

Independent Study Title : Problems Concerning the Election System Under the Constitution of the Kingdom of Thailand B.E. 2007: A Case Study on Proportional System Under Section 95 and 96

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ABSTRACT

The election of members of the House of Representatives on a proportional representation basis under the Constitution of the Kingdom of Thailand B.E.2550 shall be conducted by, despite of reference to party-lists, dividing the whole country into constituencies. However, such division method is still ambiguous and thus raising the questions that whether such election method is really in accordance with democratic principles and whether it is consistent with the objective of the Constitution of the Kingdom of Thailand B.E.2550 that members of the House of Representatives are representatives of the Thai people.

From the review on the Constitution of the Kingdom of Thailand B.E.2550 in respect of the election of the members of the House of Representatives on a proportional representation, it appears that the Constitution does not provide clear criteria for division of constituency resulting in certain problems based on its reference to the regional area. It is further found that some provinces commonly known as one of the northeastern provinces are grouped with provinces in the north. Meanwhile, some provinces in the southern region are grouped with provinces in the central region. Therefore, such method creates problems concerning an overlapping with the election of members of the House of Representatives on a constituency basis. Such may lead to problems relating to regionalism as those members of the House of Representatives on a proportional representation basis or party-listed member may feel that they represent certain group of voters not all Thai people. Another question may arise as to the concept of party-listed

member that whether the election of this portion of the House of Representatives is expected to reflect the census of all Thai people or just a part of them.

Therefore, in order to confirm that this method of election is intended to reflect the will of all Thai people, it is suggested that the present Constitution be amended by referring to the whole nation as single constituency as it used to be provided in the Constitution of the Kingdom of Thailand B.E.2540 as well as amendment of number of minimum vote gained to trigger calculation for number of members of the House of Representatives on a proportional representation basis by removing such minimum vote gained in order to allow fair and equal vote right and competition which is in line with democratic scheme and meets international standard.

