

Thesis Title	Problems on Withdrawal of the Right of Election or Order of Re-election after the Pronouncement of the Election Result of the Election Commission: Case Study of Members of Local Council or Local Administrator's Election
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ABSTRACT

The objectives of the thesis were to study concepts and theories relating to the right protection including idea of the principle of lawful election of local administrative organization, especially, the procedure of withdrawal of the right of election or order of re-election after the pronouncement of the election result of the local administrative organization by the Election Commission as well as laws relating to such procedure in overseas and in Thailand. In addition, to study the existing problems and to find a way to solve the legal problems in relation to the said procedure in order to find a way to solve such problems properly in order to duly and proficiently eliminate the problems which occur in Thailand.

On the result of the study, it can be found that, in the past, during the enforcement of the Constitution of the Kingdom of Thailand, B.E. 2550, there are legal problems arising during the procedure of withdrawal of the right of election or order of re-election after the pronouncement of the election result of the local administrative organization by the Election Commission as described by laws. The legal problems have arisen after the Election Commission had a decision in an election case until the time before the action under the proceeding of the Court of Appeals in election case in order to produce an effect of equity: a legal problem arising as the result of the law enforcement in the level of Act and rules the Constitution of the Kingdom of Thailand, B.E. 2550; a problem on reviewing the order of receiving the case of the Court of Appeals in local election case. All said problems conflicts with the theories of the protection right and such problems are in conformity with the spirit of the Constitution of the Kingdom of

Thailand, B.E. 2550. These situations effect to the procedure of withdrawal of the principles of transparency, honesty and equity of the right of election or order of re-election after the pronouncement of the election result of the local administrative organization by the Election Commission.

On the result of the study, it can be found that, in France, there is expressly a term of submission of request to the court for an election of members of provincial council, those who intends to object the election may submit the request with the orally daily report made by the election officer, then the provincial governor shall present the case to the trial administrative court in jurisdiction. In addition, it is specified that all person himself, who has the election right in an area of local election, shall be entitled to take a legal action to the court in the jurisdiction directly. Furthermore, in Brazil, there are election courts to be in charge of party registration and control the finance of the party as well as the election court shall be responsible for specifying the date of election and giving a verdict of the offence or dispute in relation to the election including laws in Brazil specifying that regional election courts shall be enable to appeal the case to the highest court only if the withdrawal of such election result or the accusation of withdrawing order may cause damage to the election. So we can see that if our country brings the principle and concept of France and Brazil as well as the concept of the right protection to be applied, our country shall solve the problems arising from the procedure of withdrawal of the right of election or order of re-election after the pronouncement of the election result of the local administrative organization by the Election Commission in Thailand properly and proficiently. In addition, it shall be in accordance with the right of protection including the judicial administration of withdrawal the right or order of re-election after the result pronouncement of the Election Commission. Therefore, the election of the local administrative organization shall be honest, transparent, and fair and shall be inconsonant with the spirit of provisions of the Constitution of the Kingdom of Thailand, B.E. 2550.