

Senate and Politics of Thailand*

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Abstract

This research is a documentary analysis of the current senator's duties that affect the changes in government formation of politics in Thailand, by using the form of synthesis and analysis of documents and related research both in Thailand and abroad. The objective is to study the functions of the senate and the politics of Thailand.

The research found that the Senate in Thailand are both the elected and the appointed, which in the current state has seen changes in the Thai direction that are different from the past. With the additional authority to vote to support the Prime Minister, which may not be in alignment with the principle of duty in the way of practice in civilized world, the positive and negative impact for the Thai politics will still need the time to prove.

Keywords: Authority; Politics of Thailand; Senate.

Introduction

The democratic regime, which is considered the power of government, comes from the people. With an important parliamentary organization that is a representative to act, which must be elected to be a representative of the people for the administration of the country in controlling, monitoring and supervising the administration of the government in accordance with the policy announced to the Council Thailand. The Thai parliament is developed from the Council of State or the Government Advisory Council, which has been in existence since the reign of King Rama V (Rama 5).

After the change of government in 1932, the Constitution of the Kingdom of Thailand, BE 2475 (1932), required the Parliament to be a single council system, namely the House of Representatives. There are two types of members (each category has the same number), namely membership type 1 that comes from the election and the members of category 2 that are from the appointment. The members from the appointment (type 2 members) help to screen the work of the members of the House of Representatives. The rationales for the two-membership parliamentary system are stated by Pridi Banomyong in

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the declaration to the House of Representatives One episode (Thai Parliament, 2018), as follows:

... that we need to have half of the members of the second category in order to help the representatives as just starting to have a constitutional rule. We already know that There are still a large number of people who have not received enough education to manage their own interests. If disobeying, let the people choose their representatives alone at this time. The bad results will fall to the people. Because those who are applying to be representatives may be the person who has the power of property The People's council vows that if the people have sufficient education, it would be happy to allow the people to govern themselves without having to have members of the second category, therefore placing conditions. It is to understand that members of category 2 are like mentors who will help support the work in accordance with the objectives of the Constitution, and this is a true protectionist.

Since the beginning of the Senate year, when the new constitution was written, the role of the senator will be adjusted according to the intent of each constitution. Until the last election on 28 March 2019, the story of the Senate was criticized about the acquisition of the Prime Minister from the parliamentary vote. (Constitution of the Kingdom of Thailand BE 2560, 2017) Section 159 The House of Representatives shall consider and approve the person who is worthy to be appointed Prime Minister from the person who has the qualifications and has no prohibited characteristics under Section 160.

In addition, the Constitution also provided the transitional provisions. There is no House of Representatives and the Senate under this Constitution for the National Legislative Assembly established under the Constitution of the Kingdom of Thailand. (Temporary version), in the year 2014, still serves the parliament. House of representatives and the Senate ...

...Section 272 stipulates that during the first 5 years, the senator (sor.) has the power to consider choosing a person as prime minister. But the member of the House of Representatives (MPs) is eligible to nominate a person to be the prime minister only because members of the House of Representatives - representatives (MPs) are those who choose...

From the said constitutional law it causes the Senates to be watchful because the votes in the Prime Minister's testimonials are undeniable that the key points and points should be in Prime Minister's certification, which is placed at General Prayut Chan-ocha a vote from the Senate. According to the transitional provisions, there is a Senate of 250 members. The National Peacekeeping Council will select from the list of names that the Election Commission has set up to select 50 members from the list of nomination committee members. The Senate has recruited 194 people and 6 positions from the Ministry of Defense: Supreme Commander, Army Commander, Naval commander, Air commander, and the national police commander. According to the transitional provisions of the constitution, the Senate has the duties and powers such as to follow, recommend and accelerate the reform of the country. In consideration of the bill that the Senate or the House of Representatives supposes in some cases to be done by a joint meeting of the parliament. And the approval of the person who deserves to be appointed prime minister, which the Senate under this transitional provision should make the country reform more progressive.

For this reason, the senator or, in short, SW, is a group of people who will point out the future of the country by providing support to those who will become the next prime minister of the country. This makes it look like if the acquisition of the Prime Minister is due to the support of the government, it should not be a political legitimacy in the form of democracy.

History of the Thai Senate

Thai senators are considered as representatives of the people as well as members of the House of Representatives. But there are differences in the origin, qualifications, number and jurisdiction of the political parties in which each constitution defines the details of the matter. The democratic government in most countries will use the Bicameral system, consisting of the House of Representatives and the Upper House. The High Council has many words. For example, in the United Kingdom, use the House of Lords in the United States over a Senate (Senate).

Thailand started with the first senator from the Constitution of the Kingdom of Thailand in 1946. The indirect election was that the people chose the representatives to elect the senators. Later, the Senate selection was changed from being appointed by the Prime Minister to the selection and offering to the King to appoint. The Senate functions as a mentor of the House of Representatives, and the later has the authority to examine, scrutinize the law, and the power to select the persons who are senators or not members of the Senate to be an extraordinary commission to carry out activities or to consider investigating activities in the parliamentary circle. Subsequently, there have been changes, and changes until the 20th edition of the Constitution of 2017.

If considering the change of government of the people, it will be found that the Thai government model has incorporated many forms from the administration of France, such as local government. The origin and authority of the Senate of France consists of 2 councils: the national assembly and the Senate, as provided in the French Constitution 1958 (1958) Section 24 (Jumpa et al., 2007):

.... Parliament, the House of Representatives and the Senate. Members of the House of Representatives are directly elected and general. Senators are elected indirectly. The Senate is a representative of various local government organizations of the French People's Republic outside the country. There are representatives in the Senate...

The Senate under French rule comes from an indirect (universal suffrage) election, with a 9-year term (with the first set having a 9-year term, after 3 years, 1 in 3 out of the province list by the end of the constitutional law), with a new selection every 3 years later. In 2003, the amendment of the law stipulates that the term of office of the new Senate is 6 years, with leaves half of every 3 years.

The French Senate has significant powers. The legislative authority is considering the approval of the draft law on the matter specified by the Constitution in which the Constitution requires the Senate to consider the draft law as limited as the House of Representatives. The system of approval of the French draft law has established the principles of segregation of laws in the Constitution Part of the law is the power of Parliament. Another part is the

authority of the administration. The Senate has the power to propose a draft law. Both have the power to control the management with the power to ask questions, but do not have the power to vote to not trust the other power management departments of the Senate, such as in giving consent to declare war and in granting consent to the declaration of martial law, etc. The French Senate plays a lesser role when compared to the House of Representatives. The power under the Dharma state is the process of drafting law, and the draft law must be screened from both councils, which must have the same opinion so that the law can be put into operatives.

If coming to see the model from Asian countries, Japan is a country that is ruled by democracy and has a monarch as well as Thailand. When Japan was defeated in World War II, the Japanese regime changed. The enforcement of the 2nd constitution in 1947 caused the Japanese political situation to return to the democratic regime in the form of parliament as usual. There are progressive political developments, such as the election of senators from the former Japanese senators and the appointment of nobles, the support for the local government and the election of the governor which also includes the expansion of election rights covering most people of the country (Jalin, 2011).

The first constitution of Japan, BE 2489, states that all power belongs to the people. The form of government has a parliament called the Diet. It consists of the House of Representatives and the House of Councilors, as well as France and Thailand. Members of both councils are elected. The Japanese constitution does not specify the details of the number of members of both councils. For the election system or qualification of candidates for election in the election law by both council members will be elected through the demarcation system (single-member constituency) and proportional system (proportional representation).

The Japanese Senate has a total of 252 members, with a term of office of 6 years. Half of the senators will be elected every 3 years. 152 members are elected through a demarcation system in 47 provinces of Japan and another 100 people from the proportional system from the single constituency in the whole country. Senate Election Area uses the provincial area as a constituency. In each constituency, there is a Senate of 2 to 8 people in proportion to the population in the constituency. The basic qualifications of candidates for senators are at least 30 years of age.

The Japanese Senate has an important authority to act as a legal screening council approved by the House of Representatives, and has the power to investigate the Cabinet in the event of malpractice. The approvals of various cases are, for example, to approve the House of Representatives for approving the person to be the prime minister and to approve the treaty.

For Thailand, the Constitution of the Kingdom of Siam, BE 2475 requires the House of Representatives to have 2 types of members: one type is from the election, and another type comes from the appointment. Subsequently, the Constitution of the Kingdom of Thailand, BE 2489 (1946) stipulates that the first "council" occurs, consisting of the elected representatives from the people directly, who choose the members of the council of 80 people to screen the work of the House of Representatives. The people later came to the Constitution of the Kingdom of Thailand. (Temporary version), 1947, therefore changed the name from "Phutthisapra Council" to "Senate" by the King appointing senators. There are a number

equal to the MPs. From then on, the various constitutions have determined the number of sources and qualifications of the Senate, which are different in some issues until the 1997 the constitution has changed the authority of the Senate. Interestingly, the Senate is defined as a qualified person directly elected. Without campaigning and not affiliated with any political party, 200 persons, by increasing the duty to consider selecting persons to hold positions in independent organizations and having the authority to remove persons who have committed wrongdoings as prescribed by law, such as: Persons with unusual wealth implied in fraud; Person who commits an offense against official position; Committing an offense against the position of justice; Intentionally use the authority and duties in contradiction to the provisions of the Constitution or laws; or Violate, or do not comply with the ethical standards. By the person of the Senate having the power to vote to remove from the position such as the Prime Minister, the President of the Supreme Court and President of the Constitutional Court Chairman of the Supreme Administrative Court, the Attorney General, and the Directors in various independent organizations, etc.

The increase in "removal" power in this constitution, therefore, has established a screening mechanism so that NSO cannot be dominated or associated with political parties and civil servants. The SW must not be a member or officer or advisor of any political party, not a member of a local council or a local administrator who has been elected, including not accepting concessions from the state, government agencies, state enterprises or holding those concessions, or being a party to the state or government agency or state agency, or state enterprise that is a monopolistic nature, whether directly or indirectly.

When the constitution requires the Senate to be elected by the people instead of appointing in the past, the election of PS is seen as a political weakness because the political party can intervene. By sending the people of the party or those who trust to apply for election as Sor, the two councils are seen as kinship councils until unable to perform checks and balances to exercise the power as determined. Such issues led to the improvements in the Constitution in the year 2007, which requires the Senate to comprise 150 persons, divided into 1 person elected from each province, including 77 persons and 73 persons from the recruitment. The nomination committee consists of (1) Chairman of the Constitutional Court (2) Chairman of the Election Commission (Election Commission) (3) Chairman of the Ombudsman (4) Chairman of the National Counter Corruption Commission (NCC) (5) Chairman of the Audit Committee Money (6) Studied in the Supreme Court, which maintains not less than one of the Supreme Court judges appointed by the Supreme Court, and (7) the judiciary in the Supreme Administrative Court at the general meeting of the Supreme Administrative Court assigned a number of persons as members, along with the details of the nomination of senators, must come from the nominations of various organizations in the academic, government, private, professional and other sectors. The consideration criteria incorporate the knowledge expertise and experience that will be useful in the performance of the Senate, and the elements from individuals with different knowledge and capabilities in different areas, the opportunities and gender equality, the proportion of people in each of the similar sectors, including providing the opportunities to disadvantaged people in society.

The duty of the SV is still to scrutinize the draft law approved by the House of Representatives, and not less than 1 in 10 of the total number of members of both councils to propose to the Constitutional Court in diagnosing the laws that are enacted by the Constitution, including having the right to sign the name of the matter to the Constitutional

Court to consider and diagnose cases that have problems or have an impact on the country's economic or social security.

The key issue of change is the qualification of SW that is different from the past, which must not be a parent, spouse or child of a council member representatives or political positions. The consequences in practice are the difference between the origin of the SW system, both the SW system, the nomination and the election, and the political intervention problems with the Council of Kinship because the constitution has lifted the power of dismissal that had been with the Supreme Court for discretion (Thai Parliament, 2018).

By considering the authority of the Senate of France, Japan and then Thailand, it will see that they want the Senate to act to check and balance the work of the MPs. And considering various laws, therefore, each Thai constitution sets the framework of the property, source and authority of the Senate in order to be able to act in accordance with the intention of being virtuous, fair, without interference.

Phummoon's research on "The pattern of getting a senator in Thailand" (2016) summarizes the results of the senator's right for Thailand, which is divided into two issues: one party sees that the Senate should come from the election with the other party that the Senate should come from recruiting each party, which has the following reasons:

Issue 1 The source of the senator by election method. The parties that support the reason in order to get the senators who have direct links with the people and know the problems of the area as well, which will enable them to solve the various problems at the point. Therefore, having a Senate that consists of people from the election has no damage. In situations that there are many repeated elections, people will be able to learn by themselves. As for the Senate members who were appointed, even if a good person has knowledge, but it is difficult to explain why it must be appointed without any connection with the people. As for the opposition, it was seen that in the past, senators who were elected from political party funding and based on political parties. Finally, candidates must rely on the mechanism of representatives and political parties.

Issue 2 The source of the senator by means of recruitment. The parties that support the reason to recruit senators with a variety of professional backgrounds and being knowledgeable specialized expertise. Nevertheless, the oppositions reckons otherwise that recruitment is not democratic, because the people do not choose, and thus, the recruited senators may not be responsible or politically responsive to the people, and still further, they may not know and understand the problems of the people because they are not people in the areas. From the opinions of both parties, it is something that the constitutions have seen the problem, and be brought to the constitutional amendment, which can be seen from the evolution of the Constitution as illustrated in Fig. 1.

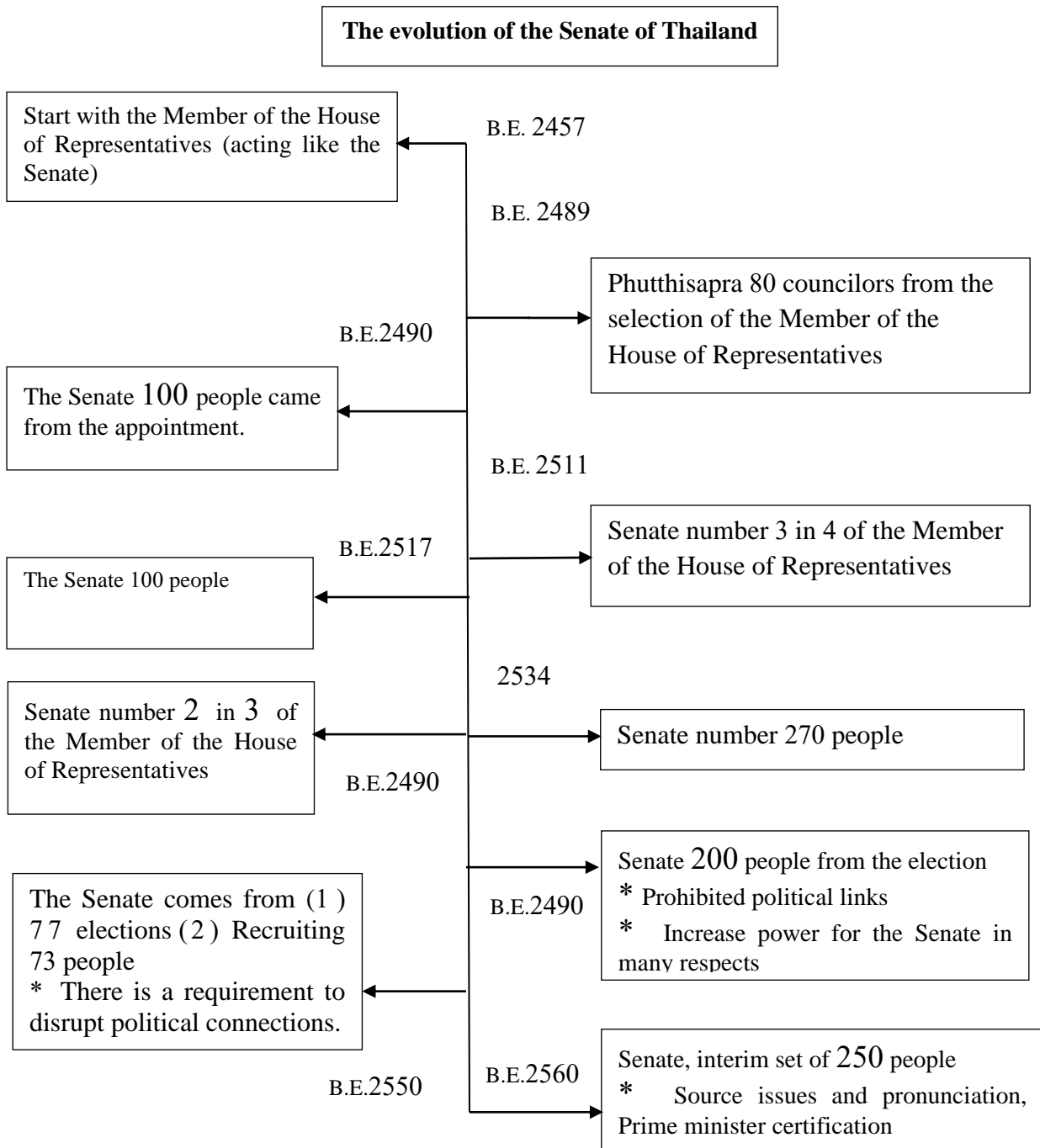


Fig. 1. The Evolution of the Senate of Thailand

Conclusion

According to the intention to perform the duties of the House of Representatives, which is an important counterbalance mechanism for the legislative branch, the performance of the Senate should therefore be free from all sectors. In doing so, it can allow the senators to be neutral and be able to their use knowledge and ability to promote the democratic regime and be fair to the people they represent. Regardless of how the senator has originated, if each person recognizes the importance of a prestigious role and the work for the nation truly and is

not a political tool of any party, then, the political governance of Thailand will be stable, and is the trust of the people as the owner of sovereignty.

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