

Thesis title: Evolution of the Method of Selection of Members of the Senate under the Constitutions of the Kingdom of Thailand

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Abstract

The objectives of this research were to study the evolution, origins, advantages, and limitations of 4 major methods of selection of senators under different constitutions of the Kingdom of Thailand: (1) indirect election; (2) royal appointment; (3) direct election; and (4) direct election and recruitment.

This was a qualitative research. The sample population consisted of 2 qualified experts and 5 members of the constitutional assembly, along with related documents. Data were collected using interview forms and analyzed descriptively.

The results showed that (1) The method of indirect election of members of the Senate (then called the Preutsapa) evolved when the 1932 constitution was replaced by the 1946 constitution, which adopted a two-house legislative system. The advantage of this method was that the senators were chosen by the members of Parliament (MPs), who were the directly elected representatives of the people. The limitation was that more than half of the MPs were appointed by the group that previously held political power. (2) There were 6 times when senators were royally appointed: 2.1) under the 1947 constitution, which was promulgated following a coup d'état; 2.2) under the 1949 constitution, which was a modified form of the 1947 constitution; 2.3) under the 1968 constitution, which came into effect following another coup d'état in 1959; 2.4) under the 1974 constitution, which was written by a constitutional assembly following the change in government as a result of public protests on 14 October 1973; 2.5) under the 1978 constitution, which came into effect following another coup d'état in 1977; and 2.6) under the 1991 constitution, which came into effect following another coup d'état in 1991. In practice, with this method the government nominates the candidates for the Senate to be appointed by His Majesty the King. The senators tend to provide a political power base for the government. The advantage of this method is that it is possible to select experts who are knowledgeable in specific fields to work as senators. The limitation is that the senators might be close to powerful people in the government. (3) The method of selecting senators by direct election evolved from the 1997 constitution, which was written by a constitutional assembly with the intent of making senators true representatives of the people. The advantage is that the senators had greater legitimacy. The limitation is that some of the senators might be partisan. (4) The method of selecting senators by direct election and recruitment came from the 2007 constitution, which was written by a constitutional assembly following another coup d'état in 2006, and was intended to provide both senators elected directly by the people and some appointed by a recruitment committee. The advantage is that the senators elected by the people are politically legitimate and those that are recruited represent certain professions. The limitations are that the directly elected senators may be partisan and the recruited senators are not true representatives of the people.

Keywords: evolution, Senator, Senate, constitution of the Kingdom of Thailand