

## Abstract

Previously the prerogative of mercy is the king's prerogative power or the chef de l'Etat for the citizen living in the kingdom of a state. the prerogative of mercy will be granted as the royal pardon in the commemorated or remarkable merit occasions. Since the plenary power belongs to the King or the state's leader; therefore, there is no necessary for dividing power of the prerogative of mercy distribution differently.

Later on the State shifts toward the modern state, the administrative power has been reformed from the absolute power to the division of power, which consists of the executive power, the legislative power, and the judicial power in division of authority for the power control and the balance of power according to the principle of democracy system, which the kingdom of Thailand had been in the political revolutionary from the absolute monarchy to the democracy on 24<sup>th</sup> June B.E. 2475 in the reign of the King Rama VII or King Prajadhipok. In that meantime, the revolutionary Council's leader is Mr. Pridi Banomyong and Colonel Phahon Phonphayuhasena (Poj Phaholyothin) with the support of the modern generation of many civil officers and military officers. The political revolutionary was considered as delinquency against the state's law during that period. Thus, it counted as the initial progress to employ the principle of modern amnesty law to draft the state's law and announce the first democracy amnesty law in Thailand by the state's executive or the government cabinet during that time , and whenever there was any coup d'etat, there will be an amnesty law issuance to acquit the offender from the criminal offence and the criminal liabilities in every coup d' etat, including the coup d' etat leading by the Council for Democratic Reform under Constitutional Monarchy (Formerly known as the Council for National Security or "CNS" ) the military leader still issued the amnesty law for the purpose of acquitting any offences and liabilities deriving on the coup d'etat particularly, while the distinct difference from any coup d'etat is the matter of the legal amnesly issuance, which is considered as the offence in the Constitution of the Kingdom of Thailand (temporary issue) B.E. 2549 in section 37. Although the Constitution of the Kingdom of

Thailand B.E. 2550 has been already in enforcement, there still appears the content of amnesty as mentioned in section 309 of the transitory provision as well. With regard to any criminal offences in the dimensional consideration, the legal amnesty must be the offence against the state's law in currently with the law enforcement, and there will be the enacting amnesty law to acquit any offence and the liabilities for an offender. However, the legal amnesty for the future offence is not according with the universal principle of amnesty law by omitting the offence in order to acquit the offender back to the society as usual ordinarily.

The dimensional amnesty law's principle differs from the pardon and the exoneration; therefore, there is essential to conduct a deliberating study to understand the proper meaning of amnesty in the universal law context, and define and the possible practical ways in the lawful of implementation, including the political character's offence. In addition the study should consider the beginning and the ending of the political character's offence, the legal proceedings. Otherwise, any political character's offences which finally involves with the delinquency, will be interpreted as the political character in every ease. There will be the impacts on the political character's offences without the legal boundaries, and will totally affect with the state's legal system and the private injured persons as mentioned. The deliberating study should review, differentiate, and settle up the dividing line of the political character's offences and the delinquency with the benefits of standard guideline. There will be the initial enacting amnesty law on the political character's offences transparently, and there will be least effects or the least unfavorable impacts with the state's legal system, and the pirate injured persons for the mutual benefits of for the public and those involving persons.