

Thesis Title	Problems on Resolution of Election of Local Administrative organization Dispute
Author	Pol.Capt. Pongbandit Pinsuwan
Thesis Advisor	Professor Dr. Phaisith Phipatanakul
Department	Law
Academic Year	2013

### ABSTRACT

The objectives of this thesis were to study legal concepts, principles and theories in relation to dispute resolutions of election of local administrative organizations, theories on the right protection and participation right of citizens as well as laws on procedure of resolution dispute in local administrative organization case in overseas and in Thailand. In addition, to study legal problems arising from the said procedure in Thailand and to find a way to solve such problems properly in order to duly and proficiently eliminate the problems which currently occur in Thailand.

On the result of the study, it can be found that the Election Commission's acts in enforcement of the Regulation of the Election Commission on Investigation and Adjudication, B.E. 2554 shall be contrary to the right protection theory and shall be unconformity with the Constitution of the Kingdom of Thailand, B.E. 2550 due to the enforcement of such Election Commission shall delay the investigation and adjudication procedure. This act shall be inconsonant with the spirit of provisions of the Constitution of the Kingdom of Thailand, B.E. 2550 which gives the right of judicial administration. Such given judicial administration shall be fast, fair and easily accessible as well as the contents of the said regulation is unconformity with the objectives of law in level of Act. Therefore, the Election Commission's acts shall give bad results which effect to the judicial administration with transparency, honesty and equity required. In addition, legal problems relating to the dispute resolutions of local administrative organization election in Thailand remain happening as the result of issuance of rule on dispute resolutions of local administrative organization election in nature that is the Regulation of the Election Commission on Restorative Election, B.E. 2550. However, in fact, there are many weaknesses

and restrictions such as the contents of such regulation authorize the Election Commission solely discretion power to consider whether the said regulation should be applied or not as well as the said regulation has no procedures on the dispute resolutions of local administrative organization election and its contents has no provisions on participation of the citizens in solving the problems on election's dispute resolutions etc. Nevertheless, there will be problems arising from nothing in the contents or provisions in relation to administrative dispute can be resolved by community in an election of administrative organization directly. This situation effecting the dispute resolution of the administrative organization election case cannot be applied or enforceable in practical in Thailand.

On the result of the study, it can be found that, in Philippines, there is a dispute resolution method, called "Procedure of Katarungang Pambarangay", used for dispute resolution within a village. The method is a systematic judicial administration adhering to consultation, intermediary reconciliation or compromise and mediation among each another. Parties who are concerned about mutual problems with the objective of achieving a friendship agreement instead of taking a legal action. In addition, in Republic of South Africa has issued an election law, containing a commission who is in charge of administration of election of Republic of South Africa and in a form of specific establishment in order to handle the election management. The said commission shall be import and manage the election, called the Commission of Party Coordination. As above-mentioned reasons, So we can see that if our Thailand issues a law in the role of the dispute resolutions in local administrative organization election case, Thailand shall have proficient election procedure including the election of the local administrative organization shall be honest, transparent, and fair. In addition, the proposed law shall eliminate a separation of society, reconcile and harmonize Thai people sustainably.