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วารสารวิชาการนิติศาสตร์ มหาวิทยาลัยทักษิณ

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สารบัญ

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ปัญหาเกี่ยวกับวัตถุแห่งคดีในการใช้สิทธิยื่นคำร้องต่อศาลรัฐธรรมนูญตามรัฐธรรมนูญแห่งราชอาณาจักรไทย พุทธศักราช 2560 มาตรา 213 : ศึกษาเชิงพัฒนาการทางกฎหมายในการนำระบบการร้องทุกข์ทางรัฐธรรมนูญมาใช้ในประเทศไทย อัชชา ไชยชนะ.....	1
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Guidelines for Development of Government Units at Thai's Custom's Checkpoint to Provide Cross-Border Trade Services between Thailand and Malaysia

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บทคัดย่อ

งานวิจัยนี้มีวัตถุประสงค์เพื่อศึกษาประเด็นและแนวทางการพัฒนาหน่วยงานของรัฐที่ด้านการค้าชายแดนของประเทศไทยกับประเทศมาเลเซีย การศึกษานี้ใช้วิธีการเชิงคุณภาพด้วยการสัมภาษณ์เชิงลึกผู้ให้ข้อมูลหลักจำนวน 38 คน และสนทนากลุ่ม มีผู้เข้าร่วม 8 คน เพื่อหารือเกี่ยวกับแนวทางการจัดการด้านการค้าชายแดน ใช้การเลือกตัวอย่างแบบเจาะจงและแบบบังเอิญ และวิเคราะห์ข้อมูลโดยใช้การวิเคราะห์เชิงพรรณนา และการวิเคราะห์เชิงเนื้อหา จากการศึกษาพบว่าหน่วยงานราชการของไทยที่ด้านการค้าชายแดนประสบปัญหาหลายประการ เช่น การขาดแคลนอุปกรณ์ในการทำงาน รัฐบาลควรพัฒนาโครงสร้างพื้นฐานมากขึ้น เตรียมสิ่งอำนวยความสะดวก และจัดฝึกอบรมเพื่อให้ได้รับความรู้เพิ่มเติมเกี่ยวกับกฎหมายที่เกี่ยวข้อง นอกจากนี้ ควรจัดตั้งหน่วยงานของรัฐเป็นการเฉพาะสำหรับการจัดการการค้าข้ามพรมแดน

คำสำคัญ: การค้าชายแดน หน่วยงานภาครัฐ ด้านศุลกากร แนวทางการพัฒนา การให้บริการทางการค้า

Abstract

The objectives of this study are to explore the issues with and guidelines for the development of the government units at the Thai cross-border trade checkpoint between Thailand and Malaysia. This study used qualitative methods, including in-depth interviews with thirty-eight key informants and a focus group with eight participants, to discuss guidelines for management. This study also used purposive and accidental sampling, and the data were analyzed using descriptive and content analyses. The study found that government units are organizations that provide convenience services to people and businesses that take part in business activities across country borders. Thailand and Malaysia's trade makes up a large volume of the land import/export in Southeast Asia, and the main exports are electrical and electronic equipment. Economic value has steadily increased, but it declined in 2020 after the coronavirus spread across the world. The Thai's government units at the cross-border trade checkpoint have faced several problems such as a lack of equipment for inspectors. The government should develop more infrastructure. The Thai government should prepare all facilities and provide training to gain additional knowledge about relevant laws. In addition, it should set up one government unit/department for cross-border trade management with management authorities.

Keywords: Cross-border Trade, Government Unit, Custom's Checkpoint, Guideline Development, Trade Service.

Introduction

Cross-border transaction between Thailand- Malaysia- Singapore provides a significant implication of international business. [1] Cross-border trade is international trade and selling for the exchange of goods or services between two countries. [2] Cross-border trade is an important mechanism to boost the economy in Thailand and Thailand's border trade with four neighbor countries (Malaysia, Laos, Cambodia, and Myanmar); Malaysia is the biggest partner for border trade. In 2019, the import/export value between Thailand and Malaysia was approximately 17,183.94 million US dollars, and in 2020 the import/export value declined to approximately 6,639.24 million US dollars. [3] Thailand exports to Malaysia were 8.74 billion US dollars during 2020. The major exports are electrical and electronic equipment, machinery, reactors, boilers, and rubber. Malaysia's exports to Thailand were 10.79 billion US dollars, and the major exports are electrical and electronic equipment, mineral fuels, oils, distillation products, machinery, nuclear reactors, and boilers; [4] the import/export value declined because of the coronavirus disease (COVID-19).

In addition, the Thai-land and Malaysia cross-border trade value accounted for almost 45 percent of the total cross-border trade between Thailand and its five neighboring countries; the majority of products exported by Thailand to Malaysia are products from the southern Thailand region and Sadao cross-border checkpoint because a major trade route is located on the path that links Malaysia to Bukit Kayu Hitam town and, consequently, Penang, Kuala Lumpur, and Singapore. [5] However, the problems with the Thai-Malaysian border trade involve the cross-border land infrastructure between Malaysia and Thailand needs a major upgrade to facilitate trade and investment flows. [6] Thai regulation and the fact that the rules are not appropriate Thailand shows delays in the inspection of delivery permits and merchandise licenses for transported goods, fraudulent action that is not legally enforceable against Malaysian buyers, and corrupted practice among some government officers. [7] In addition, the main problems of the cross-border trade checkpoint in the Narathiwat province are a lack of infrastructure, government officers, equipment, and language skills (English

and Melayu) among Buddhist officers. (Most officers speak and understand simple English words, and only a few can speak English very well.) However, if officers are local residents and respected in Islam, they can speak Bahasa Melayu (Malay language). [8] As mentioned regarding the importance of cross-border trade between Thailand and Malaysia, as well as from the recent literature reviews, this paper found many problems that serve as obstacles to the development of a cross-border trade checkpoint. So, this paper presented the issues with and guidelines for the development of the Thai cross-border trade checkpoint between Thailand and Malaysia.

Objective

To explore the issues with and guidelines for the development of the government units at the Thai cross-border trade checkpoint between Thailand and Malaysia.

Literature Reviews

This paper focuses on the literature review with regard to three main issues: cross-border trade, cross-border trade between Thailand-Malaysia, and cross-border trade development.

Cross border region as a territorial unit that comprises contiguous sub-national units from two or more nation-states. [9] Cross-border trade is defined as the flow of goods and services across international land borders; thus, cross-border trade is about allowing traders to take advantage of the differences in the supply, demand, and prices of various goods and services available on either side of the border. [10] Cross-border trade is between two neighboring countries that have a common border, and it can contribute to a regional integration effort and function as a regional competitive instrument to propel the domestic regional economy into the global marketplace. [11]

Cross-border trade between Thailand, Malaysia, and Singapore has resulted in some of the busiest borders in Southeast Asia. [12] Southern Thailand and Malaysia

share a border that stretches 647 kilometers, and their bilateral trade is the largest in ASEAN in terms of value; however, non-tariff barriers are currently the biggest obstacle to the mobility of goods and services and the movement of people within the region. In addition, the committee of ASEAN countries has attempted to reduce non-tariff barriers as much as possible by reviewing the problems within each country, and there is a contact point to facilitate improvements in each country. [13] Moreover, due to the spread of COVID-19 in all member ASEAN states in 2020, Thailand's exports to Malaysia and Singapore have been supported by a stronger demand for intermediate products that are essential for the production of medical supplies and work-from-home products. [14]

The cross-border infrastructure between Malaysia and Thailand requires a major upgrade to facilitate trade and investment flows; thus, both countries should upgrade the three cross-border checkpoints: Rantau Panjang-Sungai Golok, Pengkalan Kubor-Tak Bai, and Bukit Bunga-Buketa. In addition, both governments should seriously consider expanding the existing Rantau Panjang-Buketa Bridge and proceed with the proposed Pengkalan Kubor-Tak Bai Bridge. In addition, both governments must demonstrate their commitment to enhancing the socioeconomic status of people at the border. [5] To develop cross-border trade, stakeholders must have cross-border planning, such as transport networks and services; in addition, countries should jointly deliberate on a transport infrastructure, including all operational aspects of transport to connect both sides of the border, such as ticketing systems, understandable information sources, and legal and administrative procedures. In addition, joint management structures can facilitate the establishment and operation of genuine cross-border trade. [15] [16]

Methodology

This study applied qualitative methods with in-depth interviews, a focus group, and a fieldwork survey, and Thailand's cross-border trade checkpoint between Thailand and Malaysia in Songkla, Yala, Satul and Narathiwat provinces served as the location of this study.

3.1 Methods

This study utilized in-depth interviews of a population selected using purposive and accidental sampling with in-depth interviews with thirty-eight key informants and a focus group with eight participants; namely 25 Thai officers working in a cross-border trade checkpoint at Sadao, Banprakob, Padangbesar, Sungaikolok, Tak Bai, Bu Ke Ta, Betong, and Wangprachan, and it included 5 Thai business owners, 3 Malaysian officers (Bukit Kayu Hitam border, Rantau Panjang border and PangkalanKubur border), and 5 Malaysian business owners. In addition, the study utilized a focus group with 8 participants to discuss development guidelines for Thai's cross-border trade check-point.

3.2 Data Analysis

For data analysis, this study used investigator and methodological triangulation techniques to check and compare the data. Then, it used content and descriptive analysis to analyze the full data set.

Results

The study found that most infrastructures, such as the buildings, roads, and technology systems of Thailand's cross-border trade checkpoint, are still not prosperous and need more development compared with the Malaysia cross-border trade checkpoint that stands on the opposite side, and service systems in Malaysia appear to have more convenience compared with Thailand, so the cross-border checkpoint between Thailand Malaysia has several issues, as shown in Table 1.

Table 1. Problems of cross-border trade checkpoint between Thailand and Malaysia

Province	Cross-border Trade Checkpoint	Important Issue
Narathiwat	Sungai Kolok- Rantau Panjang (Pasir Mas, Kelantan)	<ul style="list-style-type: none"> - A canal serves as a natural border in the area, and the cross-border bridge between Thailand and Malaysia is narrow and has only two transport lanes. This causes traffic jams. - The number of government officers is not appropriate for job function.
	Tak Bai - Pangkalan Kubur (Tumpat, Kelantan)	<ul style="list-style-type: none"> - There is no land transportation, only water transportation. - There is a lack of equipment for inspectors to check fruits, meats, and vegetables, and there is not a toxin-examination room. - The number of government officers is not appropriate.
	Bu Ke Ta - Bukit Bunga (Tanah Merah, Kelantan)	<ul style="list-style-type: none"> - There is no building for a border trade service center. - There is a lack of equipment for inspectors to check fruits, meats, and vegetables, and there is not a toxin-examination room. - The number of government officers is not appropriate.

Table 1. Problems of cross-border trade checkpoint between Thailand and Malaysia

Province	Cross-border Trade Checkpoint	Important Issue
Songkla	Sadao - Bukit Kayu Hitam(Kedah)	<ul style="list-style-type: none"> - There are traffic jams and long queues for truck convoys, tourists, buses, and private cars. - There are long waiting times and lines for immigration.
	Banprakob - Kota Putra, Durian Burung(Kedah)	<ul style="list-style-type: none"> - There is a need to develop more infrastructure. - There is a lack of equipment for inspectors to check fruits, meats, and vegetables, and there is not a toxin-examination room. - The number of government officers is not appropriate.
	P adangbesar - Padang Besar ICQs facilitis(Perlis)	<ul style="list-style-type: none"> - There is an issue with smuggled goods.
Yala	Betong - Pengkalan Hulu (Perak)	<ul style="list-style-type: none"> - The number of government officers is not appropriate. - There is a lack of equipment for inspectors to check fruits, meats, and vegetables, and there is not a toxin-examination room.
Satul	Wangprachan - Wang Kelian Checkpoint (Perlis)	<ul style="list-style-type: none"> - The government should develop more of an infrastructure. - The number of government officers is not appropriate.

In addition, at the Sadao immigration checkpoint, officers must be more concerned about completing their duties, especially when many travelers cross the border. From the interviews, the fieldwork study found that officers do not open more immigration counters when there is a long queue. This is compared with Malaysia and Singapore, which will open more immigration counters when there is a long line of people hoping to check their passports. As mentioned above, regarding the checkpoint problems, the Thai government should be more concerned and set up a larger fiscal budget to develop the cross-border trade checkpoint because it will benefit the country's image.

1) The Thai and Malaysian governments should develop more infrastructure to support logistics systems such as rail between Sungaikolok (Narathiwat, Thailand) and Rantau Panjang (Kelantan, Malaysia). In addition, the railway should connect to the East Coast Rail Link (ECRL) project in Malaysia.

2) The government should recruit more officers to work in their appropriate job description, recruit local residents to work as officers, and train them to serve as immigration officers, toxin-examination room officers, and customs officer.

3) The government should prepare officers to work in any job description or cross-border trade checkpoint because this fieldwork study found that, in some areas, one officer worked as animal and vegetable inspector at three different cross-border trade checkpoints at Narathiwat province.

4) The government should be more concerned about management and focus on the Sadao immigration checkpoint; for example, it should be more concerned about corruption issues and training officers to be more mindful about service because it sees a large amount of cross-border trade and the highest volume of land import/export in Thailand.

5) Officers must improve their skills speaking the English and Malay languages. [17]

6) In Yala and Narathiwat, the government should develop more of a budget for inspectors' equipment, as well as construct a toxin examination room within every cross-border trade checkpoint.

7) The government should be more concerned about customs systems and connect all customs checkpoints in Thailand. In addition, the government should collaborate with other governments in ASEAN countries (Malaysia, Singapore, Cambodia, LAO PDR, Indonesia, Myanmar, Vietnam, Brunei, and Philippines) to develop collaborative customs systems, as well as use this system to gain more information about the import/export supply chain between ASEAN countries.

8) The buildings, infrastructure, and environment of the cross-border trade area make up the country's image, so the Thai government should quickly develop a model that provides adequate technology and convenience for travelers. In some areas, such as Narathiwat province, the Sungaikolok cross- border trade checkpoint must be renovated and expand traffic channels across the border bridge. Also, the Tak Bai cross-border trade checkpoint must construct a bridge between Thailand and Malaysia.

9) Increasing partners, alliances, networking, and cooperation can improve their business success. [18] Therefore, cooperation and information and knowledge sharing between Thailand and Malaysia are important in solving cross-border trade problems. So, the Thai government should do the following: 1) The Thai and Malaysian governments should set up training and communication centers in order to disseminate knowledge about regulations relating to cross- border trade to all stakeholders, such as Thai and Malaysian government agencies, entrepreneurs, and companies providing logistics support; 2) Thailand and Malaysia should engage in more collaboration at all levels of government, from local to central; 3) Thailand should improve its trade laws and regulations; and 4) Thailand and Malaysia should set up policies for cross-border trade together.

In addition, for environmental development, the Thai government should be concerned with green policy, such as using a clean and green city concept for sustainability in the regions. Clean and green cities focus on the balance between society, the environment,

and the economy by encouraging people to change their behaviors toward international cultural standards that is, how to remain sustainable, apply regulations and laws as part of the clean and green city movement, and create more opportunity for people to live and work in a city that is safe, prosperous, and sustainable while also caring for the environment. [19] [20] Moreover, It is strongly recommended to control and overcome the illegal cross-border trades and facilitate the tradable goods to bring them under formal trade, which would then control the large scale import of low quality agricultural products into Thailand and recover the loss of revenue to both countries along the border. [21] The Thai government should draft a labor agreement with Malaysia to create more opportunity and protection for Thai work in Malaysia [22] because there are many Thai residents in the south of Thailand who travel to Malaysia for illegal work.

Conclusion

Cross-border trade between Thailand and Malaysia is also connected to Singapore by inland logistics and to Indonesia by marine and air freight logistics. Although Thailand's trade with Malaysia is its highest source of inland trade with neighboring countries, it also faces many problems and develops slowly. For example, Thailand's immigration system has limited visa checks, which is a bottleneck and inconvenience that affects Malaysian tourists who travel to Thailand through the Sadao checkpoint, the major checkpoint of Thailand proceeding to Malaysia, especially when traveling in the southern provinces. In addition, Thai exports to Malaysia and Malaysian exports to Thailand still have problems and obstacles with a bottleneck in the officials' operation, and all of the Thai customs checkpoints between Thailand and Malaysia still need more infrastructure development, especially road and traffic lanes. In addition, a key trend, especially over the last three decades, has been that many multinational company (MNC) and manufacturers have moved all or parts of their production activities to low-cost countries in Asia, the Thai government sees the need to focus on developing a government policies and laws by adopting strategies that put

emphasis on agricultural development and modernization and/ or infrastructural development that would link the regions to the rest of the world. In addition, Dana, Nguyen and RafalKuc(2021) [23] stated that in the face of the worldwide outsourcing trend, even enterprises of the class have to implement an outsourcing strategy.

In conclusion, cross-border trade between Thailand and Malaysia can be developed through industrial connections between the two countries, and the development will have an impact on economic spillovers through trade and investment. This economic profit from activity will cross the two extreme regions, and the economic activities will generate economic growth within the border regions and benefit both bordering countries. [4] [24] To further the development of governmental organization, the Thai government should improve the management of government units so as to ensure more competencies and effectiveness; for example, the characteristics of successful organization include more serious emphasis on working operations than on working papers, changes in agent leadership, concerns for customer satisfaction (for this paper, this means travelers, people, import/export businesses, and all participating stakeholders who have activities crossing the border), team-building management and a readiness to change, an emphasis on human capital and management with participation, organizational operation with a kind of expertise, an adequate organizational structure, flexible management, and the use of smart technology and communication. [25] The ban on people travelling through the country due to COVID-19 makes people unable to come in and buy goods and groceries because Malaysia and Thailand's border trade regulations are strict. [26] On the other hand, a decline in cross-border trade and the low number of people travelling cross-country is an opportunity for development and improvement of the government units in Thailand's customs checkpoint between Thailand and Malaysia. Examples of such development and improvement include recruiting more officers and training them for after COVID-19 operations, renovating buildings and infrastructure, and reviewing the requirements of regulations and laws for future convenience of cross-border trade.

Policy Implications

- 1) Thai government should set up only one government unit/department for cross-border trade management with management authority because many units and departments are currently involved in managing cross-border trade.
- 2) A parking place for trucks and other vehicles awaiting customs checks should be prepared, and equipment such as X-ray trucks should be provided to support one-stop service and increase convenience and effectiveness. In this way, the governments can avoid a situation where traders circumvent the law by not declaring goods at customs at all cross-border trade checkpoints.
- 3) Thai and Malaysian governments should prepare all facilities and train officers and entrepreneurs to gain more knowledge about relevant laws, as well as provide resources for new officers in order to avoid problems regarding insufficient status and crossing delays.

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Ethics Approval and Consent to Participate

Ethics approval was not required for this study.

Conflict of Interests

Authors declares no conflict of interest.

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