

ABSTRACT

Thesis Title : Legal Measures Concerning the Right of Persons to Lodge the
Local Ordinances Under the Constitution of The Kingdom
of Thailand B.E.2540 Section 287

Student's Name : Mr. Naras Usanit

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Advisory Committee :

1. Assoc. Prof. Dr. Somkit Lertpaithoon Chairperson
2. Assoc. Prof. Dr. Poonsak Vaisomruaj
3. Dr. Somchai Sirisombunwej

This thesis is to study the legal measures concerning the right of persons to lodge the local ordinances under the Constitution of the Kingdom of Thailand B.E. 2540, section 287. At the present, Thailand has the legal measures concerning the right of persons in specific locality, to lodge the draft local ordinances to the local assembly of each local governments directly under the Initiative Local Ordinance Act B.E. 2542 and base on the study the rules, legal procedure and method for making consideration on the draft local ordinances in accordance with the Initiative Local Ordinance Act B.E. 2542 are not stipulated clearly therefore the lodge draft local ordinances is not successful to meet the objective of current Constitution and the problem is found that the local assembly of each local governments have the direct-powerful to consider the said draft local ordinances under the Regulation of Local Assembly in which the local persons have no the right to adopt the direct-sovereignty to be voted the referendum. Therefore, by asking the question of what is appropriate

legal measures the right of persons to lodge the local ordinances for Thailand's local governments. To search for the above answer, some method of submission the local ordinances by local persons and referendum voting in foreign countries has been brought under the study such as the United State of America, Japan and Canada.

Studies show that foreign countries have adopted a direct-democracy system where by their persons are given right to lodge the charters or local ordinances and voting the referendum. These countries are such as Broward County of Florida, Florida, California, Arizona, Colorado in the United State of America and Japan besides the British Columbia province of Canada also allow the registered voters in electoral district of the province to be directly lodged the charters as well but there is no determination of procedure for referendum voting. Therefore Thailand should be adopted the suitable measures namely The Initiative Local Ordinance Act B.E 2542 should be amended and clearly prescribed in the format of petition, legal procedure method and consideration method of the draft local ordinances by the local assembly such as it should be stipulated the rules of consideration of the draft local ordinances in urgent matter by local assembly and voting for referendum to the draft local ordinances which is disapproved by local assembly.