

The 1932 Revolution as a Critical Juncture: Constitutional Monarchy and Dual Institutions

POLITICS AND GOVERNMENT OF
THAILAND

AUGUST 22, 2025

Reminder 1

- Last Friday, I sent you via Line group two power point slides: one is about the Budget process; another is the recap and explanation of what we discussed in class regarding the Thai politics and government before 1932.
- Hope all of you got them!



REMINDER2: What's happening in Thai politics (#WHiTP)

- Starting since last week, all students should be active in our LINE group by engaging in daily discussions about Thai politics.
- We're calling this activity "What's Happening in Thai Politics".
- Each day, please share important news about Thai politics and exchange your thoughts and opinions with your classmates in the group.
- To deepen our understanding of Thai politics and governance, every Friday during the first hour of class, we will select one or two key terms to study in detail together in the classroom.

Topics

- Line Group & What's happening in Thai politics
- Thai Politics and Government between 1932 - 1957
- In-class group activity: What's the form of government?

คำร้อง 36 สว.คลิปสนทนา “แพททองธาร-ฮุน เซน”



รัฐธรรมนูญ 2560

ม.160 รัฐมนตรีต้อง

(4) มีความซื่อสัตย์สุจริตเป็นที่ประจักษ์ และ

(5) ไม่มีพฤติกรรมอันเป็นการฝ่าฝืนหรือไม่

ปฏิบัติตามมาตรฐานทางจริยธรรมอย่างร้ายแรง



<https://www.thaipbs.or.th/news/clip/253418>

Constitutional Court

- **A specialized judicial body** with the exclusive power to interpret the constitution, review the constitutionality of laws and government actions, and safeguard the rights and liberties of citizens.
- Unlike courts of general jurisdiction, a constitutional court's **primary role** is to ensure that all legislative acts, royal decrees, and administrative actions comply with the supreme constitutional law of the land.

A specialized judicial body ?

- Not every [democratic countries] has constitutional court
- Constitutional courts are found in more than 80 countries worldwide, particularly in civil law countries.
- The concept of a specialized constitutional court, following the model of Hans Kelsen, became significant after World War II and was influential in the democratic reconstruction of countries like Germany and Italy.



Key Functions:

Constitutional Review:

This is the primary function, where the court examines laws and government acts to determine if they are consistent with the constitution. The main purposes are to:

- **Protect of Rights and Liberties**

The court plays a vital role in protecting the fundamental rights and freedoms guaranteed by the constitution to the people.

- **Uphold the Rule of Law**

By ensuring that political organs and institutions adhere to the constitution, the court helps maintain the supremacy of constitutional law.

- **Adjudicate Constitutional Disputes**

The court resolves problematic issues of constitutionality that arise from legislation, regulations, or government actions.



Constitutional Court of Thailand

- The concept of a constitutional court in Thailand was modeled after European examples, such as the Constitutional Courts of Austria and Germany, and was first established by the 1997 Constitution.
- It then was re-established under the **2007** and **2017 Constitutions**, though with changing structures and powers.

Constitutional Court of Thailand according to the 2017 Constitution

- A specialized judicial body responsible for reviewing the constitutionality of laws and bills, ensuring the supremacy of the constitution, and adjudicating questions regarding the powers and duties of government bodies.
- It consists of a President and eight Justices who are approved by the Senate and appointed by the King.
- The court's powers include ruling on draft amendments to the Constitution and ensuring that governmental actions and laws align with the Constitution, which also protects human rights and liberties.

1. Supreme Court of Justice Judges

- **Selection:** Three judges are selected from the Supreme Court of Justice (SCJ) through a secret ballot by the SCJ's General Assembly.

2. Supreme Administrative Court Judges

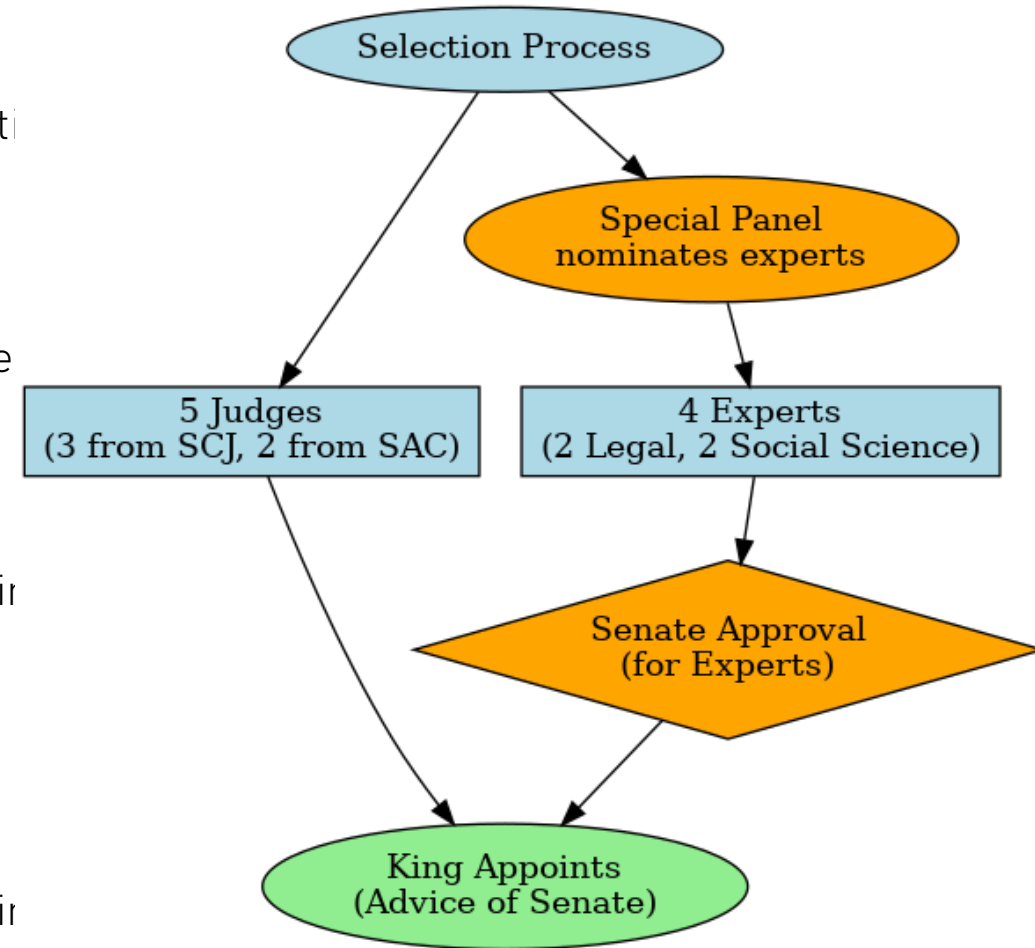
- **Selection:** Two judges are selected from the Supreme Administrative (SAC) through a secret ballot by the SAC's General Assembly.

3. Legal Experts

- **Selection:** A special panel nominates two individuals with expertise in field of law.
- **Approval:** The Senate must approve these nominations.

4. Social Science Experts

- **Selection:** A special panel nominates two individuals with expertise in like political science or public administration.
- **Approval:** The Senate must approve these nominations as well.

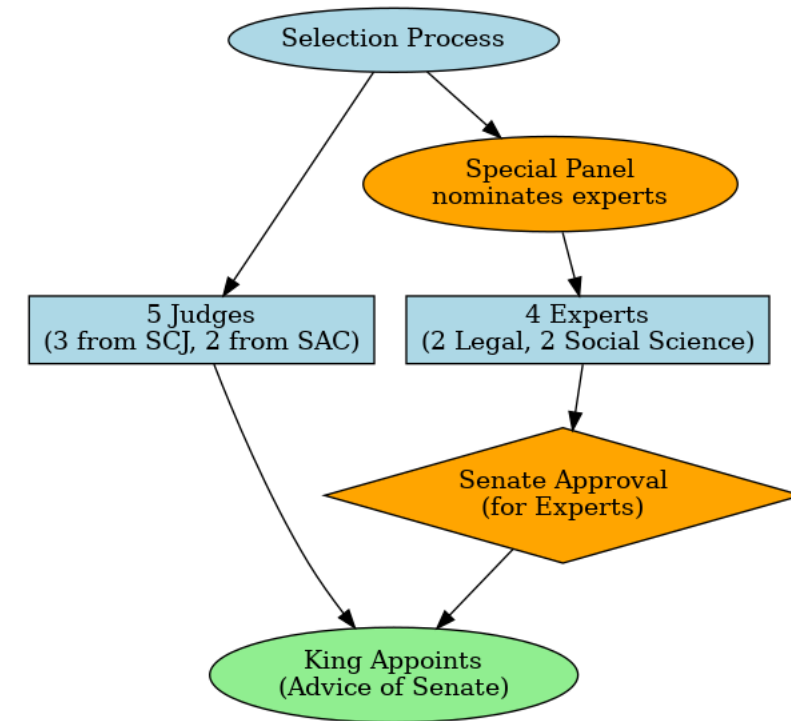


The Selection Panel

- The special panel that selects the legal and social science experts is composed of the President of the Supreme Court, the President of the Supreme Administrative Court, the President of the House of Representatives, the Leader of the Opposition, and the chiefs of certain constitutional independent agencies (like the Ombudsman or Election Commission).

The Appointment by the King

- Once the nominations are selected by the panels and **approved by the Senate**, they are submitted for the King's appointment. The King formally appoints the members of the Constitutional Court upon the advice of the Senate.



Key Functions and Powers

Constitutionality Review

- The court examines the legality of draft laws and existing laws to ensure they are consistent with the 2017 Constitution.

Powers of State Bodies

- It resolves disputes concerning the duties and powers of the House of Representatives, the Senate, the National Assembly, the Council of Ministers, and various independent organizations.

Constitutional Amendments

- The court reviews the conditions and procedures for amending the Constitution.

Constitutional Complaints

- It handles cases brought under the constitutional complaint mechanism, allowing citizens to enforce their rights and the state's compliance with the Constitution.

Qualifications for Political Positions

- The court rules on the membership and qualifications of individuals holding political positions.
- Structure and Appointments

Some critical events

- 2006 and 2008: Dissolution of Thai Rak Thai and People's Power Party, which were linked to Thaksin Shinawatra.
- 2014: Removal of Prime Minister Yingluck Shinawatra shortly before the military coup.
- 2020: Dissolution of the Future Forward Party, a popular reformist party, which sparked mass youth-led protests.
- 2023–2024: Cases concerning Move Forward Party and its stance on lèse-majesté reform, which highlight tensions between electoral mandates and constitutional limits.
- 2024: Disqualification of Prime Minister Setha Taweessin
- 2025: ?