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KEY WORD : CONSTITUTIONAL CONVENTIONS

DOUNGKAMOL CHAREONROOK : THE BINDING FORCE OF CONSTITUTIONAL CONVENTIONS IN THAILAND. THESIS ADVISOR : ASSOC. PROF. KRIENGGKRAI CHAREONTHANAVAT, Ph.D. 345 pp. ISBN 974-17-0507-7

According to the fulfillment of procedures pertaining to the constitution by institutions, which are under the constitution, it does not only depend on a literal provision of the constitution, but also has an approach which does not determine to literal provision. That approach is the constitutional conventions. It has evolution pertaining to politic history and other factors, which occur in each period. In addition, it plays an important role for the successful relationship among political organizations. If it has a violation, it will have a result related to the binding force of the constitutional conventions. It is about the politic binding force and law binding force.

However, since the Constitution Act of the Kingdom of Thailand B.E. 2475 (1932) to the Constitution of the Kingdom of Thailand B.E. 2540 (1997), sometime it had the provision stated that "Whenever no provision under this constitution is applicable to any case, it shall be decided in accordance with the administrative practice in the democratic regime of government with the Kings as Head of the State" This concise provision refers that the constitution accepts the constitutional conventions for uplifting to be the law, and has the law enforcement. Anyhow, the constitutional conventions, which are accepted in the constitution, is only be the constitutional conventions in the section of the administrative practice. It is useful and guidance for fulfilling the gap in the constitution.

Therefore, the binding force of the constitutional conventions is depended on the political acceptance. Moreover, the constitutional conventions do not have the hierarchy of laws. Conversely, it probably has the binding force of politic and can affect to the binding force of law. The constitutional conventions will have the hierarchy of laws if the constitutional conventions are enacted to written laws. Furthermore, the constitutional conventions in the section of the administrative practice are enacted in the constitution, and it can support the constitutional court can apply administrative practice to any case. It can make each the administrative practice has clearly the binding force and has the hierarchy of laws in the same levels of the constitution.