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TEACHING AND ASSESSING LEGAL REASONING WITH GENERATIVE AI IN THAI UNIVERSITIES

Panupong Chalermsin

Faculty of Law, Prince of Songkla University, Thailand

ORCID: https://orcid.org/0009-0007-0717-7000

ABSTRACT

An accurate legal memorandum prepared with generative artificial intelligence may conceal uncertainty about the proposition on which its advice depends. For a university awarding credit, the difficulty is to establish which legal judgements the student can defend when preparation has been assisted and questioning may itself supply part of the answer. This article combines a critical narrative review with doctrinal analysis of Thai law to develop an assessment sequence comprising a prepared memorandum, observed justification and controlled factual variation. Its central argument attaches independence to the intellectual operation being assessed. Finding a provision, interpreting a provision identified by an examiner and applying a supplied interpretation warrant different attributions of achievement. A fictional licensing problem, followed by Thai administrative provisions and a limited Singapore comparison, demonstrates how source selection, statutory language and evidence determine those attributions. Thai qualification standards and institutional policies provide the setting for examining the proposal's fairness, workload and treatment of student records. The article also distinguishes the evidence needed to mark present understanding from that needed to investigate misconduct, retention or an improvement caused by teaching. It proposes separate studies of assessment validity and educational effectiveness before wider adoption. By relating credit to the reasoning a student actually performs, the framework gives universities a more precise basis for certifying judgement in advice on which other people may rely.

Keywords: legal education; generative artificial intelligence; assessment validity; legal reasoning; evaluative judgement; Thai higher education

1 INTRODUCTION

A student advises a licensing authority to accept an application filed after the deadline because the official portal failed. The memorandum identifies an exception, cites the statute and reaches a plausible conclusion. Asked to justify the advice, however, the student treats proof of the outage as sufficient to compel acceptance. The examiner points to the word 'may' and explains that it confers a discretion, prompting the student to qualify the advice. At that point, the faculty has evidence of a legally significant correction, although the interpretation on which the correction depends has been supplied by the examiner. How should the mark recognise what the student has understood?

Permission to prepare the memorandum with generative artificial intelligence makes this question especially pressing. Faculties can properly reward the production of useful advice under conditions resembling professional work, but a qualification in law also certifies capabilities for which the finished document supplies incomplete evidence. Disclosure of the drafting assistance establishes how the work was prepared to the extent described; it leaves open whether the student can justify an adopted proposition, identify an omitted qualification or advise responsibly when the facts change. If those capabilities determine progression through a degree, the university must be able to defend the inference from the performance it observes to the competence it certifies. Kane's argument-based approach to validity provides the educational foundation for that defence.[1]

[1] Michael T Kane, 'Validating the Interpretations and Uses of Test Scores' (2013) 50 *Journal of Educational Measurement* 1, 1–3 https://doi.org/10.1111/jedm.12000.

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Faculties can already draw on assessment designs that combine explicit permissions with changes to the work examined, requiring candidates to justify decisions, explain source choices and respond to unfamiliar scenarios. The revised AI Assessment Scale, Corbin, Dawson and Liu's structural analysis, and the Defend component of Elkhodr and Gide's SAGE framework develop different aspects of this approach.[2] In applying such designs to law, the examiner must specify the legal operation for which credit is claimed. Identifying an overlooked provision assists source selection; describing that provision as discretionary also supplies part of its interpretation. A student may reason well from either intervention, but the resulting performances warrant different conclusions about independent legal understanding.

The proposal developed here makes those distinctions central to marking and moderation. It extends the account of answerability and the explanation protocol in the related *Answerable* manuscript by working through the statutory choices that confront a Thai legal examiner.[3] Students prepare advice, justify its legal and evidential premises under observation, and respond to a controlled factual variation. The examiner records enough of the exchange to identify which premises the student formed and which entered through questioning. A fictional licensing ordinance first makes the conditions of the problem explicit. Actual Thai provisions then require students to determine the legal source of a deadline, the meaning of electronic receipt and the conditions for relief, before a Singapore decision tests the reach of an apparently similar extension power. These applications support a disciplinary specification of established assessment methods and a design for investigating their validity.

The article combines a critical narrative review with doctrinal analysis. The educational literature is selected for its treatment of score interpretation, evaluative judgement and performance under technological assistance; empirical findings are examined by reference to the population, intervention, outcome and timing of each study. Thai legislation is read in its original language, with short quotations used where the wording controls the analysis and English renderings provided for that purpose. The proposed sequence is then evaluated against institutional requirements, the evidence an examiner can obtain and the practical costs of obtaining it.

2 WHAT A UNIVERSITY CAN INFER FROM ASSISTED WORK

2.1 THE ACHIEVEMENT REPRESENTED BY A MARK

If the rubric rewards independent identification, an examiner who discloses an overlooked statutory exception removes the opportunity to observe that operation. The student may nevertheless interpret and apply the provision persuasively, deserving substantial credit under criteria assessing those achievements. Independence attaches to a specified intellectual operation: receiving a citation can leave the student to interpret the provision independently. A moderator therefore needs to know both what the criterion rewards and which part of the reasoning the examiner supplied.

Even a carefully justified mark supports a limited inference beyond the encounter. A familiar problem, a helpful intervention or an unusually straightforward variant may account for performance that the student cannot reproduce elsewhere, so generalisation depends on the selection of problems and occasions as well as the consistency of marking. Moderators who agree numerically may share an erroneous statutory interpretation; reviewing their reasons and treatment of defensible alternative readings is therefore part of validating the score.

A candidate who interprets a supplied source pack has not thereby demonstrated an ability to find missing authority or discover through consultation what the client is trying to achieve. Those additional demands limit extrapolation to professional work even when the exercise uses authentic documents.

A course that permits a strong product mark to compensate for every weakness in the observed component may pass a student who has not demonstrated an essential capability. Conversely, an examiner who introduces an independent-reasoning threshold after submission changes the basis on which students undertook the work. Course teams should settle such minima prospectively, explaining which achievement the qualification certifies and where further assessment is needed. Kane's distinctions between scoring, generalisation, extrapolation and decision require a separate justification for each use of the same performance, including the educational consequences of treating a particular score as sufficient.[4]

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2 Mike Perkins, Jasper Roe and Leon Furze, 'Reimagining the Artificial Intelligence Assessment Scale (AIAS): A Refined Framework for Educational Assessment' (2025) 22(7) *Journal of University Teaching and Learning Practice*, 10–11, 19–20 https://doi.org/10.53761/rrm4y757; Thomas Corbin, Phillip Dawson and Danny Liu, 'Talk Is Cheap: Why Structural Assessment Changes Are Needed for a Time of GenAI' (2025) 50 *Assessment & Evaluation in Higher Education* 1087, 1091–1095 https://doi.org/10.1080/02602938.2025.2503964; Mahmoud Elkhodr and Ergun Gide, 'Assurance by Design: Embedding the SAGE Defend Step in AI-Integrated Higher Education Assessment' (2026) 11 *Frontiers in Education* 1872630, s 6.3, table 5 https://doi.org/10.3389/feduc.2026.1872630.

3 Albert Tan and Panupong Chalermsin, *Answerable: Teaching Law When the Machine Can Write* (unpublished manuscript, undated) 4–5, 300–301.

4 Kane (n 1) 25–29, 45–46.

Table 1. Assessment claims and the evidence appropriate to them

Claim	Evidence the task can provide	Additional warrant needed
Quality of the assisted memorandum	Accuracy, support and usefulness of the submitted advice, assessed under product criteria.	Individual understanding requires evidence of the student's judgement about that advice.
Understanding demonstrated now	Interpretation and application under recorded conditions of source access and assistance.	Generalisation requires further tasks and dependable scoring.
Independent source selection	The student's search, choice of authority and reasons for treating it as governing.	A supplied source pack permits assessment of selection within that pack and interpretation.
Retention and transfer	Later performance tests retention; unfamiliar problems test transfer.	Comparable resources, adequate task sampling and intervening learning must be considered.
Compliance with assessment rules	Evidence of conduct considered under the rule in force and the disciplinary procedure.	The memorandum and observed response do not by themselves establish how the student prepared the work.
Improvement attributable to teaching	Differences between credible instructional comparison groups.	Allocation, baseline differences, follow-up and competing explanations must support causal attribution.

2.2 ASSISTANCE, PERFORMANCE AND LEARNING

A faculty teaching efficient professional production has reason to value a tool that helps students complete useful legal work more quickly. In Choi, Monahan and Schwarcz's experiment, law students and recent graduates completed legal tasks substantially faster with GPT-4, although improvements in document quality were smaller and less consistent.[5] The investigators graded documents and measured completion time. A faculty using those findings to justify assisted drafting should therefore assess the productivity it wishes students to acquire, then obtain separate evidence if its qualification also certifies their ability to defend the resulting analysis.

The educational consequences of that assistance depend in part on how the system teaches. Among nearly a thousand pupils at one Turkish high school, Bastani and colleagues found that both AI conditions improved assisted mathematics practice, yet pupils using GPT Base subsequently performed worse than controls on unassisted tests within the same sessions. A tutor with safeguards mitigated that adverse effect, although its users gained no demonstrated unassisted advantage over controls. In undergraduate physics, Kestin and colleagues obtained stronger immediate post-lesson performance with a carefully designed tutor than with classroom active learning.[6] The differences in pedagogy and delivery preclude a single inference about generative assistance across these interventions. Their common focus on performance soon after instruction also leaves legal educators with the question identified by Soderstrom and Bjork: how much of an apparent gain persists after the conditions supporting acquisition have receded?[7]

A delayed legal problem can test whether the student retains the capability to interpret and apply a rule, and an unfamiliar statutory regime adds a demand for transfer. The conditions of follow-up must preserve that distinction. If the outcome concerns interpretation, the statutes can remain available after the interval; withdrawing them would add a test of recall to the investigation of retention. A student who successfully interprets an accessible source several weeks later has demonstrated something different from a student who reproduces yesterday's guided answer, even if the two documents receive identical product marks.

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5 Jonathan H Choi, Amy B Monahan and Daniel Schwarcz, 'Lawyering in the Age of Artificial Intelligence' (2024) 109 *Minnesota Law Review* 147, 147 https://doi.org/10.24926/265535.4225; author manuscript (revised 2024) 18–25, 36–39 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4626276.

6 Hamsa Bastani and others, 'Generative AI without Guardrails Can Harm Learning: Evidence from High School Mathematics' (2025) 122(26) *Proceedings of the National Academy of Sciences* e2422633122, 'Experimental Design', 'Main Results' and table 1 https://doi.org/10.1073/pnas.2422633122; Greg Kestin and others, 'AI Tutoring Outperforms In-Class Active Learning: An RCT Introducing a Novel Research-Based Design in an Authentic Educational Setting' (2025) 15 *Scientific Reports* 17458, 2–3, 7–8, fig 1 https://doi.org/10.1038/s41598-025-97652-6.

7 Nicholas C Soderstrom and Robert A Bjork, 'Learning Versus Performance: An Integrative Review' (2015) 10 *Perspectives on Psychological Science* 176, 176–177 https://doi.org/10.1177/1745691615569000.

3 LEGAL PREMISES, EVALUATIVE JUDGEMENT AND TEACHING

A legal adviser often has to establish the premise from which an apparently straightforward inference proceeds. A requirement that an application arrive by a fixed date may be qualified elsewhere by an extension power, allowing a student who reads only the deadline to reason consistently from an incomplete account of the law. Deductive validity establishes the relation between premises and conclusion; the soundness of the advice also depends on the premises the student has chosen. Haack's objection to treating law as an axiomatic system bears directly on this difficulty, because the apparently logical step may conceal contested interpretation or uncertain evidence.[8] Before awarding credit for a conclusion, the examiner must therefore examine how the student justified the rule and factual assumptions from which it follows.

Once the candidate has defended an interpretation, formalising its structure can expose a missing premise. If receipt within an additional period and official failure preventing timely filing are both necessary conditions, proof of only one does not establish a power to accept the application; even when the complete rule authorises acceptance, the official may retain discretion to refuse. A memorandum that converts permission into an obligation has changed the legal premise on which its conclusion depends.

The examiner should also distinguish the consequences of different objections. An applicant who began filing after the deadline, when the portal had functioned throughout, supplies a counterexample to an inference from lateness to official failure. The cause of another applicant's delay must still be established from evidence, including whether the timing and reach of an authenticated outage explain the failed attempt. Discovery of a statutory exception, by contrast, may require revision of the governing legal premise before either factual account can support a recommendation.

When students appraise the quality of their own or another person's work, they exercise what Tai and colleagues call evaluative judgement.[9] For a lawyer reviewing a generated memorandum, that judgement extends to the standard by which a proposition is accepted: an interpretation needs reasons grounded in the sources, factual assumptions require evidential support, and the recommendation must reflect uncertainty that remains. Bearman and colleagues' treatment of generated outputs and the processes producing them supports examining these decisions as part of the student's work.[10] A persuasive defence of sound advice may demonstrate judgement as clearly as the discovery of an error.

An unobserved written critique can itself be assisted. To examine the student's appraisal, an assessor can question it as it develops or require a supervised written analysis of the same sources and changed evidence. Dialogue allows clarification during the response, but a student interpreting an unfamiliar provision may need more time for reflection than a short oral encounter permits.

Students assessed on these decisions need opportunities to practise them, as Biggs's account of constructive alignment requires of the relationship between outcomes, teaching and assessment.[11] A teacher can reconstruct an argument with the class, examine competing readings and ask what evidence would alter the recommendation, then reduce support as students tackle further problems. Including sound arguments and legally immaterial variations prevents the exercise from becoming a search for the error the teacher has inevitably concealed. Once students record a provisional recommendation before receiving new evidence, the examiner can assess why they revise or defend it against a definite earlier judgement.

Reason-giving nevertheless captures only part of professional understanding. Eraut's distinction between implicit learning and tacit knowledge explains why people performing at similar levels may differ in their articulation.[12] A student may notice the significance of a changed fact before finding an adequate verbal formulation. Protected reading time, a written reconstruction or another problem can help an examiner distinguish that difficulty from a failure to understand the law. Where spoken advocacy is itself an outcome, its quality can be assessed explicitly. A statutory interpretation task requires particular care before speed or fluency of speech influences the judgement of legal understanding.

4 THE THAI INSTITUTIONAL SETTING

The Ministerial Regulation on Higher Education Qualification Standards B.E. 2565 identifies knowledge, skills, ethics and character as outcome domains. Clause 6 of the implementing notification requires institutions to take verifiable responsibility for their achievement through systems or methods supported by empirical evidence.[13] A faculty claiming that graduates can interpret legislation therefore needs performances from which it can reasonably infer that capability. A curriculum map showing interpretation in several modules does not answer that evidential question if the assessed work permits substantial drafting assistance.

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8 Susan Haack, 'On Logic in the Law: "Something, but not All"' (2007) 20 *Ratio Juris* 1, 15, 19, 24–25 https://doi.org/10.1111/j.1467-9337.2007.00330.x.

9 Joanna Tai and others, 'Developing Evaluative Judgement: Enabling Students to Make Decisions about the Quality of Work' (2018) 76 *Higher Education* 467, 471 https://doi.org/10.1007/s10734-017-0220-3.

10 Margaret Bearman and others, 'Developing Evaluative Judgement for a Time of Generative Artificial Intelligence' (2024) 49 *Assessment & Evaluation in Higher Education* 893–905, 'Defining Evaluative Judgement' and 'Intersections between Evaluative Judgement and Generative AI' https://doi.org/10.1080/02602938.2024.2335321.

11 John Biggs, 'Enhancing Teaching through Constructive Alignment' (1996) 32 *Higher Education* 347, 347, 350–353 https://doi.org/10.1007/BF00138871.

12 Michael Eraut, 'Non-formal Learning and Tacit Knowledge in Professional Work' (2000) 70 *British Journal of Educational Psychology* 113, 115–119 https://doi.org/10.1348/000709900158001.

13 Ministerial Regulation on Higher Education Qualification Standards B.E. 2565 (2022) (Thailand), cls 5, 7 and 9, *Royal Gazette* 139, Part 20 Kor (31 March 2022) 28 https://academic.uru.ac.th/document/07777.PDF; Higher Education Standards Committee, Notification on Details of Learning Outcomes under the Higher Education Qualification Standards B.E. 2565 (20 July 2022), cls 4 and 6, annex, bachelor-level skills, *Royal Gazette* 139, Special Part 212 Ngor (9 September 2022) 35 https://www.ops.go.th/th/content_page/download/1079/6940/16.

The ministry's notification of 9 October 2025 creates an additional curricular reason to address artificial intelligence. It directs institutions towards courses or integrated content amounting to at least six credits or two courses, with exceptions for specified information-technology, computer-science, computer-engineering and data-science programmes. The implementation circular of 16 October links this direction to knowledge of artificial intelligence, applications across subjects and ethics.[14] A law faculty can respond through statutory research, critical appraisal of generated advice and responsible handling of information.

Whether students may use a drafting system in a particular assessment still requires a course-design decision. Teaching them to evaluate generated interpretations need not entail permitting such assistance when they subsequently defend their own interpretation under supervised conditions with the statutes available.

At institutional level, the wording of the applicable policy affects how the prepared memorandum should be used. Chulalongkorn University's 2023 guidelines advise teachers to adapt assessment and, where assistance is permitted, to avoid directly assessing work that a system can answer. Under that approach, the memorandum can prepare the student for an assessed explanation. Prince of Songkla University's announcement of 17 February 2025 places stronger obligations on careful use, verification and disclosure, restricts the input of confidential or personal information, and assigns responsibilities for tools and training.[15] A course team working under either policy must tell students which component attracts marks and what work they are expected to perform themselves. The institutional differences also make a common national prescription for grading every assisted memorandum difficult to defend.

Faculties exercising this discretion must also attend to the conception of equality in section 17 of the Higher Education Act B.E. 2562. Alongside its prohibition of unfair discrimination, the provision recognises measures directed to removing barriers and facilitating learners' access to education on an equal basis with others (เพื่อขจัดอุปสรรค ส่งเสริม หรืออำนวยความสะดวกให้ผู้เรียนสามารถได้รับการศึกษาเช่นเดียวกับผู้อื่น). Identical examination conditions are therefore an inadequate starting point if they prevent a student from demonstrating the intended capability. A faculty that assesses Thai statutory interpretation through rapid English questioning needs to justify the linguistic demand in relation to that outcome. Academic freedom under section 14, with its accompanying respect for differing opinions, also gives reason to examine a defensible alternative reading on its merits when it departs from the examiner's preferred answer. These choices affect the preparation of graduates for the public-facing work reflected in section 12's provisions on academic service and community engagement.[16]

Thai teachers have already used legal problems to develop the capabilities at issue here. Srisawang's account of Tax Law II at Prince of Songkla University examines work from 2016–2019 and combines doctrinal instruction with cases, questioning and repeated assessment.[17] At Thammasat, Pongsapan and colleagues describe how professional examinations and differences between large compulsory courses and smaller electives shape opportunities for discussion and assessment.[18] These accounts favour adaptation within substantive modules. A licensing exercise can accompany administrative law, with later courses revisiting discretion and entitlement through different sources and facts. Programme committees can then distribute observations across the degree, deciding where assisted production serves the outcome and where independent source selection or interpretation needs to be demonstrated. The ASEAN University Network's programme-level quality guide supports scrutiny of alignment, validity, reliability and fairness within the institutions that apply it.[19]

5 AN ASSESSMENT SEQUENCE AND THE ATTRIBUTION OF CREDIT

5.1 PREPARATION, OBSERVATION AND REVISION

The course team begins by defining what the memorandum is for. It may attract a mark for the quality of the advice, or serve as formative preparation for the observed task where the institutional policy or learning outcome favours that use. In either case, students receive the assistance rules and criteria before starting. The memorandum identifies the governing provision, gives provisional advice and states the factual uncertainty on which the recommendation depends. A short disclosure records the assistance used and a consequential decision the student made about its output. Where access to commercial tools is unequal, the teacher can provide a common draft for appraisal, reserving independent tool selection for a course with the resources and criteria to assess that activity fairly.

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[14] Ministry of Higher Education, Science, Research and Innovation, Notification on Guidelines for Teaching Artificial Intelligence in Higher Education Curricula B.E. 2568 (9 October 2025), cls 3–7 https://www.ops.go.th/th/content_page/download/7221/13535/16?method=view; Office of the Permanent Secretary, Circular อว 0203.4/ว21128 (16 October 2025), item 4 https://www.ops.go.th/th/content_page/download/7218/13535/16.

[15] Chulalongkorn University, *Principles and Guidelines for Using AI Tools* (17 July 2023), guidelines 1–3 https://academic.chula.ac.th/storage/images/news/64b63eb35d104.pdf; Prince of Songkla University, Announcement on Guidelines for the Utilisation of Artificial Intelligence Technology B.E. 2568 (17 February 2025), cls 4.1, 4.2 and 5 https://medinfo.psu.ac.th/book/iso/book_009.php.

[16] Higher Education Act B.E. 2562 (2019) (Thailand), ss 12, 14 and 17, *Royal Gazette* 136, Part 57 Kor (1 May 2019) 54, 57–59 https://web.senate.go.th/bill/bk_data/490-6.pdf.

[17] Kritsarat Srisawang, 'Guidelines for Developing Analytical and Evaluation Skills in Tax Law II Curriculum' (2020) 4(2) *Law and Local Society Journal* 115, 118, 124–132 (in Thai) https://so04.tci-thaijo.org/index.php/llsj/article/download/242741/168699/870246.

[18] Munin Pongsapan, Junavit Chalidabhongse and Viravat Chantachote, 'Teaching Civil Law in Thailand: A Case Study of Thammasat University' in Keio Institute for Global Law and Development (ed), *How Civil Law Is Taught in Asian Universities* (Keio Institute for Global Law and Development 2019) 35, 39–42, 45–47, 50–51 https://keiglad.keio.ac.jp/wp/wp-content/uploads/2019/03/Asian-Global-Legal-Professions-Series-III-.pdf.

[19] ASEAN University Network, *Guide to AUN-QA Assessment at Programme Level* (version 4.0, 2020) 26–27, criterion 4 https://aunsec.org/application/files/2816/7290/3752/Guide_to_AUN-QA_Assessment_at_Programme_Level_Version_4.0_4.pdf.

During the observed component, the student has the agreed legal sources and access aids but receives no fresh generated analysis or outside substantive help. The examiner opens by asking for the basis of the advice and its strongest legal difficulty, allowing the student an initial account before directing attention to a particular provision. A factual variation follows, with protected reading time before the student decides whether to amend the recommendation. The proposed twelve-minute allocation gives four minutes to the original reasoning, two to reading, four to revision or defence, and two to unresolved questions and practical advice. This allocation derives from the explanation protocol in *Answerable* and provides a planning assumption for a narrow exercise.[20] A pilot must establish whether the sources can be read and the requested operations completed within it, especially where translation or an access adjustment increases the time needed.

An oral encounter gives an examiner opportunities to clarify an unexpected answer, at the cost of allowing the examiner's reactions to influence the performance. Joughin's analysis of oral assessment treats this interaction as a source of both educational value and potential distortion, and questions how readily performance under questioning can be extrapolated to professional work.[21] For a course assessing Thai statutory interpretation, a supervised written response to the same staged evidence may provide adequate observation with more time for reflection. An advocacy course has a stronger reason to retain oral questioning because responding in speech is itself part of the achievement being assessed.

5.2 WHAT EXAMINER INTERVENTION CHANGES

Whatever the format, the examiner can inadvertently perform a legal operation for which the student later receives credit. Pearce and Chiavaroli's taxonomy of presenting, repeating, clarifying, probing and leading makes the assessment purpose central to the permissibility of a prompt.[22] In a legal problem, that purpose must be read alongside the student's preceding answer. 'How does section 7 affect your advice?' identifies a potentially decisive source for a student who has overlooked the exception. Asked after the student has already discussed section 7, the same question may invite a fuller defence of an interpretation. A recording that begins with the examiner's question, omitting what preceded it, could lead a moderator to misclassify the assistance in either direction.

The intellectual effect of the intervention also varies. Once an examiner directs attention to an overlooked provision, the student may still have to interpret its conditions, reconcile it with the deadline and connect it to the evidence. Describing the provision as discretionary goes further, because the power–duty distinction is itself part of the legal interpretation. Even an explicit correction leaves room for capable application to fresh facts, provided the rubric recognises that achievement. A fixed deduction for every prompt would obscure these differences and could penalise linguistic clarification as heavily as the supply of the governing rule. Table 2 identifies the work that may remain open to assessment after different interventions; its classifications depend on the exchange in which the words occur.

Table 2. Examiner intervention and the legal work left to the student

Intervention	What the examiner may have supplied	Achievement still open to assessment
'Explain the basis of your advice.'	The examiner states the task without identifying a legal route.	The student identifies the governing issue and source, then justifies the premises.
'What do you mean by "invalid"?'	The examiner requests clarification of the student's own term.	The student distinguishes lateness from its asserted legal consequence.
'Please consider section 7.'	The examiner locates a potentially decisive provision.	The student interprets its conditions and reconciles it with the deadline.
'The authority has a discretion. What follows?'	The examiner supplies the distinction between power and duty.	The student applies that distinction and advises on the exercise of discretion.
The examiner gives the rule and explains the error.	The examiner supplies an interpretation and correction.	The student applies the supplied rule to fresh facts, where the criteria recognise that performance.

A useful record preserves the significant question, its place in the exchange and the reasoning that followed. 'Identified the causal condition before prompting' permits a different attribution of achievement from 'applied the causal condition after it was explained'. With that information, a moderator can examine whether the mark rewards the operation named in the rubric. The same record can protect a student whose valid answer was initially misunderstood: a dispute about the legal interpretation can be reconsidered against the source and the response, with less dependence on an examiner's later recollection of confidence or hesitation.

[20] Tan and Chalermsin (n 3) 300–301.

[21] Gordon Joughin, 'Dimensions of Oral Assessment' (1998) 23 *Assessment & Evaluation in Higher Education* 367, 370, 375 https://doi.org/10.1080/0260293980230404.

[22] Jacob Pearce and Neville Chiavaroli, 'Prompting Candidates in Oral Assessment Contexts: A Taxonomy and Guiding Principles' (2020) 7 *Journal of Medical Education and Curricular Development* 2382120520948881, 'A Taxonomy of Prompting' and 'Guiding Principles for Practice' https://doi.org/10.1177/2382120520948881.

5.3 CRITERIA AND DISCREPANT PERFORMANCES

The rubric needs enough resolution to distinguish finding an issue or source from interpreting a provision, evaluating evidence and drawing a conclusion. It should also recognise how the student handles uncertainty, justifies practical advice and responds to changed circumstances. These operations occur within one argument, so the criteria must specify the achievement rewarded under each heading to avoid counting the same insight repeatedly. For example, recognising that acceptance is discretionary may improve both the legal analysis and the recommendation, but two marks require two identifiable achievements, such as interpretation of the power and a justified proposal for its exercise.

Within each operation, a course can describe an unsupported response, partial reasoning, a substantially justified answer and an answer that also handles the strongest difficulty. Assistance is recorded alongside the quality judgement. If the examiner names an exception before the student identifies it, the encounter does not demonstrate independent identification. Where that is an essential outcome, the student needs another opportunity to demonstrate it. The student's subsequent interpretation can still attract the credit that its merits deserve. Published criteria should settle how reasoned correction contributes to the mark and whether progression requires a minimum level of independent achievement.

Disagreement between the memorandum and the observed response then directs the examiner to a particular educational question. A polished product followed by weak reasoning may reveal an interpretation the student has adopted inadequately, although the conditions of questioning must be examined before that conclusion is drawn. A defective memorandum followed by a persuasive correction can earn credit for revision if the task assesses it. Where both performances are strong, the examiner has more evidence of understanding under the specified conditions; where both are weak, the response can guide further teaching or reassessment. Any allegation about prohibited assistance concerns the student's earlier conduct and requires the separate procedure considered in section 8.

6 THE LICENSING PROBLEM AND THE GOVERNING SOURCE

6.1 A FICTIONAL ORDINANCE

The following ordinance and applicant are fictional. Section 4 requires a renewal application to be received by 30 June, and section 7 permits acceptance within the following seven days where failure of the authority's official portal prevented timely filing. Section 7 is stipulated to be the sole power to accept a late application. Receipt within seven days and official failure causing the inability to file on time are jointly necessary and sufficient for the existence of that power, although the authority retains discretion to refuse. All other application requirements are assumed satisfied. Stipulating the rule in this way allows the examiner to assess its application before introducing the source and interpretative difficulties of actual legislation.

The applicant attempts submission late on 30 June, receives an untimed error message and completes submission at 00.25 on 1 July. In a memorandum of up to 400 words, the student advises on the power to accept and the further information needed. The receipt proves lateness and establishes compliance with the seven-day outer limit. The screenshot has weaker evidential force because its time and provenance remain uncertain: an official outage, a local connection problem and an error by the applicant are all possible explanations. A careful recommendation therefore identifies the causal fact that must be established and preserves the authority's discretion after that condition has been met. Promising acceptance at this stage assumes both the cause of the delay and the outcome of a decision the ordinance leaves open.

The examiner then produces an official record showing an outage from 23.40 on 30 June until 00.20 on 1 July. This evidence confirms a system failure during a potentially decisive interval, but its effect on the advice depends on the applicant's attempt. An authenticated attempt during the outage strengthens the causal case. An attempt preceding it requires a different account, because the later failure could explain only an impeded retry before the deadline. A variant stipulating a functioning portal and a forgotten password does not satisfy the official-failure condition; a purely local internet failure has the same consequence under the fictional wording. Receipt beyond the seven-day period defeats the separate temporal condition even where an official outage caused the original delay.

The examiner can also leave the recommendation intact. A replacement receipt with a different colour and identical legally significant contents should elicit a reasoned decision to retain the advice. If students have been trained to change their answer whenever an examiner introduces a document, this variant tests whether they can identify the absence of a legal consequence. Its difficulty differs from reconstructing an attempted submission from competing technical records. Before comparing scores across variants, the course team must therefore examine whether each presents a comparable opportunity to demonstrate the operation being marked.

One further variant distinguishes an objection to an inference from evidence about the applicant. Consider the argument: 'If an official portal failure prevented timely filing, the application was late; this application was late; therefore an official portal failure prevented timely filing.' An applicant who began only after the deadline despite the portal functioning normally throughout is a counterexample to that inference, which affirms the consequent. The counterexample exposes the invalid route from lateness to official failure while leaving the cause of the applicant's actual delay open to proof. An authenticated outage record can establish part of that factual premise through independent evidence. A student who identifies the fallacy must still decide what advice the evidence warrants after the faulty inference has been discarded.

6.2 THAI RECEIPT, EXTENSION AND REASONS

Actual Thai law requires the student to establish a legal fact that the fictional ordinance has settled: when the application was received. Section 10 of the Act on Electronic Performance of Administrative Functions B.E. 2565 attaches receipt to communication through the agency's announced channel that has 'entered the electronic system' (ได้เข้าสู่ระบบอิเล็กทรอนิกส์) of the agency or official. An attempted transmission does not establish that entry. Even proof of entry at 23.59 requires examination of working hours, since the section treats entry outside working days or hours as receipt on the next working day and time. Section 11 governs subsequent electronic communication and related documents unless the applicant indicates otherwise.[23] An adviser therefore needs the agency's channel announcement and working hours alongside the technical record. With an outage near the end of a working day, those materials require the student to determine both statutory receipt and the cause of the failed filing.

Once receipt and lateness are established, the source of the deadline determines the route to relief under the Administrative Procedure Act B.E. 2539. Section 65 applies to a 'period fixed in an official's order' (ระยะเวลาที่กำหนดไว้ในคำสั่งของเจ้าหน้าที่) and permits retrospective extension where allowing expiry to stand would cause unfairness. That qualification governs the retrospective exercise of a power over an administratively fixed period; it does not make unfairness a general excuse for missing a deadline prescribed by legislation. For the latter, section 66 requires inability to act 'because of necessary circumstances that did not arise from that person's fault' (เพราะมีพฤติการณ์ที่จำเป็นอันมิได้เกิดขึ้นจากความผิดของผู้นั้น). The applicant must request relief within fifteen days after those circumstances cease, and the official may then extend the period and permit repetition of the earlier procedural step.[24] Although an official outage may establish an external impediment, the adviser must also determine how it prevented this applicant from acting and whether the circumstances arose through the applicant's fault. Proof that the portal failed does not compel an extension. The technical record bears on the duration of the impediment, the applicant's account of the failed attempt and the date from which the request period runs, each of which may change the advice about whether and when to seek relief.

The wording of section 66 also prevents mechanical transfer of the fictional exception. A local connection failure and a forgotten password were excluded from that exception because it specified failure of the official portal. Under the actual provision, the student must examine necessary circumstances and fault on the particular record. The source pack must also disclose any special licensing procedure, since section 3 qualifies the Act's relationship with special regimes by reference to fairness guarantees or administrative standards no lower than those in the Act, with separate treatment of statutory appeal or objection procedures and periods.[25] A candidate who assumes the general extension provision applies has skipped an antecedent source-selection question, even if the subsequent reading of section 66 is accurate.

The exercise can continue to a draft administrative decision. Section 37 requires reasons for written orders and written confirmations, subject to its scope and exceptions, addressing the material facts, governing provisions and considerations supporting the exercise of discretion. Section 38 permits specified exemptions through ministerial regulation.[26] Having identified a power to extend time, the student can be asked to formulate reasons for granting or refusing relief on the supplied facts. That task reveals whether the student can connect the discretion to a defensible decision and identify any further evidence needed before the authority acts. The resulting advice has a practical recipient: an applicant who needs to know what to prove and why the official may still refuse.

6.3 A LIMITED SINGAPORE COMPARISON

A student asked to use Singapore authority encounters a further source problem. In *Lee Pheng Lip Ian v Chen Fun Gee and others*, the Court of Appeal considered the Chairman of the Complaints Panel's power under section 42(2) of the then-applicable Medical Registration Act to extend a Complaints Committee inquiry. The Court applied section 53 of the Interpretation Act in upholding applications and grants after expiry, and upheld successive extensions within the statutory scheme.[27] The result depended on an extension power conferred by the Medical Registration Act. A licensing adviser invoking the decision must therefore identify a corresponding power in the legislation governing the licence before relying on the interpretative provision's treatment of expiry.

Across these exercises, the apparent problem of lateness requires progressively different legal work. The fictional ordinance stipulates the source and conditions of relief. The Thai problem adds the classification of a deadline, electronic receipt and the interaction of procedural statutes. The Singapore decision adds an interpretative rule operating upon an independently conferred power. A course can use that progression to investigate transfer after students have practised the additional source work. Its marking must then recognise that locating the applicable regime is an achievement beyond applying a rule already placed before the candidate.

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[23] Act on Electronic Performance of Administrative Functions B.E. 2565 (2022) (Thailand), ss 10–11, *Royal Gazette* 139, Part 63 Kor (12 October 2022) 1, 4 https://law.prd.go.th/th/file/get/file/2022112541b92aec2da04005f656bbb8ddeb7110114717.PDF.

[24] Administrative Procedure Act B.E. 2539 (1996) (Thailand), as amended, ss 65–66 (Council of State consolidated Thai text) 25 https://laws.md.go.th/laws-implement/home/viewfile/10-1-20230509531412N.pdf.

[25] Administrative Procedure Act (n 24) s 3.

[26] Administrative Procedure Act (n 24) ss 37–38.

[27] *Lee Pheng Lip Ian v Chen Fun Gee and others* [2020] SGCA 6, [18], [30], [42]–[45], [48] https://www.elitigation.sg/gd/s/2020_SGCA_6; Medical Registration Act (Cap 174, 2014 Rev Ed), s 42(2); Interpretation Act (Cap 1, 1999 Rev Ed), s 53, as cited at [42] (now Interpretation Act 1965 (2020 Rev Ed), s 53).

7 FAIRNESS AND THE ALLOCATION OF ASSESSMENT RESOURCES

Before attaching a progression decision to an oral response, a Thai law faculty needs to determine how much of the performance depends on demands that its course was designed to teach. An examiner may reasonably expect students in an advocacy course to formulate a spoken submission under pressure. That expectation takes a different form in a course concerned with interpreting Thai administrative legislation, where speed of English expression could obscure a defensible reading of the governing text. Section 17 of the Higher Education Act, with its prohibition of unfair discrimination and recognition of measures removing barriers to education, gives faculties grounds for examining how language, disability and economic circumstances affect the opportunity to demonstrate the assessed capability.[28] The course specification therefore needs to identify the linguistic work that attracts marks, as well as the law students are expected to understand.

With the outcome specified, the faculty can distinguish adjustments enabling access from interventions supplying a legal premise. Accessible statutory materials and protected reading time can allow a student to undertake the same interpretative work as other candidates, whereas a pointer to an overlooked exception changes the demand for independent source selection. Recording both simply as assistance risks penalising access provision through a rubric intended to measure independent judgement. Where oral expression is incidental, a supervised written response may allow the student to demonstrate the required reasoning more fully, with the same substantive criteria governing the mark.

Familiarity with the format helps, although preparation alone may leave students apprehensive, as Brogan, Gooding and Feld found in their study of law students' viva experiences.[29] Rehearsals and published examples should be accompanied by scrutiny of whether the procedure suppresses performance for reasons unrelated to the assessed law. When moderating a hesitant or incomplete answer, the examiner needs to identify where the student encountered difficulty and what opportunity was allowed for resolving it. A model answer that excludes a legally defensible alternative creates an avoidable obstacle even for a well-prepared and confident candidate.

Individual questioning also commits resources that could otherwise support teaching and feedback. At twelve minutes for the encounter and three for recording, a cohort of 120 requires thirty hours from one examiner, rising to sixty staff-hours if two examiners spend the full fifteen minutes on each student. Across the compulsory civil-law classes of 100–400 described by Pongsapan and colleagues in 2019, that allowance would consume twenty-five to one hundred single-examiner hours before preparation, moderation or reassessment.[30]

A faculty deciding whether to adopt the sequence needs its current enrolment and staffing figures, including accommodation and review costs. In a large compulsory course, those figures may favour supervised written variations, with dialogue reserved for outcomes requiring responsive questioning or spoken advocacy.

Joughin's treatment of interaction explains what is at stake in that choice: an examiner can explore an ambiguity, but the resulting performance also reflects the questions chosen and assistance given.[31] Programme committees can distribute observations across substantive courses, provided they coordinate criteria and retain records sufficient to review difficult cases. A shorter encounter may simply shift work to reassessment if the record does not disclose how the examiner arrived at a disputed mark.

8 ACADEMIC JUDGEMENT, DISCIPLINE AND STUDENT RECORDS

8.1 THE EVIDENCE REQUIRED FOR DIFFERENT DECISIONS

A discrepancy between the memorandum and the later response may disclose a teaching need long before it supports a finding about how the memorandum was produced. A student could have complied with every preparation rule and still misunderstand an exception; another could acquire understanding after obtaining prohibited help. The examining team should assess the legal work demonstrated under its published criteria. An allegation of misconduct calls for evidence connecting the student to prohibited conduct and an opportunity to answer that allegation through the university's disciplinary procedure.[32]

Text classification adds its own uncertainty. Weber-Wulff and colleagues documented limitations in the detection tools they evaluated, and Liang and colleagues found misclassification of non-native English writing in their samples.[33] Those findings give universities reason to scrutinise a detector's proposed use, especially where a linguistic feature attracting suspicion may also reflect the student's educational background. Before assigning weight to a classification score, a disciplinary committee needs an evidential justification fitted to the system and the writing, together with evidence of the conduct prohibited by its rules. Suspicion arising after submission cannot retrospectively turn an assessment of statutory interpretation into an unannounced test of English advocacy or impose a new requirement to surrender private conversation histories.

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[28] Higher Education Act (n 16) s 17.

[29] Michael Brogan, Bradley Gooding and Francine Feld, 'The Viva Voce: A Post-pandemic Assessment' (2024) 58 *The Law Teacher* 442, 447–454, 458, 462–463 https://doi.org/10.1080/03069400.2024.2359865.

[30] Pongsapan, Chalidabhongse and Chantachote (n 18) 50–51.

[31] Joughin (n 21) 370, 375.

[32] On differences between marking and formal misconduct reporting, see Leon Furze and others, 'The AI Assessment Scale (AIAS) in Action: A Pilot Implementation of GenAI-Supported Assessment' (2024) 40(4) *Australasian Journal of Educational Technology* 38 –55, publisher PDF 9–10, 12 https://doi.org/10.14742/ajet.9434. The Vietnamese pilot allowed some misuse to attract mark reductions outside formal misconduct reporting. Comparisons based on recorded disciplinary cases therefore require attention to which violations the institution records through that procedure.

[33] Debora Weber-Wulff and others, 'Testing of Detection Tools for AI-generated Text' (2023) 19 *International Journal for Educational Integrity* 26, 8–11, 25–27 https://doi.org/10.1007/s40979-023-00146-z; Weixin Liang and others, 'GPT Detectors Are Biased against Non-native English Writers' (2023) 4(7) *Patterns* 100779, fig 1 https://doi.org/10.1016/j.patter.2023.100779.

The marking record has a more immediate purpose. A student who challenges a score should be able to identify whether the dispute concerns what was said, the correctness of the legal interpretation or the credit permitted for a correction. That distinction gives the moderator a question capable of resolution through the response, the source and the criteria. It also allows a faculty to recognise learning during questioning without rewriting the mark awarded to the original memorandum.

8.2 RECORDS SUFFICIENT FOR REVIEW

As controller of assessment records, the university must first identify what it needs to collect and why. Under sections 22–24 of Thailand's Personal Data Protection Act, the necessity of the collection, notice to the student and an applicable legal basis require attention even where the educational purpose is legitimate. A contractual or public-interest ground must fit the processing undertaken; if the university relies on consent, section 19 governs its validity. A demand for complete AI conversation histories would also expose information about unrelated matters, potentially including health or disability information subject to section 26's additional conditions.[34] Collecting those histories merely because they exist would make the review of a legal judgement depend on access to much more of the student's life than the examiner needs.

For this assessment, the faculty needs a record from which a moderator can reconstruct the disputed intellectual operation. A note identifying the variant, a decisive prompt and the student's response may suffice in an uncomplicated case. Where the disagreement turns on the sequence or wording of an exchange, a fuller recording may preserve evidence that a summary loses. The faculty should decide in advance how these review needs justify collection and retention, with access restricted to the people performing the stated functions and deletion governed by section 37 and its exceptions.[35] An examiner implementing an approved adjustment does not ordinarily need the student's full medical history. Any request by the examiner for further medical information needs a specific justification connected to implementing the adjustment.

Where a faculty uses assessment records for research beyond the purposes notified at collection, section 21 requires notice and prior consent for the new purpose or authorisation under the Act or another law. The ordinary-data research ground in section 24(1) and the sensitive-data route in section 26(5)(d) carry distinct conditions, supplemented by the Personal Data Protection Committee's B.E. 2566 notification. Clause 6(1) expressly preserves informed consent to research participation (ความยินยอมในการเข้าร่วมการศึกษาวิจัย), subject to its stated exceptions, even where consent to processing is exempted. A secondary-use exception, qualifying impracticability or an ethical waiver therefore requires its own justification. Clause 5(4) additionally requires prior ethics approval or certification for the specified sensitive-data research route.[36] Resolving these conditions before assembling the research dataset allows the faculty to address participation separately from the legal basis for processing, including where a student has little practical choice about sitting the assessed exercise.

9 EVALUATING THE ADDITIONAL EVIDENCE

For a faculty considering adoption, the first empirical question is whether the further performance improves the grounds for an educational decision. Independent assessors could review either the memorandum alone or the memorandum together with the questioning record for the same cases, with allocation balanced across assessors. A separate team could then mark further legal tasks without knowing those initial judgements. Comparing the decisions against this independent sample of performance would permit examination of where the additional record resolved uncertainty about a student's reasoning and where it introduced a new source of error. The reference tasks would themselves need a defensible sample of legal work and specified conditions of assistance. Kane's approach to validity directs attention to these warrants for the use of evidence.[37]

Before recruitment, legal specialists should examine whether the variants demand comparable work and whether the proposed answers accommodate reasonable disagreement. Trial responses can reveal a question that discloses the decisive premise or a timetable that leaves too little opportunity to advise on uncertainty.

Independent marking of common responses, particularly those close to progression thresholds, can then distinguish disagreement about the law from disagreement about the rubric or the examiner's contribution. Numerical agreement does not establish doctrinal accuracy: two markers may reproduce the same mistake. Their reasons and the contextual record of assistance allow reviewers to determine which inference the student performed and which distinction the examiner supplied.

Whether teaching through the sequence improves learning requires a separate comparison. Tutorial groups could receive either the proposed sequence or an existing problem-based approach, with comparable teaching time, source access and feedback. Allocation across several groups and teachers can help distinguish the instructional treatment from a particular teacher's influence, and the analysis must accommodate group allocation and clustering. Baseline achievement and previous exposure to the doctrine also matter. Where random allocation is impracticable, the study must establish the grounds for comparing the groups and examine competing causes of any difference. A relationship between a student's questioning score and later achievement would support prediction, but it would not establish that teaching through the sequence caused the later achievement.

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[34] Personal Data Protection Act B.E. 2562 (2019) (Thailand), ss 6, 19, 21–24 and 26–27, *Royal Gazette* 136, Part 69 Kor (27 May 2019) 52 https://www.dol.go.th/media/81328015569807360 0/2026/01/yMq60uXFbWjH97JNrP3D1pnz.pdf.

[35] Personal Data Protection Act (n 34) ss 22–23 and 37.

[36] Personal Data Protection Act (n 34) ss 21, 24(1) and 26(5)(d); Personal Data Protection Committee, Notification on Appropriate Measures for Collection for Research or Statistics under s 24(1) and Scientific, Historical or Statistical Research or Other Public Interests under s 26(5)(d), B.E. 2566 (28 December 2023), cls 4–6, especially 5(4) and 6(1), *Royal Gazette* 141, Special Part 7 Ngor (8 January 2024) 21, 24–26 https://ratchakitcha.soc.go.th/documents/16521.pdf.

[37] Kane (n 1) 25–29, 45–46.

Follow-up can investigate the distinction between performance and learning developed by Soderstrom and Bjork.[38] A delayed task on the taught doctrine tests whether capability remains available, while a separate unfamiliar problem adds a demand for transfer. For example, a four-to-six-week interval could be selected and justified in relation to the course, with intervening teaching and permitted resources recorded. Including sound arguments and immaterial changes would test more than students' willingness to revise an answer. Researchers also need to account for students who do not return, since selective follow-up may distort the apparent success of either teaching condition.

The faculty's adoption decision should bring these findings together with evidence about access and cost. Students can identify confusing instructions or pressure to memorise a defence that marks alone may conceal. Examination records can reveal systematic differences in prompting across variants or groups, subject to safeguards against identifying small groups through research reporting. A supervised written version using the same legal issue and staged evidence offers a practical comparator. Its marking, moderation and appeal costs belong beside the staff time consumed by individual questioning. A successful local pilot can support continued use under the tested conditions, with broader claims assessed through further subjects, assessors and cohorts.

10 CONCLUSION

When a university permits generative assistance, it must determine what a finished memorandum demonstrates about the student’s legal judgement. Requiring a defence of the adopted premises and a response to changed evidence adds observations on which that decision can rest, but the examiner’s participation must remain visible within them. Attribution can then follow each operation, preserving credit for source selection already completed independently even when a later interpretative hint assists the application.

The licensing applications show how closely that attribution depends on doctrine. Understanding an outage leaves the student to establish the law of receipt, the source of an extension power and the conditions governing its exercise. Faculties can examine those operations through spoken dialogue or supervised writing, supplemented by further tasks where the qualification warrants a broader claim. Adoption should proceed through a pilot that tests scoring, access and workload, with delayed and unfamiliar problems used to investigate retention and transfer. A claim that teaching through the sequence improves learning requires the separate instructional comparison proposed above.

For a person relying on legal advice, the consequences of an error often emerge when circumstances change or an authority challenges the recommendation. A graduate must be able to examine the premises of that advice and defend, qualify or abandon them as the evidence requires, including when a drafting system helped produce the document. The university’s award of credit should identify the legal judgement the student exercised, with the examiner’s part in any correction recorded alongside it.

[38] Soderstrom and Bjork (n 7) 176–177.