

# # C 670434 : MAJOR DEPARTMENT OF LAW  
KEY WORD: LEGAL / ASSET / SEIZURE / PROPERTY / POLITICIAN

PIRASAK PHATTARAPITIKUL : THE LEGAL PROBLEMS CONCERNING ASSETS  
SEIZURE OF PROPERTY OF POLITICIANS ACCORDING TO THE ANNOUNCEMENT  
OF NATIONAL PEACE KEEPING COUNCIL (NPKC.) NO. 26. THESIS ADVISOR :  
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This thesis aims to study and analyse the Supreme Court's decision No.913/2536(1993) about the assets seizure of property of politicians. The Supreme Court decided that the announcement of the National Peace Keeping Council No.26 authorizing the Committee of Property Review to decide the seizure of the property belonging to unuseually rich politicians is contrary to principles laid down in the Provisional Constitution BE.2534 (1991).

The research finding is that the Court of Justice confirmed its precedent in previous cases. At the same time, it had also created the new criterion in this decision to confirm the jurisdiction of the Court over judicial review of laws contrary to previous constitution although the Constitution of the Kingdom of Thailand BE.2534 (1991) (actually in force after the Provisional Constitution of 1991) has established the Constitutional Tribunal to decide on the constitutionality of laws by asserting that this Constitutional Tribunal is vested only with jurisdiction over the constitutionality of laws under the present constitution only.

Therefore in order to avoid discrepancy between jurisprudence of the two institutions. Recommendations are as follow. On one hand, The Court of Justice should have the power to decide whether the provision of law is contradictory to or inconsistent with the previous constitutions. On the other hand, The Constitutional Tribunal should have the power to decide whether the provision of law is unconstitutional only according to the current constitution.

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