

ABSTRACT

This thesis is the study in human's right protection through Constitutional Tribunal by National Human's Right Committee under the Article 257 (2) of Constitution of the Kingdom of Thailand, B. E. 2550. This thesis, the writer has an objective to study the role and authority of National Human's Right Committee according to the Article 257 (2) of Constitution of the Kingdom of Thailand, B.E. 2550 providing that the National Human's Right Committee has its authority in issue submission with its comment to Constitutional Tribunal under its view under public petition what provision of any law affecting human's right and disagreeing problem in view of constitutional consulting response whereas the constitution has increased role and authority to National Human's Right Committee in protection of human's right in examination on law issuance impacting human's right and having problem with constitutional consulting response whereas the national human's right committee must give its comment to the petitioner how the impact has done to the human's right since the limitation of public right and liberty are all affect. Recently, however, there has never been any criterion shown that the national human's right committee uses any provision of Article 257 (2) of the Constitution of Thailand to limit or partially divide between provision of laws and principle of human's right to take the study result to recommend the tendency preparation and proportion to indicate probability of law provision and human's right including with the agreement of constitution of law further.

On the study found that management in using authority of national human's right according to Article 257 (2) of the Constitution has its condition provided below: 1) There must be a petitioner submit his claims to the national human's right that what provision of any laws affecting to human's right and having problem against the constitutional consulting response, 2) the National Human's Right Committee agreed with the petition whereas the petitioner must be the participant of loss and profit or affected onto his right and liberty described under the constitution provision, including its affection must be direct happened and existed during petition period under

consideration of the national human's right committee to submit the matter to the constitutional tribunal. In addition, the provision of laws must have had the constitutional consulting response concerned; for example, the provision context impacts to the constitutional consulting response to essential right and liberty or intend to enforce in either case or either person particularly against equality specified by constitutional agreement, the National Human's Right Committee, therefore, has its authority to submit with its comment to Constitutional Tribunal to consider whether the provision of such law is able to impact unto the human's right with having the problem concerning to constitutional consulting response.

The constitutional review of what limitation of any provision of law may impact to the human's right and having problem concerning to constitutional consulting response has its trend of consideration that it must be into public advantages protection but not affect onto minority seriously. Consideration must depend on equality and principle of proportion or suitable with causes comprising of three subordinates; principle of achievement or appropriateness, essential and proportion in limited meaning for consideration criterion in both the provision affecting to human's right and problem concerning constitutional consulting response.

This thesis, not only reflecting to the problem happened but also it recommends the criterion of consideration to the state relating to the petition from the petitioner under Article 257 (2) of the constitution of Kingdom of Thailand, B.E. 2550 as the trend of protection the human's right according to the intention of the Constitution as well.