

Thesis Title : Limitation on Freedom of Assembly During the State of Non- Normalcy
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ABSTRACT

Thailand's form of government is democratic system whose main principle has to connect with the people both directly and indirectly. Freedom of assembly, one of the processes which demonstrates the people participation in politics and governance, has a nature of making demand for, or opposing the public policy, or reflecting problems and troubles due to policy implementation of the government. The purposes of such assembly are to keep the state and society aware of those problems and to ameliorate the troubled people by the government sectors. Freedom of assembly is therefore the basic principle of liberal democratic form of governance.

In this study, it was found that there are three acts whose limitation of freedom assembly accepted by the constitution are included, in particular the acts enforced in non-normalcy status. Those acts are the Internal Security Act B.E. 2551, the Act Prescribing Government Administration During Period of Emergency B.E. 2548 and The Marshall Law Declaration Act B.E. 2457. Although limitation on freedom of assembly is accepted by the constitution and international law, its main purpose is to maintain the country's peace and the nation security. Law enforcement of those acts has also the same purposes. Since law enforcement of those acts in non-normalcy may result in intervening and disturbing the people's right and freedom and so result in non-compliance to principle of Proportionality. In this circumstance on freedom of assembly, criteria, conditions and limitation boundary, process control and power control are not clearly defined by law and subjected to individual interpretation of the decision making officers This situation is opposed with the constitution principle. The lack of legal clear measure and implementation on freedom of assembly is a reason, among others, leading to conflict and violence in the country during the past years and leading to the announcement of acts enforcing in non-normalcy.

Therefore, there should be the specific act on the freedom of assembly whose criteria, conditions and scope on limitation are clearly defined so that it can be served as implementation guidelines correctly and appropriately in accordance with legal principle. It is also suggested to amend those earlier mentioned acts to comply with the constitution and the international law.

