

History of the Office of the Attorney General

The Office of the Attorney General was formerly called the Public Prosecution Department. The history of “Ai-Ya-Karn”, which means “public prosecutor” or “state attorney” in the Thai language can be traced back to the 14th century when Ayutthaya was the capital of Thailand. This is evident from the Royal Family Law enacted in A.D. 1358 during the reign of King Boromtriloknat where the term “Bot Phra Ai-Ya-Karn”, which means law in a general sense, was used.



The official who guarded “Phra Ai-Ya-Karn”, or the Guardian of the Laws as then known, had wider authority than that of the public prosecutors in the present day. During the early Bangkok era, the power of public prosecutors included not only litigation, but also criminal investigation. In addition, the Public Prosecutor in those days was

entrusted with the power to supervise the work of the Corrections Office, draft bills, translate foreign legal texts and provide legal advice.

In the provinces, the officials who exercised the authority of “Ai-Ya-Karn” as described above were those who held the title of “Yok-Kra-Bat”, also originated in the Ayutthaya era. The king normally designated trustworthy officials as “Yok-Kra-Bat” to be His Majesty’s representatives. “Yok-Kra-Bat” also acted as a legal advisor in conjunction with the provincial governor.



Furthermore, “Yok-Kra-Bat” took part in the administration of war. This was evidenced in the “Royal Penalty” book published by Dr. Dan Beach Bradley, an American missionary who resided in Siam during A.D. 1842-

1873. The book recorded that “Yok-Kra-Bat” must accompany the provincial governor in his missions to the battlefield. According to the writing of M. De Laluber, the French Ambassador to Thailand under the mission of King Louis XIV who came to Ayutthaya in the reign of King Narai the Great, the title of “Yok-Kra-Bat” was more or less equal to that of “procureur général” in France.

According to Thai history, some prominent Thai kings served as “Yok-Kra-Bat” before coronation. For instance, King Taksin the Great, the founder of Thonburi, served as the “Yok-Kra-Bat” of Tak Province, and King Rama I, the founder of Bangkok, served as “Yok-Kra-Bat” of Ratchaburi province before coronation.



On 1 April 1893, an office under the name “Public Prosecution Department” was established by the Royal Command of King Chulalongkorn. The first Attorney General or the “Director General of the Public Prosecution Department” under the existing organization was Khunluang Phraya Kraisi



(Pleng Vepara). Twenty-three years later, on 1 April 1916, the title of “Yok-Kra-Bat” was changed to “Ai-Ya-Karn” by the Royal Decree of King Wachirawut (Rama VI). The office was, in the early days, an agency within the Ministry of Justice.

Later on, in 1922, it was transferred to be part of the Ministry of Interior and remained there for almost a hundred years.

A few decades ago, the office underwent a major structural and organizational change. In 1991, on the eve of its centennial celebration, the office was separated from the Ministry of Interior and assumed an independent status as an autonomous agency under the direct supervision of the Prime Minister. In addition, its name was changed from the “Public Prosecution Department” to the “Office of the Attorney General”.



In October 2002, the government reformed its organization by passing bureaucratic reform law. The Office was then again transferred to be under the supervision of the Minister of Justice.

Later, the 2007 Constitution of Thailand came into effect on 24th August B.E. 2550. Section 255 of Chapter II on Constitution Organizations, Part 2 on other Organizations under the Constitution, defines the new status of the Office of the Attorney General as an “Other Organization” under the Constitution. Public prosecutors have powers and duties as provided in the

Constitution and the law on powers and duties of public prosecutors and other laws. Public prosecutors are independent in consideration and disposition of cases as well as in performing their duties fairly. The Office of the Attorney General has a secretariat with autonomy in personnel administration, budget and other activities, of which the superintendent is the Attorney General.



Finally, the National Assembly gave its approval to the following 4 Acts: (1) the Act on Public Prosecution Organization and Public Prosecutors, B.E. 2553; (2) the Act on Public Prosecution Official Regulation, B.E. 2553; (3) the Act on State Administration Regulation (No.8), B.E. 2553; and (4) the Act on Amendment of Ministries, Sub-Ministries and Departments (No. 9), B.E. 2553, which were published in the Royal Gazette on 7th December B.E. 2553. Such Acts were drafted to implement the Constitution. They are of the utmost importance to the Office of the Attorney General and the public prosecution officials as being the laws to establish the Public Prosecution Organization. They define the powers and duties of public prosecutors and the Office of the Attorney General including the protection on the exercise of public prosecutor discretion in handling of cases as well as in performing duties honestly and fairly so as to guarantee their independence in the foregoing matters under the Constitution.
