

Creating an Innovative Community for the Sustainable Self-reliant Debt Management and Community Mediation by Enhancing the Legal Skills of the Tha Fa Tai Community Leaders and Elders Through Active Learnings Methods

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Abstract This paper explains how to develop community leaders and elders of the Tha Fa Tai community, Chiang Muan District, Phayao Province of Thailand into the village innovators in managing sustainable community debt and dispute resolution. The Active Learning methods and other community legal teaching innovations, such as law handbooks for drafting wills, debt management, and community mediation, were used in the workshop to provide the participants with the basic legal knowledge relating to debt management and community mediation process. The researcher also worked with the local weavers to adapt the traditional fabric pattern. By the end of this project, the community were expected to self-reliantly and sustainably manage debt and reduce disputes, which consequently lowered the cost of traveling and court proceedings by at least 10 per cent.

Keywords: • debt management • community mediation • community legal teaching • active learning methods • sustainable development

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1 Introduction

1.1 Background

Chiang Muan is a district located in the southern part of Phayao Province, Thailand. It was originally a part of Chiang Rai Province, which was upgraded to a full district in 1974 and added to Phayao Province in 1977. Chiang Muan consists of three sub-districts: Chiang Muan, Sa, and Ban Mang. The distance from the Chiang Maun District Office to the Phayao Provincial Hall is 125.3 kilometers, which takes approximately 1 hour and 45 minutes to travel by car or bus. The Chiang Muan population consists of Thai and ethnic people, such as Thai Yai (Tai Lue) and Mian. Since the geographical features of this area are mountainous and forested, the majority of the population is engaged in agriculture and primary production, such as farming and harvesting, while some locals are working as seasonal employed labors. Hand-weaving is the other occupation of the local people with the Tai Lue ancestry. The Tai Lue hand-woven fabrics have unique traditional patterns and are commonly crafted in the forms of ‘Sin’ (traditional skirts) and ‘Tung’ (traditional flags). According to the Phayao Development Plan of the Year 2019, the median personal income of Chiang Muan citizens was 60,824 baht (approximately 1843.35 USD) or 166.64 baht (approximately 5.05 USD) per day, which was relatively low and unavoidably affected the local people’s household economy, especially the household debts.

The debt problem is one of the social problems in the Chiang Muan District. From the interviews with the Chiang Muan District Deputy in charge of the Damrongdhama Center, a governmental organization under the Thai Ministry of Interior for receiving local citizens’ complaints, evaluating the situations to provide appropriate solutions, and coordinating with other local organizations to work on the cases, most disputes related to debts, such as money borrowing, hire-purchasing, and charging interest over the legal rate. From the field survey of legal problems in the fiscal year 2019, there were disputes on debts in the Tha Fa Tai Community, Sa sub-district, Chiang Muan District, such as borrowing money, selling deposits, charging interest over the legal. The uncertain incomes were also the local people’s problem. Despite the current social problems and the lack of knowledge in debt management and tourism promotion, the Tha Fa Tai Community has strong community leaders, elders willing to learn, and beautiful cultural capital. Therefore, the researcher selected this community to launch the development project with the local people and utilized their cultural capital for debt management, dispute settlement, and self-reliance enhancement from the current resources.

1.2 Research objectives

K. Mairin, P. Plianpadoong, S. Panyawong, K. Jaikarnwongsakul & U. Jiragarnkulgasame: Creating an Innovative Community for the Sustainable Self-reliant Debt Management and Community Mediation by Enhancing the Legal Skills of the Tha Fa Tai Community Leaders and Elders Through Active Learnings Methods

Preventing debt disputes and using community mediation refereed by a respectable third party is the option that might allow the disputing parties to gain mutual benefits instead of bringing the case to the judicial court, which is both time and money consuming. Because respecting the elders is one of Thai traditions and cultural capital, and the elders in the Tha Fa Tai Community are well-respected by other members, the researcher consequently initiated the elderly people skills development project in the community. The project aims to empower the village leaders and elders by giving the roles of community counselors and mediators in dispute settlements. The participants will be equipped with legal knowledge about debt and skills in community mediation through active learning methods and provided handbooks. This project expects to enable community people to access justice and provide beneficial activities to the elders in the time of ageing society.

In addition, Tha Fa Tai Community, Sa Sub-district, Chiang Muan District has its unique customs, traditions, culture, nature, reservoirs, and ancient sites. These are the traces of past prosperity that have been passed down continuously for future generations, especially Tai Lue weaving, Tung Tai Lue, and cultural attractions. Therefore, the researcher plans to launch the economic development project for Tha Fa Tai Community by using its existing cultural capital to promote conservation tourism and products of the community proactively along with debt management and the use of community mediation processes to reduce the cost of dispute resolution through judicial processes. This project will enhance the level of economic and social development in the community and help it become self-sufficient. It is also another way to generate income for people in the community.

The School of Law, University of Phayao, has been working in the research area in Chiang Muan District for a long time and is well-accepted by the community leaders and people in the area. Therefore, the project has been implemented to create innovations to expand knowledge for village leaders and the elderly. Additionally, this project also promotes cultural capital-based tourism. Then the local community changes the quality of life of the people in terms of income and society so that the community can be self-reliant.

To develop the Tha Fa Tai Community in Chiang Muan District into an innovative community with sustainable and self-reliant debt management and community mediation, creating the community innovators by providing knowledge through innovative learning tools is a crucial process since such creation will help the community innovators to review or relearn their legal knowledge in the future. The active learning methods the researcher and the training team from the

University of Phayao's School of Law decided to use in the debt management and community mediation workshops' teaching methods because these experiential learning methods effectively provide knowledge and understanding about the law about debts and the process of mediating disputes in the public sector.

Consequently, the researchers had set the following goals for this project: 1) to create innovative active learning tools and manuals for learning basic legal principles and practices relating to the laws on debts and community mediation process, and media for promoting local tourism based on the community's cultural capital; 2) to develop the respected village elders and leaders into the potential village innovators in debt management and community mediation; 3) to transfer knowledge and learning innovations to the local elders, village leaders, and artisanal entrepreneurs; and 4) to include the created innovative active learning tools and manuals for learning laws to the community development plan for establishing a model community in debt management and community mediation.

At the end of the project, the Chiang Muan community is expected to be able to develop the following changes: 1) the community can manage as an innovative community with new knowledge, building community networks for debt management and community mediation; 2) have at least one project that has implemented innovation to increase income, and at least two innovations for quality-of-life improvement in the community on debt management and dispute settlement; 3) be able to create 30 village innovators; 4) create a rate of growth in the value of the local economy, and the price of community products and tourism products increased by 10% per year and; 5) the quality of life of the community regarding debt management and disputes settlements has improved.

2 Literature review

2.1 Community mediation

The origin of mediation is to settle the disputes between two or more parties with the assistance of an impartial third party as a negotiator or mediator. Community mediation is regarded as one of the alternative dispute settlement methods used in the community justice movement since it reflects democratic values through the participation of people in the community (Abel, 1981; Harrington & Merry, 2018). Establish a community mediation system, consists of two main processes: 1) resource mobilization and institutional support process and 2) selection of mediators process (Harrington & Merry, 2018). In resource mobilization and institutional support processes, the legal profession and government must provide facilities, knowledge and referral systems for supporting community mediation. (Harrington & Merry, 2018). Further, in the process of mediator selection and

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training, local people who volunteer to become mediators must enroll on the mediation training and work with the real cases provided by the training center before acting as private-mediators (Curtona, 2013).

Not only providing an inexpensive alternative to court litigations, community-based mediation also provides a convenient and amicable dispute settlement process and a suitable mediator who understands the local neighborhood (Curtona, 2013). The community mediator would help the disputants by providing available approaches based on the nature of conflicts, the present situation, and the types of issues to relieve their problems (Wall, Stark, & Standifer, 2001). Instead of acting as a judge, a community mediator acts as a facilitator for the disputants to help them find satisfactory results or resolutions for their matters (Curtona, 2013). To achieve successful mediation, mediators must build trust and an empathic relationship between them and each disputant. The empathic mediators entrust the disputing parties that their cases will be dealt with appropriately (Welton, Pruitt, & McGillicuddy, 1988). Since the 1970s, the mediation has become preferable to being less expensive than the formal judicial process and its ability to provide the disputant's satisfaction (Alberts, Heisterkamp, & McPhee, 2005).

In some Asian countries, such as Indonesia and Malaysia, community mediation is also practiced as traditional or customary dispute resolution. Rumkel, Sam, and Umanailo (2019) explored the roles of the village head partnership, village consultative body and customary institution in governing the village of Kayeri, Buru, Indonesia. The result found that the customary institution helped make the harmonization of the community by acting as a mediator in social and cultural conflicts. In multi-racial communities like Malaysia, community mediation is considered a crucial mechanism in dispute resolution (Wan, 2020). In 2008, the Malaysian Department of National Unity and Integration introduced community mediation training for local leaders. The community leaders who were trained as community mediators would be equipped with mediation skills, and other soft skills needed for mediation, such as mindset setting and confidence building. After completing the training, the community mediator must attend a series of real mediation and future refreshing courses (Wan, 2020). Wan concluded that community mediation could help local communities in conflict management and providing skills improvements were required for developing community mediators. Indonesia and Malaysia's experiences suggest that community mediation, especially one that conducted by trained local community members, is possibly one of the potential alternative methods for dispute settlement.

In Thailand, problems and limitations of the Thai mainstream justice process consist of at least two issues: 1) it took a long time for the cases in formal court

trials to reach decisions, which caused delays and costs associated with a large number of cases; and 2) the nature of the proceedings in Thai courts led to confrontations between the opposite parties. Thai judicial systems tend to neglect mental rehabilitation for both parties. Therefore, alternative justice is proposed to address the issues.

The adoption of alternative justice has three objectives (Thaweechaikarn, 2005). Firstly, to reduce the disadvantages and negative impacts of trials under the mainstream justice system that focuses on punishing and separating offenders from society. It does not focus on creating remedial processes to reduce the effects on both parties. Secondly, to reduce the cost of the judicial process. The state has to allocate resources to work effectively, and the parties incur the costs of litigation which leads to economic losses. The massive expenses make access to state-operated justice so expensive that most people do not have access to justice. Thirdly, to increase the efficiency of the administration of justice and the management of limited resources to be used for maximum effectiveness.

Compared to the mainstream justice system, the concept of alternative justice is a process to protect rights and freedoms which provide fairness or resolve conflicts between parties. The methods of alternative justice will focus on creating social justice that allows stakeholders and communities to participate in formulating guidelines, mechanisms, and cooperation of crime prevention and conflict resolution in misdemeanor or uncomplicated offenses. In addition, alternative justice also helps reduce costs and time spent in the judicial trials and turn the confrontation between the parties into discussions, including aiming to heal both the perpetrator and the injured party. The outcome of alternative justice is the safety of people's lives and property and the peace and harmony of society (Kittayarak, 2011).

According to Callister and Wall's comparative research on the Thai and United States community mediation (Callister & Wall, 2004), the family structure is one of the Thai characteristics affecting mediation. The old and respected members, especially males, are the persons that the community members ask for their counsel. Therefore, the elders have the roles in community mediation and making decisions. In the Northeast and North of Thailand, a community conflict resolution by the elders was a social tradition. When the conflicts arose, the parties would seek counsel from respected elders for the resolution of disputes. The satisfaction of the settlement brought back unity and compromise in the community where most Thai individuals prefer mediation to avoid conflicts. Thus, a traditional community-based conflict management is considered a form of alternative justice that matches the characteristics and preferences of the people in a close-knit relationship community. The conflict management in the community by bringing

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the elders to take part in dispute settlement in the community is the way to link the traditional practice and modern legal mechanism together. As a result, it will create a society of fairness and good relations between the disputing parties.

2.2 The concepts of cultural capital

The concept of cultural capital first introduced by Pierre Bourdieu. David Throsby defines the meaning of cultural capital as: “An intellectual property accumulated from the past. It is valuable to human beings and social needs besides giving economic value.” (Throsby, 1999). This theory explains that cultural capital manifests itself in three ways as: 1) something embedded in a person or group of people, such as thoughts, imaginations, initiatives, and beliefs; 2) things that are physical and personal, such as drawings, tools, equipment, structures, places that are World Heritage Sites, or; 3) institutionalism, such as rules, acceptance that many people with common opinions, such as acceptance in the monarchy, temples, schools, create unity, traditions, or collective activities of the society (Muenjanchoey, 2013).

Thanapornpun (2003) defined cultural capital as the capital used to produce goods and services with cultural significance. Cultural capital will grow stronger with the growth of the cultural products industry. According to the mentioned definition, cultural products refer to goods and services in which culture is embedded in that product or service. When consumers buy products, they will obtain the tangible product and the “culture” embedded in that product. Therefore, the use of cultural capital consists of 3 aspects: 1) economic development: bringing Thai culture and local wisdom to enhance the production of goods and services; 2) social development: bringing a culture of value systems, values, beliefs, good traditions, such as using elders to solve local conflicts, and; 3) development of natural resources and environment: using the traditional culture and local wisdom to preserve and conserve natural resources and the environment.

In Thailand context, in developing a local creative economy, cultural capital is regarded as a potential tool (Vilachai, 2017). The elders are also regarded as crucial social and cultural capital. As a cultural capital, the elders also learn other types of cultural capital, such as traditional knowledge and practice (H. R. Kang, Kim, & Kang, 2015). Therefore, the Thai elderly are considered members of society with potential in terms of knowledge, local wisdom, and life experience which make them respectable among other social members. Ageing people can be an economic and social force because the elderly are powerful social capital and play a high role in social bargaining (Tantivipawin, 2012).

2.3 The concepts of active learning

Active learning is an instructional process that encourages learners to participate in the classroom. Active learning methods create interactions between teachers and learners. This participatory learning and teaching aim to encourage learners to act with an instructor as a facilitator or a mentor. In addition, applying learning techniques helps learners learn meaningfully. Therefore, learners can build a body of knowledge, gain self-confidence, think critically, and create innovative works.

In legal education, many law schools embrace the concept of active learning to increase the efficiency of learners because active learning is a teaching and learning approach that supports analytical thinking and enables learners to practice through a range of activities, including role-playing and mock trials (Perry, Huss, McAuliff, & Gala, 1996). The active learning techniques allow learners of different learning backgrounds to participate and create a positive learning experience (Van Detta, 2001). In legal teaching, active learning becomes one of the teaching strategies, especially for legal practice, which needs legal comprehension and skills since active learning methods help students absorb complex material better than traditional passive teaching methods (Boyle, 2003). In some research, active learning reportedly improves student performance as assessed by exams and other assessment methods (Moore & Sullivan, 2011).

2.4 The role of village headperson in Thai society

The village headpersons are the officers who are closest to the community. They play a role in the treatment of suffering and maintaining peace and order in the community. Their roles as peacekeeper and problem solvers are widely accepted by both people in the community including other government agencies. The mission of the village headpersons, in summary, can be divided into 5 areas as follows: 1) governance and peacekeeping, such as explaining official information to the people, organizing the village to be orderly, and supervising the people to comply with the law; 2) economic and social development, such as providing economic support for the community to be self-reliant, career development, and supporting the establishment of savings cooperatives; 3) Conservation of natural resources, such as working with other local organizations to maintain cleanliness, community waste collection, and conservation of local natural resources; 4) Administration of justice, such as mediation compromise settlement of disputes among people in the community to create unity; and 5) other services, such as supporting other government agencies activities.

2.5 Area-based research regarding debt management in Chiang Maun District

There are the existing area-based research reports regarding debt management in Sa Sub-district, Chiang Muan District accordingly as follow:

- 1) Laws and the Area Based Collaborative Project at Banmang, Chiang Muan District, Phayao Province (Jaikarnwongsakul 2015). This research project examined the legal issues regarding the debt problems of individual members of households in Banmang, Chiang Muan District, in Phayao Province. The study found that the debts and associated legal problems were arising from loans, mortgages, or surety ships from both formal and informal loaning sources. The preference for informal resolution for debt dispute management between debtors and creditors was seeking help from community leaders to act as mediators. However, some problems could not be solved because there was not an enforceable system regarding such matters, and some people did not know who should be responsible for debt dispute mediation. Moreover, the community leaders admitted that they lacked the required legal knowledge needed to provide legal advice relating to household debt management. As a result, the researchers suggested that it is necessary to equip legal knowledge about debt management to the people in this area, especially the village leaders who attended the program; and
- 2) The Development of Legal Knowledge for the Benefit of the Community in Terms of the Management of Debt Problems for the People (Jaikarnwongsakul, 2017). This research studied the development of legal knowledge related to the management of the household debt of the local people in Sa District, Chiang Muan District, Phayao Province. The research result suggested that providing community leaders with legal knowledge was beneficial in managing the debt of the people. The development of legal knowledge related to debt was carried out through a participatory learning process involving community leaders in the area and using the real problems as case studies allowed people to gain understanding about the law more easily. Therefore, the appropriate learning methods for community leaders in this case required developing the understanding of the laws through simple language. In solving local debt problems, it was also necessary to have knowledge and understanding of financial management properly together with providing legal knowledge for managing debt problems in a sustainable and effective way.

Even though the research abovementioned providing the findings about debt problems arising from the lack of legal knowledge of debt management, the recommendation on the effectiveness of equipping the village leaders with debt management and dispute resolution. Therefore, the community starting from the

community leaders shall support the creation of roles for the elderly to participate in solving debt problems and other community disputes.

3 Research methods

Qualitative research using documentary research mixed with area-based collaborative research are used as the research methods. Since the main objective of this research project is to develop the skills of the community leaders and local elderly people in resolving initial disputes and managing debt, therefore, the basic information must be explored prior to selecting appropriate learning topics and teaching methods.

The researchers utilized various types of research tools for designing activities, data collection, and assessment such as baseline information of the Tha Fa community, a questionnaire for information gathering, lesson plans for the mediation and debt management workshops, and handbooks of mediation and debt management including basic relating laws.

From the field observation and archive research about debt management and community mediation in legal aspects and perspective in Chiang Maun District, the researchers found that the community had a lack of knowledge about the law relating to debt management and had inadequate knowledge about the process of community mediation. The participants from the Tha Fa community also provided that they had never attended the workshop or received a manual for debt management or community mediation from local or government officials. Therefore, the research decided to create community innovators by organizing debt management and community mediation training which enable people in the community, especially village leaders and respected elders, to adopt a crucial role in these matters would hypothetically resolve basic legal problems and disputes relating to debts in the community and decrease the unnecessary costs of court litigations.

The population in this study is 42 people from the Tha Fa community in Chiang Maun. There are 4 weaving entrepreneurs in the area, 18 community leaders and 19 elderly people, including a person who works in the mediation of civil disputes, namely Deputy Secretary of Sa Sub-District Administrative Organization.

3.1 Creating learning and innovation platform and materials

From the village profile and population data collection, the researcher analyzed the problem and created learning about local development from action research with community participation as follows:

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- 1) Analyzing information of the community, using data collected from a). communities; b). government agencies, namely Chiang Muan District Office Sa Subdistrict Administrative Organization; c). local entrepreneurs; d). general information about the community, and e). community's cultural capital.
- 2) Analyzing data and setting goals by researcher, community, and funding organization.
- 3) Setting goals for 3 activities, namely a). basic knowledge of debt management; b). mediation of conflicts, and c). promotion of the Tai Lue Weaving Group and public relations for tourism.
- 4) Organize activities consisting of 4 activities as follows:
 - Debt Management for the community innovators: The chosen participants were people who had roles as community leaders because they are easily accessible to the community.
 - Community dispute mediation: The innovators were chosen from senior community members because respect for the elderly is a cultural capital.
 - The Tai Lue Weaving Group Support: The researcher arranged discussions with the weavers to find innovative ways to change the traditional fabric patterns to be more modern while retaining cultural identity.
 - Public relations for tourism in Tha Fa Tai Community Area, Sa Sub-district, Chiang Muan District.
- 5) Designing and implementing: The research project started with visiting the area to study tourist attractions. Various active learning methods were implemented in the workshops for practical training. There was an assessment before and after each session. The researcher also worked with the local entrepreneurs to reduce the cost of production and adjust the pattern to decrease the weaving time.
- 6) Creating an innovative community for sustainable and self-reliant debt management and community dispute settlement with the potential of community leaders, elders, and cultural capital. The project's goals are to reduce the cost of litigation proceedings, build a community of 30 innovators, provide a debt management guide, establish the Sa Sub-District People's Dispute Mediation Manual and create a tourism calendar.
- 7) Working in connection with the network sectors through the project partners in the debt management section, connecting with the village headman Mediation of disputes with Sa Sub-District Administrative Organization, the Senior School, and the Tha Fa Temple Weaving Group. The steps of research process are as appeared in the Figure 1.

Figure 1: The steps of research process



3.2 The trainings of community innovators in basic legal knowledge, debt management, and community mediation

3.2.1 Creation of village innovators in debt management

The topics on debt management consist of 3 main parts: debt laws, loans, and debt collection. The participants would take pre-tests and post-tests to assess if they had increased their knowledge of debt laws. The objectives of the community leader training on debt management consist of four issues: 1) to create innovations to learn new things about debt; 2) to create village innovators by creating community leaders to manage debt; 3) to transfer knowledge and innovation in accordance with the context of the community in which the target group is the community leader, and; 4) to bring innovations into the community development plan that can be connected to the provincial development plan as a model community for debt management. Therefore the outcomes of the training aim to achieve four training goals: 1) make the Tha Fah Community an innovative community and build a community network for debt management; 2) at least one innovation is implemented to raise income; at least two innovations for improving the quality of life of people in the community in terms of debt management and dispute resolution; 3) create village innovators, and; 5) increase the growth rate of the local economy regarding the relief of debt problems.

To transfer knowledge to the community leaders, the researchers developed a lesson plan for the debt management workshops. The details of learning objectives and activities as shown in the Figure 2.

Figure 2: Lesson plan for the debt management workshop

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Workshop Lesson Plan: Debt Management

Topic	Learning Objectives	Activities
Debt Management	1. Participants can answer the basic concept of law relating to debt management provided in the lesson correctly	1. Yes or No: Is this action legal or illegal debt collection (according to the Debt Collection Act, 2558 B.E.) ?
	2. Participants can calculate interest rate correctly	2. Group work: Calculate your loan interest (according to the Civil and Commercial Code)
	3. Participants can explain the importance of managing legal documents relating to loan contracts	<p>Document: contract samples</p> <ol style="list-style-type: none"> 1. Loan contract 2. Suretyship contract 3. Mortgage contract 4. Hire-purchase contract

Debt management workshops adopted active learning methods so that learners without legal education backgrounds could easily understand. The active learning methods also enabled the participants to learn from their experiences through activities and practical exercises. The researcher divided the speakers and the workshop assistants into two groups for debt management and community dispute mediation. The participants were from the village leaders and elders in the community. Before and after each session, the researchers would assess their legal knowledge and level of satisfaction to improve future training.

From the assessment for the training on debt management, the results show that the community leaders have basic knowledge of the bond between debtor and creditor, default, and overcharge of interest. However, there is a misunderstanding about interest calculation, debt collection, and guarantors. Consequently, additional training is needed to correct their understanding of debt management after this project. Due to the COVID-19 pandemic, the researcher had difficulty traveling to the research area and thus had to modify the training activities. The researcher prepared a manual for debt management and gave it to the participants.

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3.2.2 Training on dispute mediation by the elderly

The researcher organized training and seminars to educate people and the elderly in the Sa sub-district. In designing a workshop, the researchers worked in a small group meeting to collect information on local norms, customs, rules, and regulations of the Sa Sub-District. Then the researcher developed appropriate active learning methods for the elderly participants to teach basic law and alternative justice processes. Finally, the research set guidelines for creating the “Conciliation and Reconciliation Center in Sa Sub-District” to create awareness and create roles for the elders in Sa Sub-District to participate in sustainable conflict management and mediation in the community.

Objectives of the training on dispute mediation by the elders are as follows: 1) to make people in the community respect rules and regulations accepted by the community or society; 2) to create awareness and create roles for the elderly in Sa Sub-district to participate in conflict management and mediation in the community, and; 3) to establish a mediation center for people’s disputes in the area of the Sa sub-district. To provide legal services and to use them for settling disputes and mediating disputes in the community.

The training on dispute mediation by the elders consists of three goals: 1) creating systems, mechanisms, and manuals for managing conflicts occurring in communities; 2) gaining community innovators from the skill development of the elderly to mediate and reconcile disputes, and; 3) establishing a mediation center in the Sa sub-district.

The details of learning objectives and activities in the lesson plan that the researchers developed for the community mediation workshops are as shown in the Figure 3.

Figure 3: Lesson plan for the community mediation workshop

Workshop Lesson Plan: Community Mediation		
Topic	Learning Objectives	Activities
Community Mediation	1. Participants can define the difference between using court litigation and alternative justice for dispute resolutions 2. Participants can conduct a mediation from the given mock situations	1. Role Play: - Divide participants into two groups to perform two different mock situations in dispute resolutions: formal and alternative - Comparing pros and cons of each dispute resolution methods
	3. Participants can explain the basic concept of law of succession, process of Will drafting, and inheritance sharing	2. Group work: - Types of will according to Thai Civil and Commercial Code - Basic will Drafting - How to share the inheritance to the heirs
Documents	1. Community Mediation Act 2. Manual for Community Mediation 3. Legal forms and document relating to community mediation, e.g. sample of will and testament and other contracts.	

The workshop development began with visiting the research area for data collection and planning training and seminar programs to educate village leaders and the elderly in Sa Sub-district on the rights and duties of citizens in democratic and alternative justice systems. Then, the researcher and training teams organized training and seminars to teach the elderly basic law and alternative judicial processes (mediation and conciliation and reconciliation of disputes. After accomplishing all training, the researcher planned to establish a “Reconciliation and Reconciliation Center in Sa Sub-district” to sustainably create a role for the elderly to play the role of mediator at the center.

3.2.3 Increasing income for communities through the use of cultural capital and local innovators

From the field survey, in 2006, the Tai Lue weaving group at Ban Tha Fa, Sa Sub-district, Chiang Muan District, Phayao Province had been certified for Thai Industrial Standard (TIS) from the Thai Industrial Standard Institute and has also been awarded the runner-up award in the outstanding sufficiency economy career group in the Outstanding Sufficiency Economy Village Project 2011 as well. The Tai Lue woven textile called ‘Sin Ta’ consists of 3 parts: the red top, the middle patterns, and the black bottom. The traditional pattern that is unique to Tai Lue

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woven textile is the Nam Lai (flowing water) pattern, which has complex weaving processes and techniques. Another product is Tung Tai Lue with unique patterns such as zodiacs, swans, elephants, horses, and castles. This Tung Tai Lue is used as home decorations or items used to make merit for temples.

Although the Tai Lue has woven textiles or “Sin Ta” has cultural value and are a unique cultural capital, such patterns and colors make it difficult to apply to modern apparel such as skirts or trousers. The researcher, therefore, consulted with the Tai Lue weaving innovators in the Tha Fah Tai community to find ways to improve the products. The improved product must be more modern, consume less production cost and time while being able to find more distribution channels. The research cooperated with the local innovators resulting in a new pattern of Tai Lue woven textile with a less complex pattern but still retains the uniqueness of the Tai Lue weaving patterns, such as Lai Nam Lai.

Reducing the production time of the existing handicraft products by adjusting the fabric patterns on the Tai Lue woven fabric helped reduce the complexity of the weaving patterns. It decreases the production cost by 50% from the original weaving. It also reduced weaving time from 6 days to 3 days, which would increase the number of woven products.

4 Discussion

4.1 The knowledge assessment results of community dispute mediation by the elders

After the training on dispute mediation and innovator role development of the elderly, the workshop activities were very well-received. Results from the post-training test show that most participants had a good knowledge of the community dispute resolution process. The additional results of the participant’s opinions on the workshop are shown in Table 1.

Table 1: Results of the participant’s opinion on the debt management and mediation workshops

Topics	Results (%)
1. Participants who passed the test on the knowledge about mediation and dispute resolution	81.82%
2. Participants who gained more knowledge about mediation and dispute resolution	100%
3. Participants who believed that mediation was an effective method in community dispute settlement	81.82%
4. Participants who believed that mediation and dispute resolution process	100%

Topics	Results (%)
could lead to the actual law enforcement	
5. Participants who agreed that the mediation and dispute resolution process should continue in the community	100%
6. Participants who agreed that the role of the elders in mediation should be increased	81.82%
7. Participants who agreed that mediator training for the elders should be organized in the future	100%

From the assessment, the outcomes showed that most of the participants wished to attend a future training. In subsequent training sessions, there should be legal manuals and easy-to-understand alternative dispute resolution guidelines. Based on a post-training cognitive assessment of the dispute resolution process, the results of the evaluation are as follows:

- 1) After receiving the training, most participants thought they could apply their knowledge to problem-solving. And mediate in the event of family and community disputes.
- 2) Most participants could resolve disputes in mock situations, so they believe that they could mediate disputes in an actual event.
- 3) Most participants had a better understanding of dispute resolution processes and skills. They understand the laws involved in mediation and how to help people in the community through mediation.
- 4) Most participants thought that the civil dispute mediation process could practically reduce conflicts in the community.
- 5) Most participants would like to receive additional training and register as civil dispute mediators.

Building civil dispute mediation skills takes time and a variety of processes. However, due to the COVID-19 epidemic situation, it is impossible to provide training and skill training to the fullest. If the project can continue, the researcher will coordinate with the school for seniors to strengthen their legal and mediation skills, which is scheduled for one time per two months because the school for seniors will have activities every Thursday of the month.

4.2 The satisfaction assessment of debt management and dispute mediation workshop activities and training manuals

According to the dispute mediation workshop assessment, the result shows that after training, the elders understood the dispute resolution by mediation and the benefits of mediation. However, the participants lacked sufficient legal knowledge to settle complex disputes. To maintain the skills for dispute settlement, it needs to

K. Mairin, P. Plianpadoong, S. Panyawong, K. Jaikarnwongsakul & U. Jiragnarkulgasame: Creating an Innovative Community for the Sustainable Self-reliant Debt Management and Community Mediation by Enhancing the Legal Skills of the Tha Fa Tai Community Leaders and Elders Through Active Learnings Methods

initiate a dispute mediation committee to set up a community mediation center. The participants also wanted more legal knowledge about making a will.

From visiting the area to organize training activities, the researcher found that the participants in the training to be community innovators in debt management and community dispute mediation were highly satisfied with the training manuals and participatory training activities. The participants were 100 per cent satisfactory. The organization of this activity has created innovation in bringing academics to the community through active legal teaching activities that are not just lectures. Moreover, the assessment results found that the methods used in training were 100 percent satisfied for all topics.

4.3 The reduction of expenditure on access to justice and increasing the value of cultural capital

Reducing the cost of going to court in debt lawsuits or other community disputes is another way to save the expenses of the people in the community, reduce the cost of court proceedings, and reduce the burden of the court as well. Each trip to court may calculate the economic loss in one litigation as shown in Table 2.

Table 2: Economic losses resulting from bringing disputes to a formal judicial proceeding

No.	Details of expenses	Cost (Baht and USD*)	Note
1.	Travel expenses to court from Sa Sub-district to the Provincial Court within a distance of 80 kilometers.		Calculated from the cost of fuel and maintenance, approximately 4 baht (0.12 USD) per kilometer
	1 st trip to file a complaint 1 time (80 km x 4 baht x 2 trips)	640 Baht (19.4 USD)	-
	2 nd trip to mediate disputes 1 time (80 km x 4 baht x 2 trips)	640 (19.4 USD)	-
	3 rd trip to the witness testimony 2 times (80 km x 4 baht x 4 trips)	1,280 (38.84 USD)	-
	4 th trip to hear the judgment 1 time (80 km x 4 baht x 2 trips)	640 (19.4 USD)	-
2.	Lawyer's fees (approximately 10-20 % of the case capital)	30,000 (910.33 USD)	Calculated from the maximum capital in a petty case
3.	Court fee (2 % of the case capital, but not in excess of 200,000 baht for a petty case with 300,000 baht, but within the limit of 1,000 baht)	1,000 (30.34 USD)	Calculated from the maximum capital in a petty case
4.	Lack of benefit from work is charged at the minimum wage of 320 baht (9.71	1,600 (48.55 USD)	-

No.	Details of expenses	Cost (Baht and USD*)	Note
	USD) per day. (5 days x 320 baht or 9.71 USD)		
5.	Other expenses such as food and beverages (5 days x 200 baht or 6.07 USD)	1,000 (30.34 USD)	-
	Total economic damage per 1 case (approximately)	36,800 (1116.67 USD)	Per one case

From Table 2, if there is a process to settle disputes at the community level by the community leaders and elders in the community who are community innovators for dispute resolution in the Sa Sub-district can save at least 36,800 baht (1116.67 USD) per case in court proceedings.

4.4 Outcomes and impacts

Expecting outcomes and impacts of the research consist of innovations, innovators, and the reduction of economic loss as shown in Table 3 and Table 4.

Table 3: Quantitative indicators and the expecting outcomes

Quantitative indicators	Expecting Outcomes
1. Train 30 village innovators	1. 30 innovators
2. Provide 3 law manuals	2. 3 legal manuals - 1 manual for debt management - 1 manual for mediation in the public sector - 1 Manual of Wills
3. Reduce training costs	3. 100 percent
4. Increase economic growth in weaving	4. Labor cost is reduced by 50 per cent from 6 days of traditional weaving, adjusted to 3 days.
5. Reduce the cost of court proceedings	5. Reduce the cost of court proceedings by approximately 36,800 baht or 1116.67 USD (calculating the cost of 30,000 baht/910.33 USD).

Table 4: Qualitative indicators and the expecting outcomes

Qualitative indicators	Expecting Outcomes
1. The quality of life of the community has been developed on the initial debt problem. 2. Quality of life of communities in reducing disputes by mediating disputes in the people's sector in the community	100% of people in the community have basic knowledge of debt management and comprehend the importance of the community mediation process (based on knowledge assessment after training).

At the end of the project, 30 participants from the Tha Fa Tai Community passed the debt management and mediation training and obtained relating basic legal

knowledge required for becoming the village innovators and establishing a sustainable community center and network for debt management and dispute mediation. The village innovators were also provided with 3 legal manuals for debt management, community mediation, and will for conducting further debt management, mediation, and further training for other villagers.

4.5 Research limitations

Obstacles or problems arose from the COVID-19 pandemic situation, and the location of Sa Sub-District, Chiang Muan District is far from the city. If it is in sowing or harvesting season, some community leaders or the elderly might not be able to attend the training. However, the solution to the problem is incorporating training as part of a senior's school. As for community leaders, establishing the community network will help continue and strengthen the project. Ideally, it takes two to three years to follow up and evaluate to find problems, obstacles, and solutions to organize learning exchange seminars between sub-districts.

5 Conclusions

From the project objectives of creating a body of legal knowledge about debt for the target group, this research project created 18 villagers who play a role as community leaders in debt management. Such innovators have knowledge, understanding and can use them for the benefit of themselves and the community. In addition, the joint training will also help build a strong network of model village leader organizations.

From the evaluation results, the elderly who participated in the training would like to improve their knowledge about dispute mediation. They also believe that the community dispute resolution process has an actual enforceable effect. It shows that the elders are concerned about the importance of the mediation process and want to use the mediation process to settle disputes of the people in the community. From attending the training, the elders have a greater understanding of the dispute mediation process. They also understand that the mediators need not have law degrees. If there are dispute settlements by the elders in the community who are community innovators in Sa Sub-district, people in dispute can save at least 36,800 baht or 1116.67 USD per case for court proceedings.

K. Mairin, P. Plianpadoong, S. Panyawong, K. Jaikarnwongsakul & U. Jiragarnkulgasame: Creating an Innovative Community for the Sustainable Self-reliant Debt Management and Community Mediation by Enhancing the Legal Skills of the Tha Fa Tai Community Leaders and Elders Through Active Learnings Methods

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References:

- Abel, R. L. (1981). Toward a political economy of lawyers. *Wisconsin Law Review*, 1117-1187.
- Alberts, J. K., Heisterkamp, B. L., & McPhee, R. M. (2005). Disputant perceptions of and satisfaction with a community mediation program. *International Journal of Conflict Management*, 16(3), 218-244.
- Boyle, R. A. (2003). Employing active-learning techniques and metacognition in law school: Shifting energy from professor to student. *University of Detroit Mercy Law Review*, 81, 1-27.
- Callister, R. & Wall, J. (2004). Thai and U.S. Community Mediation. *Journal of Conflict Resolution*, 48, 573-598.
- Cutrona, C. (2013). Community mediation in the United States. In J. M. Fritz (Ed.), *Moving toward a just peace: The mediation continuum* (pp. 69-89). Dordrecht, Netherlands: Springer.
- Harrington, C. B., & Merry, S. E. (2018). Ideological production: The making of community mediation. In C. Menkel-Meadow (Ed.), *Mediation* (pp. 501-527). London, UK: Routledge.
- Jaikarnwongsakul, K. (2015). Laws and the area based collaborative project at Banmang, Chiangmuan District, Phayao Province. In Division of Research Administration and Educational Quality Assurance (Ed.), *Proceeding Phayao Research Conference 4th* (pp. 1191-1202). Phayao, Thailand: University of Phayao.
- Jaikarnwongsakul, K. (2017). The development of legal knowledge for the benefit of the community in term of the management of debt problems for the people. *Naresuan University Law Journal*, 10(1), 195-219.
- Kang, H. R., Kim, Y. J., & Kang, H. J. (2015). The effect of human capital and social capital on cultural capital of the Korean elderly. *Indian Journal of Science and Technology*, 8, 247-253.
- Kittayarak, K. (2011). *Alternative justice and access to justice in Thai society* (2nd ed.). Bangkok, Thailand: Law Reform Commission.
- Moore, P. W. H., & Sullivan, T. P. (2011). Active learning and law school performance. *Journal of Multidisciplinary Research*, 3(2), 1-17.
- Muenjanchoey, R. (2013). Cultural capital of Thai Song Dam and transformation of community. *Damrong Journal of the Faculty of Archaeology Silpakorn University*, 12(2), 175-202.

K. Mairin, P. Plianpadoong, S. Panyawong, K. Jaikarnwongsakul & U. Jiragarnkulgasame: Creating an Innovative Community for the Sustainable Self-reliant Debt Management and Community Mediation by Enhancing the Legal Skills of the Tha Fa Tai Community Leaders and Elders Through Active Learnings Methods

- Perry, N. W., Huss, M. T., McAuliff, B. D., & Gala, J. M (1996). An active-learning approach to teaching the undergraduate psychology and law course. *Teaching of Psychology*, 23(2), 76-81.
- Rumkel, L., Sam, B., & Umanailo, M. C. B. (2019). Village head partnership, village consultative body and customary institution in village development. *International Journal of Scientific & Technology Research*, 8(8), 1058-1063.
- Tantivipawin, P. (2014). 2015 ASEAN free trade area in the dimension of the social capital of Thai elderly. *Journal of Graduate Studies Valaya Alongkron Rajabhat University*, 8(1), 228-247.
- Thanapornpun, R. (2003). *Cultural capital: Culture in the world of capitalism*. Bangkok, Thailand: Matichon Publishing.
- Thaweechaikarn, S. (2005). *Alternative justice in criminal cases*. Retrieved from <http://www.law.stou.ac.th/dynfiles/41717-9-A.pdf>
- Throsby, D. (1999). Cultural capital. *Journal of Cultural Economics*, 23, 3-12.
- Van Detta, J. A. (2001). Collaborative problem-solving responsive to diverse learning styles: Labor law as an active learning experience. *North Carolina Central Law Review*, 24(1). Retrieved from <https://archives.law.nccu.edu/nclr/vol24/iss1/5>
- Vilachai, K., (2017). Using cultural capital for urban management, Khon Kaen Municipality, Thailand. *European Journal of Sustainable Development*, 6(2), 227-232.
- Wall, J. A., Stark, J. B., & Standifer, R. L. (2001). Mediation: A current review and theory development. *Journal of Conflict Resolution*, 45(3), 370-391.
- Wan, P. M. (2020). Community mediators in Malaysia: Profile and analyses on their roles and challenges. *International Journal of Innovation, Creativity and Change*, 10(10), 624-643.
- Welton, G. L., Pruitt, D. G., & McGillicuddy, N. B. (1988). The role of caucusing in community mediation. *Journal of Conflict Resolution*, 32(1), 181-202.