

**THE STUDY OF ORGANIZATION CULTURE, DYNAMIC
JUDICIAL PROCESS, AND ORGANIZATIONAL
EFFECTIVENESS: THE CASE OF THE COURT
OF JUSTICE OF THAILAND**



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Thesis
entitled
**THE STUDY OF ORGANIZATION CULTURE, DYNAMIC
JUDICIAL PROCESS,
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THE CASE OF THE COURT OF JUSTICE OF THAILAND**

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Parichart Munsgool

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OF JUSTICE OF THAILAND**

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ABSTRACT

In this era, the Court of Justice of Thailand (COJ) confronts difficult challenges. Achieving organizational effectiveness is highly challenging. Prior research found that organizational culture contributes to organizational effectiveness, but the studies in context of COJ is still limited.

The current study aims to provide insights into organizational effectiveness, culture, and processes in the context of COJ and figure out how to improve its effectiveness. The research succeeded the purposes in finding components of COJ's effectiveness and cultures. Additionally, the research confirmed that COJ's organizational cultures contribute the COJ's effectiveness. Another finding is that developing judicial processes is essential to achieving organizational effectiveness, which closely resembles to prior studies. The research also found two additional factors contributing to the COJ of Thailand effectiveness, human resources as well as transparency and public participation. Suggestions on each factor are also presented in the research.

KEY WORDS: The Court of Justice of Thailand/ Organizational Effectiveness/ Organizational Culture

43 pages

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THE STUDY OF ORGANIZATION CULTURE, DYNAMIC JUDICIAL PROCESS, AND ORGANIZATIONAL EFFECTIVENESS: THE CASE OF THE COURT OF JUSTICE OF THAILAND

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กจ.ม.

คณะกรรมการที่ปรึกษาวิทยานิพนธ์: รองศาสตราจารย์ชุนินทร์ อยู่เพชร, Ph.D., ผู้ช่วยศาสตราจารย์ บุญยิ่ง คงอาชาภัทร, Ph.D., สุทธาวรรณ ซาโต้, Ph.D.

บทคัดย่อ

ศาลยุติธรรมไทยเป็นองค์กรที่มีมาเป็นเวลานานแล้ว ในยุคนี้ศาลยุติธรรมไทยต้องรับมือกับความท้าทายอย่างมาก การทำให้เกิดประสิทธิผลองค์กรเป็นเรื่องที่ท้าทายกว่าที่ผ่านมา ประสิทธิผลองค์กรเป็นวัตถุประสงค์สำคัญของการพัฒนาองค์กร วัฒนธรรมองค์กรมีส่วนสำคัญอย่างต่อประสิทธิภาพการทำงานและความสำเร็จขององค์กร นอกจากนี้ การเข้าใจกระบวนการทำงานของศาลยุติธรรมจะมีประโยชน์อย่างยิ่งต่อการพัฒนาองค์กร อย่างไรก็ดี ที่ผ่านมามีการศึกษาเกี่ยวกับประสิทธิผลองค์กร วัฒนธรรมองค์กร และกระบวนการทำงานของศาลยุติธรรมไทย กับความสัมพันธ์ระหว่างเรื่องดังกล่าวไม่มากนัก

งานวิจัยนี้มุ่งหวังที่จะนำเสนอข้อมูลเชิงลึกเกี่ยวกับประสิทธิผลองค์กร วัฒนธรรมองค์กร และกระบวนการทำงานของศาลยุติธรรมไทย และวิเคราะห์ความสัมพันธ์ระหว่างเรื่องดังกล่าว เพื่อพัฒนาประสิทธิผลองค์กรของศาลยุติธรรมและให้ศาลยุติธรรมไทยบริการประชาชนได้ดียิ่งขึ้น ไปอีกงานวิจัยนี้บรรลุวัตถุประสงค์ในการระบุถึงองค์ประกอบสำคัญของประสิทธิผลองค์กรของศาลยุติธรรมไทยและวัฒนธรรมองค์กรที่โดดเด่นของศาลยุติธรรมไทย ทั้งยังสนับสนุนทฤษฎีเกี่ยวกับความสัมพันธ์ระหว่างประสิทธิผลองค์กรและวัฒนธรรมองค์กรของศาลยุติธรรมที่ว่า วัฒนธรรมองค์กรมีผลต่อประสิทธิผลองค์กร นอกจากนี้ ยังสามารถระบุถึงความสัมพันธ์ระหว่างกระบวนการทำงานของศาลยุติธรรมไทยต่อประสิทธิผลองค์กร และการพัฒนากระบวนการทำงานของศาลยุติธรรมไทยจะส่งผลให้ประสิทธิผลองค์กรของศาลยุติธรรมไทยดีขึ้น ซึ่งสอดคล้องกับแนวคิดของเรื่องนี้ในศาลต่างประเทศ งานวิจัยนี้ยังระบุถึงองค์ประกอบที่จะนำไปสู่ประสิทธิผลองค์กรของศาลยุติธรรมไทยอีกสองประการ คือ ทรัพยากรบุคคลกับความโปร่งใสและการมีส่วนร่วมของประชาชน นอกจากนี้ ยังได้ประมวลข้อเสนอแนะเกี่ยวกับองค์ประกอบแต่ละข้อไว้ในรายงานวิจัยฉบับนี้ด้วย

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CHAPTER I

INTRODUCTION

1.1 Background of the Study

Organizational effectiveness is the center of organizational analysis (Goodman, 1977), and it is deemed as ultimate goal of organizational development. (Quinn & Rohrbaugh, 1983)

Organizational culture is a set of dominant norms and values that are unique to a specific organization (Jakub Brdulak, 2015) or collective value and believe of people in the organization. (Wanfak, 2019) Organizational culture plays an significant role in an organization's performance and subsequent success (Brian J. Ostrom, 2005). Organizational culture can be used to better understand organizational effectiveness in a variety of contexts. (Denison et al., 1991) Therefore, the study of organizational culture is an essential component in the development of an organization (John J. DiIulio, 1996).

The Court of Justice is widely regarded as one of the most respected and significant organizations in every country. Judiciaries around the world use various judicial systems, but they all share the vision that Courts of Justice must be effective in order to better serve citizens and respond to public expectations.

In the era where changes are constant and disruption happens in all fields, judicial institutions around the world is confronted with difficult challenges such as an increase in the volume and complexity of cases, as well as the public's high expectations for information access and accountability from the Court. (Brown, 2006) Achieving organizational effectiveness nowadays is even more challenging than ever.

Similar to all other types of organizations, there are many factors related to the organizational effectiveness of the Court of Justice. Organizational culture is known as one of the most important factors related to the success or even failure of the organizations. Furthermore, the organizational process links all parts of workflow together to achieve the goals of the organizations. Understanding the organizational process, culture and

effectiveness can be highly beneficial to attain the continuous improvement of the organization.

A few research studies focus on the relationship among organizational effectiveness, dynamic process and organizational culture. Therefore, the current study contributed to the theory and practices of organizational and management research in the context of court of justice.

The current study aims to provide the insights of organizational culture, dynamic judicial process and the organizational effectiveness in the case of the Court of Justice in the context of Thailand. Limited studies have attempted to explore the organizations in the context of laws and justices.

1.2 Background of the Court of Justice

1.2.1 Status and Jurisdiction

Under the Constitution, sovereignty is divided into three branches; Legislative, Executive, and Judiciary. Sovereign power is exercised through the National Assembly, the Council of Ministers, and the Court of Justice. (The Constitution of Thailand, 2017) Under the principle of check and balance among the three pillars, the Judiciary is independent and shielded from direct legislative and executive intervention. (Council of ASEAN Chief Justices, 2021)

Founded since 1882, the Court of Justice of Thailand is a long-standing judicial institute serving the public and country. (Thailand, 2021) The Court of Justice is entitled to adjudicate cases, namely civil, criminal, bankruptcy, and other cases which are not within the jurisdiction of other courts. (Leeds, 2020) The Court of Justice is expected to interpret the law justly and enforce the law in an impartial and efficient manner as well as deliver judgments in timely fashion.

As one of the three supreme powers of the country, the Court of Justice of Thailand provides a service of case adjudication. There are a few other institutes in Thailand that hold the name 'court', but they are not affiliated with the Court of Justice. To save readers from confusion, there are four parallel courts in Thailand with different

jurisdictions, namely, the Constitutional Court, the Court of Justice, the Administrative Court and the Military Court.

The Constitutional Court has jurisdiction over the constitutionality of parliamentary statutes and drafts, as well as the appointment and removal of public officials and issues concerning dissolution of political parties. ("The Constitution of Thailand," 2017) The Administrative court has jurisdiction over disputes among government entities or government officials and disputes between an individual and another government entity or official. ("The Act on Establishment of Administrative Courts and Administrative Court Procedure B.E. 2542 ", 1999) The Military Court has jurisdiction over criminal cases specifically defined by the Military Court Act B.E. 2498 ("the Military Court Act B.E. 2498," 1955), which mostly involved with disputes among or related to the army. However, after the 2014 coup, the National Council for Peace and Order (NCPO) expanded the military court's jurisdiction to cover non-military cases, including lèse majesté cases, sedition cases, cases concerning national security and cases regarding violation of NCPO orders. ("The National Council for Peace and Order order number 37/2557 ", 2014). The NCPO 33/2557 was later cancelled by the NCPO 9/2562. ("The National Council for Peace and Order order number 9/2562," 2019) Cases that are not in the jurisdiction of the Constitutional Court, the Administrative Court, and the Military Courts, fall under jurisdiction of the Court of Justice of Thailand. ("The Constitution of Thailand," 2017)

1.2.2 Mission and Vision

Vision of the Court of Justice of Thailand is "The Court of Justice is an institution delivering justice for peaceful, fair, equal society under the Rule of Law"

Missions of the Court of Justice of Thailand are

1. To deliver justice to create equal opportunities and equality.
2. To develop and upgrade a justice administration system to be fast, convenient, modern, and to conform with international standard.
3. To enhance judicial cooperation and justice system collaboration both domestic and international level.
4. To maintain trust and public confidence in the administration of justice for sustainable harmony and stability (Thailand, 2019)

The policies of the President of the Supreme Court in 2020-2021 are to promote

1. Equality: People shall be treated fairly and equally

- The Court management system shall be developed to ensure integrity, transparency and accountability. Progress of cases shall be efficiently monitored and accessible for individuals concerned.

- Accessibility to justice shall be extended for communities in rural and remote areas.

- Court procedure, litigation costs, and litigation time shall be minimized and the concerned individuals shall be treated duly and equally.

- Proactive communication shall be performed to ensure that individuals will be able to understand and realize their own rights with equality.

- Transparent mechanisms and methods shall be utilized to acquire comprehensive information so that judicial discretion can be exercised fairly and responsively to social context.

2. Equilibrium of Rights: Establishment of the Equilibrium of Rights

- Unnecessary confinement shall be minimized at every step.

- Human dignity of defendants shall be upheld on high regard throughout the trial.

- Rights of injured persons, crime victims, and witnesses in criminal cases shall be enhanced.

3. Creativity: Judicial procedure and adjudication shall be modernized by new and efficient mechanism

- Litigation mechanisms and systems affecting people's lives, public safety, society, and economy shall be fairly and efficiently organized in accordance with social context.

- Court proceeding shall be developed to enable Case Affairs Officers to play more important role in supporting court proceedings.

- Judicial ruling and judgment shall be systematically scrutinized at all levels of court. Judge's chamber in high court shall be conducted with modern technology.

4. Capacity building: Professional career development of court staff members shall be undertaken for better work-life balance and higher quality of life at work.

- The Judicial Training Institute shall be leveraged to be national legal academic and training center to provide opportunity for judges to conduct research and carry out academic work, aside from case adjudication.

- Efficient manpower planning and staffing shall be conducted for suitable workload and higher competency in delivering justice to people.

- Fair career advancement for court staff members shall be fostered with appropriate remuneration in the light of competency, responsibility, and range of service.

5. Public participation.

- A strong and systematic channel shall be established for the best interest of the court staff members at all levels

- Communication and appropriate collaboration with public shall be encouraged to bridge the gap so as to strengthen public trust, confidence, and involvement in sustainable development of the Court of Justice. (Court, 2020)

The Court of Justice of Thailand has introduced information technology to support the judicial process both in adjudication system and support system for some time. At the beginning, the Court focused on promoting and development of information technology system to support the existing works, for example, Court Integral Online Service (CIOS), e-filing, e-notice, Court Interpreter Service and Management System (CISMS), Arrest Warrant Information System (AWIS), case tracking system, e-payment. (Yodnin, 2021) Later, technology and related tools have been advanced and can be applied to improve the court's works, especially technology like big data, blockchain. The Court's goal is to have a complete and interconnected information system with domestic and inter-organization compatibility.

In accordance with the National Strategic Plan and the government's Thailand 4.0 policy, the Court issued a Digital Development Plan B.E. 2562 – 2564, focusing on Court's system development and promoting innovation that can support and promote judicial effectiveness as well as managing information and data.

The Court's vision on digital is "The Court of Justices use digital technology to provide public service for convenient, swift, and economical justice administration.

The Court's missions on digital are

1. Develop system, promote usage, and support technology innovation for justice administration
2. Collect and manage data for the Court's works and utilize data within the Court and with other government agencies.
3. Change mindset and enhance capabilities of the Court's personnel to manage and utilize digital technology efficiently.
4. Strengthen the Court's digital infrastructure to high standard and safe.

(Thailand, 2019)

1.2.3 Adjudication Body

The Court of Justice of Thailand is classified into three levels, consisting of "The Courts of First Instance", "The Courts of Appeal", and "The Supreme Court"

1.2.3.1 The Courts of First Instance

Nearly all cases are initially brought to the Courts of First Instance, except for criminal cases against holders of political positions, which are directed to "The Criminal Division of Holders of Political Positions" in the Supreme Court. Other cases can be brought to the court of first instance that has a jurisdiction over them. The Courts of First Instance's jurisdictions are divided by law; basically, they are segregated by case categories, amount in dispute and geographic segmentation.

The Courts of First Instance are located all over country and divided into municipal courts and provincial courts. Municipal courts have jurisdiction over smaller matters, to be more specific; the civil claim that the amount in dispute does not exceed 300,000 baht and criminal cases with sentence that does not exceed three years or 60,000 baht fine. Other cases are under provincial court jurisdiction.

Each province in Thailand has at least one provincial court and one municipal court. In large provinces where there are a big number of cases and people have difficulties going to the courts due to the distance and commutation, additional courts are founded to better serve people.

Unlike the municipal court system in other provinces, Bangkok has a unique provincial court system. Civil cases and criminal cases are under jurisdictions of civil courts and criminal courts and being separately handled by such courts accordingly.

In addition, there are four specialized courts and another special court in Thailand. The four specialized courts are (1) the Labor Court, (2) the Tax Court, (3) the Intellectual Property and International Trade Court, and (4) the Bankruptcy Court. The four specialized courts is founded to ensure that specific or technical disputes to be adjudicated by judges with expertise in the matter. The appointment of a specialized court judge is based on his or her knowledge and experience of specific matters. In the Labor Court and the Intellectual Property and International Trade Court, the quorum of judges consists of both career judges and associate judges. Associate judges are experts in each field, separately recruited to work with career judges to ensure that the quorum understands the case well.

Another type of special court is the Juvenile and Family Courts, which are the Central Juvenile and Family Court in Bangkok and the Provincial Juvenile and Family Courts in other provinces. The Juvenile and Family Courts is deemed as a special court because it has a special procedural law and a distinctive quorum, consisting of two career judges and two associate judges, one of them shall be a woman. Associate judges, preferably having a family or being well-trained in juvenile behavior, are hoped to be more understandable and forgiving in juvenile actions and domestic issues.

1.2.3.2 The Courts of Appeal

The Courts of Appeal is the middle-level court of Thai Judiciary. In regular cases, if a party disagrees with a court of first instance's judgment, he can appeal to the Court of Appeal that has jurisdiction over the case. There are 10 courts of appeal in Thailand, geographically divided. The head of each Court of Appeal is the President of the Court, assisted by Vice Presidents of the Court. Each Court of Appeal has several divisions, classified by case categories. Each division is led by a chief justice and has at least two other justices. At least three Court of Appeal justices form a quorum.

An appeal on the Courts of Appeal judgment is considered by the Supreme Court, both questions of laws and, subject to restrictions provided by law, on questions of facts. A minimum amount in dispute bars the appeal as well as other restrictions; for example, the problem shall to be legitimately disputed in the lower court.

Nonetheless, under limitations prescribed in the Civil Procedural code, a party may request a frog leap appeal, where the appeal passes the court of appeal and is directly sent to the Supreme Court. Moreover, cases from specialized courts, such as Intellectual Property, International Trade, Tax, Bankruptcy cases, are bound to skip the Courts of Appeal and be considered by the Supreme Court.

1.2.3.3 The Supreme Court

If a party disagrees with the court of appeal's judgment, he has a final chance to appeal to the Supreme Court. The Supreme Court of Thailand is the last resource in all cases. Cases from all over the country are centralized here.

Besides being the highest management position of the Court of Justice, the President of the Supreme Court is the head of the Supreme Court. The President of the Supreme Court plays an important role in all judicial and administrative works. A justice of the Supreme Court shall be appointed from justices of the Courts of Appeal under consideration of seniority, knowledge, and experience. Other members in the Supreme Court include Vice-Presidents, Presidents of Divisions, Presiding Judges, and Supreme Court justices.

A quorum in the Supreme Court is at least three justices. However, the Court may hold a plenary session to decide important issues or issues that similar to the precedents but may have different solution or has a reason to overrule the precedents.

The Supreme Court also has its own Research Division. The Research Division supports Supreme Court Justices on conducting researches and precedents related to pending cases. The Research Division also drafts some judgments for Supreme Court justices. The Research Division works are comparable to works of court clerks in the United States. (Justice, 2021)

1.2.3.4 Judges

There are four types of judges, namely career judge, senior judge, associate judge, and Datoh Yutithum or Kadi. Jury has not been used in Thai Court. A forum of career judges decides on both question of facts and legal question. The closest personnel to jury is an associate judge, which will be explained later in this part. However, associate judge is more like amici curiae than jury.

- Career Judge

The recruitment of career judges is conducted by the Judicial Commission. Career judges shall be approved by His Majesty the King before appointment. Candidates of career judges need to meet qualifications, set by the Judicial Commission, for example, passing the examination of the Legal Institution of the Thai Bar Association, being a member of the Thai Bar Association, and having at least two years of legal experience. The recruitment process includes a highly competitive examination, perhaps the hardest of any law exams in this country. (Court, 2001) and an oral interview given by the Judicial Commission. The candidates that passed the recruitment process will be appointed as judge-trainees for 1 year to 16 months. A candidate who completed the training and passed the assessment will be approved by the Judicial Commission and nominated to His Majesty the King. Once the King appoints a judge, the judge needs to perform a solemn declaration before His Majesty the King before being officially appointed as a judge.

Under Thai Law, a judge may be vacated from the office by the following reasons:

- A. death;
- B. resignation;
- C. vacating from the office under the law on government pension fund;
- D. being transferred to serve in a position of a government official which is not judicial position;
- E. resignation for being in military service;
- F. being ordered by law to resign;
- G. being expelled, dismissed, or removed by law from the office; or
- H. being removed from office by a resolution of the Senate.

- Senior Judge

A senior judge is actually a type of career judge. The position was recently created since 1997 due to shortage of career judges. ("The Constitution of Thailand," 1997) A senior judge is a career judge who passes a certain age limitation for judges who can hold the Court's executive positions but not exceed 70 years old. ("The Rules of Appointing and Holding Senior Judge Position Act B.E. 2542," 1999)

The age limitation was 60 years old, but it is currently in process to change to 70 years old. During the transition period, the age limitation of judges gradually goes up each year from 60 years old until it reaches 70 years old in the year 2017. When judges reach the age limitation (In 2016, the age limitation is 65 years old), they have to leave executive positions and become senior judges, upon the Judicial Commission's approval and His Majesty the King's appointment, until they reach retirement age. A senior judge is entitled to perform judicial duties but are prohibited from holding a management position or a Judicial Commissioner. However, senior judges are eligible to vote for such commissioner.

- Associate Judge

Only the Juvenile and Family Courts, the Labour Court or the Intellectual Property and International Trade Court have associate judges. Associate judges are laypersons having knowledge and experience in a specific field. Associate judges have a specific term of four to six years, not a permanent position. They work with career judges on cases to make sure that a quorum of judges understand the matters and issues thoroughly.

- Datoh Yutithum or Kadi

The four most southern provinces of Thailand are heavily populated with Islamic people. Those four provinces are governed by special laws in some matters due to their unique culture and believe. The Islamic Law regarding Family and Succession are used as a replacement for the Civil and Commercial Code. ("the Act on the Application of Islamic Law in the Territorial Jurisdictions of Pattani, Narathiwat, Yala and Satun Provinces, B.E. 2489," 1946) A Kai, as an expert in Islamic Law joins career judges in a quorum to adjudicate the case conforming with the principle of Islam. A Kadi shall be over thirty years of age, fluent in Thai language, and have knowledge in Islamic laws on family and succession. (Thailand legal system, 2021)

1.2.3.5 Role of Judges

Thailand is a civil law country, as proven by Continental style of codification. Thai Civil and Commercial Code is heavily influenced by the German code, the French code and the Japanese Civil code. According to Thai codes, Thai court uses inquisitorial system. The Civil Procedural Code and the Criminal Procedural Code confirm the system by authorizing a judge to call a witness or evidence, even though

parties do not request for them. In some cases, a judge may exercise such right even when the regular evidence rules cannot be met. ("The Civil Procedural Code," 1934; "The Criminal Procedural Code," 1934)

However, regardless of the written laws, a judge is more passive in civil cases. In adjudicating a civil case, a judge acts like a chair umpire and leaves the litigating actions to the parties. A party that provides better evidence wins the case under preponderance standard of evidence. This custom is influenced by English common law system which, at times, Thai judges were exposed to. (Court, 2001) However, a judge is more active in criminal case trial.

1.3 Statement of the problems

1. What are the Court of Justice of Thailand's organizational effectiveness, culture and process?
2. How to improve the Court of Justice effectiveness?
3. How can the Court of Justice better serve the public?

1.4 Purpose of the study

1. To understand the organizational effectiveness, culture and process of the Court of Justice of Thailand.
2. To determine factors contributing to The Court of Justice of Thailand's organizational effectiveness.

1.5 Expected results

1. To understand The Court of Justice of Thailand's organizational effectiveness, culture and process and linkages between them.
2. To suggest recommendations to improve the Court of Justice of Thailand organizational effectiveness.

1.6 Research scope

1.6.1 Scope of Content

The research covers organizational culture, judicial process, and organizational effectiveness of the Court of Justice of Thailand, and does not include that of the Administrative Court, the Military Court, and the Constitutional Court which are separated and different institutions.

1.6.2 Area of Population

The population is persons who are affected by the Court of Justice's effectiveness. The population can be categorized into two main groups, the Court personnel and, namely justices, judges, and court staff, and non-court personnel who have interacted with the Court.

Sample Group are thirteen justices, judges and staff in the Court of Justice in all court levels with different years of experience and different roles at the court. For another eleven persons outside the Court, persons of interest are from different groups that have enacted and impacted by the Court's work, including law professors, public prosecutors, police officers, lawyers, non-government organization staff, social movers.

1.7 Definition of significant terms used in the study

The Court of Justice has a unique culture and specific judicial process. For better understanding of the Court of Justice of Thailand and its organizational effectiveness, culture, and process, these terms need be clarified.

1. **Organizational effectiveness:** Organizational effectiveness is an important goal of an organization. Organizational effectiveness can be demonstrated by the organization performance and responses from its stakeholders. Measurements of each organization may vary depending on the objectives and characteristics of organizations.

2. **Organizational effectiveness of the Court of Justice of Thailand:** According to the Court of Justice of Thailand defines its effectiveness through vision and missions (Thailand, 2019) and the policies of the President of the Supreme Court of

Thailand (Court, 2020), the Court of Justice of Thailand's organization effectiveness is adjudicating cases using efficient mechanism for fast, convenient, and modern service and providing fairness and equality. However, the definition of organizational effectiveness in the context of Thailand's Court of Justice in judges and public perspectives are undetermined and hope to be understood in this research.

3. Organizational culture of the Court of Justice of Thailand: Judicial organization and its culture are unacquainted and unique. The research aims to understand the Court of Justice of Thailand's outstanding organizational cultures through interviews of the Court of Justice staff.

4. Integrity: The Code of Conduct of the Court of Thailand, similar to the Code of Conduct of American Bar Association ("Model Code of Judicial Conduct," 2010) and other judicial institutions around the world, stated that a judge shall uphold and promote integrity. ("The Code of Judicial Conduct," 2009) To protect Integrity from being compromised, judges need to be not under any influences and interventions.

5. Independency: Judicial independence means to the ability of courts and judges to perform their duties without having influence or being controlled by other persons or entities, whether governmental or private. (Law, 2019) Due to the Court of Justice's independence, it has generally remained separate from other institutions or abstained from delegating or sharing management responsibility and authority with others. (Brown, 2006) An independent judiciary is imperative to justice in our society. ("Code of Conduct for United States Judges," 2019) Compromise on independence could be detrimental to the judiciary .(Rios-Figueroa, 2006)

6. Seniority system: The Court of Justice of Thailand has a robust seniority system, evidenced by the judge's seniority ranking. The seniority ranking of judges is determined by the year of admission and the entrance exam results. For example, if one enters the Judiciary in the year 2010, one will be ahead of those who enter in the year 2011. In the same cohort, higher examination scores rank higher than lower scores. In the case of equal scores, the ranking is determined by virtue of the draw. Unless there are exceptional circumstances, such as a disciplinary penalty, the seniority ranking remains unchanged for the remainder of the working years, regardless of annual performance evaluation or quality and quantity of work. Seniority determines promotions, position placement, remuneration, and all benefits unless there are rare exceptional circumstances.

The seniority system guarantees judges' independency and shielded judges from both internal and external intervention. Moreover, as a result, the seniority system promotes integrity and independency.

7. **Judicial Process:** The judicial process is a workflow of a legal dispute in the Court. The precise definition of judicial proceeding varies depending on the jurisdiction. (School, 2021) The scope of the definition for this research is limited to the process with Thailand's Court of Justice, whether or not a judge presides.

8. **Public service:** Public service is the main duty of government organizations including the Court of Justice. Judiciary provide case adjudication as a public service and hold accountable for the interests of the people as a whole. ((CCJE), 2015) Public service shall be citizen-centered, well-respond to public needs, and generate public benefits. (Division, 2017) To increase organizational efficiency in judicial administration, the court shall ensure public facilitation and service for persons in contact with the courts as well as community service in understanding and protection of rights and freedom of the public.

9. **Timeliness:** "Justice delayed is Justice denied" is a well-known jargon in legal world. One of the goals of the court is to deliver a judgment in timely manner and timely judicial process is expected from citizens. The time taken by a court to deal with a case is a critical factor in determining whether the justice system is just and fair. (Burstyner, 2016) Failures to deliver judicial decisions in timely manner may discourage citizens from entering and using the judicial service. (OECD, 2017)

There is no single universal standard on how long a case is supposed to last. Each case has a different timeline, depending on merits of each case. (Harley, 2015) Some countries have guidelines and standards for timeliness. In 1968, United States adopted speedy trial standards for criminal cases and expanded to time standards for other cases in 1976. (Courts, 2011) The time standards have been immensely changed recently due to the availability of information and technology.

10. **Fairness and justice:** One of the fundamental human rights is the right to fair and just trial ("United Kingdom Human Rights Act," 1998), evidenced in all constitutions. People are guaranteed to be equal before the court and entitled to presumption of innocence until proven otherwise. (Attorney-General's Department, 2021) Fair and

just trial means a fair and transparent hearing, within a timely manner, by a competent and impartial court. (Portal, 2021)

11. Transparency: Transparency is a fundamental characteristic of modern judiciary. It ensures public monitoring and participation. Some scholars narrowly construed transparency as an ability to know each vote or personal opinion of each judge in order to know the judge's position on a matter. (Entrikin, 2019) However, broadly speaking, judicial transparency also includes an ability to access to public information by an individual and the judiciary's duty to provide adequate information and make it accessible to public. (Johnson, 2018) The openness and transparency in the work of public institutions is highly demanded from the public ((CCJE), 2015), including information regarding judicial recruitment and appointment, Judicial financial disclosures, and publication of case statistics.

The Dunoff-Pollack Judicial Trilemma model recognized transparency as one of the three central judicial values; the other two are independence and accountability. A court needs to balance among those values. (De Búrca, 2017)

Public participation: Communication between public and Judiciary can facilitate the judicial reform. (Bakolias, 2000) Therefore, in order to develop judicial process for organization effectiveness, judicial culture and judicial process are needed to be examined from insiders and outsiders' perspective.

12. Justice derives from and vest in all people. People are the main stakeholders when it comes to justice. Public participation in justice system is a significant indicator of a country's rule of law level. The court must allow the public access to fair trials and to be able to bring up any evidence to prove one's innocence. (Pareerurk, 2017)

Public participation in judicial process was recognized by Thailand Constitution ("The Constitution of Thailand," 2017)

13. Check and balance: As one of the three pillars of a sovereign state, Judiciary is obligated to check and be checked by Executive and Legislative in order to balance the power of the three. Check and balance principle is a guarantee of freedom. (Rafael La Porta, 2002)

There are also check and balance system among criminal justice institutions. The power of investigator, public prosecutor, and the court are also balanced among each other (School, 2020) Once an investigator collects evidence and witness disposition,

the investigator shall pass the file along with recommendation to prosecute or close the case to a public prosecutor. The prosecutor may indict, close the case, or order the investigator to gather more evidence. The case will be tried by the Court, which the Court will not only decide on the merits of the case, but also scrutinize whether the criminal proceeding process was legitimate. Beyond that, all steps and each institution's functions are scrutinized by public. (School, 2020)

14. Training, learning, and development: Competencies of justices, judges, and court personnel are imperative. Courts around the world recognized the important of training, learning, and development of court personnel constantly at all levels. (Singapore, 2021)

The Court of Justice of Thailand has a domestic training institution with three campuses. The training mainly focuses on legal and technical trainings, including essential skills for the best practices, aiming everyone to discharge their judicial function with excellence at full potential. (Institution, 2021) Soft skills are occasionally added and gaining more interest as well.

15. Mindset: Reasoning is an important part in a court's verdict. Reasoning explains why the Court decides explicitly and how the Court concludes as it is. However, scholars suggested that there usually be implicit reasoning in a verdict, which they assumed as judicial mindset. Judicial mindset could be beliefs and moral stance. Research shows that judicial mindset is dynamic and could be influential and situational. (Quintanilla, 2013)

CHAPTER II

LITERATURE REVIEW

2.1 Organizational Effectiveness

The studies of organization effectiveness have been dated back to 1977 (Boonchaluy, 2013). The organization effectiveness starts from realizing its goals in order to improve and develop organizations as well as planning strategy. (Boonchaluy, 2013)

Organizational effectiveness is defined as a concept that measures efficiency of an organization in achieving its goals. Organizational effectiveness is described as an organization's success and achievement (Bovee, 1993) and determines whether or not the organization will survive. (Robbins, 1990)

Organizational effectiveness reflects the knowledge and performance of the organization's personnel (Beach, 1970) and can be achieved through a process of combining its members' requirements with resources outside the organization. (Jae Won Choi, 2021)

Organizational effectiveness can be measured by a single measurement or multivariate measures. (Chandasuwan, 2010) Different approaches to measure organizational effectiveness depends on characteristics and complexity of organization (Weick, 1976), for example, organizational effectiveness can be dependent of organization staffs compliance to policies and procedures or dependent on the staffs' ability to accomplish tasks within time limit and using optimal amount of resources. (Stark, 2021)

Organizational effectiveness of a court is required by the public to demonstrate the court's accountability. ((CCJE), 2015) Indicators of organizational effectiveness of courts may vary, such as good-quality judicial services, efficient administrative organization, fair, just and timely decisions. (Ng et al., 2008)

2.2 Organizational culture

Organizational culture means the environment and norms of an organization that reflect its unique characteristic, including its behavioral and social tendencies that occur among member of the organization. (Mercadal, 2020) The correlations of values and assumptions held or shared by organizational members form the organizational culture. (Keyton, 2005) Organizational culture can be reflected on symbols, language, ideology, belief, ritual, and myth. (Walker, 2021) The share valued passing on to the fellow colleagues (Phuket, 2009) and last for a while to form an organizational culture. (Denison, 1990) Organizational cultures could be found in the organization's rules, proceedings, or interactions among members. (Wagner & Hollenbeck, 1998)

Organizational cultures are divided into two categories: dominant cultures and subcultures. Dominant cultures are the main shared values that are accepted and shared by members of an organization, whereas subcultures are less common. (Robbins, 1997)

Organizational cultures derived from a variety of sources. Occupational culture is a significant source, which is frequently found in professionals and includes a role model and code of conduct. (Hodson & Sullivan, 1995)

Leaders require organizational culture in order to truly understand their organizations and make a change. (Watkins, 2013) Organizational culture studies attempt to address organizational behavior by examining cultural characteristics of the organizations themselves. (Martin, 2002)

Understanding organizational culture is challenging as organization cultures of each organizations are different and cannot be assessed with a standard tool. The studies of organizational cultures can be done by survey research approach, analytic descriptive approach, ethnographic approach, historical approach, or clinical descriptive. (Schein, 1990)

The attempts to understand organizational cultures have been done in several organizations in Thailand, for example, An Analysis of Organizational Culture of Institutional Management in Nakhon Sri Thammarat Teachers College (Chariyanukul, 1993), Organization Culture in Educational Institutes : A Case Study of Nursing Education Institutes (Urwong, 1996) While studies of organizational culture have been around for a while, studies of organizational culture in courts are still scarce. (Brown, 2006)

2.3 The relation between organizational effectiveness and organizational culture

Organizational management is the study of how to improve organizational effectiveness. Understanding organizational cultures is one way to accomplish this. (Gordon, 1990) The studies of interrelations between organizational effectiveness and organizational culture have been conducted in theories (Denison & Mishra, 1989) and in other types of organizations in Thailand and other countries, for example, a manufacturing firm in Turkey (Cengiz Yilmaz, 2008), a Royal Thai Army's Branch Service School (Pisek, 2003) and the Office of Police Strategy, Royal Thai Police (Jareonsri, 2019).

According to the researchers, there is a positive correlation between organizational effectiveness and organizational culture, and it is reasonable to conclude that organizational culture can help to improve organizational effectiveness. (Boonchaluy, 2013)

2.4 The Court of Justice of Thailand's effectiveness, culture, and process

The organizational effectiveness of the Court of Justice is difficult to define because the Court of Justice pursues a seemingly intangible goal, justice. (Ostrom, 2007) However, there are numerous advantages to defining, assessing, and developing the effectiveness of courts, including accurate perception of the Court's performance, reaching shared values between court staff and the public, the ability to set a clear goal in the right direction, and the proportionate allocation of budgets in each area of development. (Ostrom, 2005)

According to Ostrom et al., understanding and measuring organizational effectiveness of courts begins with identifying what is to be assessed and its definition, then gathering performance-related information from the court and stakeholder expectations, before integrating perspectives from both sides. The study, then, proposed a long-term institution reform with implementation steps, which are identifying performance objectives, setting priorities, and sharing the results. (Ostrom, 2007)

The Court of Justice of Thailand, like other institutions, has its own organizational culture, which needs to be understood before creating strategies in respond to dynamic judicial process in order to create organizational effectiveness.

In Thailand, there are only a few studies on the Court of Justice of Thailand's effectiveness, culture, and process.

A study that is similar to this research is a study on relationship among Inspirational Leadership, Organizational Culture, Learning Organization and Organizational Effectiveness in Context of the Courts of Justice, but the study focused on relationships between organizational culture and learning organization as well as between learning organization and organizational effectiveness. (Pongthep Chandasuwan, 2019)

Another related study is on the organizational culture and working performance of personnel at Bureau of General Administration of the Court of Appeal Region 7, which is a unit in the Court of Justice of Thailand. The research used Cameron & Quinn's the competing values framework of the organizational culture (Cameron, 2011) to understand the Unit. However, the study focused on a specific unit of the Court of Justice of Thailand and used a fixed and specific organizational culture framework, which are different from this research. (Wunfak, 2018)

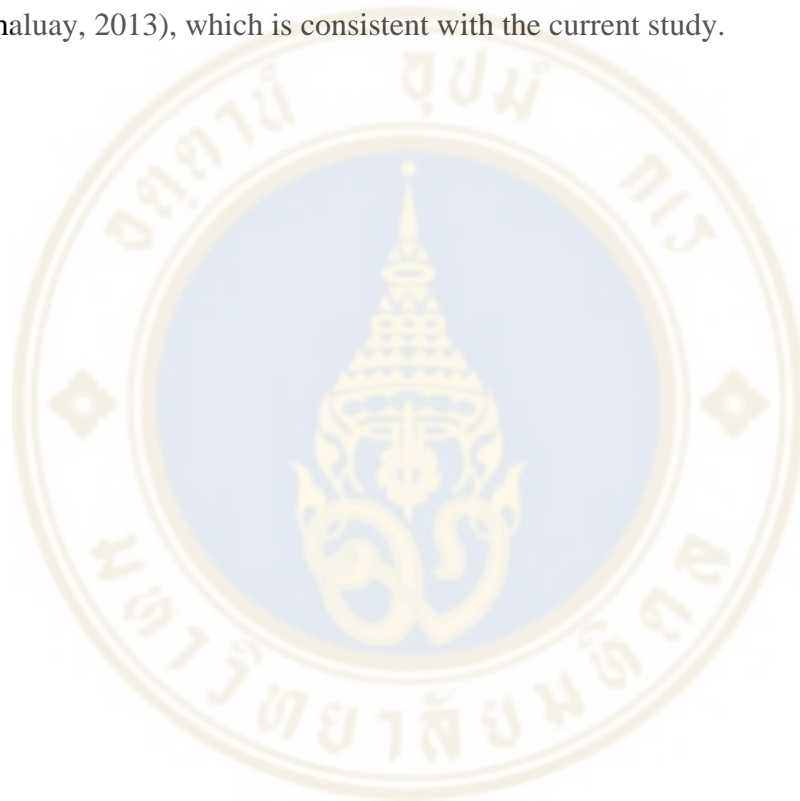
Therefore, it is fair to state that, so far, there is no study on the Court of Justice of Thailand's effectiveness, culture and process and interrelation among them.

The Research Institute of the Court of Justice, the Rabi Bhadanasak Research and Development Institute, has conducted some researches regarding organization development, but within a limited area. For example, research on law clerk system, improvement of work system: the case of senior judges, the development of the electronic court system in Thailand, using electronic court system in foreign countries as a model, organization efficiency on divorce cases and child custody cases in Juvenile and family courts. (Institute, 2021)

Besides researches conducted by the Court, there are a few researches on the Court of Justice's staff development conducted by the Court's personnel. However, those researches are limited to non-judge staff and only focused on a certain court, namely, Suratthani Provincial Court and Nakornsri Thammarat Provincial Court. (Choothong, 2018)

The aforementioned researches focused on a particular field or issue and the studies did not directly focus on the linkage of organizational effectiveness, culture, and process. Bridging the gap between organizational culture, dynamic judicial process, and organizational effectiveness will help directing the Court to achieve its vision.

A study that is closet to this one is the research relationships among organizational culture, learning organization, and organizational effectiveness of the Court of Justice using structural equation modeling. The study used quantitative method. According to the study, recommendations to the Court of Justice include allowing more participation in court management, having standardized guidelines and best practices for uniformity across all courts, and providing wide range of opportunities for continuous learning. As a complement to the research, the researcher suggested qualitative research on the same topic to gain more insights into the Court of Justice (Boonchaluy, 2013), which is consistent with the current study.



CHAPTER III

RESEARCH METHODOLOGY

3.1 Introduction

This research aims to understand organizational effectiveness, culture and process of the Court of Justice of Thailand and determine factors contributing to The Court of Justice of Thailand's organizational effectiveness. The research is structured to gain intel from both court personnel and non-court personnel, then analyze them side by side to see correlations. The research collects definitions of relevant words and background knowledge from secondary data sources before comparing them to interview results and drawing conclusions and making recommendations to improve the effectiveness of the Thai Court of Justice.

3.2 Research Structure

In order to get insights in organizational effectiveness, culture, and process of the Court of Justice of Thailand, the researcher uses the qualitative research method. Definition of terms, background and literature reviews, information gathering is from textbooks, news, documents, journals, and online sources. Qualitative data sources include semi-structured interviews.

3.3 Population and Sample Selection

This research uses the purposive sampling method. All of the population work or interact with the Court of Justice of Thailand in various capacity. The Sample Group is divided into two categories: court personnel and non-court personnel.

Court personnel sample group total number is thirteen and consists of judges in different roles and various court levels, namely, justices in the Courts of Appeal, trial court judges, research judges in the Supreme Court and the Courts of Appeal, secretaries of courts, and judges in management roles, and court staff.

The non-court sample group has eleven persons, comprising of public prosecutors, police officers, human right lawyers, litigation lawyers, activists, and law school lecturers. All of them have interacted with the Court of Justice of Thailand in various ways.

3.4 Interview Questions

The set of questions of two groups is dissimilar since their roles and interaction with the Court of Justice are different, but both sets of questions aim to get insights on organizational effectiveness, organizational cultures, and judicial process of the Court of Justice and other related intel.

3.4.1 Interview questions for court personnel group are

1. Questions on organizational efficiency and culture
 - What are significant skills for judges? Why?
 - Have you had trainings provided by the Court on the significant skills you mentioned above?
 - What trainings provided by the Court have you had?
 - Have you had trainings outside the Court that help you work better? And from whom?
 - Which skill trainings should the Court provide to make you work better?
 - Are you satisfied with your learning and development opportunity inside and outside the Court?
 - How could the Court enhance your opportunity to learn?
 - What is outstanding culture of the Court?
2. Questions on judicial process
 - Which part of judicial process of the Court of Justice of Thailand do you admire?
 - How can the Court support your work better?
 - Are you satisfied with the Court's administration system?
 - Which part of judicial process is the most efficient?
 - Which part of judicial process is the least efficient?

- Name up to 3 things in judicial process you would like the Court to improve.
- Do you have trust in the Court of Justice?
- Are you satisfied with the Court of Justice's transparency? Why?

3. General questions

- How many years have you worked at the Court?
- What is your current position?
- Please briefly explain your job description. (trial court judge, management

role, research division)

3.4.2 Interview questions for non-court personnel group

1. General questions

- Do you understand the role of the Court of Justice?
- Have you participated in justice system at any levels?
- Have you been a part of judicial process yourself? (Witness, expert witness,

plaintiff, defendant)

2. Questions on organizational efficiency and culture

- How was your experience with the Court?
- What is the most impressive experience with the Court? (Time, Service,

Fair, Efficiency)

- Do you have trust in the Court of Justice?

Are you satisfied with the Court of Justice's transparency? Why?

What are difficulties you experienced during the judicial process?

- Have your family or friends been a part of judicial process?
- How was your family or friends' experience with the Court?
- What is your family and friends' most impressive experience with the Court?

3. Questions on judicial process

- What are difficulties you experienced during the judicial process?
- What could make judicial process easier for you, your family, or your

friends?

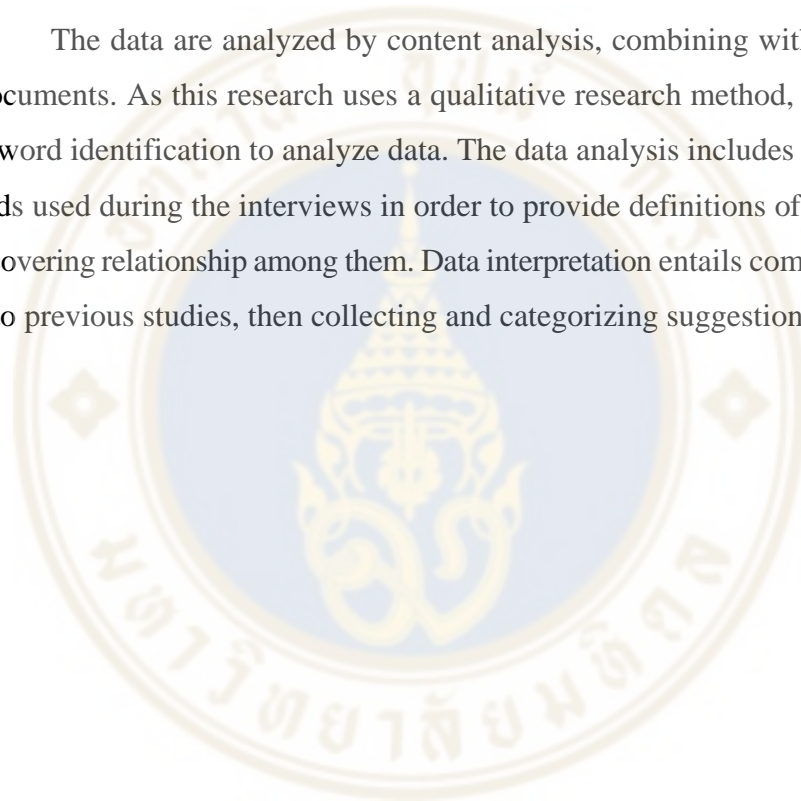
- How could the Court of Justice be more efficient?

3.5 Data Collection Method

The researcher interviews and collects data by interviewing, taking notes, and recording and transcribing interviews for completion and accuracy of data. The researcher then analyzes data, identifies keywords, and find relations of the data and keywords.

3.6 Data Analysis and Interpretation

The data are analyzed by content analysis, combining with data collection from documents. As this research uses a qualitative research method, the analysis will use keyword identification to analyze data. The data analysis includes finding common keywords used during the interviews in order to provide definitions of words of interest and discovering relationship among them. Data interpretation entails comparing interview results to previous studies, then collecting and categorizing suggestions.



CHAPTER IV

INTERVIEW RESULTS AND DISCUSSION

4.1 Introduction

According to the interview, all 24 interviewees are familiar with the Court of Justice of Thailand and can differentiate it and tell it apart from other organizations, including ones with confusingly similar names. All of them have interacted with the Court in various roles.

Table 4.1 List of interviewees (Court personnel)

Code	Gender	Recent Positions	
I01	Male	Secretary of a Court	Trial Judge
I02	Male	Trial Judge	
I03	Female	Trial Judge	Judge of Judicial training Institute
I04	Female	Trial Judge	
I05	Female	Secretary of a Court	Judge of Appeal Court
I06	Female	Trial Judge	Judge of Research Division
I07	Female	Judge of Research Division	Secretary of a Court
I08	Female	Director of a Court	
I09	Male	Judge of Research Division	Judge in a management position
I10	Male	Judge in a management position	
I11	Male	Judge of Judicial training Institute	Trial Judge
I12	Female	Judge of Research Division	Trial Judge
I13	Male	Secretary of a Court	

Table 4.2 List of interviewees (Non-Court Personnel)

Code	Gender	Positions
O01	Male	Law Professor
O02	Male	NGO/Activist/Lawyer
O03	Female	Lawyer
O04	Male	Lawyer/Human right lawyer
O05	Male	Lawyer
O06	Female	Lawyer/Human right lawyer
O07	Male	NGO/Activist/Lawyer
O08	Female	Public prosecutor
O09	Female	Public prosecutor
O10	Male	Police
O11	Female	Police

4.2 Interview results

Below are interview results presented in three categories; organizational effectiveness, organizational cultures, and judicial process.

4.2.1 Organizational Effectiveness

Although court personnel and non-court personnel responded to different sets of questions, both groups shared similar expectation of organizational effectiveness of the Court of Justice. According to the interviews, the expected Court organizational effectiveness consists of two key components: (1) justice and fairness and (2) excellent service, both of which are frequently mentioned during interviews.

Concerning the first part, justice and fairness, all interviewees are satisfied with the Court of Justice's performance in delivering justice and fairness to some extent. To elaborate, they are satisfied with the Court of Justice's work in general cases.

"I am satisfied by the justice and fairness delivered by the Court" – a trial judge

"I have full confidence in the Court's fairness" – a trial judge

"I trust in the Court" – a Lawyer

“I trust the Court because the evidence presentation process for fact finding and the review process by appeal courts and supreme court are transparent and credible” – a lawyer

However, some of the interviewees have opinions that, at times, the Court of Justice should have acted against the Executive and Legislative, to balance the power among the three branches. For example, the Court of Justice should not have accepted and enforced laws passed by the National Council for Peace and Order due to its illegitimate source.

“Generally, the Court has done a good job in protecting human rights. However, the Court should play a stronger role in balancing the power of Executive and Legislative.” - NGO

According to interviewees, in order to deliver justice and fairness, judges must be knowledgeable in the law and keep up to date on new laws and trends. Moreover, other skills including communication, negotiation, conflict management, leadership, and teamwork, are crucial for a judgeship. As judges are the great asset of the institution, human resources development, therefore, is an important factor in ensuring justice and fairness. Training and systematic knowledge management are recommended.

“Training arranged by the Judicial Training Institution are mainly classroom teaching. Other methodologies should make the training more effective and fun. Feedback and evaluation from previous cohorts should be considered to improve the training design as well as choices of the instructors. Moreover, judges should have better and equal access to outside-the court training opportunity” – a trial judge

“Training topics are not up to date. Sometimes, the instructors are not the ones who have the most expertise in the topics. If the Court widens its instructor pool to include more outside instructors, the Court may have a better choice of instructors. In addition, the Court should encourage various training methodologies and opportunities, both ones arranged by the Court or other institutions” – a judge of Judicial Training Institute

“Judges should be trained to equip with other skills than legal knowledge, for example, management skill.” – a director of a court

“Training needs good planning, communication, methodology and proper tools. The current training might lack of those. The current choice of subjects, methodologies, and

duration of each subject do not reflect training objectives. For example, skill development cannot be done by lecture.” – Judge in management position

All thirteen court personnel suggested some alterations in topic, methodology, and structure of trainings provided by the Court’s own training and development academy, Judicial Training Institution (JTI). Systematic knowledge management is also deemed as a priority.

As for the other part contributing to organization effectiveness and excellent service, all interviewees discussed this part actively and provide interesting suggestions. The interview revealed the link between excellent service and judicial process, which is that judicial process development can lead to excellent service. The interviewees agreed that the Court of Justice is moving in the right direction toward initiatives to deliver excellent service by introducing digital service and elevating service standards. There are several areas in which interviewees hope to contribute and expect improvements. Suggestions by interviewees can be divided into two groups, digital service, and other services.

“Technology could improve the Court significantly” – a secretary of a court

“Digital court is an important improvement of the Court” – a trial judge

“Technology could help improve the Court’s efficiency in many ways, including minimize waiting times in court rooms, document submissions, etc.” – a public prosecutor

4.2.2 Organizational cultures

Three cultures, Integrity, Independency, and Seniority, were repeatedly mentioned when interviewees were asked to name the Court of Justice’s organizational cultures.

“Integrity is the most important qualification of judges” – Director of a court

“Integrity is what judges hold” – a trial judge

The interviewees stated that all those cultures highly contribute to the Court of Justice’s fairness and justice.

“I am quite satisfied with seniority system and transparency, which ensure independency of judges.” – a trial judge

“I surely have trust in the Court. Its cultures have big contribution on that” – a Judge of Research Division

Integrity: Integrity is the core organizational culture of the Court of Justice, and it is the principle the judges live by. All in-house interviewees place a high value on integrity. The Court of Justice has a zero-tolerance policy for corruption and the receipt of illicit benefits. The Court of Justice is also well-known and highly respected for its integrity to non-court personnel.

Independency: Interviewees named judicial independency as another significant organizational culture. As one of the three pillars of the state, the Judiciary is obligated to check and balance the other two powers, Executives and Legislative. The Judiciary must be independent of other institutions to perform the task. Moreover, the primary responsibility of the Court of Justice is to adjudicate cases impartially. Judges individually need to be independent and shielded from internal and external intervention to achieve the goal.

“Independency is a good thing, but too much independence means too broad discretion” – a Lawyer

Seniority: Seniority was mentioned as an excellent the Court of Justice culture by interviewees. The Court of Justice of Thailand has a robust seniority system, evidenced by the judge’s seniority ranking. The seniority ranking of judges is determined by the year of admission and the entrance exam results. For example, if one enters the Judiciary in the year 2010, one will be ahead of those who enter in the year 2011. In the same cohort, higher examination scores rank higher than lower scores. In the case of equal scores, the ranking is determined by virtue of the draw. Unless there are exceptional circumstances, such as a disciplinary penalty, the seniority ranking remains unchanged for the remainder of the working years, regardless of annual performance evaluation or quality and quantity of work. Seniority determines promotions, position placement, remuneration, and all benefits unless there are rare exceptional circumstances.

“The Court has a strong seniority culture, which has its benefits. However, there should be a good evaluation system, for example, all-around or 360-degree evaluation, as a tool to encourage constant development.” – a trial judge

“Independency of judges is good thing. However, the Court should be more open to the public and judges should be closer to people, so that the judges can have empathy with people, which is one of the main stakeholders, and be more customer centric. – a judge of Appeal court.

All court personnel value the system and want it to continue. However, many interviewees identified system flaws and proposed solutions to improve the system's contribution to the Court of Justice effectiveness.

“Ratio of the Judicial Commissioners in the Court of First Instances, the Courts of Appeal, and the Supreme Court should be at least equal since the number of judges in the Court of First Instances are much higher than the other two” – a trial judge

“Seniority may discourage judges from working hard and efficiency” – a secretary of the Court

“Cooperation with other judicial agencies do not lessen judges’ independency. Instead, it improve legal service in the big picture” – a public prosecutor

4.2.3 Judicial Process

The current judicial process is satisfied by the interviewees. However, there is room for improvement.

“The Court has a good internal audit system” – a police officer

According to the interviewees, judicial process improvement can lead to organizational effectiveness. The majority mentioned that Court of Justice's services have improved significantly in recent years. Digital court projects and other services have been introduced to modernize judicial procedures and facilitate interactions with the Court of Justice.

However, some of them encountered difficulties during digital transformation and the implementation of new services, and as a result, they have some recommendations. Suggestions include standardizing protocols and time frames for petitions or judicial procedures in all courts to reduce disparities in service and time standards among courts, enhancing transparency and public participation, and developing a road map that includes user education and device preparation for a smooth digital transformation.

“The Court should have a technology transformation roadmap and provide compatible devices as well as trainings in advance. There should be a hearing before implementation of new systems or programs, so that the users can share difficulties or limitations of such projects. This way, the technology transformation should be smoother and more practical” – a trial judge

“The implementation of new electronic-court project is initiated from the center, lacking communication and cooperation with the users” – a trial judge

“Regardless of implementation of technology in the Court, the Court should have a standardized process that applied to courts all over the country. So that lawyers and people know the process and steps. Different workflows in each court gives lawyers and people a challenge in understanding the steps and difficult to follow. – a lawyer

“Lawyers and parties should be able to check the case status easily, maybe using an app or other technologies” – a lawyer

“Technology could make judicial cooperation easier. For example, submitting petition and document online” – a police officer

4.3 Discussion

In response to the purpose of understanding the Court of Justice effectiveness, despite different sets of questions, both court personnel and non-court personnel agreed on the characteristics of the Court of Justice organizational effectiveness – (1) justice and fairness and (2) excellent service. More interestingly, the idea corresponds to the Court of Justice's vision and missions (Thailand, 2019) as well as the President of the Supreme Court's policies. (Court, 2020)

As for the purpose of identifying organizational cultures, all court personnel mentioned integrity, independency, and seniority and intertwined relationship between those three cultures. Integrity, independency, and seniority are remarkable and strong organizational cultures of the Court of Justice. Each of them is important on its own, but they are closely linked and support one another.

Integrity is a significant culture, and all interviewees strongly believe in it. Fairness and Justice cannot be accomplished without integrity of judges. To protect Integrity from being compromised, judges need to be not under any influences and interventions. Therefore, Independency of the Court of Justice as an institution and of judges individually supports Integrity. The seniority system guarantees judges' independency and shielded judges from both internal and external intervention. Moreover, as a result, the seniority system promotes integrity and independency.

The interview results conformed with the prior study of organizational effectiveness mentioned earlier that organizational cultures contribute to organizational

effectiveness (Brian J. Ostrom, 2005), as the majority of the interviewees observed a linkage between the Court culture and fairness and justice.

It is worth noting that, unlike organizational cultures from other researches or countries in which court organizational cultures vary (Brian J. Ostrom, 2005), organizational cultures of the Court of Justice of Thailand are uniform. Without given choices or leading questions, three outstanding cultures -- Integrity, Independency, and Seniority -- are repeatedly mentioned by interviewees.

Both groups of interviewees valued the existence of those three cultures and asserted that those are the preferred cultures of the Court of Justice. Nevertheless, recommendations regarding the seniority system have been offered. Recommendations are implementing strategic performance evaluation and proportionately distribute participations in policy making and management for all court levels. The latter suggestions are consistent with Denison and Mishra's findings that high participation increases organizational effectiveness. (Denison & Mishra, 1989)

Another finding from the interviews is the connection between the judicial process and organizational effectiveness. Both groups of interviewees agreed that developing judicial processes is essential to achieving organizational effectiveness. This finding closely resembles the assessment of US court effectiveness using the judicial process. (Court, 2021)

Interviewees offered suggestions to improve the Court of Justice's effectiveness in several aspects. Recommendations include strategic planning of digital transformation and standardization of judicial procedure, which aligned with prior research that technological development along with standard procedures and processes are needed for organization development. (Robbins Sp et al., 2009) (John Pearce, 2010)

Interviews also revealed two additional factors, one from each group, that contribute to the Court of Justice's organizational effectiveness. According to court personnel, human resource development -- trainings and knowledge management -- will retain and advance organizational effectiveness. Non-court personnel stated that transparency and public participation are required to demonstrate the effectiveness of the Court of Justice.

CHAPTER V

CONCLUSION AND SUGGESTIONS

The research was successful in its purposes of understanding the organizational effectiveness and organizational culture of the Court of Justice of Thailand, which are areas that have not been studied much. The research also found four factors contributing to the Court of Justice of Thailand effectiveness, two of which in lines with research assumptions, backed by previous studies, and two of which were revealed during the interviews.

To elaborate, four components contributing to the Court of Justice of Thailand's organizational effectiveness, according to the interview result, are (1) organizational cultures, (2) judicial process, (3) human resources, and (4) transparency and public participation.

The four components can be presented in the Figure 1 below.

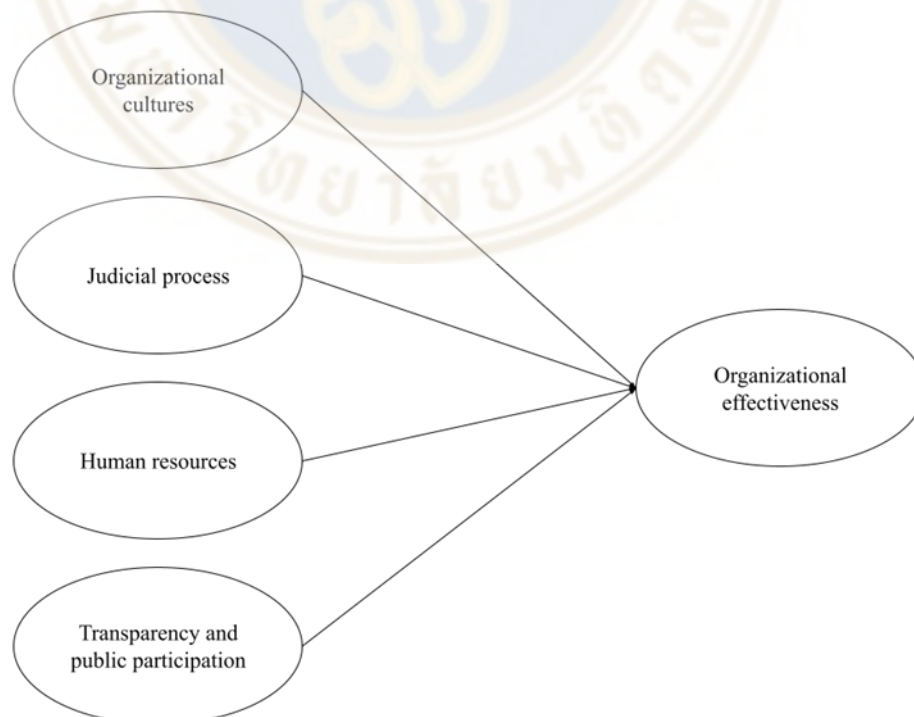


Figure 5.1 Components of Organizational Effectiveness in the Court of Justice

5.1 Research Suggestion

Suggestions on each factor discussed during the interviews are as follows;

1. Organizational cultures

The seniority system has benefits in terms of maintaining integrity and independence. However, it has some drawbacks, such as the possibility of inactive career incentives and less participation of the base of the pyramid.

Since promotion and remuneration are rigidly set, according to seniority ranking system, until the rest of the working years, there is no significant incentive to advance in career. Strategic performance evaluation and coaching would be a good approach for developing human resources to full capacity.

In some ways, the seniority system is associated with top-down policymaking. Giving people at all levels the opportunity to be involved with and participate in policymaking and management would encourage greater participation and a sense of belonging. The distribution to the Judicial Committee, which is now heavily weighted on high-ranking justices (six supreme court justices, four appeal court justices, and two trial court judges), should be redistributed to all three court levels in at least equal proportion or proportionate to the number of judges in each level.

2. Judicial process

According to the interview, judicial process development can be classified into two main categories, digital court, and other services. The D-Court (digital court) program was launched several years ago and is still a work in progress. Users encountered difficulties during system implementation, such as a lack of compatible devices, a lack of a support team, and a lack of time to become acquainted with the system. COVID-19 pandemic accelerated digital court implementation, resulting in more digital adaptation inside the Court and the public. However, challenges on providing seamless and smooth digital service are still hold. Therefore, upgrading technology and devices, providing a contact point or a support team contact information, and user education would make digital transformation run smoothly.

Although digital service is the trend and that the court places a high priority on its development, offline service remains the primary channel for providing public services. Interviewees were confronted with a plethora of protocols and service standards from various courts, which left them perplexed and uncertain about the process. This

problem could be solved by developing a national standard protocol and time frame, which would then be presented in every court.

3. Human resources

According to the interview, suggestions regarding human resource development can be divided into two groups, training and knowledge management.

Judges suggested various topics to be added in training courses provided by its own training institute, Judicial Training Institution (JTI). For example, legal principles, legal theory, communication skills, deep listening, teamwork, leadership, and negotiation skill. In addition, judges would like to learn from experts, not necessarily be heads of any organizations.

Furthermore, in advanced courses, other than lecture-based methodologies should be used to share experiences and exchange points of view. Practical training is essential for ensuring that judges not only understand the concept but are also well-prepared for the real world.

Interviewees also saw an urgent need for systematic knowledge management in order to share knowledge among fellow judges, particularly when some of them participate in trainings or learn about new laws, and when judges are required to work on new or unfamiliar areas of law.

4. Transparency and participation.

To achieve organizational effectiveness, both groups, persons inside and outside the Court, agreed that the Court of Justice must be transparent and open to public participation. Both groups want a greater role in the Court of Justice. Court personnel want to access to more information and be involved in policy development and make recommendations on court management and training. Non-court personnel want to observe in a courtroom, gain more information, offer expert opinions to the court, and share their specialized experience with judges. This suggestion aligns with the Court's initiatives to provide channels for judges and court staff to contribute ideas and feedbacks as well as opening the Court for visits and observations.

Moreover, the research shows that court personnel would like an opportunity to learn and share with experts in the field although they are not court personnel. Concurrently, persons outside the Court would like to share their experience and expertise with the Court.

5.2 Further Work Suggestion

This research used quantitative research and interviewed a limited number of Court personnel and persons outside the Court. The research can be further developed by fellow researchers by expand sample groups or sample size and explore concrete options to provide the Court's effectiveness. Moreover, the Court has recently developed in a faster pace, researchers might need to reevaluate the situation and satisfaction of stakeholders. In addition, researchers might study objective indicators to measure the Court's effectiveness.



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