

Thesis Title	Appropriate Control and check of the amendment to the Constitution
Author	Onanong Chumpol
Thesis Advisor	Assistant Professor Dr. Weera Lojaya
Department	Law
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### **ABSTRACT**

The objectives of the thesis were to study the concept, theory and criteria regarding control and check of the amendment to the Constitution, concept and source of the regulatory entity where check the constitutional amendment including study the law regarding the scope of authority exercised by the regulatory entity where check the constitutional amendment as well as to study the procedure on constitutional amendment control and to study the determination on people's participation in the amendment to the constitution in overseas and in Thailand. In addition, to study legal problems regarding the constitutional amendment control and check the Constitution of the Kingdom of Thailand, B.E. 2550 and to find a guideline solving the legal problems arising by determining the regulatory entity where check the constitutional amendment including to find a guideline determining the time duration for controlling the procedure of the amendment to the Constitution and to find a guideline to make people participating in the amendment to the Constitution suitable for Thailand.

On the basis of the results of this research, it can be concluded that in the past — during the announcement of the Constitution of the Kingdom of Thailand, B.E. 2550 — there are problems regarding the check of draft amendment to the Constitution of the Kingdom of Thailand before the announcement the Constitution drafted by the Legislative due to there is no regulatory entity provision stipulated in any provision of the Constitution of the Kingdom of Thailand, B.E. 2550. This has caused a problem in interpretation that which entity has the authority of the said check of draft amendment to the Constitution of the Kingdom of Thailand and caused a legal problem regarding the regulatory entity where check the amendment to the Constitution of the Kingdom of Thailand, B.E. 2550. In addition, there is a problem regarding the time duration on amendment to the Constitution of the Kingdom of Thailand, B.E. 2550 because of the Constitution of the Kingdom of Thailand, B.E. 2550 has

stipulated the time duration of the procedure on the amendment to the Constitution in short-term which has caused a widely criticizing problem in applicable provisions due to the time duration described in the provisions of the Constitution is very essential as it may cause the Legislative exercising its power to amend to the Constitution easily and may result to be an abolition of the regime which affects to Thailand directly. In some case, it may cause the problem of lack of people's participation in the amendment to the Constitution because of the provisions of the Constitution of the Kingdom of Thailand, B.E. 2550 has not stipulated the procedure on people's participation in the legislation of draft amendment to the Constitution, directly effecting to the procedure on amendment to the Constitution enacted by the Legislative whether it is in correspondence with the intention and objective of Thai citizens as it is deemed that they are the originator of the Constitution.

Therefore, we can see that the concept, principle and provisions of the Constitution of Turkey and Romania should be applied with the legal problem in Thailand because of such countries have expressly stipulated the provisions of the Constitution regarding the regulatory entity and authority of check of the amendment to the Constitution. Furthermore, the concept, principle and provisions of the Constitution of Italy shall be a model in order to improve the provisions of the Constitution of the Kingdom of Thailand. If the coming permanent Constitution is pronounced in future, such new Constitution shall specify the provisions regarding the time duration on procedure on the amendment to the Constitution. In addition, the concept of France regarding the principle of people's participation in the procedure of the amendment to the Constitution by referendum vote should be applied in Thailand in order to sufficiently solve the problem of lacking of people's participation in the procedure of the amendment to the Constitution and be compatible with Thailand's administration, the Democratic Regime of Government with the King as Head, sustainably and ahead.