

Abstract

Ex post facto law is the general principle of law which plays a key role in restricting power exercised by the government and aims at protecting rights and liberties of individuals against the government's undue exercise of power. This principle is an universal principle recognized both domestically and internationally, especially in liberal democratic states.

In enacting and enforcing *ex post facto* law, State agencies concerned such as legislative, executive or judicial powers shall take this principle of law into consideration and apply it as a guarantee in protecting rights and liberties of individuals against the intervention and subjugation by State authorities, particularly, protecting fundamental rights of individuals.

Nevertheless, the Council for Democratic Reform under the Constitutional Monarchy issued the announcement Vol. 27 to revoke electoral rights of executive board of dissolved political party for five years. According to judgment No3-5/2550 (2007), the Constitutional judges interpreted that such announcement shall be enforced retroactively to annul the electoral rights of the executive boards from three political parties for five years, namely, Pattana Chartthai Party, Thai Ground Party and Thai Rak Thai Party. This thesis indicated that such interpretation was inconsistent with the rule of law. The principle of maintaining trust and liability in good faith as provided by law are the guarantee of the rights and liberties on which individuals shall rely on. With the confidence, people shall make sure that there shall be no law prescribing their actions having retroactive effect. Most importantly, judicial organ shall not interpret and enforce *ex post facto* law to increase punishment to individuals.