

Thesis Title	: Jurisdiction of The Constitutional Court to Review the Recruitment Process of The Election Commissioner
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## ABSTRACT

The Constitution of Thailand had stipulated the establishment of “Election Commission” which authorized to control and organize the election for members of the House of Representatives, Senate, Local Assembly, Local Administrative Committee and also corporate a fair referendum. The Commission is authorized to examine, investigate and identify any legal problem or dispute in order to eliminate corruption in the election process and protect the breach of people’s liberty in electoral vote. The selecting process of Election Commission is thus a very important procedure. In the past, there was an illegal practice in this process according to judgment no. 38/2545 of the Constitutional Court. This issued problem had led to wild technical conflict and disputes that resulting to the re-election of some Election Commissioner and following by the withdrawal from duty without guilt of some former fair elected Commissioner who received no remedy from the State.

At present, the Constitution of Thailand had delegated the Senate to be the authorized organization to approve and appoint the Election Commission. The authority of the Senate in this case was specified by the Constitution Article 138 that had categorized every each authorized organization under the Constitution. Therefore, the Senate should be the authorized organization to examine the selecting process of the Election Commission and this should be clearly specified in the Constitution that the resolution in appointing the Election Commission by the Senate should be final without with no further judicial review.