

Abstract

A system of government which is known as “Democracy”, especially the “modern parliamentary democracy” whereby citizens by themselves are not directly able to exercise the sovereignty of the state, but indirectly through their representatives coming from the election which is the fundamental element of the so-called “Representative democracy”. Under the representative democracy”, there is a group of people who form a political party and present their political, economic, and social intention and ideal to the citizens who have a right to vote for them to become a representative. Consequently, the political party strongly has its important roles as the intermediate between state and citizens and is the institute that creates the political ideal of the citizens which leads to the establishment of the political ideal of the state when they become a representative. As a result, a state which is under the democracy system unsurprisingly gives its citizens the freedom to form the political party.

According to the research and study of the author, even though the provisions of the Constitution of the Kingdom of Thailand B.E 2540 and B.E. 2550 have recognized the freedom of the establishment of the political party, the political party law of Thailand, in contrast, provides several provisions which affect such a freedom including the registration and the dissolution of a political party, and the provision about the responsibility of a political party for the activities of its leader and committee.

In the part of the registration of the establishment of the political party, the political party act provides that to make a political party become a juristic person, a group of people who would like to form a political party needs to register the establishment of the party to the registrar. This provision has its excessive effect to the freedom of the establishment of the political party because there is no provision of the Constitution providing that the registration of the establishment of the political party is necessary and compulsory. As a result of the effect, the foundation of the political party is more difficult and complicated which is not consistent with the basic concept of the Constitution which needs the party to be formed easily. Moreover, there are other

measures which can be applied to control the activities of the political party more effectively than the measure of the registration. To deal with this problem, the political party should be founded from the people who have the real same political intention and ideal. Furthermore, the definition of the political party should be defined so as to be able to distinguish the party from other political groups and to support such a political party in other aspects.

Additionally, the provisions about the dissolution of the political party provide that there are a variety of the causes of such dissolution. However, since some causes are not severe activities which do deserve to be the cause of the dissolution of the political party such as the immaterial lack of some conducts of the ordinary meeting or the lack of elements of the ordinary meeting, or the incapability of the party to have its enough members in the stipulated period of time. These causes lead to the excessive limitation of the freedom of the establishment of the political party. To solve this problem, personally the concerned provisions should be cancelled and there should be only two causes of the dissolution of the political party which are the activities aiming to terminate the democratic system under the King and to acquire the power of governing the state which are not the way the Constitution provides and the activities which may antagonize the governance in accordance with the Constitution.