

# **COMMUNITY RIGHTS VIOLATION BY GOVERNMENT OFFICERS INFLUENCING TO LIFESTYLE, QUALITY OF LIFE, AND SAFETY OF RESIDENTS: A CASE STUDY OF HOUSING ESTATE COMMUNITY IN EASTERN BANGKOK**

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## **ABSTRACT**

**Abstract**—This research aims to investigate the patterns and methods of community rights violations by government officials that affect the lifestyle, quality of life, and safety of residents in housing estate communities, using a case study of a housing estate in Eastern Bangkok. This study utilizes a qualitative research methodology, collecting data through in-depth interviews with 31 key informants, including community leaders, residents, and relevant government officials. This was conducted alongside participatory and non-participatory observations, small group discussions, and a comprehensive literature review, employing the triangulation technique for data validation.

The findings reveal that community rights violations stem from the abuse of authority and the neglect of law enforcement through a network of interests between political capital and government officials. Key issues identified include: 1) Violations of rights regarding common property and legal embezzlement, whereby developers intentionally refrained from registering common assets and instead utilized them as collateral for personal gain, as well as leasing common areas to third parties for commercial use; 2) Violations of project master plans, in which government officials permitted the construction of high-density apartments and industrial factories within residential zones; and 3) Exploitation of infrastructure, by allowing heavy trucks to use community roads as thoroughfares and collecting fees with the facilitation of local police.

These violations have led to a sub-standard quality of life for residents, who must endure pollution and a deteriorating environment. Furthermore, there is a distinct lack of safety for life and property due to increased crime rates and severe criminal incidents. The community also lacks bargaining power because the developer intentionally failed to establish a housing estate juristic person in accordance with the law. These findings reflect a systemic failure of government agencies in oversight and law enforcement, highlighting the urgent need for a reform of monitoring mechanisms to ensure transparency and genuine public participation.

**Keywords**—Community rights violation, Government officials, Quality of life, Allocated village communities, Policy corruption.

## **OBJECTIVES OF THE RESEARCH**

To find out the patterns and methods of violating community rights by government officials that affect the Lifestyle, quality of life, and safety of people in the allocated village communities.

## **INTRODUCTION**

Housing is considered one of the most fundamental necessities for living and serves as a cornerstone for the sustainable development of human quality of life in society. In the dimension of human rights, housing is not merely a physical shelter but also encompasses the protection of dignity and well-being (Diller, 2011). The demand for quality housing, which includes stable infrastructure, complete facilities, and a safe social environment, is a primary goal for members of society at all levels. This is particularly true for the middle class and urban employees, who perceive housing estates as the optimal solution for a ready-made lifestyle (Al Betawi, 2013).

In the context of Thailand, particularly in Bangkok, the expansion of housing estate projects entered its "golden age" between 1968 and 1974, leading to the continuous development of various land formats such as detached houses, semi-detached houses, and townhouses to the present day. However, the implementation process for these projects is complex and involves multiple government agencies, ranging from legal land allotment permits and environmental impact assessments to the supervision of construction and public utilities (Arifwidodo & Chandrasiri, 2013). These gaps in the exercise of state power and official discretion have become conducive factors for fraud and corruption.

A critical issue identified is the collusion between developers and government officials to circumvent legal standards in order to minimize costs and maximize profits. Consequently, housing estate projects often lack the advertised quality, or common areas are embezzled for personal gain, which constitutes a direct violation of human and community rights (Joseph & Castan, 2013). The case study of Nakhon Phatthana Village (a pseudonym) in Eastern Bangkok serves as a clear example of a project where residents have been severely affected by a lack of good governance and the negligence of government officials.

The researcher recognizes that if these violations of rights in housing estate communities are not addressed urgently, they will lead to severe conflicts and adversely impact the quality of life and safety of residents and public property on a broad scale. Therefore, the primary objective of this research is to identify the patterns and methods of community rights violations by government officials and to propose guidelines for protecting the lifestyle, quality of life, and safety of residents in housing estates, ensuring they align with international standards and the long-term intent of the law.

## LITERATURE REVIEW

Corruption in the approval and regulatory processes of land allotment projects is a complex structural problem that triggers a cascading series of impacts. It not only causes economic damage but also directly violates "community rights" in terms of the environment, health, and the traditional way of life of residents (Bijlmakers, 2018). Based on a review of relevant documents and research, the factors and patterns of rights violations are summarized as follows:

### 1. Factors Facilitating Corruption in Government Agencies

Regulatory bodies, such as the Department of Lands and the Bangkok Metropolitan Administration (BMA), often face risk factors leading to corruption, including:

**1.1 Personal Discretionary Power:** When laws allow officials to exercise discretion in interpreting site plans or technical requirements, it may lead to undue leniency for developers seeking illicit benefits. Examples include permitting construction in conservation zones or ignoring building setback requirements (Bishara & Hess, 2014).

**1.2 Legal Complexity and Loopholes:** The existence of multiple overlapping laws creates loopholes that developers exploit in collaboration with officials to issue unlawful title deeds or bypass Environmental Impact Assessment (EIA) reports.

**1.3 Conflict of Interest:** A common problem involves government officials acting as consultants or designers for projects they are tasked with inspecting, resulting in a lack of rigor and transparency in operations.

**1.4 Lack of Participatory Oversight:** Approval processes often occur within closed systems, depriving local residents of the opportunity to access information or contest potential impacts beforehand, which contradicts the principles of participatory community development (Chambers, 1992).

### 2. Legal Mechanisms and Relevant Agencies in Bangkok

Housing estate operations in Bangkok involve three primary groups of agencies categorized by their authorities:

**2.1 Department of Lands and Bangkok Land Office:** These agencies supervise compliance with the Land Allotment Act B.E. 2543 (2000). The Land Allotment Committee is responsible for approving site plans and verifying the establishment of housing estate juristic persons.

**2.2 Bangkok Metropolitan Administration (BMA):** This body oversees construction according to the Building Control Act and the Urban Planning Act. The Department of Public Works and District Offices are responsible for issuing construction permits (O.1) and inspecting drainage systems.

### **2.3 Office of Natural Resources and Environmental Policy and Planning (ONEP):**

This office controls the EIA reporting process for housing projects exceeding 500 plots or 100 rai to assess impacts on the community and environment.

## **3. Patterns of Corruption and Structural Factors Impacting Quality of Life**

Research indicates several patterns of corruption that directly impact the lifestyle and safety of residents (Arifwidodo & Chandrasiri, 2013), summarized as follows:

**3.1 Evasion of Land Allotment Laws (The "9-Plot Maneuver"):** Developers may partition land into smaller sub-projects to avoid providing standard infrastructure. Consequently, these communities often lack adequate drainage systems and green spaces.

**3.2 Policy and Urban Planning Factors:** Although parts of Eastern Bangkok are designated as floodways or green zones in the Comprehensive Land Use Plan, discretionary power is often misused to permit housing developments over drainage routes. This results in chronic flooding in adjacent communities.

**3.3 Operational and Enforcement Issues:** Bribes are often exchanged for "turning a blind eye" or failing to prosecute cases of public canal encroachment or illegal construction waste disposal. These issues adversely affect the long-term well-being and safety of residents (Intharamara, 2021).

## **RESEARCH METHODOLOGY**

The research entitled "Violations of Community Rights by Government Officials Affecting Lifestyle, Quality of Life, and Resident Safety: A Case Study of Housing Estate Communities in Eastern Bangkok" primarily employs a qualitative research methodology. The study focuses on in-depth interviews with community leaders and local residents as key informants, complemented by field observations, focus group discussions, and a comprehensive literature review. Additionally, the researcher utilizes the Triangulation Technique to ensure the immediate validity and reliability of the data.

### **1. Research Design**

The researcher established the following operational steps:

**1.1 Document Study and Literature Review:** This involved a review of textbooks, research reports, theses, conference proceedings, government annual reports, academic articles, and other relevant documentation.

**1.2 Field Study:** This was conducted through both participatory and non-participatory observations, in-depth interviews, and small-group discussions.

### **2. Selection of Key Informants**

The researcher applied the Rapid Rural Appraisal (RRA) technique to identify the qualifications of key informants (Chambers, 1992), ensuring alignment with research objectives and the prevention of bias. A total of 31 informants were categorized into five distinct groups:

**2.1 Community Organization Management Committee (5 persons):** Individuals possessing detailed knowledge of the community since its inception and having served on the committee for no less than 5 years.

**2.2 Community Leaders and Stakeholders (10 persons):** Including local sages, entrepreneurs, business owners, civil servants, and private employees who have resided in the area for over 10 years, providing data via focus group discussions regarding impacts on quality of life.

**2.3 Outsiders and Relevant Government Officials (10 persons):** Individuals not directly affiliated with local organizations but possessing relevant roles, intended to reflect external perspectives on limitations and rights violations.

**2.4 Agency Representatives and Community Committee Members (3 persons):** Targeted for in-depth interviews to capture the views of direct stakeholders in the area.

**2.5 District Director / Land Allotment Committee Members (3 persons):** Intended to provide information on policy issues, support, and legal enforcement authority, as well as policy-level solutions.

### **3. Data Collection Tools**

Data collection was executed through two primary methods:

**3.1 Interviews:** Categorized into (1) Informal interviews, used to understand the basic context and general conditions of the community; and (2) In-depth interviews, utilizing a conversational approach to gain detailed insights into community rights violations.

**3.2 Observation:** Categorized into (1) Non-participatory observation, for gathering fundamental data; and (2) Participatory observation, involving immersion in the community to learn about the way of life and participating in various activities of local organizations and learning centers.

### **4. Data Analysis**

Data analysis was conducted concurrently with data collection, following the principles of qualitative research. The researcher employed the Triangulation Technique to verify data accuracy across different dimensions, including person, time, and location. Subsequently, Content Analysis was performed by comparing findings logically with theoretical concepts, the local context, and relevant literature to ensure the results fully address the research objectives.

## **RESULTS**

Based on the field study and in-depth data collection regarding the case study of Nakhon Phatthana Village (a pseudonym), the researcher identified patterns and methods of community rights violations by government officials that significantly impact the lifestyle, quality of life, and safety of the residents. The findings are summarized as follows:

## 1. Background of the Case Study

From the examination of permit documents and field surveys, Nakhon Phatthana Village is a large-scale commercial and residential land allotment project with a long operational history. Its physical and structural details are as follows:

**1.1 Approval and Project Duration:** The project was authorized by the Land Allotment Committee for residential development with a 15-year continuous implementation plan (1967–1982), covering approximately 561 rai in Eastern Bangkok.

**1.2 Land Allotment Structure and Buildings:** The project was approved for a total of 1,600 plots, categorized into three main sections based on usage:

1. **Commercial Area:** Comprising 92 commercial buildings to support economic activities within the community.

2. **Residential Allotment (House and Land):** 750 plots with a standard size of approximately 50 square wah per plot.

3. **Allotted Land Plots (Vacant Land):** 758 plots for buyers to construct their own residences according to project standards.

**1.3 Infrastructure and Public Utilities:** According to the approved master plan, the project designated a transportation system and common areas consisting of a 1,200-meter primary road, an 800-meter secondary road, and 34 alleys. Common facilities included one clubhouse with a swimming pool, a kindergarten, and two landscape/park plots, totaling approximately 9 rai of common space.

## 2. Patterns and Methods of Community Rights Violations by Government Officials

In-depth investigations and interviews with key informants revealed that rights violations originated from the abuse of authority and the neglect of law enforcement by government officials at various levels, categorized as follows:

**2.1 Violation of Common Property Rights and Legal Embezzlement:** The developer intentionally failed to register common assets and provide security as required by land allotment laws. Instead, legal and accounting maneuvers were used to mortgage these common assets to financial institutions associated with the developer for personal gain. Consequently, assets that should have been the collective property of members (such as the clubhouse and kindergarten) were leased to third parties for commercial businesses, including restaurants, entertainment venues, and temporary labor camps for migrant workers, completely restricting residents' rights to utilize these facilities.

**2.2 Master Plan Violations and Improper Construction Permits:** Abnormalities were found in the issuance of construction permits within the project area. High-density buildings and structures inconsistent with the original master plan were constructed, including three large apartments (ranging from 85 to 200 units) and eight industrial factories located within the

residential zone. These permits reflect collusion between the developer and local officials to distort urban planning and building control intentions, violating members' rights to a peaceful living environment and long-term safety (Klinmalai, 2014).

**2.3 Misconduct and Exploitation of Public Infrastructure:** Common roads within the village, intended for residents' transit, were opened to outsiders and heavy trucks (10-18 wheels) as shortcuts day and night. Tolls were collected and funneled into the developer's interest network. Furthermore, local police authority was used to facilitate and protect these fee collections rather than enforcing traffic laws and maintaining public order to protect community rights.

These patterns demonstrate the use of state power to provide "structural benefits" to influential political capital groups, rendering legal community rights protection mechanisms ineffective.

### **3. Impact on Lifestyle, Quality of Life, and Safety**

The aforementioned violations have severely impacted the residents across three primary dimensions:

**3.1 Safety of Life and Property:** The transformation of the project from a "Gated Community" into an open area with unrestricted access, due to the lack of proper fencing and substandard control, has led to a significant increase in crime rates. Interview data revealed incidents of theft, physical assault, and severe criminal cases such as sexual assault and murder. This reflects a total failure of the security measures that the juristic person and the state should have provided to protect fundamental rights (Intharamara, 2021).

**3.2 Sub-standard Quality of Life:** Community members face a continuously deteriorating environment. Basic roads and utilities are not maintained. Residents endure noise and dust pollution from heavy trucks, alongside overcrowding caused by high-density apartments and industrial factories in residential zones, which contradicts the principles of good urban and housing development (Somsopon et al., 2022).

**3.3 Lack of Bargaining Power and Governance:** The developer intentionally avoided establishing a housing estate juristic person as required by law, instead setting up an "Employee Association" or using associates to manage the area and collect fees without actual property maintenance. Moreover, the political status of the developer (a former minister) caused local government oversight mechanisms to become "paralyzed," failing to enforce the law fairly to protect citizens' rights.

## **CONCLUSION AND DISCUSSION**

### **1. Conclusion**

Key factors facilitating corruption and community rights violations in the case study housing estate include legal loopholes, the misuse of discretionary power, and systemic issues in operational execution and law enforcement by relevant government agencies. Regarding

oversight bodies, a profound systemic failure was observed in the Land Allotment Committee and the local Land Office, which neglected to monitor project implementation as permitted. Practices such as "turning a blind eye" or accepting bribes in exchange for regulatory negligence led to residents losing critical benefits and facing environmental degradation. Furthermore, the District Office failed to inspect and improperly issued permits for inappropriate building types, such as high-density apartments and industrial factories in residential areas, representing an unlawful use of authority. Additionally, the influential political status of the developer affected local police, who failed to enforce laws protecting citizens and instead facilitated illicit fee collection from heavy trucks passing through the village. These violations inevitably and severely impacted the lifestyle, quality of life, and safety of the residents.

## 2. Discussion

The research findings in this case study can be discussed in relation to theoretical concepts and relevant literature in three primary areas:

**2.1 Structural Human Rights Violations and Corruption:** The study's findings regarding collusion between political capital groups and state officials to distort laws align with the concepts of **Bijlmakers (2018)**, who argues that structural corruption directly impacts fundamental community rights and undermines corporate social responsibility. Furthermore, the use of discretionary power by officials to relax technical requirements reflects the issues highlighted by **Bishara and Hess (2014)**, illustrating how conflicts of interest undermine the Rule of Law and diminish public trust in government institutions.

**2.2 Impact on Quality of Life and Housing Security:** The fact that community members face pollution and utility degradation is consistent with research by **Somsopon et al. (2022)**, which identifies that unsuitable physical environments and a lack of standardized facilities significantly negatively impacts on the well-being and quality of life of urban residents. Moreover, the transition of the housing project from a gated community to an open area aligns with the concerns raised by **Klinmalai (2014)** regarding the management of semi-public spaces in Bangkok; a lack of effective control leads to safety issues and increased crime, violating the fundamental rights that citizens should receive under the principles defined by **Diller (2011)**.

**2.3 Failure of Management Mechanisms and Community Bargaining Power:** The developer's intentional avoidance of establishing a legal juristic person, instead using an "Employee Association" to manage and extract profit, reflects the enforcement gaps in the Land Allotment Act noted by **Arifwidodo and Chandrasiri (2013)**, who observed that land management systems in Bangkok often lack participation and transparency. Resolving these issues requires strengthening "Social Capital" as proposed by Saengchai (2014) to empower community members to effectively monitor and balance state power and influential groups.

In summary, the discussion indicates that the problems in this case study are not merely private conflicts between buyers and developers but are reflections of systemic corruption and the abuse of state power. Addressing these issues requires reform in both legal frameworks and the creation of spaces for public participation in oversight, following the community development approaches suggested by **Chambers (1992)**, to ensure the sustainable protection

of community rights and quality of life. Various levels and methods of citizen participation differ depending on the context and objective. For example, the public participation in the governance and development of the Suan Sunandha community emphasizes community empowerment through participatory action research. This approach brings together senior citizens, community leaders, teachers, students, and government officials to develop occupational groups and community products, such as the herbal oil “Phaya Yor”, which helps increase income and quality of life in the community without relying on the government. (Phukamchanoad, 2024).

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