

## ABSTRACT

Thesis Title : Legal Measures to Ensure a Fair General  
Election : A Case Study on the USE of  
Campaign Funds for General Elections

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Almost all Thai Constitutions, especially the current one, recognizes political parties as a political institution and provides their legislative functions. As the matter of fact that, Thai political parties are more likely a political corporate which are under control of the political management team. The political management team of each political party consists of a few people who dominate their members and mostly aim for illegitimate benefit after election. Thus, each political party seeks to every means whether legitimate or not in order that its members would be selected as much as possible either by vote buying or any dishonest means. The main cause of these behavior is due to the inadequate legal framework on the political expenses in spending for political campaign.

This thesis's main purpose is to study the cause of dishonesty and the issue of fund spending in general election by comparative legal analysis method in order to examine the most appropriate legal measure of control concerning to fund spending. The results of this study will be suggested as guidelines to amend Thai laws to cope with social and political environment in Thailand. This thesis is divided into 5 chapters as follows :

The first chapter will lay out general background of social and political environment in Thailand since Thailand has adopted constitutional monarchy and the development of elections and political party tactics for election in the past.

The second chapter will examine the factors which caused the unfair election. It will study the status of olitical parties, the status of the voters, the dishonest & unfair behavior of the officers concerned and the area of each constituency in order to determine whether it is suitable for Thai society or not. This chapter will deal with the measures of expense control, stipulated in the present laws and regulations of Thailand. This thesis will discuss the rationale underlining in the laws which concentrate on the expenses of a political party and it candidates for the campaign. In recent general elections, it has been distinct that the strategic and advertising

character of campaign have been utilized as political propaganda. This means a lot of money for this purpose is needed. In comparison to the past election, it is obvious that funding campaign is not the hot issue for election at present.

The third chapter will analyze legal measures on expense control of political campaign by comparative method of legal analysis. This thesis will start to explore the UK legislation on this matter. It will then touch on the French and German Constitutions and legislations. This thesis finds out that there are 3 common principles recognized in each national law i.e. the principle of expense controlling in political Campaign for election, the second principle of permitting the political party to receive donation from the public and finally, the principle of subsidized fund given by the government provided in the Constitutions or any public laws.

The fourth chapter will analyze and estimate the appropriate amount for each political party to spend for its campaign before election. After thoroughly study, this thesis concludes that there are 2 appropriate measures to ensure a fair and effective election. The first measure is to regulate and control the qualification of a political party and its members. The second measure is to regulate and control the fund spent by the political party and its members.

The fifth chapter will discuss the situation of competitive vote buying. It also recommends legal methods to solve this problem.

Finally this thesis concludes that the problems mentioned above occurred because the political parties focus merely on the political victories. This thesis sets up the appropriate legal measures in order to achieve the fair and effective election as follows; to limit the ceiling of campaign expenses, to appoint an independent & enforceable election committee, to encourage & educate citizen to understand the political duties and to set up the right to vote as a compulsory duty under Thai Constitutions.