

Thesis Title : Problems on Approval of a Drafted Constitution by Referendum
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ABSTRACT

A referendum to approve or disapprove the Draft Constitution under the provision of the Constitution of the Kingdom of Thailand B.E. 2549 (Interim) has a problem relating to its result especially in the case that a majority of persons having the right to vote in an election disapprove the Draft Constitution. In that case, the Constituent Assembly shall be dissolved and the National Security Council shall hold a joint meeting with the Council of Ministers within thirty days as from the date of such referendum in order to consider the revision of a Constitution of the Kingdom of Thailand which had once been promulgated and present such Draft Constitution to the King for Royal Signature and subsequent promulgation as the Constitution.

However, such act may contrary to the principle of Democracy and referendum process. From a study, it is found that it foreign countries such as Switzerland, the United States of America, France, Italy, and South Africa will manage to have a new constitution drafting process if people disapprove the Draft Constitution in the referendum. This solution should be considered for the future referendum which relates to the Constitution of the Kingdom of Thailand matters.