

Thesis Title : Legal Measures in the Management of Buddhist Ecclesiastical Properties and Monastery Centre Properties.

Researcher : Mr. Chalong Chuithani

Degree : Master of Arts (Public Administration)

Thesis Supervisory Committee

: Asst.Prof. Dr. Surapon Suyaprom, B.A., M.A., Ph.D. (Pol. Sc.)

: Phramaha Bunloet Indapanyo, Asst., B.A., M.A., M.B.A.
(Conflict Management)

: Asst.Prof. Dr.Thatchanan Itsaradet B.A., M.A., Ph.D. (Pol. Sc.)

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Abstract

The objectives of this thesis are to study the idea of monasteries, legal status and general religious property, to study the management of the benefit of the religious property and to study the legal standard of religious property management. This is the qualitative research made by documentary research and interview in the form of In-depth Interview given to the 22 monks/ persons who were the key informants. The instrument used in the research was one set of structured interview form for the Ecc. administrative monks and the concerned people. The content analysis technique was applied for analyzing the data according to the structure of the form of interview with the researcher's observation.

The result of research has been found that

From the study of legal standard, it has been found that

1. In the case of the monastery religious property management, it will be under the principle and the method as Sangha Act and the ministerial regulations. Therefore, the abbot has been authorized to manage the monastery religious property as the main religious affairs and can hold other activities for the benefit of the monastery in order to take money for supporting, preserving and taking care of the monastery under the confinement of law and Dhammavinaya. The principle and the method of managing the temple religious property has been formulated generally only. It has determined the standard of managing the temple religious property only in the case of the rent, not including doing other legal acts and contracts such as purchase, sale and exchange etc. Besides this, some ministerial

regulations and rules of Sangha Supreme Council are not suitable. They should be improved in compliance with the present condition. For example, controlling, examining, balancing the power of those who have been concerned with the temple etc.

2. In the case of managing the uninhabited monastery, according to the regulation, the National Buddhist Office hold the duty of administrating and taking care of the uninhabited monasteries, monastery estate, including the property of such uninhabited monasteries, as long as such uninhabited monasteries have not been abolished or combined with any other monastery. Hereby the law specifies the part of the kingdom to administrate, take care of and preserve them and function as the abbot of the uninhabited monasteries. However, from the study, it has been found that there is no any method of administrating, taking care of and preserving them as did with the inhabited monasteries. Because the uninhabited monasteries are the juristic entity, the legal standard, the method of the inhabited monasteries, should be forced as necessary. The article 40 (2) clearly specifies that the property of the monasteries (including the uninhabited monasteries) is the property of any monastery. So it should not combined with any other religious property.

3. In the case of managing the general religious property, its regulation is that the National Buddhist Office shall have the power and duty of taking care of , preserving and managing the general religious property, but the general religious property does not hold the status of a juristic person, as Sangha Act, article 40, paragraph 2, it is regarded the National Buddhist Office is an owner of the general religious property. All this, it is to do in order to solve the problem of the right for doing legal act and running the proceed in the court with the case of the general religious property. It does not intend to be a really owner of it and there is no any provision of the regulation and the way of the religious property. It is offered to amend and improve by the way of having any organization or a staff of people as administrators, The forms of management, the process of checking, taking care and evaluation of management may be determined etc. The Sangha Act B.E.2505, the amended copy, should be amended by the Sangha Act (2nd copy) B.E. 2535, in order to formulate a particular regulations for the process of management of the monastery religious property and the general religious property to cover and comply with monastery status and economic condition of Thai society.