

ทัศนคติของประชาชนกับความสุจริตของศาลกัมพูชา  
ในการให้ความยุติธรรมกับคนยากจนและไม่มีอำนาจ  
กรณีศึกษา : ชุมชนบึงเกาะ กรุงพนมเปญ  
ประเทศกัมพูชา

Peoples' Attitude on the Integrity of Cambodian  
Court in Providing Justice to the Poor and  
Powerless Case Study: Boeung Kak Lake  
Community, Phom Penh, Cambodia

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## บทคัดย่อ

การศึกษาเกี่ยวกับทัศนคติของคนที่อยู่ในชุมชนบึงเกาะ กรุงพนมเปญ ประเทศกัมพูชา กับความสุจริตของศาลโดยมีวัตถุประสงค์ ได้แก่ 1. เพื่อศึกษาเปรียบเทียบทัศนคติของประชาชน กับปัจจัยที่มีผลกระทบต่อความยุติธรรมของศาล และ 2. เพื่อตรวจสอบวิธีดำเนินการความยุติธรรมของศาลกับคนยากจน และคนที่ไม่มียานพาหนะ ท่ามกลางประชาชนจำนวน 4,552 คน มีผู้ที่ถูกเลือกให้ตอบแบบสอบถามจำนวน 365 คน โดยใช้วิธีการวิจัยเชิงปริมาณด้วยโครงการวิจัยทางสังคม

ผลการศึกษาพบว่า ความแตกต่างระหว่างเพศ การอบรม รายได้ต่อเดือน และระยะเวลาการอยู่อาศัยในชุมชนที่มีทัศนคติแตกต่างกันกับความยุติธรรมของศาล ค่าเฉลี่ยปัจจัยหลักทั้ง 6 อย่างมีคะแนนต่ำกว่า 2.49 หมายถึง คนที่มีประสบการณ์ในการตัดสินใจไม่ยอมรับความยุติธรรมแบบนี้เพราะปัจจัยในเรื่องเพศ การศึกษา อาชีพ รายได้ต่อเดือน และระยะเวลาการอยู่อาศัยอยู่ มีค่าเฉลี่ยต่ำ อีกอย่างหนึ่งการบังคับใช้กฎหมายในการยึดบ้าน 100% ในการตอบแบบสอบถามเรื่องการยึดบ้านของพวกเขาคิดว่า เป็นการกระทำที่โหดร้ายที่ต้องหลีกเลี่ยง ในการศึกษาครั้งนี้เป็นการรวมทัศนคติของประชาชนต่อความยุติธรรมของศาล ดังนั้น การวิจัยต่อไปควรจะเน้นเฉพาะปัจจัยที่มีผลกระทบต่อ การตัดสินใจของศาลด้วยการหาปัจจัยในเชิงลบและกับเชิงบวก ที่มีผลกระทบต่อ การตัดสินใจของศาลและการศึกษาอื่นๆ ควรจะสนใจในกลไกที่เหมาะสมสำหรับการบังคับใช้กฎหมายในเรื่องความขัดแย้งที่ดิน และหลีกเลี่ยงการกระทำที่โหดร้ายกับคนยากจน และไม่มีอำนาจในการต่อสู้

**คำสำคัญ :** ทัศนคติของประชาชน, ความสุจริต, ศาลกัมพูชา, ยุติธรรม, คนยากจน, คนไม่มีอำนาจ

## Abstract

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The study about peoples' attitude on the integrity of Cambodian court was conducted in Boeungk Kak Lake Community, Phnom Penh, Cambodia with two main objectives: 1. To comparatively study the peoples' attitude on the factors effecting the integrity of the court and 2. To investigate how the poor and powerless access to justice. Among 4,552 population size, 365 people are chosen to answer to questions in the questionnaire. Applying the quantitative research method with social research program, the percentage, frequency and mean were found. And t-test and One-Way Anova programs were implemented.

The results revealed that people with different gender, education, occupation, monthly income, and duration of housing in community have different attitude on the integrity of the court. The total mean of the six main factors were scored at the low level of 2.49. It means people who experienced the court decision don't accept that integrity because it is now in the bad situation. Accessing to justice is also in difficult situation because of the factors of gender, education, occupation, monthly income, and duration of housing in community. On the other hand, for the law enforcement on the house seizure act, 100% of respondents answered that their house were seized. That is the cruel act to be avoided.

In this study, it just centered on the peoples' attitude on the integrity of court. Therefore, the future research should focus directly on the factors effecting the court decision finding the factors negatively and positively affect the court decision. And also, another study should interest in the decent mechanism for law enforcement in the land conflicts avoiding the cruel act to the poor and powerless.

**Keywords** : Peoples' Attitude, Integrity, Cambodian Court Justice, The Poor, The Powerless

## Introduction

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Boeung kak is a lake located in the center of Phnom Penh city, Cambodia. Before leasing to a private company in 2007, about 4,000 families lived around that lake. A 99-year lease concession worth 79 \$millions on the area of 133 hectares surrounding the lake was granted to a property development company.

After that, the company started to fill the lake that affected around 20,000 persons living around. People have gathered together to create a community in order to protect their property. That community is called Boeung Kak Lake Community. In 2011, in a peaceful protest aiming at stopping evictions and entering negotiation to solve the conflict, several Boeung Kak Lake villagers were arrested and others were beaten by armed anti-riot police.

Protests had been brought to the international level. In 2011, the World Bank suspended lending to Cambodia until an agreement with the residents would be achieved. The Cambodian government finally agreed to an alternative housing plan put forward by villagers and involved NGOs, and issued a sub-decree in which 12, 44 ha were allocated to around 800 families. A lot of people; however, were evicted and forced to accept compensation at less than \$8000.

In 2015, the conflict is not finished. The former residential houses have been torn down, many people have been evicted, protesters were criminalized, and the lake completely turned into urban land for property development. (EJ Atlas, 2016)

Even Cambodia has been reforming legal and judicial institutions, the court has been seen as a corrupt unit and the poor people are very difficult to access to judicial system in the journey to find justice. It is found that the court is for the rich and powerful, not the poor and powerless. According to the ADHOC, Access to justice is limited in Cambodia. High legal costs and the absence of an effective national legal aid system keep poor litigants out of court. Moreover,

corruption and impunity are widespread. Judges are often far from impartial with court decisions often biased towards the interests of the wealthy and powerful. (Access to Justice Photo Exhibition, 2014)

In addition, the recent land cases (Boeung Kak Lake and Borei Keila Cases) are in the process and the people are often gathering to protest for their land and houses. Some activists known as the representatives of the communities are arrested and detained under unacceptable excuse and illegality. Many national and international NGOs called for releasing those, but it is ignored and the situation looks worst. (Yun, 2015)

The demonstration that attempted to call for the solution for land conflict and ask for releasing the activists from the prison are blocked by the authority. The people mostly are detained or imprisoned under the reason of destroying the public order. (Post, 2013)

## **Research Method**

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The quantitative research is implemented in this study and conducted with 365 people as the sample size of 4252 people as total population through delivering questionnaires to the people in Boeung Kak Lake Community in Phnom Penh, Cambodia. The research aims at reaching two main objectives:

1. To comparatively study the peoples' attitude on the factors affecting the integrity of the court in the process of offering fairness to the victims as the poor and powerless.

2. To investigate how the poor and powerless access to judicial system to get fair trial in the court of Cambodia.

After receiving the data, the social research program is used to produce the data through descriptive program to get frequency and mean, and then t-Test and One Way Anova programs are also operated.

There are nine independent variables consisting of 1. Gender, 2. Age, 3. Marital Status, 4. Religion, 5. Education, 6. Occupation form, 7. Monthly Income, 8. Family Members, and 9. Duration of living in Community to be operated with descriptive research program focusing on frequency. After that, another descriptive program is used to find the mean of six main factors as the dependent variables such as 1. Independent Court, 2. Court Actors, 3. Corruption Form, 4. Law and Law Enforcement, 5. Involved Institutions, and 6. Transparency to identify the attitude order of the people with 1-5 set marks. However, in the result we just show the show the percentage of the variables with statistical significance after the results of t-Test and One-Way Anova is out.

## Theory of Justice and Law and Regulation

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### Theory of Justice

The Greek term: *dikaiosune*, was translated into English as 'Justice' in Plato's version. However, the Greek idea had wider meaning than English word. The word 'justice' basically means the ethical principles regulating the distribution of social benefits and burdens. It reflects the idea of people gaining their fair share or their appropriate deserts, and is closely involved also with the concept of law. *Dikaiosune* sometimes carries similarly specific connotations, but is also used wider so that it almost amounts to something like 'the disposition to act rightly', that is, in one's dealings with other people, for *dikaiosune* is the social virtue par excellence. Often we could translate it as *morality*. (Justice as a

Basic Instrument to create Harmonious Society: with special reference to Buddhism and Platonism, Fernando, n.d., p. 3)

### 1. Aristotle's theory of justice

Aristotle's theory of justice bases on four important points such as equal treatment, fairness, equality, and what the people deserve.

a. Equal treatment: When one's moral Rights have been violated, it is called unjust. The unjust treatment always occurs in society, for example, this group should get better interests than another one. So when there is no unjust treatment, and all the people regardless of where they are from, can get their moral rights; it is called justice.

b. Fairness: Apply rules the same; it means the ruled must be applicable to the all people in society, not exception. Even they are the rulers, the soldiers, the workers; they are equal in front of the law.

c. Equality: fundamental moral equality is held by the society. Without discrimination, people from different classes can join social affair, politics, economic activities, and so on.

d. What a person has done makes a difference: It means people should get what they have done in society. For example, when they violate the law, they should be punished by law. And when their rights are violated, they should be brought to reliable judicial system and justice should be offered to them. (College, 2015)

### 2. Locke's theory of justice

John Locke's theory of justice, basing on equality and liberty, has greatly been influenced the modern world. In addition, Locke's concept is the best among the philosophers of ethics. Jean-Jacques Rousseau, a proto-collectivist; Immanuel Kant, an idealist; G.W.F. Hegel, both a collectivist and an idealist; and John Stuart Mill, the ultimate Utilitarian, made liberty paramount

in their conceptions of justice. as recently as the 1970's, John Rawls assumed without comment human equality and made liberty the penultimate (lexically prior) "social value." Even Karl Marx, the great materialist, agreed partly with Locke's construct of justice; though he condemned the "bourgeois" ethics of individualism - "exploitation" does presuppose moral equality. (Yearwood, 2015)

### **Laws and Regulations**

In order to ensure social security and justice for the people in society, many laws have been adopted. All kinds of laws aim to promote human right, peace, justice, and public order. The following laws are very much important for all society; people cannot live peacefully and safely without these.

#### **1. Constitution**

The Constitution of the Kingdom of Cambodia under the Chapter of Economy, Article 58 notably cites "State property notably comprises land, mineral resources, mountains, sea, underwater, continental shelf, coastline, airspace, islands, rivers, canals, streams, lakes, forests, natural resources, economic and cultural centers, bases for national defense and other facilities determined as State property. The control, use and management of State properties shall be determined by law." While Article 59 specifies that "The State shall protect the environment and balance of abundant natural resources and establish a precise plan of management of land, water, climate, air, geology, ecological system, mines, energy, petrol and gas, rocks and sand, gems, forests and forest by-products, wildlife, fish and aquatic resources."

Concerning the rights and duties of the Cambodian citizens, Article 44 of the Constitution stipulates that "All persons, individually or collectively, shall have the right to ownership. Only physical or legal



person of Khmer nationality shall the right to own land. Legal private ownership shall be protected by the law. (Whereby) possessions of any person shall be only withdrawn unless it is required for public interest as provided for under law and shall require fair and just compensation in advance. (The Constitution of the Kingdom of Cambodia, 1993)

## 2. Land law

The Cambodian Land Law was adopted by the National Assembly on 20 July 2001 and promulgated by the King on 30 August 2001. The law contains 19 Chapters and 268 articles. The law aims at setting the ownership on the immovable property and also, guaranteeing the rights on the ownership and other property rights in Cambodia depending on the 1993 constitution (Article 2). In chapter 5, from the article 48 to article 62, the law described and stressed clearly the principle of land concession. The land concession is divided into two types: Social and Economic Land Concession (Article 49). According to article 51, social land concession is created for providing to the poor; it is free, but economic land concession is provided for the private company to use in the aim of development, it is not free.

Article 226 of the Land Law states “Ownership of immovable property shall be guaranteed by the State. For that purpose, the Cadastral Administration under the supervision of the Ministry of Land Management, Urban Planning and Construction shall have the competence to identify properties, establish cadastral index maps, issue ownership titles, register lands and inform all persons as to the status of a parcel of land in relation with its nature, size, owner and any relevant encumbrances over such parcel.” This Law also mentions the procurement of ownership about public and private ownership, types and forms of ownership, most of which states the details and are included in the Civil Code 2007. Properties that are considered as public properties of the State or of public legal entities,

Article 15 of the Land Law has divided them into 7 categories, namely: - Any property that shows their existence naturally - Any property that is subject to special development for common interest - Any property that is made available for public use either in its natural state or after development - Any property that is put into use for public service - Any property that constitutes a natural reserve protected territory by law - Archeological. Cultural and historical patrimonies - Immovable properties being royal properties that are not private properties of the royal family. Royal immovable properties are managed by the King under throne. Moreover, Article 4 of the Sub-Decree No. 118 on the Management of State Land additionally specifies State Public Properties as other lands having their nature to serving public interests and those lands that have already been identified by legal basis. Article 16 of the Land Law says “State public property is inalienable and ownership of those properties is not subject to prescription... However, it can be subject of authorization to temporarily, precariously occupy or use and revocable if failed to fulfill tax obligations, except it is authorized under Chapter 3 of the Law. These authorizations cannot be transformed into ownership or rights in rem for the benefit of the holder. When State public properties lose their public interest use, they can be listed as State private properties by the Law on Transferring of State public property to state private property.” Concerning state private property and public legal entities, Article 17 of the Law clearly specifies that they can be subject of sale, exchange, distribution or transfer of rights as determined by law. Such property may be leased out and it may be the subject of any contract made properly according to the law. However, vacant lands of the State private domain may be distributed to persons demonstrating need for land for social purposes in accordance with conditions set forth by sub-decree. (CLP, 2012, p. 8)

### 3. Anti-corruption law

The anti-corruption law was promulgated on 17 April 2010 and is now actively being enforced. The purpose of the organization of this law is to promote the effectiveness of all services, to strengthen governance and the rule of law in leading or governing the State as well as to maintain justice that is a necessary basis for the development of society and poverty reduction. This law aims to combat corruption by means of providing education, prevention and enforcement of the Anti-Corruption Law, as stipulated in the Penal Code and in this law. (Santepheap, 2014, p. 120)

The Ministry of Justice has shared numerous comments on the Anti-Corruption Law so this law is an effective means of ensuring the suppression of corruption in all forms, sectors and levels across the Kingdom of Cambodia.

### 4. Law on organization and functioning of Supreme Council of Magistracy

This law was promulgated in 2014 containing 6 chapters and 31 articles. Article 1 expresses that the law aims to help the King for ensuring the independence of the court depending on the constitution. Article 2 indicates that the law is applied for all judges and prosecutors in the whole country.

The Law on the organization and functioning of the SCM (2014) provides that the SCM-membership be appointed by Royal Decree and composed of (Article 4):

- 4.1 The King, President
- 4.2 The Minister of Justice, Member
- 4.3 The President of the Supreme Court, Member
- 4.4 The Prosecutor – General of the Supreme Court,  
Member
- 4.5 A member elected by senate

4.6 A member elected by National Assembly

4.7 A member elected by Constitutional Council

4.8 A member elected by Minister of Justice

4.9 A member as a judge elected by high-level court

4.10 A member as a prosecutor elected by high-level court

4.11 A member as a judge elected by lower-level court

4.15 A member as a prosecutor elected by lower-level court (Law

on organization and functioning of SCM, 2014)

#### 5. Law on organization of the court

This law was promulgated in 2014 containing 8 chapters and 91 articles.

The purpose to create this law is:

- to guarantee the independence of judiciary
- to guarantee the non-biased judgment and protect the right and freedom of the citizens
- to guarantee the good process in the court and prosecution organization
- to improve the public services effectively and fast
- to guarantee to provide justice for all cases to increase people's

confidence and strengthen the social safety (Law on organization of the court, 2014)

#### 6. Law on the statute of judges and prosecutors

This law was promulgated in 2014 containing 6 chapters and 111 articles.

The law determines the statute of the judges and prosecutors aiming at ensuring the independence of judiciary. The law is applicable for all judges and prosecutors in the whole country. Article 4 provides that the person to be selected as a judge or prosecutor shall be a person with capacity, integrity, and

morality. And article 8 indicates that judges have to decide without biases standing on the principles of law respect, and no receiving pressure, threat, scare, direct and indirect order from the party in the case or others. (Law on the statute of judges and prosecutors, 2014)

#### 7. Cambodian court structure

- Provincial/ Municipal court of first instance: one president, one or many vice-presidents, and one or many judges.

- Prosecution attached to P/MCFI: one prosecutor as the president and one or many deputy prosecutors.

- Military court: one president and one or many vice-presidents and judges.

- Appellate court: one president, one or many vice-presidents, and one or many judges.

- General prosecution attached to AC: one general prosecutor as president and many deputy general prosecutors and prosecutors.

- Supreme court: one president and many vice presidents and judges.

- Prosecution attached to SC: one general prosecutor as president and many deputy general prosecutors and prosecutors.

- Court clerk: all court clerks are appointed, transferred, withdrawn, and promoted by the Minister of Justice. Court Clerk consists of one clerk director and many clerks of both judges and prosecutions. (Yoeun, n.d., p. 192)

## The Study Results

Through social research program after setting the collected data, the research results are shown as following:

### General Data Analysis

**Table 1 Gender Frequency and percentage**

Gender	Frequency	Percent
Male	184	50.41
Female	181	49.59
Total	365	100

Source: Own survey

From table 1, it is shown that the number of the male respondents is 184 equal to 51.41 % and the female respondents number is 181 equal to 49.59 %.

**Table 2 Education**

Education	Frequency	Percent
Non-educated	12	3.29
Primary school	95	26.03
Secondary school	177	48.49
High school	64	17.53
Graduate	13	3.56
Post-graduate	4	1.1
Total	365	100

Source: Own survey

Table 2 expresses that the number of non-educated respondent is 12 equal to 3.29 %. The number of respondent who studied at Primary School is 95 equal to 26.03%, Secondary School is 177 equal to 48.49%, High School is 64 equal to 17.53%, Graduate is 13 equal to 3.56%, Post Graduate is 4 equal to 1.1%.

**Table 3 Occupations**

Occupations	Frequency	Percent
Civil servant	14	3.84
Private company/ firm	57	15.62
NGOs	28	7.67
Own business	252	69.04
Student	14	3.84
Total	365	100

Source: Own survey

Table 3 shows that the number of Civil Servant respondents is 14 equal to 3.84%, Private Company/ Firm is 57 equal to 15.62%, NGOs is 28 equal to 7.67%, Own Business is 252 equal to 69.04%, Student is 14 equal to 3.84%.

**Table 4 Monthly income**

Monthly income	Frequency	Percent
Not more than 300,000 KHR	20	5.59
300,000-600,000 KHR	48	13.41
600,001-900,000 KHR	122	34.08
More than 900,000 KHR	168	46.93
Total	365	100

Source: Own survey

Note: 1USD is equal to 4,098 KHR (Exchange Rate: 22/6/2016)

From the table 4, the information is provided that the number of the respondent whose monthly income is Not more than 300,000 KHR is 20 equal to 5.59%, 300,000-600,000 KHR is 48 equal to 13.41%, 600,001-900,000 KHR is 122 equal to 34.08%, more than 900,000 KHR is 168 equal to 46.93%. So, mostly, people in the community can earn more than 900,000 KHR. However, it is not much amount of money to afford their life in the city. To observe that, we should look at the family member below; it really expresses that the amount of that money can afford their life or not while matching to family members.

**Table 5 Duration of housing in communities**

Duration of housing in community	Frequency	Percent
1-5 Years	16	4.12
6-10 Years	80	21.98
11-15 Years	60	16.48
More than 15 Years	209	57.42
Total	365	100

The information above expresses the duration that they have located in their community which is in the development project. The number of the people who located from 1-5 years is 16 equal to 4.12%, from 5-10 years is 80 equal to 21.98%, from 11-15 years is 60 equal to 16.48%, and more than 15 years is 209 equal to 57.42% as the highest number and percentage.



**Table 6** The number of the people who are used to get unfair court decision

Used to get unfired court decision?	Frequency	Percent
Yes	277	75.89
No	88	24.11
Total	365	100

From table 6, the indication is about the number of the people who are used to receive the court decision that they think unjust for them. The number of the people who experience of that decision is 277 equal to 75.89%, but the people who don't get that decision is 88 equal to 24.11%. It is shown that mostly people are used to experience the court decision that makes them get pain. As we designed, the decision is related to the land conflict between the private companies and the local residents after the land area granted to private sector to develop by the government. We can ask that the people who answer No is never get pain of land conflict. The Answer is No. In the research, we center on the people who suffer from that conflict, but just sometimes, some of them don't get the court decision, nevertheless, they also get negative effect from that.

**Table 7 Number of the people who access to media**

Do you often to listen/ watching national and internal media broadcasting the land conflict?	Frequency	Percent
Yes	325	89.04
No	40	10.96
Total	365	100

From table 7, it expresses about the action of the people who pay attention to their conflict. The study provides that 325 of 365 equal to 89.04% often listen and watch the national and international media about the land conflict, but only 40 of them equal to 10.96% who don't find information through the media.

**Table 8 The number of the people who answer to house seizure act**

That's what happened to you?	Frequency	Percent
Seized house		
Yes	365	100
No	0	0
Total	365	100

From table 8, the information shows that among 365 people respond yes to the question about Seized house. It means 100% of the respondents housing the community is negatively effected through house Seizure act.

**Factor Data Analysis (in brief)****Table 9: Total Attitude Order**

Factors	mean	St.Dev	
1. Independent court	2.14	0.70	Low
2. Court actors	2.54	0.74	Low
3. Corruption form	2.60	0.71	Low
4. Law and enforcement	2.55	0.68	Low
5. Involved institution	2.59	0.67	Low
6. Court transparency	2.56	0.71	Low
Total	2.49	0.70	Low

From table 9, the information provides that even the total means of the six factors look different, they are in the attitude order of Low Value. It means the total peoples' attitude of the six factors is at the Low level. It is to show that according to peoples' attitude, the integrity of the court should be improved so that people can enjoy their social justice.

Observing on the chapter 2 of the study, the literature review has shown that according to Aristotle, justice consists of four main points: equal treatment, fairness, equality, and people deserved what they have done. Again, the results of the attitude of the people on the court don't answer back to that theory. People try to mark the integrity of the court through the six factors with the low score that clearly post that they don't agree with the integrity of the court in providing justice to them. Moreover, reflecting to the theory of Plato who states that Justice is harmony, it is seen that the integrity of court seems far from that theory. The results indicate that people get suffered because of the court decision, and they try to join together to make a protest in order to protect their

rights. On the other hand, observing on the social conflict theory of Karl Max, it looks theoretically true because the rich as the upper classes are easy to win the cases at the court while the poor and powerless often lose their interest. However, each theory has its own value on the real practice. Jonh Lock, in order to explain the meaning of justice, raises up the liberty. It is consistent to the reality. The human beings love and want their liberty, especially the liberty to control their individual property. If the property regarded as their life, is violated, they cannot be silent. The protests would occur then that effects social order. Therefore, in order to bring social order, the judicial institutions should observe those theories before making decision that effects to people to guarantee the social justice and harmony. The research results have already shown that people lost their property, experienced pain and involved in protests to call for suitable remedy to them. So, when the justice cannot be found, they still join the protest to bring back their liberty on their individual property or at least, they can enjoy another compensation that satisfy themselves.

## Hypothesis Testing (In Brief)

Table 10 The comparisons between hypothesis and peoples' attitude in brief

Hypothesis	Variable	t/P	Sig
1	Gender	.513	√
2	Age	.193	×
3	Marital status	.484	×
4	Religious belief	.9097	×
5	Education	.0005***	√
6	Occupation	.0000***	√
7	Monthly income	.0001***	√
8	Family members	.0656	×
9	Duration of housing	.0000***	√

From table 10, the information is described as following:

1. People with different gender have different attitude on the integrity of the court.
2. People with different age don't have different attitude on the integrity of the court.
3. People with different marital status don't have different attitude on the integrity of the court.
4. People with different religious belief don't have different attitude on the integrity of the court.
5. People with different education have different attitude on the integrity of the court.
6. People with different occupation have different attitude on the integrity of the court.

7. People with different monthly income have different attitude on the integrity of the court.

8. People with different family members don't have different attitude on the integrity of the court.

9. People with different duration of housing in community have different attitude on the integrity of the court.

## **Conclusion and Recommendation**

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According to research result, it is found that peoples' attitude on the integrity of the court relevant to the six main factors reach only the score of Low of the mean value. It means the people provide the score of Low (the second lowest) score to the court depending on their own attitude. That is to show that the integrity of the court is in the bad situation that should be corrected to bring social justice to the all the people regardless of social classes.

The hypothesis testing provides that people with different gender, education, income, occupation, and duration of housing in community have different attitude on the integrity of the court with the statistical significance. With the results on factor data analysis and hypothesis testing analysis, we conclude that the research results really answer to both objectives.

According to hypothesis testing analysis, the people with different gender, education, occupation, income, and duration of housing in community have different attitude on the integrity of court with statistical significance. It indicates that the peoples' attitude on the six main factors truly reflected to the integrity of the court. People used their own perception and experience to express the integrity of court. It can be biased to their own interest, but it is the truth that they experience in their life.

The above description shows that according to the peoples' attitude on the integrity of the court observing on the six main factors such as Factor 1 (Court Independent), Factor 2 (Court Personnel), Factor 3 (Corruption Form), Factor 4 (Law and Law Enforcement), Factor 5 (Involved Institutions) and Factor 6 (Transparency) really effect to the integrity of the court looking through the total mean value of total attitude of 2.49 with the score of Low (2). It points out that accessing to justice for the poor and powerless is in the bad situation because the peoples' attitude already shown on the integrity of the court with the low score.

All in all, the main six factors really affect the integrity of the court. So, the court decision truly affects the poor and powerless people. I think that when the laws are enforced equally, the social justice would occur. In other words, when the people's rights are still violated, they cannot stop their protest. Land and house are very much important. They are in the basic need solution for living. If the land and house are being grabbed, it means their life is seriously grabbed and harmed. So, the competence authority and the stakeholders should think of that and find the better remedy for the poor and powerless to bring the real social justice to them.

## **Recommendation**

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After the study results shown, it is seen that according to the peoples' attitude on the six main factors, the integrity of the court is in the low mark that should be improved. And the people with different gender, income, education, occupation, and duration of housing in community have different attitude on the integrity of the court. The recommendations are requested as following:

1. To empower the people, the suitable education should be provided to them. Of course, the constitution of Cambodia expresses that people have

the rights to access to education. And the state is responsible for providing basic education to people at least grade nine. It is not enough and fit to today situation. So, Higher education opportunity should be granted to them so that they can be empowered to face the challenges.

2. Low income is a real problem to all the people. To bring social justice to them, the living standard should be lifted up and the poverty reduction program should be very active. And the poor should be guaranteed to access to justice through the state and civil society resources.

3. According to the research, people mostly get unfair court decision. So to help the poor and powerless to access to justice, the justice system should be guaranteed by competent institutions such as Ministry of Justice and Supreme Council of Magistracy. The institution should make sure that the court decision must base on law and court-will, not base on outsiders.

4. The law enforcement on the house grabbing is in the very bad situation. Among 365 people, nobody accepts that enforcement. Therefore, the new mechanism of law enforcement should be created to avoid cruel act to the people.

### **Recommendation for future studies**

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1. In this study, we focus only on the factors effecting the integrity of the court, so it does not get deeply into the factors of the court decision that clearly point out the justice to the parties based on law. So, another future study should be much centered on the factors effecting the court decision.

2. To learn more on the cause and effect of house grabbing, another future research should go through the reason why and how the law enforcement



on house grabbing work, especially the study should bring all dimensions: The government perspective and civil society perspective avoiding bias in the study.

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