

Independent Study Paper Title : The Trial Relating to the Election in the Court of Justice
Author Name : Mr. Nuttagrit Sukon
Degree : Master of Laws (Public Law)
Academic Year : 2009
Advisory : Dr.Poom Moolsilpa

ABSTRACT

The Constitution of the Kingdom of Thailand B.E. 2540 empowered the Election Commission to manage a general election. However, the Election Commission was interfered by the political powers that ruined the principle of the Separation of the Powers and balance of powers.

Considering such principle which base on the principle of legal state, the Election Commission should have authority to take care of election and passing its rule only. In the case of conflicts arising from abusing right or liberty of people, the other organization should have authority to take care of the conflicts.

At present, the Constitution of the Kingdom of Thailand B.E. 2550 empowers the Court of Justice to establish "Election Department in the Supreme Court and Appellate Courts." in order to decide cases relating to election matters. The purpose is to prevent interference from politics.

From a study on structure, roles, and duties of the judges in Supreme Court and Appellate Courts - Election Department, there are many problems such as delayed procedures and unity of the case managements. So, researcher recommends that the "Election Court" should be established as specialized court to take care of case managements efficiently. Moreover, the judges should be selected from qualified persons from this area. Moreover, the panel of judges should consist of 3 qualified persons who are independent from politics. One of them should be a professional judge from the Court of Justice and the other two associate judges should be appointed from selection process as in the case of Family and Juvenile Court or Intellectual Property and International Trade Court.