

Thesis Title : The Legal Problems Regarding to the Appropriate Structure for the Thai Senate.

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### ABSTRACT

The Senate is the upper house and the key factor of the democracy in parliamentary system of Thailand in consequence of the amendment of the Constitution of Thailand B.E.2540 and the Constitution of Thailand B.E.2550 which have enhanced the power of inspection to the Senate including the acquisition of the Senator.

According to Section 111 of the Constitution B.E.2550, this allows the 74 Senators shall be appointed by selection committee and the Constitution also grant the inspection powers to the Senate. Nevertheless, if considering to the principle of empowerment and the principle of exercising powers, there have been the legal problems on the linkage of exercising powers which have been granted by the people to the administration. This problem concerns on Section 111 of the Constitution B.E.2550 which the 74 senators which were appointed by only group of person decided by law, not from the people. Furthermore, some other problems are the zoning of election and the amount of the member of the Senate, the problem on the standard of the nomination introduction process and the specification on the criteria of selection, and the problem concerning the period of introduction from organization to the selection committee.

Therefore, Section 111 which has been mentioned above has not yet been the proper provision since there is the opposition to the principle of authorization by representative and the

principle of exercising power of the parliamentary system. The researcher regards that the member of the Senate should be directly elected by people and the province should be the election zoning in compliance with the principle of democracy, the principle of authorization, and the principle of the exercising power which has been empowered from people.

The researcher regards that the measures which has been mentioned above are suitable and proper with the Democracy of the Parliamentary system of Thailand. Additionally, these measures are able to reduce the problems on the performances of member of the Senate provided by the Constitution of Thailand B.E.2550 which would benefit to the Democracy of the Parliamentary system by the King as the Head of State.

