

Thesis Title	The Inauguration and Fundamental rights on the Independence of the Constitutional Judge under Thai Context
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ABSTRACT

The purposes of this research were to study (1) the principles, concepts, and theories related to the concept and philosophy in the establishment of the Constitutional Court and the roles and authority of the Constitutional Court Justices, (2) the principles regarding the deliberation process of the Constitutional Court, (3) the laws within the jurisdiction of Thailand and other jurisdictions that were relevant to the authority of the Constitutional Court Justices, and (4) legal issues and approaches in resolving the problems with regards to the discharging of duties of the Constitutional Court Justices of Thailand, in order to learn about the approaches and criteria that could properly resolve the problems arisen in Thailand with effectiveness and in accordance with public law theory.

The research findings showed that from the time the Constitutional Court was established as the entity reviewing the legitimacy of laws, the interpretation of the Constitution as well as adjudicating disputes with implication on the Constitution, legal issues related to the Constitutional Court Justices, which is the key factor proceeding work of the Court, has arisen. Such problems manifested themselves as those pertaining to the tribunal and the Court Justices figure in many ways as follows: first, legal problems related to qualifications, sources, and proportion of the Constitutional Court Justices of Thailand; secondly, legal problems related to the discharging of duties of the Court Justices that is contradictory the principle of fairness in the country; thirdly, legal problems related to the assurance of protection of rights and liberty of the Justices. In consequence, trust in the entity and confidence in the discharging of duties of the tribunal were undermined giving rise to the thwarting effects for the Justices and the entity to

fulfill its mandate intended by law and will inherent in the concept and philosophy for the establishment of the Court.

Therefore, it was deemed appropriate for the country to adopt the public law principles and theory to use with the work proceeding of the Constitutional Court tribunal and Justices of Thailand. In addition, the concepts and legal framework from other jurisdictions, e.g. the Republic of Austria, Federal Republic of Germany, Republic of France, as well as international concepts on the discharging of duties by the justice, may be adopted to allow for a conclusion on the proper approaches for the country. The adoption of said principles and concepts should yield to a proper and effective problem resolving, assure the general public of the justice system of the Constitutional Court, and regain trust in the execution by the entity which would enable a fulfillment of the legal state principle in the work proceeding of the Court. Settlement of the problems would bring about an indifferent, candor and independent execution of judicial power under the name of His Majesty the King which would truly promote justice in the protection of rights and liberty of people and push forward the administration of justice in Thailand to virtually achieve the will of the establishment of the Constitutional Court philosophy.