

Thesis Title : Duration of Holding Prime Minister Position under the Constitution of the Royal Kingdom of Thailand B.E. 2550 Section 171

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## ABSTRACT

From 1932 to 2007, Thailand already had 18 constitutions. For the first 17 constitutions, there is no term limit for holding the Prime Minister position. Therefore, the Prime Minister is able to hold a position more than one term. However, the Constitution of the Kingdom of Thailand B.E. 2550 section 171 states that the appointed Prime Minister shall not continue to take office more than 8 years. The problem is whether such clause is appropriate or not since Thailand applied a parliamentary system for its administration. This administration form consists of a leader of the country and the chief of the executive branch. The Prime Minister is the chief of the executive. Meanwhile, the leader of the country may be the King or the President. Such system is different from the Presidential system that allows the President to hold a position as the leader of the country and the chief of the executive in the same time. Since the president is an important position, therefore, a term limit is applied in order to protect a monopoly of power.

The Prime Minister in the Parliamentary system holds only one position which is the chief of the executive. To consider the origin of the Prime Minister, it can be seen that it comes from the Representative Democracy that people will vote to select someone to be in the parliament. Then, the Parliament will assign qualified person to be the chief of executive. Besides, the parliament can remove the chief from the office in some grounds.

It is conform to Rousseau's idea that people do not intend to "transfer" all power to their representatives. The representatives are just commissaries who appointed by the people. In the case that majority entrust someone, we should respect their will and the term limit should not be applied. If the people do not willing to put someone in a position, the people might entrust someone else in the next election.

