

Research Paper

Evaluating the Effectiveness of Thailand's Sor Por Kor Land Reform Policy

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Abstract: This article critically examines the effectiveness of Thailand's Sor Por Kor (SPK) land reform policy from the perspective of agrarian law. Designed to allocate state lands to landless farmers, the SPK program has undergone recent reforms, including the conversion of land use rights into full land titles. While these changes aim to enhance tenure security and rural productivity, this article argues that the legal and institutional design of SPK remains vulnerable to elite capture, environmental degradation, and deviation from agrarian justice principles. Employing a normative-legal and socio-legal approach, this study evaluates SPK's compliance with key agrarian law principles: distributive justice, the social function of property, sustainable land governance, and legal empowerment. The analysis reveals that while SPK has expanded access to land, its implementation suffers from weak regulatory oversight, fragmented legal frameworks, and contradictory development agendas. Recommendations are proposed to realign the SPK policy with the broader objectives of agrarian justice and food sovereignty in the context of emerging global land and food crises.

Keywords: Bargaining Rights, Economic Reforms, Labor Laws, Legal Protection, Trade Unions.



1. Introduction

Land plays a pivotal role in ensuring food security, environmental sustainability, and rural livelihoods, especially in agrarian societies like Thailand. In response to historical inequities in land distribution and rising rural poverty, the Thai government introduced the Sor Por Kor (SPK) program in 1975. Rooted in the Agricultural Land Reform Act (ALRA), this initiative aimed to distribute state forest lands to landless or land-poor farmers, promising to reduce landlessness and improve rural development outcomes.

The SPK framework initially granted usufruct rights to beneficiaries through non-transferable SPK 4-01 certificates. These certificates were designed to prevent land speculation and maintain agrarian use of the redistributed plots. Over time, however, significant legal and policy reforms have altered the landscape of land tenure security. Notably, the post-2023 conversion policy permits the transformation of SPK rights into full land ownership, thereby shifting the legal and functional status of these lands.

These changes present both opportunities and challenges. On the one hand, enhanced tenure security may enable farmers to access credit and invest in productivity. On the other hand, commodification and the potential for elite capture threaten to undermine the redistributive intent of the original land reform. This contradiction between legal objectives and practical outcomes forms the central tension explored in this article.

The first objective of this study is to evaluate the legal effectiveness of the SPK policy in fulfilling the goals of agrarian justice. Specifically, it assesses whether the current institutional and legal arrangements continue to support equitable access to land and the protection of marginalized agrarian communities. The second objective is to analyze the alignment or misalignment between SPK's evolving legal framework and the normative principles of agrarian law, including the social function of land, distributive justice, and environmental sustainability. By situating SPK within broader global debates on land reform and food security, this paper identifies gaps in the legal architecture and offers reform-oriented recommendations.

The main research problem addressed here is the apparent dissonance between the formal legal aims of SPK as a redistributive and protective mechanism, and its empirical trajectory toward liberalized land ownership. This problem is compounded by weak legal safeguards, poor inter-agency coordination, and institutional fragmentation. Given the contemporary urgency of land reform amidst global climate and food crises, Thailand's SPK program offers a critical case study of how legal reforms can either reinforce or undermine the social purpose of land law. Understanding the legal dynamics of SPK is thus essential to designing more just and sustainable land governance systems in Southeast Asia. This study adopts a critical agrarian law perspective and employs a normative-legal as well as socio-legal approach. It draws on statutory analysis, case studies, and secondary data to scrutinize the coherence, justice, and sustainability of SPK as a state-led land reform policy.

2. Literature Review

2.1. Agrarian Justice and Land Redistribution

The concept of agrarian justice frames land reform as a corrective legal mechanism aimed at redressing historical inequities in land ownership and rural disenfranchisement. It is not merely about redistributing land, but also about restructuring power relations and ensuring long-term livelihood security for marginalized groups. According to Prosterman et al., land access is central to poverty alleviation and democratic development [1]. This view is echoed by Borras and Franco, who define agrarian justice as the realization of equitable land relations within socially and ecologically sustainable frameworks [2].

In this light, the SPK program was originally intended to embody agrarian justice by transferring land use rights to landless farmers. However, scholars have noted that the redistributive promise of SPK has often been undermined by bureaucratic inertia, local elite interference, and loopholes that allow informal transfers of rights [4]. These factors dilute the redistributive intent and reproduce inequality rather than alleviate it.

Deininger and Feder argue that equitable land distribution, when legally enforced and transparently implemented, can enhance not only equity but also economic efficiency [3]. Yet, such dual outcomes are difficult to achieve in contexts where implementation mechanisms are weak or susceptible to corruption. In the Thai case, uneven application of SPK guidelines across regions has resulted in highly variable outcomes.

Moreover, legal ambiguity surrounding the transferability of SPK certificates creates a liminal space where land rights are both formally restricted yet informally commodified. This contradiction reveals the gap between the program's legal architecture and its socio-political realities, necessitating a re-evaluation of SPK through the lens of agrarian justice and law reform.

2.2. Legal Principles of Property and Social Function

The legal doctrine of property, particularly in the context of land, has increasingly emphasized that ownership is not an absolute right but one tempered by obligations to society. The principle of the social function of property, developed notably in Latin American constitutionalism and echoed in international human rights law, asserts that land must serve the collective good [5]. In agrarian contexts, this often translates to restrictions on land use, alienation, or concentration in order to promote equitable and sustainable development.

Thailand's SPK policy, through the issuance of non-transferable usufruct rights, initially sought to operationalize this principle by preventing land speculation and ensuring continued agricultural use. The idea was that by limiting commodification, land would remain in the hands of cultivators and serve rural livelihoods. However, the legal structure underpinning SPK rights has been inconsistently interpreted and weakly enforced [6].

Despite its intentions, the policy has struggled to reconcile this principle with economic liberalization pressures. The recent policy shift allowing SPK land to be converted into full ownership, though framed as a response to demands for tenure security, fundamentally contradicts the non-alienability principle. This raises critical questions about the erosion of the land's social function under the guise of legal empowerment [7].

Additionally, this shift reflects a deeper tension in property law: the balance between individual rights and collective obligations. While tenure security may be enhanced through formal titles, doing so without safeguarding redistributive outcomes risks transforming land reform into land liberalization. The challenge is ensuring that legal instruments remain anchored in the ethical commitments of agrarian law, not merely in technical property regimes.

Ultimately, the evolving legal treatment of SPK land illustrates the fragility of social function doctrines in the face of neoliberal land governance. Without robust legal safeguards and accountability mechanisms, the transformation of land into a freely marketable asset risks displacing the foundational goals of land justice embedded in SPK's original legal mandate.

2.3. Tenure Security, Rights Conversion, and Commodification

The relationship between tenure security and the commodification of land remains a foundational tension in land reform debates. On one hand, formalizing land tenure through legal titles is often promoted as a tool to increase farmer confidence, promote investment in land, and enable access to credit. On the other, granting full transferability rights may lead to land consolidation, speculation, and dispossession of the very groups the reform intended to protect [8] - [12].

In the context of SPK, the recent regulation allowing the conversion of SPK rights into full ownership must be scrutinized not only as a legal innovation but as a political-economic shift. Previously, SPK rights operated under a framework of restricted alienability designed to safeguard land from market forces. The new regime, however, invites land into market circulation, potentially accelerating commodification [12].

Some proponents argue that this reform enhances farmers' ability to capitalize on their land, improving livelihoods through access to capital markets. Yet empirical evidence suggests that such outcomes are uneven and often lead to unintended consequences. In areas with active land markets, converted SPK plots may be sold to wealthier outsiders, thereby undermining the reform's redistributive logic [10].

From a legal standpoint, the conversion process introduces a dualism: while aiming to strengthen tenure security, it paradoxically weakens the legal protections originally embedded in the SPK framework. The erosion of inalienability transforms land from a right to use into a commodity to exchange, altering not just the legal status of land, but also its socio-political meaning [11].

This transformation also carries implications for legal pluralism, as informal customary norms surrounding land stewardship are displaced by market-oriented property regimes. The new legal model assumes that private ownership guarantees security, ignoring that in many rural contexts, community-based forms of tenure have historically provided more robust protections against dispossession [8].

Therefore, the conversion of SPK rights into fully alienable titles is not merely a technical adjustment; it signals a paradigmatic shift in how land is understood in Thai legal and agrarian systems. As such, it demands rigorous assessment through both empirical and normative legal lenses.

2.4. Environmental Sustainability and Legal Ecology

Land reform and environmental sustainability are increasingly interconnected within the framework of legal ecology. While SPK was originally envisioned as a land distribution program aimed at marginal farmers, its spatial footprint overlaps significantly with forest lands, conservation zones, and ecologically sensitive areas [13]. This overlap generates legal and environmental tensions.

The legal classification of SPK lands as degraded forest lands allows for redistribution, yet in practice, this often involves encroachment into critical ecosystems. Scholars have documented how reclassified forest lands opened under SPK policies were previously functioning ecosystems that provided essential ecological services [14].

The recent policy allowing for land title conversion further exacerbates environmental risk. As SPK lands become transferable, market incentives may lead to forest clearing and conversion to monoculture farming or other land uses with higher economic returns but detrimental ecological impacts [15]. From a legal standpoint, the fragmented governance of land and forests in Thailand creates jurisdictional ambiguities. Different state agencies, the ALRO, the Royal Forest Department, and the Department of National Parks, operate under competing mandates, resulting in regulatory overlap and weak enforcement [16].

Furthermore, the environmental obligations embedded in SPK land use restrictions are often unenforced or circumvented through informal arrangements. Farmers may lack awareness or incentives to adopt sustainable practices, particularly when legal protections are weak or the state fails to provide support services for conservation-compatible livelihoods.

Legal ecologists argue that the integration of environmental principles into land law is crucial for long-term sustainability. In the case of SPK, however, the weakening of use restrictions and the commodification of land undermine this integration. The land becomes a private asset rather than a commons with embedded ecological obligations. Thus, the legal trajectory of SPK not only raises questions about distributive justice but also about environmental justice. Without coordinated institutional responses and reforms to integrate ecological principles into agrarian legal frameworks, SPK may inadvertently accelerate ecological decline in Thailand's rural landscapes.

2.5. Institutional Fragmentation and Legal Pluralism

The administration of SPK policy reveals deep institutional fragmentation that compromises its effectiveness. Thailand's land governance structure is marked by a patchwork of overlapping authorities and inconsistent mandates, creating an administrative labyrinth that hinders coherent policy execution [17].

The coexistence of ALRO's redistributive mandate with the conservation roles of the Royal Forest Department and Department of National Parks has led to jurisdictional disputes. SPK land parcels sometimes fall into areas claimed by multiple agencies, leaving farmers in a legal limbo with unclear responsibilities and protections [18].

Legal pluralism further complicates this environment. Customary land use practices, while prevalent in many rural communities, are often unrecognized by formal legal institutions. The imposition of statutory SPK frameworks without adequate consideration of local tenure systems can result in social conflict and resistance [19].

Moreover, the absence of an integrated land information system makes coordination between agencies difficult. Without harmonized cadastral data and legal clarity, the implementation of SPK continues to be plagued by inefficiencies, delays, and a lack of legal certainty for beneficiaries [20].

3. Methodology

This study adopts a normative-legal and socio-legal methodology to critically examine the effectiveness of Thailand's Sor Por Kor (SPK) land reform policy through the lens of agrarian law. A combination of doctrinal legal analysis and qualitative field-based inquiry was employed to assess the program's legal structure, institutional implementation, and alignment with agrarian justice principles.

Three provinces were purposively selected as case studies due to their historical and ongoing significance in SPK implementation: Chiang Mai in the north, Nakhon Ratchasima in the northeast, and Surat Thani in the south. These provinces represent diverse ecological, cultural, and governance

contexts, allowing for comparative insights into how SPK functions across different socio-environmental terrains.

Primary data were collected through document review, including legal statutes, ALRO reports, ministerial regulations, and provincial land reform plans. This was complemented by qualitative interviews with local officials, community leaders, and SPK beneficiaries, focusing on issues of tenure security, land disputes, environmental compliance, and legal awareness.

The analysis applied a critical agrarian law framework, assessing how SPK aligns with or deviates from principles such as land's social function, distributive equity, environmental sustainability, and legal pluralism. Each case study was used to illustrate structural tensions within the policy framework and the implementation gaps arising from institutional fragmentation and legal ambiguity.

Triangulation of sources ensured data reliability, while cross-case comparison allowed the identification of patterns and anomalies in SPK outcomes. Ethical clearance was secured through university protocol, and all respondents gave informed consent prior to participation.

4. Finding and Discussion

This section presents the findings based on the integration of the literature review and empirical data collected from the three provincial case studies. The analysis responds directly to the core research problem: whether SPK land reform policy upholds the principles of agrarian justice, social function of land, and sustainable governance. The discussion is organized into three thematic findings.

4.1. Tenure Security vs. Commodification: Contradictions in Legal Reform

Evidence from the fieldwork in Chiang Mai and Nakhon Ratchasima reveals that the recent regulation permitting SPK land title conversion has generated mixed outcomes. Beneficiaries interviewed expressed greater confidence in investing in their land post-conversion; however, this security is fragile and uneven. In areas where market demand is high, especially along infrastructure corridors, full ownership rights have led to the rapid commodification of previously protected land parcels.

Several respondents in Nakhon Ratchasima acknowledged receiving offers from outside investors seeking to acquire SPK land. This aligns with warnings in the literature that title conversion may result in elite capture and speculative transactions [10] [11]. The SPK's original legal intention to limit alienation is now significantly undermined, creating a legal paradox where tenure security has expanded at the expense of equity.

Furthermore, key informants within the ALRO indicated that enforcement of resale restrictions post-conversion is weak due to lack of monitoring infrastructure. This finding reinforces Borrás and Franco's concern that liberal property regimes, if not accompanied by redistributive safeguards, risk reinforcing land inequality [2].

Table 1. Percentage of Respondents Reporting Land Sale Offers Post-Conversion

Province	Reporting Offers
Nakhon Ratchasima	53 %
Chiang Mai	35 %
Surat Thani	17 %

Source: Field Interviews, 2025 (n=90)

4.2. Ecological Risks and the Erosion of Social Function

The literature underscores that SPK lands overlap with ecologically sensitive areas [13] [14]. Field data from Surat Thani confirmed that post-conversion, several SPK parcels adjacent to forest zones were converted into monoculture rubber plantations, often with support from agro-industrial firms. Respondents confirmed the use of chemical inputs and land leveling practices that degrade biodiversity and soil quality.

Provincial environmental officers expressed frustration with the policy shift, noting the lack of inter-agency coordination to enforce environmental obligations. This aligns with the findings of Hall, Hirsch, and Li, who observe that formalization of tenure often weakens conservation outcomes in Southeast Asia [14].

Moreover, the social function doctrine is increasingly sidelined. Farmers interviewed reported that land was now seen as a financial asset rather than a public good with stewardship obligations. One

village leader in Chiang Mai lamented, “we used to think of this land as our shared future, now it’s just property.” This statement reflects a profound legal-cultural shift away from collective responsibility.

Table 2. Changes in Land Use (Surat Thani, 2019–2023)

Land Use Type	2019 Area	2023 Area
Mixed Agroforestry	43 %	25 %
Rubber Monoculture	35 %	55 %
Subsistence Farming	22 %	20 %

Source: Provincial Environmental Office Reports, 2023

4.3. Institutional Fragmentation and Legal Disempowerment

The institutional fragmentation noted in the literature was echoed across all field sites. Interviewees reported confusion over which agency to consult for land boundary disputes, titling updates, or environmental compliance. In Surat Thani, one SPK holder described a 14-month delay in title processing due to contradictory claims between ALRO and the Royal Forest Department.

Legal pluralism also emerged as a barrier to implementation. In Chiang Mai, customary communal tenure arrangements clashed with statutory SPK procedures. Local elders expressed distrust in formal land titling, citing historical experiences of dispossession. This resonates with UNDP’s findings on the marginalization of local legal systems in national land reforms [19].

Importantly, the lack of legal literacy among SPK beneficiaries limits their ability to assert rights or navigate bureaucratic processes. In all three provinces, less than 30% of interviewees had access to legal aid or understood the implications of title conversion. This reflects the broader critique that land law reforms, if not accompanied by legal empowerment, risk deepening vulnerability.

Taken together, the findings illustrate that while the SPK program has expanded land access, its legal evolution is increasingly decoupled from agrarian justice principles. Legal reforms have introduced new vulnerabilities, weakened the land’s social function, and reinforced institutional opacity. These challenges must be addressed through integrated legal design and participatory governance mechanisms.

Table 3. Access to Legal Aid by Province (n=90)

Province	0 % With Legal Aid Access
Nakhon Ratchasima	22 %
Chiang Mai	29 %
Surat Thani	32 %

Source: Field Interviews, 2025

5. Conclusion

This study critically evaluated Thailand’s Sor Por Kor (SPK) land reform program through the lens of agrarian law, drawing from both doctrinal analysis and empirical data collected in three key provinces. While the policy has nominally expanded access to land among rural populations, its evolving legal framework, especially the conversion of SPK use rights into full ownership, has compromised foundational principles of agrarian justice, environmental sustainability, and equitable governance.

The findings demonstrate that tenure security under SPK is paradoxically producing commodification pressures, ecological degradation, and institutional fragmentation. Field data revealed widespread confusion over legal procedures, weak inter-agency coordination, and limited legal literacy among beneficiaries. These conditions undermine the potential of land reform to serve as a transformative legal tool for social equity and environmental stewardship.

To restore the redistributive and justice-oriented goals of land reform, legal reforms must be accompanied by strong safeguards against speculative acquisition, reinforced environmental obligations, and greater community participation. Future research should explore the long-term

impacts of land title conversion on intergenerational land retention, as well as the efficacy of decentralized legal aid models in empowering rural landholders. A deeper engagement with customary land systems and legal pluralism may also offer alternative pathways toward inclusive and sustainable land governance.

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