

Abstract

In the beginning, Thai Constitution does not contain a provision on MPs party affiliation. In MPs general election B.E. 2512, a great number of electoral candidates were not members of political parties. They started to form a new political party in the name of "Independent Party". When MPs were not required to be members of political parties, a number of them used to engage in endless bargaining for their own gains. Due to the government instability, Field Marshal Tanom Kittikachorn committed Coup d'Etat.

The drafters of the Constitution for the Administration of the Kingdom 1974 therefore learned from the past by making provisions on MPs party affiliation and MPs termination of membership by resignation or resignation from a resolution of political parties. The objective of these measures was to prevent MPs bargaining for their own gains. This was the first time in Thai Constitution history that political party could pass a resolution to resign their MP.

The Constitution of the Kingdom of Thailand 1997 does not only contain a provision on MPs party affiliation but also designed the 90-day rule in order to discourage party switching and strengthen political party. In addition, the Constitution of the Kingdom of Thailand 2007 expected in lowering the party affiliation time to 30 days for MPs in the event of House Dissolution.

The Thesis illustrated that the provision on MPs party affiliation could not discourage MPs ability to shift party during their term. On the contrary, a number of switched MP tended to increase during the period of the enforcement of the Constitution of the Kingdom of Thailand 1997. As a consequence, the political situation has not improved with the start of the provision on MPs party affiliation. Thailand has adopted a Parliamentary system with a Constitutional Monarch. It needs a working parliamentary majority in order to retain stability. The will of the people is therefore reflected in government policy through the elections of MPs. When electoral candidates are required to be members of political parties, they are obliged to adopt a concrete and pre-determined position on important issues. That led to parliamentary dictatorship by political party.

From the above mentioned, the author therefore suggest the abolition of MPs party affiliation in order to give MPs autonomy in fulfilling their representational roles. In addition, MPs termination of membership by resignation or resignation from a resolution of political parties should be abolished.