

Thesis Title : Roles of Judges of the Courts of Justice :
Case Study on Political Crisis in 2006

Author Name : Mr. Awiruth Chanchikittikorn

Degree : Master of Laws (Public Law Program)

Academic Year : 2008

Advisory Committee :

1. Professor Jarun Pakdeetanakul	Chairperson
2. Dr. Poom Moolsilpa	Member

ABSTRACT

This primary objective of this study is aimed for answering the question arising from the political crisis of Thailand in 2006 to which the judges of the Thai Court of Justice stepped out to put the solution, if the roles played by the judges in exercising their adjudicative jurisdiction power should be confined only to the cases generally presented into court for normal proceedings, or extended to those required for particular investigation into the state power exercises, if the constitutional provision giving extra roles to the judges of the Courts of Justice is appropriate or not, and what the scope and limitation of jurisdiction power should be.

The study reveals that the actions by the judges of the Court of Justice since receiving the King's royal speech on April 25th 2006 was performed in accordance with the constitutional provisions duly in force. However, as never done before, their role in the meeting of the quorum of judges in three courts was just a reference to the guideline for each court to proceed within its own authoritative scope as an optional solution to Thai society's problem. It is then deemed as "Judicial Activism" For their role in the recruitment process by the judges for the election commissioner after 3 members of which was sentenced to jail, it had been done as their own duty provided by the constitution duly in force on that time. And after the military coup, taking the positions by the judges in other parties was just an essential matter under extraordinary circumstances and was particularly to be careful. As well, to serve as a matter of

social trust, the constitution of 2007 provided the judges to play their role in giving an importance to the public interest in the area of right and liberty protection, and to be involved in the recruitment process to seek the appropriate persons to take the positions in the independent organizations.

In summary, the author has an opinion that the said duties of the judges besides the case adjudication are required great care when performed because they are on high risk and of delicacy on their own possibly leading to the impacts to the political neutrality of the judges.

