

Independent Study Paper Title : Freedom of Political Expression of Government Officers:
A Study of Freedom of Political Expression in the Military

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ABSTRACT

At present, the military have been restricted their freedom of political expression by the Constitution of the Kingdom of Thailand B.E. 2550 and the Directive of the Ministry of Defense regarding the military officer and political B.E. 2499.

From the recent political situation, some military officers who expressed their views or involved in political activities with bias or express their political expression in a way that can mislead that such expression was made on behalf of the Army. Those acts can create the misunderstanding that the Army supports such action and have been criticized among the academic, people and even the member of military that whether or not such political expression can be done or whether or not such directive is contradict to the Constitution.

The author found that even such directive was issued in order to restrict the constitutional right and freedom of the military, it is in line with the significant purpose on the role and duties of the military under the Constitution, which is permissible. After considering the role and duty of the military, such restriction on the freedom of political expression of the military officers is appropriate and necessary. Therefore, it can not be said that the said directive is contradict to the Constitution. In addition, the author has compared the said directive with the Directive of the United States of America regarding the political expression of the Army. The author views that disciplines are the most important principles for the military.

Therefore, To crystallize the restriction on the military officers' right of political expression and to prevent any violation to the directive of the Ministry of Defense, Thailand shall amend and revise the Directive of the Ministry of Defense regarding the military and their

political involvement so that it will be more clear . The directive should clearly state that which acts can be done or can not be done. In addition, the directive should support the understanding of the military on the key and intention of the directive which restrict the military to express their political expression in a way that can mislead that such expression is implied or can be implied that the Army supports, approves or certifies such actions resulting in the understanding among the military officers as to whether which actions or proceed are permitted.

