

# Legal Problems with the Thai Political Party Establishment

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**Abstract**—Each of the countries around the world has different ways of management and many of them depend on people to administrate their country. Thailand, for example, empowers the sovereignty of Thai people under constitution; however, our Thai voting system is not able to flow fast enough under the current Political management system. The sovereignty of Thai people is addressing this problem through representatives during current elections, in order to set a new policy for the countries ideology to change in the House and the Cabinet.

This is particularly important in a democracy to be developed under our current political institution. The Organic Act on Political Parties 2007 is the establishment we have today that is causing confrontations within the establishment. There are many political parties that will soon be abolished. Many political parties have already been subsidized. This research study is to analyze the legal problems with the political party establishment under the Organic Act on Political Parties 2007.

This will focus on the freedom of each political establishment compared to an effective political operation. Textbooks and academic papers will be referenced from studies home and abroad.

The study revealed that Organic Act on Political Parties 2007 has strict provisions on the political structure over the number of members and the number of branches involved within political parties system.

Such operations shall be completed within one year; but under the existing laws the small parties are not able to participate with the bigger parties. The cities are capable of fulfilling small political party requirements but fail to become coalesced because the current laws won't allow them to be united as one. It is important to allow all independent political parties to join our current political structure. Board members can't help the smaller parties to become a large organization under the existing Thai laws.

Creating a new establishment that functions efficiently throughout all branches would be one solution to these legal problems between all political parties. With this new operation, individual political parties can participate with the bigger parties during elections. Until current political institutions change their system to accommodate public opinion, these current Thai laws will continue to be a problem with all political parties in Thailand.

**Keywords**—Coalesced, Political Party, Sovereignty.

## I. INTRODUCTION

THE administration of democratic system in the Thai parliament doesn't offer the sovereignty of people directly because of the fact that Thailand is a big state with lots of population to control. Centralization can be used to describe the country as it's hard to administrate and decide for all part of the country. The sovereignty of people, in fact, can be

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expressed through election with parties whose candidate with ideology about politics, economy and society altogether. This enables each member to propose administrative strategies and ways under ideology effectively. For a party with vast voting will become a government of the country; antithetically, a party with less voting will become the Opposition with the aim to investigate and check work of government. Hence, Political Parties are like media that combine sovereignty with people [1] and open opportunities to people to join with Politics (Life of Politics) [2].

With this reason, Thai Constitution supports freedoms of its people including the establishment of Parties with an eye to build intentions based on Democratic system and with the hope to develop Parties to become Political Institution of people to boost Democratic System in Thailand.

For principles of establishing and proceeding, this is literally issued by Law for all Political Parties. The Present Law concerning Political Parties Act under Constitution 2007 showed that there were lots of establishment among Parties, yet later were found that some Political Parties were subsidized owing to strict laws and disciplines. For instance a problem of candidate in a Party, branches of each Party, and the distribution of candidates to each province in four parts of Thailand to administrate. This must be done within a year, and it's hard for new parties to develop to Political Institution; hence, each new party needs help from their main ones. As a result, it will be so hard for people to become a part of Political Institution.

## II. OBJECTIVE OF THE STUDY

The objective of this research is to study criteria and conditions based on the Organic Act on Political Parties 2007 and to analyze legal problem irrelevant to the political party establishment under the Organic Act on Political Parties 2007.

## III. RESEARCH METHODOLOGY

To study this research, a researcher collects both domestic and international paper from books, research, academic document, and laws and then conducts comparison analysis and concludes by means of depiction.

## IV. RESULTS OF THE STUDY

From the study, constitution, in fact, supports freedom to people to unite for Parties establishment and benefits people to establish parties with ease [3]. Also this definitely supports democratic system with less payment to promote their Parties. [4] In view of Organic Act on Political Parties 2007, this law accepts people's freedom to unite and establish Parties namely

it allows people to register to registrar as witness and record into the Party registration only, yet when investigating in details, it is found that a registrar has his own right not to register and in case of the fact that a Party with no registration is not recognized as a Legal Party. Those who establish without registration will be penalized. To sum up, registration depends on these parties solely.

However, a parliament can issue new law about principles of presenting freedom to establish Parties even if the Constitution shows its condition that requires the registrars before establishment. Practically, presenting freedom of each person will be equal and respect to other rights [5]. As The Act of Constitution determines details about the establishment and maintenance of people's peace and freedom, it is possible to conduct; antithetically, all registered Parties must comply and follow as it maintain peace and safe to people so that this may lead to the development of Political Institution for people as following:

#### *A. The Problem of the Establishment of Political Parties*

Each registered Party must consist of five thousand people and each one must be distributed and assigned to each part of a country and also set up a sub-Party to serve people suitably to administrate. All of these must have been accomplished within a year since a registrar knew and established a Party. Without proceeding within specific time, that Party will be void.

According to the study, administrative Parties with too many disciplines will be based on the previous theory which cannot be adapted to all organizations. Owing to different factors of each organization [6], the law should not be too strict to support both main Parties and sub – Parties so that they can proceed in their administration systematically and strengthen to become Political Institution.

In case of the study of Germany with Political Law like Thailand, this country passed the significant circumstance: Nazi which gave the importance to Democratic system. There was Parties Act (Parteiengesetz - PartG) in Germany that literate the law about establishment of Political Parties by the cooperation of people to develop Parties into Political Institution. Form The Act, section 7 of The Law, this shows that all Political Parties must establish their branches in regions but no details about time, amounts, and ways to precede. This indicates that Laws are seriously designed to develop structures of Political Parties including abilities of Political members and history of each party including missions and tasks.

After the announcement of Basic Law for the Federal Republic of Germany (Grundgesetz, GG), many Political Parties are launching. All Germany Parties can proceed in and develop namely The Greens in the year 1983 with 29 seats then becoming 44 seats in 1987 and 55 seats in 2002. At the present, there are 63 seats which The Greens envision itself as a conservative party and it is well – known among Germans. Consequently, if this is compared to The Thai Political Parties, German Parties are less strict and allow small Parties to proceed in themselves; however, Thai Political Parties

depends on the big ones and give less power to small parties to administrate or small ones will encounter with strict rules or regulations issue by big Parties. New Parties require law, committee, and members with the number that are reasonable: hence, some small Parties cannot continue.

The study of countries without law of establishment for Political Parties, this showed amazing results that all were strong. For example, Political Parties in England firstly were gathered from people in different levels with the same mission ideology. There were few members and no coordination with people. In 1832 they used The Representation of the People Act 1832 (known colloquially as the 1832 Reform Act, Great Reform Act or First Reform Act). The process was that association was set up with registration of all candidates. This affects to the expansion of Party establishment in different parties of England. To support people as coordinators, many local parties were set up although it took much time as this was a uniqueness of development of each Party.

#### *B. The Problem of Basic Element of Administrative Committee*

On the part of Law, Political Parties are comprised of Party leaders, Deputy Executive Leaders, Secretaries, treasurers, deputy executive treasurers, announcers, registrars and other committee. In the past, political parties' administration did not have good managerial system. Also, in order to promote democracy in management of political parties, The Political parties' law, of 1968, requested that Political Parties shall have persons who perform administrative work for the party. Hence, Political Parties shall have a group of administrators in form a committee, which consists of Party leader, Vice Leader, Secretary, Vice Secretary, and other, not less than, seven people in the committee. After that, in 1981, the law requested that a party shall have more numbers of vice party leaders and vice party secretaries in the administrative committee. Until 1998, the law added more positions in a committee that are party financial officer and party speaker. The purposes for that are to have a responsible person for party financial work, and to have someone who is responsible as a contact point and to coordinate among those people in various positions in the party's committee. After that, there were other laws that adjusted and changed the number of people in a party's committee. Finally, the political party law of 2007 states that a party's committee shall consist of a party leader, a vice party leader, a party secretary, a vice party secretary, a financially officer, a registry officer, a party speaker, and others managerial officers required in the committee. The main objective is to ensure that Thai political parties can perform their functions systematically and avoid cheating among a Party Leaders or Capitalists. Frankly speaking, the administration of Political Parties in Thailand empowers the Party leaders on executives of Party like centralization form one generation to another generation (The case of Charthaipatna Party, and Democrat Party).

After the study of rearranging a structure of administration of Political Party in abroad, each Party has different ways of proceeding. Even Federal Republic of Germany, the law states

that regulation can be set up by each Political Party no matter how big or small Parties are. It is with a conclusion that to develop and establish Political Parties to become Political Institution without forcing and strict regulations will benefit to both members and people.

#### V. DISCUSSION

Thai parties were firstly establishment form Absolute Monarchy to Democratic System. For more than eighty years in Democratic System, Thai parties encounter with coup d'état which enables all parties to support power or run business of parties of entrepreneurs. Laws for parties are important to corroborate fairness among parties; antithetically, establishing Political Institution sounds difficult. The right to gather parties is called Natural Rights and accredited by Constitution, but Thailand chooses to follow regulations as Legal Right.

In consideration of this issue, all Thai Political Parties develop on laws to maintain and develop. The power of administration is hold by a leader of Party and both members of Parties and people take less power and authorization. As a result, Political Parties are not purely considered as Political Institution. The following problems are required to discuss: the first factor, it takes time to establish and develop to institution: it starts from members with the same thought and ideology. Thus unity can probably take place from few members to establish, and when a Party has the same perception as people. Those people are allowed to become member of that party legally. Also the law, however, must provide rules to force each party with five thousands members in each part of a country within specific time. Provided that any parties cannot accomplish, they are forced to decline permanently. This is not reasonable as laws must allow each party to develop itself naturally and systematically and give more time for each of them to proceed.

Generally, the Thai Political Parties are influenced by elites or noble people. This concurs with Maurice Duverger idea that is a party will start out with member of similar class of people [7]. For example; Democrat Party which corroborates Political Institution centralizes its power at a leader and work step by step with no participation from people. The passes by, a Party provides more sub – parties with million members a last. For example, Pher Thai Party was administrated at first by high – class people. When leaders were competent and qualified, there came lots of members with various competencies. However, small or new Parties with no budgets to manage could not have followed the order of laws which were strict to them to be accepted and supported by people first. Finally, problem took place.

The way to change parties to become Political Institution is to correct Political Law based on Huntington theory namely managing each party by branch model, allowing each like a mass based on development. However, each Political Party must take time to develop itself depending on readiness of that Political Party. Small Political Parties or new Political Parties must give opportunities to people to join and this also benefit to become a real party in Political Institution. In consideration of Parties in Germany, there are no conditions of time,

branches, or members, but only regulations for party establishment

The second factor, administrative committee of each Political Party has the absolute right to administrate their Parties. Centralization can be good explanation towards Thai Politics. This affects to member of Parties with no power to administrate. As a result, those who want to become members of desirable Parties will encounter with benefit among leader and themselves. This is contradictory to Democratic criteria that allow people to recruit members themselves according to Huntington. All power is only with a group of people that degrades Thai Democratic System in terms of Political Institution [8]. Besides administration of a Party requires administrative committee with the same position to other parties. That will be like a template to all new Parties to proceed. For small or new Parties, people don't have rights to administrate or join based on developing political theory; however, each party needs positions and administrate with freedom although some Parties provide only leaders or assistants and committee. Parties will finally consist of competent members and demolish power of group of leaders in Parties.

There is a way to proceed in work without authoritarian by correcting the non – strict law. This also allows Political Parties to be flexible. One best way to follows The German Law this requires Democratic System in the party.

#### VI. CONCLUSION

The study enables to see the conditions and jurisprudence about the establishment of Political Parties based on The Organic Act on Political Parties Act 2550 which consist of strict disciplines to set up Parties. Those without disciplines cannot remain before the establishment of political institution. Furthermore, the sovereignty of Thai people plays fewer roles as the power remains with the political committee relating to political act about politics. Touching establishment of Political Parties and Parties committee, this may not develop in terms of political institution of people.

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