowners can mortgage their land.

6.2 The Feedback from Relevant Government Agencies

The findings stemming from a focus group discussion with officials from relevant government agencies;

1) The Sansai Kong Ngam village headman said that at present, only one plot of Sansai Kong Ngam village has been issued as a land title deed, and the local community needs to change Land Usufruct Certificate (ALRO 4-01) to a land title deed because they want to mortgage the land with banks. However, if the land title deed is, the Bank for Agriculture and Agricultural Cooperatives estimates it to be around Bt80,000-Bt100,000 per Rai. This will also hamper land development or improve landscape due to restrictions on farmland reform.

2) The representative from Bansaeo Sub-District Municipality, Chiang Saen District, Chiang Rai Province, said that residents wanted to change their Land Usufruct Certificate (ALRO 4-01) to land title deed because most of the area is flat and some of it is vacant and has difficulty in land use. Agricultural land reform has resulted in restrictions on land use. Therefore, some land areas are not used as much as they should. If the land title deed can be issued, it will benefit the public.

3) The representative from Chiang Saen Port, Chiang Saen District, Chiang Rai Province, provided opinions that the surrounding land area of the 2nd Chiang Saen Port is agricultural land reform, posing obstacles in the area's development for other land use purposes. For instance, some entrepreneurs want to develop the surrounding area into a parking lot but cannot due to its

agricultural land reform. Moreover, the 2nd Chiang Saen commercial pier was built on the farmland reform area, which spans 387 Rai. However, it is only partially utilized, with some areas remaining empty. These areas could be used for other purposes if not for the constraints imposed by agricultural land reform regulations. If the land could be converted into land title deeds, entrepreneurs would have access to more land, enabling them to generate additional income for the community.

6.3 Farmers' Duties and Rights to Utilize Land in Land Reform Area

The Agricultural Land Reform Act B.E. 2518 tackled the pressing issue of farmers losing land ownership and being relegated to tenants facing exorbitant rental rates, leading to soil neglect and reduced yields. This triggered widespread socio-economic challenges, prompting governmental intervention with land reform measures. Implemented in four key steps, these reforms encompassed land acquisition, categorized into public and private land, followed by land allocation for agriculture and related activities. Moreover, the act aimed to regulate land rights to prevent further exploitation and ensure equitable treatment of farmers. It also stressed integrating development strategies to bolster agricultural productivity, enhance farmers' welfare, and streamline production and sales systems, uplifting rural livelihoods and fostering sustainable farming practices¹⁵. The Land Reform Act B.E. 2518 is structured into several chapters to facilitate comprehensive agricultural land reform; Chapter 1 establishes essential administrative bodies such as the Agricultural Land Reform Office, Agricultural Land Reform Fund,

¹⁵ Agricultural Land Reform Office, **Knowledge No.1: Agricultural Land Reform Office** [Online], 1 January 2024. Source: https://alro.go.th/th/research_plan/news-activity/article-category-3-54/KNOWLEDGE-Knowledge-No1-Agricultural-Land-Reform-Office-Flyer?id=152053

and Provincial Land Reform Office, Chapter 2 delineates the roles and responsibilities of the Agricultural Land Reform Executive Committee and Provincial Land Reform Committees, Chapter 3 outlines implementation procedures, Chapter 4 provides appeal guidelines, and Chapter 5 specifies penalties for non-compliance. Moreover, the Act incorporates additional provisions to address evolving needs and challenges in agricultural land reform. Under the Act, farmers' control aims to preserve agreed-upon land conditions and activities upon allocation, safeguarding them from land loss or tenancy. Section 39 stipulates stringent conditions for land rights transfer, limiting it to inheritance or transfer to farmers' institutions or ALRO for agricultural land reform advancement, adhering to specific criteria and ministry-set conditions.

Furthermore, The Regulations of the Agricultural Land Reform Executive Committee outline farmers' and farmer institutions' roles in land exploitation post-reform B.E. 2535, highlighting their responsibilities once selected for land benefit and signing transfer documents. For example, the law regarding determining farmers' duties in land utilization:

1) Farmers must utilize the land to its full potential and should not lease or transfer entire or part of the land to others for cultivation or sale unless they submit a request to relinquish the rights, along with cancellation of the agreement, or transfer the land rights to their spouse, legal partner, or of-age children. Requests can be made at the provincial Land Reform Office.¹⁶

¹⁶ The Agricultural Land Reform Executive Committee's Regulations concerning farmers and farmer institutions receiving land from agricultural land reform, pertaining to land utilization, B.E. 2535, Section 7(1).

2) Farmers should refrain from altering the soil conditions in a way that causes erosion or reduces suitability for agricultural activities, such as excessive soil excavation for sale.

3) Farmers must not dig wells for agricultural purposes exceeding 5% of the assigned land area. For instance, if the Land Reform Office allocates 20 Rai, drilling wells should not exceed 1 Rai. Additionally, unless permitted, farmers must refrain from constructing buildings other than those for agricultural purposes, such as residences, warehouses, or sheds.¹⁷

4) Farmers are responsible for maintaining the primary evidence and boundary markers on the assigned land, ensuring they are not damaged or moved from their original positions.

5) Farmers should avoid any activities that may cause damage to the environment or harm the land, such as construction projects, which could hinder the land's utility for other farmers.

6) Farmers must comply with the decisions of the Land Reform for Agriculture Committees at both provincial and central levels.

7) Farmers must adhere to loan agreements made with the Land Reform Office for Agriculture, financial institutions, or other entities collaborating with the Land Reform Office. This includes loans from agricultural banks or agreements related to agricultural development projects with private sector involvement.

The community perceives legal constraints on land ownership and utilization for agricultural reform as hindering the development of their lifestyle. They advocate for improvements in laws, regulations, and rules

¹⁷ The Agricultural Land Reform Executive Committee's Regulations concerning farmers and farmer institutions receiving land from agricultural land reform, pertaining to land utilization, B.E. 2535, Section 7(4).

related to land use to align with the community's development needs. Despite declarations by the Land Reform for Agriculture Committees and the Ministry of Agriculture and Cooperatives in B.E. 2563 to expand the land-use limitations, they do not cover all types of business activities the community desires. The community suggests that modifications to land rights documents for agriculture should be aligned with general land laws for the convenience of land rights transfer, purchase, and other activities. Consequently, farmers who acquire land through agricultural reform face limitations in accessing funds, as traditional financial institutions require secure collateral. These farmers are constrained to seek loans exclusively from state-affiliated sources such as the Bank for Agriculture and Agricultural Cooperatives (BAAC). The research highlights that the community prefers the ARLO documents to be as versatile as general land titles, enabling them to serve as collateral for loans and be enforceable in legal proceedings. This would allow for a more flexible and effective utilization of the land rights acquired through agricultural reform. Although there are calls for reforms in land laws to support the community's lifestyle development, the research findings indicate that the existing legal framework poses obstacles to such aspirations.

The community suggests amendments to the Agricultural Land Reform Act of B.E. 2518 should grant flexibility for transferring and utilizing land rights acquired through agricultural reform, providing opportunities for farmers to buy, sell, and mortgage their land. This, they argue, would lead to more effective development in line with the changing landscape and the community's needs. The research echoes the sentiments of previous studies, emphasizing that successful land reform requires legal amendments and effective law enforcement, which may be more beneficial than relying solely

on government authority or policies subject to political uncertainties, resulting in inconsistent and inefficient land reform efforts.

7. Discussion

The trajectory toward modernity in Thailand has triggered multifaceted transformations across various sectors, including the economy, politics, culture, society, and the environment. This intricate change process defies simple explanation, as each facet is interconnected. Among these shifts, the land utilization patterns of Sansai Kong Ngam villagers stand out prominently. Spanning 7,000 Rai within an agricultural land reform zone, the legal framework governing land ownership and utilization does not align with the community's developmental aspirations. Consequently, a pressing need arises to amend land use laws and regulations to accommodate the diverse growth trajectory of the area. However, this vision of prosperity faces a significant hurdle in the form of existing legal conditions, which often impede the realization of community-driven development initiatives. As a research result, many land use practices fail to meet the community's evolving needs to foster a thriving communal life.

8. Suggestion

Research on the problems and needs of communities in utilizing land in the land reform area for agriculture: A case study of Sansai Klong Ngam village, Bansaeo Sub-District, Chiang Saen District, Chiang Rai Province, suggests several recommendations for legal development to align with community needs and the changing context of the area.

Firstly, a proposal to amend and supplement Article 39 of the Land Reform for Agricultural Purposes Act, B.E. 2518, allows land recipients to

transfer land rights to other farmers through agricultural land reform. The suggested amendment specifies that land acquired through agricultural land reform can be divided, transferred, or passed on to other farmers, institutions, or businesses. These actions should adhere to the criteria, methods, and conditions outlined by the Ministry of Agriculture and Cooperatives.

Secondly, the announcements of the Land Reform Committee for Agriculture must be amended to include other business activities that support or are related to land reform for agriculture as stipulated by the Minister of Agriculture and Cooperatives under Article 30 of the Agricultural Land Reform Act B.E. 2518, as amended by the Agricultural Land Reform Act (No. 3) B.E. 2532 and Agricultural Land Reform Act (No. 4) B.E. 2563, to cover other activities such as commercial building leasing, department store leasing, and leasing of cross-border cargo truck parking spaces.

Thirdly, it is recommended that the government change land rights documents in the entire area of Sansai Klong Ngam village from land reform documents to land title deeds, supporting the development of the community's way of life following the Economic Special Development Plan Phase 2, as per the announcement of the National Committee for Special Economic Zone (NCSEZ) No. 2/2558.

Lastly, the Land Reform Office for Agricultural Purposes or relevant agencies should conduct awareness-raising activities in the community on the legal procedures for obtaining land rights documents, the rights and responsibilities associated with land use, and the penalties outlined in the law. Simultaneously, efforts should be made to instill a sense of land and natural resource conservation, ensuring that land use with documented rights maximizes benefits in line with the sufficiency economy philosophy of King Rama IX.

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