

Description of legal consciousness of the supporting officers' duty performances in Nakhon Ratchasima Rajabhat University

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ABSTRACT

One of all purposes of the study named Factors that affect to legal consciousness of the supporting officers' duty performances in Nakhon Ratchasima Rajabhat University is to discover legal consciousness of the supporting officers' performances in Office of the President, Nakhon Ratchasima Rajabhat University. This purpose is discovered by Legal Consciousness Theory with in-depth interviewing that differ from general legal study. The result can be summarized as follows.

The results show that there are 3 groups of laws that influence officers' performance. The highest influenced one is the law that officers can relate it to their duties directly. The second is law about general duty performances. In contrast, the protection of officer law has limited roles in their works.

The attitudes of officers to the laws can be presented into 2 ways. The first ways, they understand that law is an officers' equipment to protect them from any liabilities in their works. The less one, they have the opinion of law is only a frame to conduct their duties.

In addition, the research illustrates that there are 3 types of legal consciousness through officers' performances. The first type, the most conscious one, shows that before the officers perform their duty, they always examine their performance by related law. The second is to work through processes which have been conducted or learnt. This type shows the level of consciousness that is close to the first one. And the last, which shows the least conscious, is to perform by concerning to the convenient working.

Keywords: Legal Consciousness, supporting officer, Nakhon Ratchasima Rajabhat University

INTRODUCTION

General legal studies usually learn about what are problems which are arisen from enforcing of current provided laws and then reach to find how to solve those problems; editing or updating relevant laws. Most of these studies are the studies educating from various documents as the style of documentary research, which emphasis on relevant theory.

Current modern legal studies relate to various sciences such as anthropology and sociology, which can show more various and wider results of the studies, especially in the studies about law and society or "Socio-legal research/study" (Hertogh, 2004: 57).

The Socio-legal research is a research that connects the law to society including the study of Legal Consciousness. Nevertheless, the study of legal consciousness doesn't exactly same as the study of law and society. The study of legal consciousness interests in experiences and

impacts of the law to daily life of citizens (Hertogh, 2004: 457) more than just legal phenomenon that really occurs in society (Silbey, 2005: 327).

Addition, the study of legal consciousness tries to study about role of law to the citizens' daily life, their attitude to the law, how they conscious the law, how to show their rights and especially tries to explain their identity whether the consciousness of the law effect to their legal rights performing. The distinct difference of the "main flow" legal study and the study of legal consciousness is the main research methodology; the latter emphasize on learning through the citizens' experiences by in-depth interviewing.

The performances of supporting officers in Nakhon Ratchasima Rajabhat University (NRRU) are also related to legal phenomenon. There are many rule and law which relate to those officers' practices. In addition, the duty performance usually service for people who needs; such as other officers, academic students and also people outside university, which all damages can be arisen to both of those person and the university.

In generally, all duty practices should be trained in some training project for each work positions and some of them are always gained new knowledge to work more efficient. Anyway, the problems still often occur. Most of them are arisen because of performances which have been done illegitimately such as conducting without examine with related rule/law or avoiding necessary processes. That's why it is important to study about legal consciousness of supporting officers in NRRU.

Methodology

The study about legal consciousness usually focuses on role of law to daily life; in case of officer is role of law to daily duty performance. In addition, this study interest in the officers' attitude to law, which relate to their duties, that can reveals their legal consciousness, and finally, to find how they perform the legal consciousness (Jaroenjit, 2551: 12-14). The research method is as follows:

1. Sampling is 10 supporting officers who work as accounting, human resource, general administrative, procurement and academic service position or related one, 2 for each, in office of President, NRRU. The reason is that there are the most supporting officers in the university. Anyway, the researcher doesn't interview legal officer because it may take some effect to the result.

2. Collecting information by in-dept interviewing which emphasis on Act on Liability for Wrongful Act of Official 1996, especially officer protection issue, including focus on role of related law to their duties.

3. Analysis use content analysis to describe collected information which can show specific characteristic, background and attitude to work that must be connected to legal consciousness. In addition, the analysis has to focus on officers' reaction to law, how to think, how to solve any problems and how to use law or un-law manner to protect their practice, which can illustrate their consciousness of law.

Result

1. Description of legal consciousness of supporting officers' duty performance

1.1 Role of Law, the result shows that there are 3 groups of law that influence officers' performance as follows:

1.1.1 Law that officers can relate it to their duties directly. This kind of laws can create role to officer the most because these laws are relevant to processes or guidance of the officers' work. Generally, the officers have to conduct their duties according to those laws; this can be proven by the interviewing that some officer who work as procurement position said that their job usually relate to many laws, especially procurement regulation etc.

1.1.2 Law that relate to their duties in general. This general law is the law that all of officers have to aware such as Office of the Prime Minister regulation on documentary management.

1.1.3 Law that purpose to protect officer's practice. This especially means Act on Liability for Wrongful Act of Official 1996 and other law that purpose to protect the officer such as Act on Liability for Wrongful Act of Official 1996.

The result illustrates that law which is the most influent to officers' performance is law that officers can relate it to their duties directly. Although, law that relate to officers' duty in general must be always reminded, it is mentioned very slightly which show a few role of law to their practices. In contrast, the law that purpose to protect officers' practice has limited role to those officers.

1.2 Attitude of officers to the law can shows how they interest in law, both of rights and duties to do anything. The result from in-dept interviewing presents that they have an opinion of law in 2 ways as follows:

1.2.1 Law is an equipment to protect officer from any liabilities.

1.2.2 Law is only a frame to work.

Each officer in different position has the opinion of law in different way. Some of them think that law is only a frame for working but they don't think in the other way that the law which relate to their work is also an equipment to protect them from any liabilities in any damages. In some case, they think those laws and rules are kinds of hard and difficult things because they understand that their duties performance don't relate to any laws/rules despite having many laws/rules which they have to concern such as assessment rule by law, rule for duties practices and also Act on Liability for Wrongful Act of Official 1996 etc.

However, some of officers have opinions of law is both of frame for working and equipment to protect them, for example, when they conduct their work legitimacy, this kind of working can avoid from any unfortunate damages or liabilities, especially officers who work as human resource and procurement position or related one.

1.3 Legal consciousness of officer through David M. Engel and Frank W. Munger (2003), which provide 4 types of how to law creating role to the people as follows:

1.3.1 Formal legal proceedings, according to the research result, the officers can show their consciousness by using formal means such as examining their work by related law, raising some opinion against to their exclusive as provided by the law etc.

1.3.2 Transformation of self-perception, this means that the officers have consciousness because they perceive their identity and role which understand their rights and duties; to know who they are and what they can do; such as the officer understand what is their work and position, and what have to do in their duty. This perception can occur even though they don't know that some law provides those issues.

There are some examples that show this type of consciousness such as some officers learn about description of their work and understand that they have to study some related rules or laws for legitimate working and having no mistakes. This practice illustrates the officers' transformation of self-perception. In addition, another example, some officers understand that their work is very important to the organization and relate to various other officers which if there is some mistake happens, it will lead to make some damage that the officers have to response.

1.3.3 Cultural and discursive shifts, it explains that some officers' daily behaviors are given an attention such as the conversation in work place about some problems which happen in the office and also relate to law issue, that unwillfully connect to any laws and the laws are not a main agenda.

For an example, the officers have a conversation about the mistake that happen from their practice and they learn how to solve the problem from this conversation. Another one, there are some visitors who want to ask for information about progress of work which the officers have to inform them and maybe also answer some questions which, the process to take any action normally is founded in consultation among officers in the office. Certainly, the correct answer must be accorded to the law which relate to the work.

1.3.4 Context creating role of right is a mean that legal consciousness happen because of some factors that outside the officer itself such as the organization create some training project to encourage a knowledge about the officers' duty which this example show that the organization is the one who proceed the role.

The result from the interviewing found that many of officers are trained by the organization which they work for. More over, accounting, procurement and academic service; especially relate to quality assessment, officers always mention about the trainings that build their legal consciousness through those trainings. Such as an officer who works about accounting is trained by the Comptroller General's Department, or another one, quality assessment officer always is train by Office for National Education Standards and Quality Assessment.

In addition, each officer can create their legal consciousness in different ways which depend on a character of each person and also the environment in the work place as mention above.

However, there is a remark that there is not any one mention the Act on Liability for Wrongful Act of Official even though this law is very important to protect them among every duty practicing. In the other hand, most of them mostly mention the law that directly relate to their work.

2. Legal consciousness from officers' performance

According to role of law and officers' attitude to the law, the officer may show their legal consciousness, even less or much, through their duty performances. The result illustrate that there are 3 types of legal consciousness from officers' performance as follows:

2.1 Performing through examining by related law means that they always examine their performance by related law before the officers perform their duty, such as pre-check and post-check the processes for working whether those conducting accord to the provided law or not and also examine for any ways to protect them from any liabilities.

2.2 Performing through processes which have been conducted or learnt. This performance explains that some performance of officer may not always be examined by the law before conducting but the result still is legitimate. Most of the performance is conducted through some guidance which the officer have been conduct of learnt even though they have never perceive that this kind of practice accord to the provided law. In addition, the result shows that almost of officer conduct their duties through this kind of performing.

2.3 Performing by concerning to the convenient working. This type shows that when the officer perform their duties, they don't pay any attention about the law but the always concern about how to conduct their work easier.

The result from interviewing show that, although some officers practice through examining by related law, some of them also works through processes which they are used to practicing. This can be proved by some of interviewee who have mentioned that before conduct any work, there have to be someone to teach them how to do that work because, at the beginning, they can not perform their duties by only reading all related text rules/laws instantly. So, there should be someone or something to guide them to practice which normally is to perform through processes which other officers used to do. Then, when they work fluently, they may check that their work is correct by the law or not. Finally, it will turn them to practice through examining by related rule or law.

In the other hand, some case of duty performance that works through processes which may not legitimate unexpectedly, it may conclude that all of the performance is unlawfully. More over, some problems often occur because of guide line to work, which is not clear and illegal, that some mistake can happen and have to be solved.

In case of performing by concerning to convenient work, the officers rarely conduct their duties by examining by related rule or law. They usually concern about manners that can let them work easier and faster; reduce the processes, problems and barrier, which interest in the

success of work. Normally, this practice occur in the work that the officers have to connect and relevant to many other officer or people from various offices/organizations, which generally there is less of risk to make any damages. However, it doesn't mean that all of the practices are unlawful. If the officers conduct their duties same as processes as law provided, their performances are still legitimate. This can be proved by conducting of the officers who have to work as academic service position. They have to collect any information from other officer for assessment, that have be done in time according to the rules which are provide by Office of the Higher Education Commission and Office for National Education Standards and Quality Assessment.

DISCUSSION

Legal consciousness of officers, the result show that law which directly relate to officers' duty performance can influence officer in practicing. In the other hand, law which there is purpose to protect the officer from any liability is less influent even though it can help the officers to work confidently and don't have to worry about any unpredictable liabilities. The reason is that the officer must be punished or guilty only when he/she willfully or strong negligently commit his/her duty unlawfully.

Anyway, the officers have different opinions of law. Most of them think that their work don't relate to any rules or laws. In the other hand, some officers understand that law is only a frame to work. In contrast, few of them perceive that law is an equipment to protect them from any liability.

According to the result form in-dept interviewing, it show that law that directly relate to officers' practice are influent same as the study of Elizabeth A. Hoffman (2003: 691-715). Her study explore that employee who work in an organization with a high level of standard management will protect their rights by using formal means than the other one, which manage with hierarchy, and also have more legal consciousness because the employee are educated about their rights and empowered to raise the problem. That means if the officers have to conduct their works by relating to the rules or law, which provided the rights and authorities, they will be more conscious in law and can show their consciousness.

The description of officers' legal consciousness through the study of David M. Engel and Frank W. Munger (2005) presents that the result accord to how law create role to people as in their study, in every types. In addition, the most important type, which shows the most conscious, is formal legal proceeding because it is useful for the officers and this type show that they usually examine their work with the related law before they conduct the duties. More over, it will bring to have fewer damages from unlawful practices as the mentioned example.

However, Legal consciousness from officers' performance, the performing that could make a several mistake is that performing by concerning convenient work because if officers don't aware related law and make some unlawful practices, it may have an opportunity to make some damages finally. So, this kind of practice may have a high of risk to make a mistake.

SUGGESTIONS

The research illustrate that NRRU officers show their legal consciousness in different ways. If they understand their roles and duties, it will take an affect to their more legal consciousness as the result from in-dept interviewing and according to Engel and Munker study.

Furthermore, if the university try to educate them about their rights, roles and authorities, the same suggestion as Hoffman, that will let them aware their duty and bring to get more legal consciousness. More over, those means will lead to reduce any mistakes and damages, which can occur whenever, to their office and, at last, to the university.

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