



## The role of public benefit organizations and the use of evidence for resolving family disputes in family cases with the role of government organizations

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### Abstract

The research presented here considers the roles of public benefit organizations and the use of evidence for resolving family disputes in family cases, as well as the role of state organizations in such disputes. This study applies a mixed research method. Firstly, the study is based on quantitative research data derived from the Pavena Hongsakul Foundation for Children and Women between the years 2021 to 2022. Data analysis applied both descriptive statistics, and correlation tests between variables and Chi-square tests. Secondly, qualitative research was conducted through in-depth interviews, key informants, and focus group discussions with respondents who work in the justice process within public benefit organizations and related organizations.

The study finds that public benefit organizations play an important role with supportive involvement in cases of violence, especially sexual abuse against children and women. These particularly victims have experienced abuse which increased numbers of family problems. The study shows that there is a correlation between the type of case and the origin of the case. Rape and indecent cases are more likely to be perpetrated by non-family members, while assault and abuse cases are more likely to be caused by family members. The result also shows that the age of the offenders have a colleration with the occurrence of the case. The findings suggest the establishment of boundaries and guidelines for forensic investigations might be used to prevent obstruction or manipulation by government officials. Finally, the study recommends that the law should be amended to align with the rights and liberties of individuals. The increasing of qualifications of mediators or Juvenile and Family Court officers is proposed. Furthermore, efforts should be made to disseminate knowledge and promote understanding of the mediation and dispute reconciliation process. Lastly, increasing the budget to support venues and staff, as well as adapting more advanced technology systems, are recommended.

**Keywords:** public benefit organizations, family disputes, government organizations

### Introduction

The family institution, in particular, is an institution that should be given more importance in the functioning of a smaller scale matters than other institutions, but it is also necessary to continue the country's development (Mo, 2017) [2]. However, domestic violence cases are reported within families with an increasing trend of violences getting more and more serious. According to the year 2022 statistics of the Pavena Hongsakul Foundation for Children and Women, it has been reported that there are about 6,745 compliant cases which 1,432 cases are family problems which counted for 43% of all complaints. On average, the complaint cases related to family problems are reportedly at 3.92 cases per day. (Kom Chad Luek, 2023). Presently, the mediation system has been implemented into the court's dispute as an alternative solution to resolve family problem cases. This shows that public benefit organizations play an important role and be involved in cases of family problems where the increasing evidences of forensic science is required. The combination of forensic science with law enforcement together could be benefit and support the effective investigation process. This would benefit the government sectors to work effectively as well as preventing, and suppressing domestic violence encounters. This research

aims to study the roles of public benefit organizations' programs which take part in family problems resolving. The research results benefit for policy recommendation as well as preparedness process in resolving family disputes cases for relevant administrators to increase the effectiveness for justice and judicial process.

### Research objectives

1. To examine the role of public benefit organizations in facilitating the mediation process for individuals facing family problems in family cases. This includes exploring the use of forensic evidence to support legal proceedings.
2. To investigate the challenges and obstacles encountered during the family reconciliation process in family cases. The findings serve as a guideline for improving the efficiency and development of conciliation work in the Juvenile and Family Court to achieve successful outcomes.
3. To establish collaborative partnerships and develop working systems between public benefit organizations and government agencies involved in the judicial process.

### Research conceptual framework

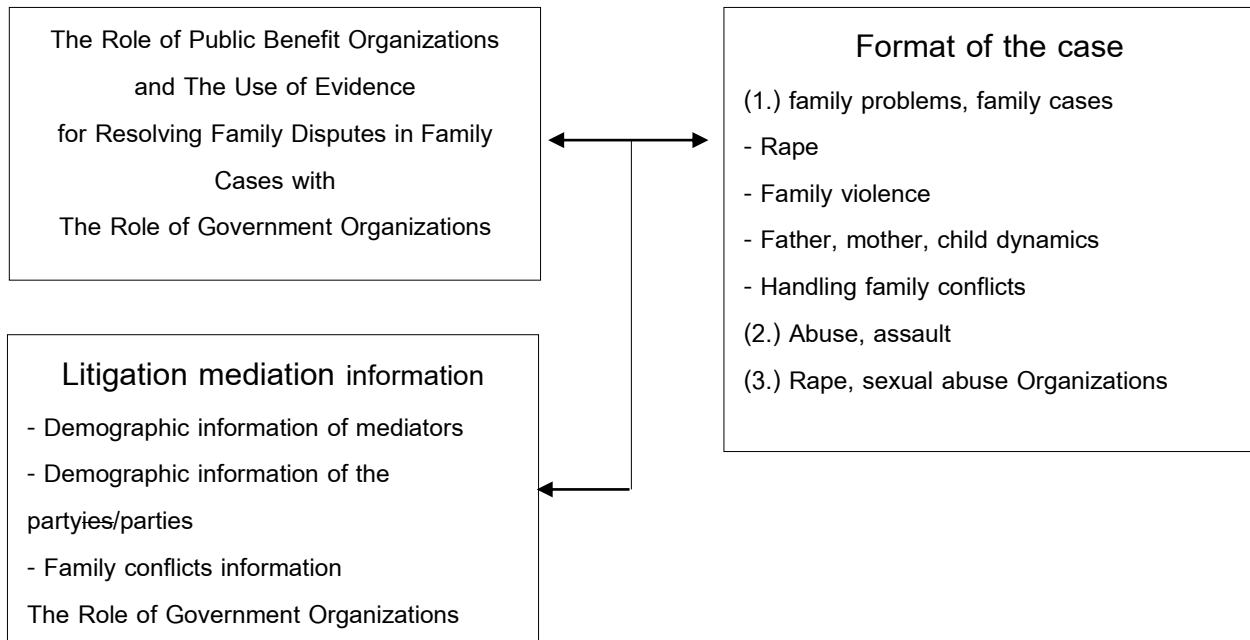


Fig 1: Conceptual framework used in the research study

**Research hypothesis**

The hypothesis for this research study is as follows: The active involvement of public benefit organizations and the utilization of evidence-based mediation techniques in family cases can effectively reduce the occurrence of family disputes and facilitate fair settlements. Consequently, this will lead to decreasing numbers of family cases that go directly to the court, as well as expedite the resolution of cases through efficient mediation processes. Additionally, effective collaboration between public benefit organizations and government agencies will be contributed to the overall success of family dispute resolution.

**Scope of research**

In this research study, the researchers have defined the scope of the study as follows:

**Content Scope**

The researchers have defined the content of the study as a statistical research on the operations and complaints of the Pavena Hongsakul Foundation for Children and Women during the years 2021 and the year 2022. The scope of the study is focused on three major problems: (1) family troubles, (2) abuse and assault, and (3) rape and indecent acts. Specifically, the researchers are focusing on family problems that occur within family cases.

**Population Boundary**

To gather information, the researchers have selected key informants who are experts in areas related to public benefit organizations and justice. The informants were selected using purposive sampling, and they have been classified into six groups based on their specific qualifications. The total number of 18 informants are selected, representing various agencies with different roles and responsibilities. The groups and the number of informants in each group are as follows:

- Group 1: 3 expert judges
- Group 2: 2 expert prosecutors

- Group 3: 4 associate Judges, mediators or Juvenile and Family Court officers
- Group 4: 2 legal experts
- Group 5: 5 inquiry Officials
- Group 6: 2 experts from public benefit organizations

**Conducting research**

The research methodology employed in this study is a mixed research methods, specifically applying both quantitative and qualitative approaches. The research process consists of two parts.

**Research process part 1: Quantitative research (Quantitative approach)**

Quantitative data were collected through relevant documents from different sources (Documentary Research). Information was also gathered through knowledge on the concept of public benefit organizations related. Additionally, concepts of evidence, evidence in forensic science, concepts of mediation process in family court and the justice system in Thailand as well as Concept of Family Trial are were studied.

The researchers have studied the statistical data of the Pavena Hongsakul Foundation for Children and Women from the year 2021 and the year 2022. The researchers have selected the most problems to have usually occurred. Four related variables were defined as (1) type of case, (2) demographic information of the offenders, (3) general information of the offenders, and (4) relationship trend between the offenders and the victims.

In the study, data analysis is applied through a statistical package, consisting of descriptive analysis, correlation tests between variables and Chi-square tests.

**Research process part 2 (Qualitative approach)**

The research combined both primary data and secondary data. Secondary data were collected through different sources such as textbooks, journals, websites, as well as research papers accessed within the country and abroad. Primary data gathered through in-depth interviews, key informants who are currently working in the justice process and public

benefit organizations which consisted of expert judges, expert prosecutors, associate judges, mediators or Juvenile and Family Court officers, legal experts and inquiry officials. Focus group discussions were conducted among staff of the Paveena Hongsakul Foundation for Children and Women to understand the organization's operations.

For data analysis, the information was analyzed inductively. Data was analyzed and coded using grouping the data. Then the researchers compiled the data by ranking according to the content. Data synthesis includes synthesising the findings of primary studies and when possible or appropriate, some forms of statistical analysis of numerical data. Later, the researchers developed a mediation process based on concepts, theories gained to establish cooperations between government organizations and public benefit organizations through forensic supportive evidence.

**Quantitative research results**

Based on the results, the research studied the role of public benefit organizations in using evidence in judicial proceedings.

The study found that according to the current situation, the role of public benefit organizations (Paveena Hongsakul Foundation for Children and Women) in using evidence in the trial that is appropriate.as the organization has played an active role and is involved in cases of violence and abuse of children and women. The various forms of abuse, especially of children and women who are abused, cause family problems are shown. The complaints are reported by victims upon preliminary inspection. Then, the organization coordinates with the local police for investigation systematically. After that, facts of evidence are gathered in each case. The organization usually works with the local police through investigation process by relying on the cooperation of the police to obtain legal forensic evidence. The organization is also coordinating with the police during the investigation and gathering evidence including forwarding the information to proceed to court.

According to the complaint data, it is reported that 1,510 complaint cases related to family problems in the year 2021, and 1,432 compliant cases related to family problems in the year 2022, in which many cases took a long time to prosecute. In the meantime, public benefit organizations step in to assist victims together with government organizations all along the process.

Based on the research results, the relationship between the case types and the data on the origination of cases analysed by Chi-square tests shows the relationship of the variables, that the most common 3 types of cases usually occur are (1) family problems (2). abuse, physical assault, and (3) rape and indecent acts. In the year 2021, there are 46 percent complaint cases related to family problems, 31 percent compliant cases related to physical abuse/ abuse and 23 percent complaint cases related to rape/ indecent violence respectively. And in the year 2022, there are 43 percent complaint cases related to family problems, followed by 29 percent complaint cases of assault/ abuse cases and 28 percent complaint cases of rape/indecent related cases, respectively. The data shows that there is a relationship between the type of case and the demographic data between offenders and victims. According to Pearson's Chi-Square, the research finds that there is no correlation at the statistical level of 0.05 for the relationship between the offenders and the victims whether the offenders are a family member or a non-family member. The research also finds that there is no correlation at the statistical level of 0.05, where rape/ indecent cases caused by non-family members. Conversely, as for the assault / abuse cases, most of the crimes were committed by family members (Table 1). The study finds that the age range of the victims correlated with the cases at the confidence level of 0.05. The research finds the age of the offender has an effect on the occurrence of the crime (Table 2) when analyzing the relationship between rape/ indecent cases and torture /assault cases with the age of the victim considering that the p-value is less than 0.05 in the year 2022.

**Table 1:** Numbers, percentages and Chi - Square values of the relationship between case type and demographic data of offenders and offenders.

| The relationship between the offenders and the victims | Year of Receiving a Complaint |         |            |         | Pearson's Chi-square | df | p-value |
|--|-------------------------------|---------|------------|---------|----------------------|----|---------|
|  | years 2021                    |         | years 2022 |         |                      |    |         |
| 1. Rape/indecent cases                                 |                               |         |            |         |                      |    |         |
| Family members   | 225                           | (16.7)  | 300        | (22.27) | 0.0542               | 1  | 0.816*  |
| Non-Family members                                     | 347                           | (25.76) | 475        | (35.26) |                      |    |         |
| Total  | 572                           | (42.46) | 775        | (57.54) |                      |    |         |
| 2. Cases of bodily harm/torture                        |                               |         |            |         |                      |    |         |
| Family members   | 498                           | (36.06) | 583        | (42.22) | 0.2412               | 1  | 0.623*  |
| Not Family members                                     | 143                           | (10.35) | 157        | (11.37) |                      |    |         |
| Total  | 641                           | (46.42) | 740        | (53.58) |                      |    |         |

Note = number (percent), \* statistically significant at the .05 level

**Table 2:** Age range of victims (2022 data)

| The relationship between the case and the age of the victim | Age range of the victim (DATA years 2022) |                 |                 |                 |                 |                 |                 |                        | Pearson's Chi-square | df | P-value |
|---|---|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|------------------------|----------------------|----|---------|
|   | 0-10 Years old                            | 10-15 Years old | 15-20 Years old | 20-25 Years old | 25-30 Years old | 30-35 Years old | 35-40 Years old | More than 40 Years old |                      |    |         |
| rape/indecent cases   | 110                                       | 381             | 198             | 60              | 29              | 18              | 14              | 30                     | 462.238              | 7  | 0.000*  |
| Cases of bodily harm/torture                                | 114                                       | 90              | 73              | 79              | 95              | 92              | 60              | 183                    |                      |    |         |
| Total   | 224                                       | 471             | 271             | 139             | 124             | 110             | 74              | 213                    |                      |    |         |

Note = number (percent), \* statistically significant at the .05 level

### Quality research findings

The research finds that public organizations are facing the issues regarding coordination and lack of collaborations among government agencies and the private sector. This problem is frequently reported. One of the main reasons is the insufficient number of police officers or investigators to handle the situation as well as the increasing number of cases, resulting in discontinuity and a lack of personnel for coordination in each case.

Based on the aforementioned problems, the appropriate future approach is to allow the public organization's handling of legal evidence to be one in many witnesses. The public organizations should participate in the investigation process and be able to access to witness information. The public benefit organizations should have more opportunities to be involved, so the coordination in handling cases can be improved. Additionally, the organization should focus on developing legal knowledge and expertise for their own personnels, such as providing legal training or directly employing legal experts to work with the organizations. In the future, the organization's approach should prioritize knowledge dissemination among at-risk individuals. Whenever a legal evidence situation arises, it will be crucial to have a deep understanding of legal aspects to effectively pursue legal actions against the offenders.

### Discuss

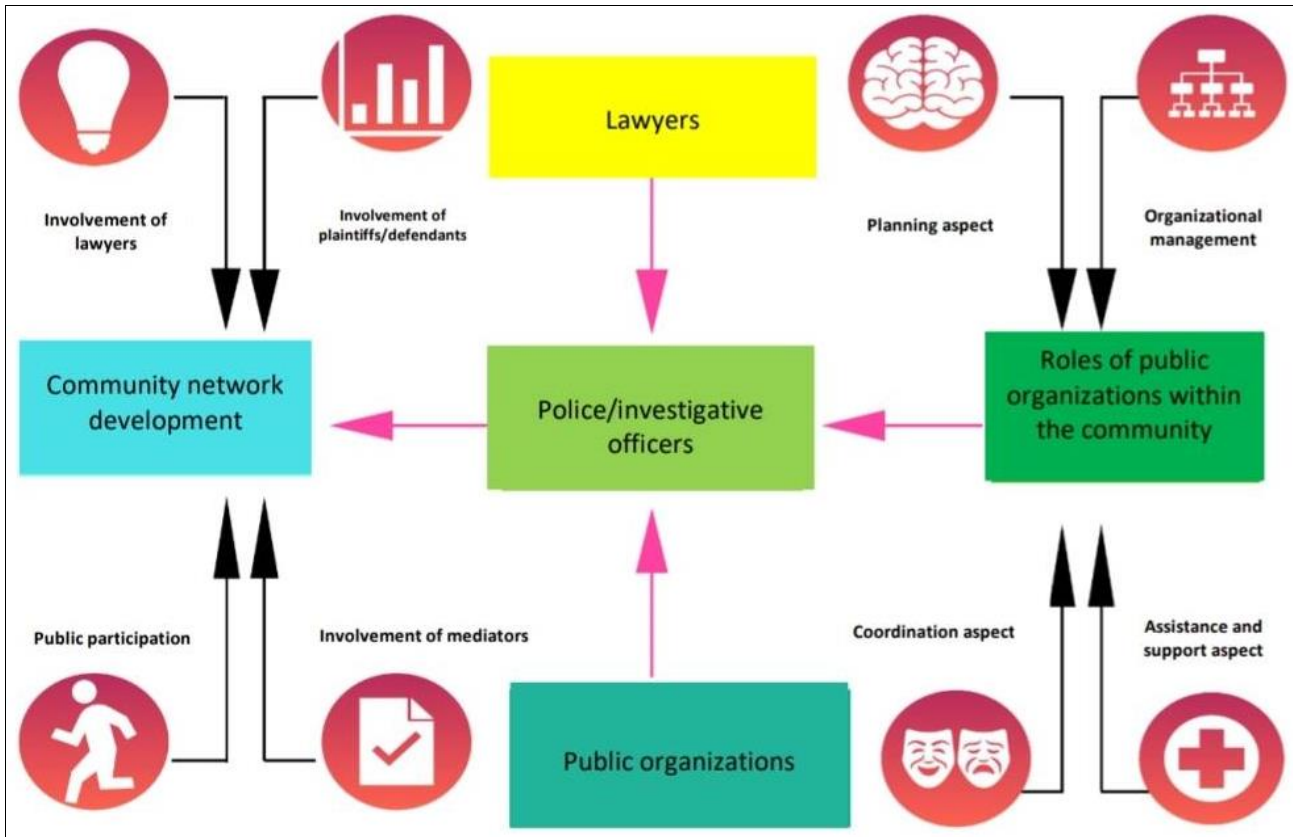
The research studies the roles of public benefit organizations in the use of evidence in judicial proceedings which are appropriate to the current situation. It can be concluded that the role of public benefit organizations plays an important role in 2 following issues: 1). The public benefit organizations are providing assistance to victims during the crisis and 2); The public benefit organizations work as collection of forensic evidence at the trial and working coordinating with government agencies including participating in the investigation. According to the current situation, it can be seen that public benefit organizations still play an important role as mentioned above. Especially nowadays, with the use of scientific technology to obtain forensic evidence, the prosecution of each case takes such a long time. Therefore, it is necessary to rely on public benefit organizations that will take care of the victims' minds so that they can return to their normal lives as soon as possible and are ready to fight at the court's case. In line with Lallalil Piamkla and Supachai Suphalaknaree (2021) who explains the impact on prostitution management that is not very effective at present. As a result, NGOs work on anti-trafficking and prostitution issues are more proactive. There is awareness to take more proactive action on human trafficking and prostitution to help victims from the above cases. It is necessary to establish a central mechanism for coordinating operations both in the prevention of problems and Litigation follow-up. Coordinating with foreign private organizations is also create cooperation in solving problems more effectively.

It can be concluded that the role of public benefit organizations nowadays has begun to play a greater role in Thai society. due to the nature and circumstances of the rape and changing indecent acts. The public benefit organizations that have been established for a long time in Thai societies

which people will have credibility and trust. For example, the Pavena Foundation for Children and Women and the Foundation for Women. However, social awareness also affects the organization's performance. The Ying and Gender Foundation has progressed even though it was established in a short period of time but it has a lot of social awareness. Consistent with Wichuta Kaewchua (2019) who described the strengthening of social partnership concepts of public organizations. Society that creates cooperation between agencies in society especially in the issue of social awareness. It is also suggested that government agencies should promote the use of the social partnership concept in policy formulation to encourage all sectors to participate as social partners in social welfare provision clearly together. Furthermore, based on the research results, the researchers have developed an innovative public organization management model by fostering and supporting participatory networks. In particular, networks that arise within the community, which consist of two main parts: public benefit organizations and volunteers, village committees. It plays an important role in thinking, acting and following up in helping the victims including supporting in the field of healing and taking care of the person's mental health. NGOs play an important role in planning, networking management and coordinatioing in achieving the objectives of aid and remediation. These organizations should develop and improve their operational models to meet the needs and changing conditions in society, such as developing effective communication mechanisms. Furthermore, the organizations should adopt flexible resource management by creating a space to support development and learning together. This would assist to build the ability to prevent and effectively cope with changes that occur in the future. In line with Yuenyong Thajadee (2022), who describes the development of a change management model for organizational excellence. It is proposed that the change management model for organizational excellence should consist of a top-down model, bottom-up outside to inside and internally to externally management restructuring add roles, change of leadership styles and adaptation respons with changes. The main management structure and consulting work and work strategy are required to adjust the management guidelines.

### Recommendations

Based on the results, the study proposes a model for developing a successful mediation system based on scientific evidence and collaboration between public benefit organizations and government agencies. The model emphasizes the importance of creating a network, particularly within the community, involving two main components: public benefit organizations and government agencies. This network aims to assist individuals with family issues in family-related cases. The role of public benefit organizations is crucial in terms of planning, network management, and coordinating assistance and remediation efforts in collaboration with government agencies. The provided image illustrates this collaborative approach between public benefit organizations and government agencies in supporting individuals with family problems in family-related cases.



**Fig 2:** The model for developing a collaborative community network system for mediation between government organizations and public benefit organizations.

**Policy-level recommendations**

1. Government or relevant public agencies should establish guidelines and procedures for evidence investigation and development in the form of public benefit organizations. This will ensure consistent practices and prevent interference or undue influence from organizational officials. Additionally, it is necessary to specify the qualifications of personnel from public benefit organizations who are authorized to collect legal evidence and establish appropriate development processes.
2. Laws should be amended to align with the principles of individual rights and freedoms. This will ensure compliance with the important principles of the general mediation process and should include clearer regulations regarding the mediation process to increase clarity.
3. The qualifications of family mediation personnel should be revised to align with their responsibilities.
4. Policy coordination should be established with responsible agencies in terms of public awareness campaigns to disseminate knowledge about the benefits of engaging in the general mediation process to resolve disputes. This will foster positive attitudes and voluntary participation from parties involved, without the need for mandatory legal measures.
5. The Ministry of Justice should allocate additional funding for the preparation of facilities and staffing at mediation centers to adequately serve the service of users in the area. Additionally, budgetary provisions should be made to support the implementation of modern technology systems.

**Operational-level recommendations**

1. Develop a network between public benefit organizations and relevant government agencies to facilitate information exchange and collaborative work. This can be achieved through comprehensive coordination or the development of collaborative networks among public benefit organizations, ensuring efficient operations and providing full assistance for the victims.
2. Mediation centers should engage in public outreach efforts to disseminate knowledge to the general public and provide regular and intensive training programs for families seeking mediation. Additionally, training programs for lawyers should be organized to ensure that they have a deep understanding of the principles of general mediation.

**Recommendations for future research**

The research developed a framework for public benefit organizations in the process of community leadership, focusing on promoting access to these organizations effectively. This will help to guide the community leaders on how to engage with public benefit organizations in a meaningful way.

The above research has studied the challenges and obstacles in the process of mediating cases involving children and youth in other provinces. This research provides insights into common issues and facilitates the identification of development strategies at the policy level for the future.

Evaluation of the outcomes of the mediation process to determine the true success after the implementation of the agreement. This assessment will help to determine how effectiveness of the mediation process whether if the outcomes truly lead to successful resolutions or not.

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