

Legal Aspects on Acquisition of Senators Suitable for Thailand

Sirivadee Wiwithkhunakron
Nakhon Ratchasima Rajabhat University

— *Review of* —
**Integrative
Business &
Economics**
— *Research* —

ABSTRACT

The objectives of this research are: (1) to study on legal problems regarding the legislation on acquisition of senators; (2) to conduct comparative analysis on legislation and acquisition of senators; (3) to study on consistency between legislation and acquisition of senators; (4) to bill legal aspects on acquisition of senators suitable for Thailand. The scopes of research are: (1) study on legislation on acquisition of senators and authority and function of Thai senators under 9 Constitutions of the Kingdom of Thailand including Constitution of the Kingdom of Thailand B.E. 2489, Constitution of the Kingdom of Thailand B.E. 2490, Constitution of the Kingdom of Thailand B.E. 2492, Constitution of the Kingdom of Thailand B.E. 2511, Constitution of the Kingdom of Thailand B.E. 2517, Constitution of the Kingdom of Thailand B.E. 2521, Constitution of the Kingdom of Thailand B.E. 2534, Constitution of the Kingdom of Thailand B.E. 2540, and Constitution of the Kingdom of Thailand B.E. 2550; (2) study on legislation on acquisition of senators of other countries including U.S.A., Britain, France, Belgium, Canada, Iceland, Norway, Italy, Portugal, Netherland, Luxemburg, Argentina, Chile, Germany, India, Philippines, Cambodia, and Malaysia. The research was conducted in the form of qualitative research through in-depth interview conducted in the actual site for considering on facts regarding legal aspects on acquisition of senators suitable for Thailand. There were 13 samples of this research consisted of 13 experts and data were analyzed by using descriptive data analysis based on interview with the experts. The results showed that:

1. There were 4 types of legal problems regarding legislation on acquisition of senators consisted of: (1.1) indirect election from people's representatives; (1.2) appointment by the king; (1.3) direct election by people; (1.4) recruitment by selection of Recruitment Committee.

2. The results of comparative analysis on legislation and acquisition of Thai senators were as follows:

- 2.1 There were 4 dimensions of the results of comparative analysis as follows: (1) power on giving approval regarding the king, for example, giving approval on succeeding to the throne, giving approval on appointment of the regent, giving approval on appointing the regent in the event of vacancy of the throne; (2) legislative power, for example, congress, bill proposing, consideration on billing, consulting on billing, restraint of billing, election of standing committee, petition nomination for opening extraordinary meeting, petition nomination for opening secret meeting, public administration, questioning, requesting for opening discussion, establishment of meeting's regulations, consideration on payment of government statement of expenditure; (3) administrative power, for example, royal enactment, declaration of war, execution of agreement; (4) judicial power, for example, appointment of constitutional tribunal, appointment and discharging of judge in administrative court, appointment of committees of National Anti-Corruption Commission, appointment of committees of State Audit Commission, appointment of ombudsman, appointment of Election Commission, appointment and discharging of Attorney General, appointment and discharging of National Human Rights Commission.

2.2. There were 4 types of the results of comparative analysis on acquisition of senators as follows: (1) indirect election from people's representatives; (2) appointment by the king; (3) direct election by people; and (4) recruitment by selection of Recruitment Committee.

3. There were 4 dimension of consistency between power and acquisition of Thai senators as follows:

(3.1) power on giving approval regarding the king, for example, giving approval on succeeding to the throne, giving approval on appointment of the regent, giving approval on appointing the regent in the event of vacancy of the throne, was consistent with 4 types of acquisition of senators including: (1) indirect election from people's representatives; (2) appointment by the king; (3) direct election by people; and (4) recruitment by selection of Recruitment Committee.

(3.2) legislative power, for example, congress, bill proposing, consideration on billing, consulting on billing, restraint of billing, election of standing committee, petition nomination for opening extraordinary meeting, petition nomination for opening secret meeting, public administration, questioning, requesting for opening discussion, establishment of meeting's regulations, consideration on payment of government statement of expenditure, was consistent with 4 types of acquisition of senators including: (1) indirect election from people's representatives; (2) appointment by the king; (3) direct election by people; and (4) recruitment by selection of Recruitment Committee.

(3.3) administrative power, for example, royal enactment, declaration of war, execution of agreement, was consistent with 4 types of acquisition of senators including: (1) indirect election from people's representatives; (2) appointment by the king; (3) direct election by people; and (4) recruitment by selection of Recruitment Committee.

(3.4) For judicial power, the results were as follows:

(3.4.1.) Appointment of constitutional tribunal was consistent with 4 types of acquisition of senators including: (1) indirect election from people's representatives; (2) appointment by the king; (3) direct election by people; and (4) recruitment by selection of Recruitment Committee.

(3.4.2) appointment and discharging of judge in administrative court, appointment of committees of National Anti-Corruption Commission, appointment of committees of State Audit Commission, appointment of ombudsman, appointment of Election Commission, appointment and discharging of Attorney General, appointment and discharging of National Human Rights Commission was consistent with 2 types of acquisition of senators including: (1) indirect election from people's representatives; (2) recruitment by selection of Recruitment Committee.

4. Billing of legal aspects on acquisition of senators suitable for Thailand legislated that:

“Senators must be elected by groups of persons with knowledge, expertise, and experiences from all occupations not less than 10 years with mutual characteristics or benefits. They must participate in working for society in various fields and their educational background shall be equal or not lower than Bachelor Degree. The method of selection was as follows: (1) the Recruitment committees were selected from members and related outsiders of each group of all occupations in Thailand equally while the quantity of recruitment committees depended on appropriateness and proper consideration; (2) After obtaining recruitment committees as mentioned in 1, the recruitment committees shall mutually specified qualifications of persons eligible for selecting as the senators upon their occupational fields; (3) After taking action as mentioned in 2, the recruitment committees shall mutually collect the list of senators upon the list of occupations in all fields with

qualifications as defined in 2 as well as register and declare to general people for acknowledgement. In addition, people shall be entitled to submit the petition to object against any person the list if they considered that such person was appeared to have improper behavior; (4) The recruitment committees shall select senators from the list of eligible persons and those selected senators shall be voted over a half of total votes of the recruitment committees. Consequently, it shall be deemed that those selected senators were obtained from recruitment based on people for accepting by general people; (5) The list of senators as mentioned in 4 shall be proposed to the king for further approval.”

Keywords: Legal problem means legal problem related to acquisition of senators according to the first edition of Constitutions of the Kingdom of Thailand to Edition of B.E. 2550; Comparative analysis means comparative analysis on power legislation and acquisition of senators; Consistency means consistency of power legislation and acquisition of senators; Legal aspect means billing of laws on acquisition of senators suitable for Thailand.

Introduction

Formerly, Thai congress was developed from Council of State and Privy Council that is the council of consultants of the king that has been established since the reign of King Rama V. After changing of the ruling in B.E. 2475 (1932), Section 10 of Siamese Administration Constitution (Interim) B.E. 2475 legislated that the congress shall be unicameralism, i.e., there shall be 2 types of House of Representatives with equal number of members in each type. The members of the first type shall be obtained from election while members of the second type shall be obtained from appointment in order to assign appointed members of the second type to screen works of those in the first type yielding the best benefits to Thai people.

Background, authority and function of Thai senators are inconsistent with political system and Thai sociological conditions, namely, Thailand's state system is unicameralism while the condition of Thai society is patronage system with political canvasser strategies. Consequently, in the event that any constitution stated that acquisition of senators is direct election by using electorate, senators will surely turn to politicians and political parties with canvassers in all areas in order to take advantages on their voting. The methodology of acquisition and conditions on qualifications and prohibited characteristics of senate candidate has been defined in Section 25 of Constitution of the Kingdom of Thailand B.E. 2489, Section 125 of Constitution of the Kingdom of Thailand B.E. 2540, and Section 115 of Constitution of the Kingdom of Thailand B.E. 2550. It has been believed that this will free senators from domination of political parties. However, it is already proved that domination of political parties is not true. Accordingly, intention on assigning senators as the “Council of Inspection” is not consistent with elements of facts of current Senate. Moreover, legislation of Section 11 of Constitution of the Kingdom of Thailand B.E. 2550 also stated that senators shall be obtained from election incorporated with recruitment of the Recruitment Committee. This was considered as the first time of Thailand to legislate that senators shall be acquired from recruitment of the Recruitment Committee while senators still hold authority and function of screening, appointment, and dismissal as same as that defined in Constitution of the Kingdom of Thailand B.E. 2540. However, legislation on acquisition of senators according to Constitution of the Kingdom of Thailand B.E. 2550 that has been criticized extensively by scholars on its subsequent problems, for example, the problem on division of acquisition of senators into 2 parties that may cause disharmony as that happened with members of

Constitution Drafting Committee of Constitution of the Kingdom of Thailand B.E. 2540, problems caused by unclear legislation of qualifications of senators, problem on acquisition of senators from electing one representative of each province, and problem on independence of each senator from politicians and people in each electorate. Moreover, acquisition from recruitment has been criticized extensively on validity of democratic government by the representatives because the elements of recruitment committees are consisted of representatives from courts and independent organizations. This showed that there was no connection with people who are the owner of sovereignty. However, senators acquired by recruitment also have the same authority and function as that of senators acquired by people's voting, especially, the power of appointment and dismissing any person holding the position in some independent buildings and persons holding other political positions elected by parties. Besides inconsistency between acquisition and authority and function, it may cause some problems on the relationship between recruitment organization and recruited persons after recruitment, for example, giving benefits and negative information to senators acquired by recruitment and persons holding the position in the organization that are the recruitment committees of senators. Moreover, details on rules of recruitment and objection against recruitment are still unclear sufficiently to acquire senators with various abilities from all sectors truly upon intention of senators acquired by recruitment under the constitution.

Based on background and problem condition as mentioned above, it could be seen that Thailand had had to encounter with some problems caused by acquisition of senators from the past to present, especially recent time. Determination on acquisition of senators according to the legislation of Constitution of the Kingdom of Thailand is inconsistent with senator's authority and function. Accordingly, it may hinder achievement of actual objectives of Thai Senate establishment affecting to checks and balance, democratic image, and Thailand's political stability. As a result, the researcher aimed to study and analyze on problems caused by acquisition of Thai senators according to the legislation of Constitution of the Kingdom of Thailand in the past to present by comparing with authority and function and acquisition of senators of other countries with different forms of acquisition, namely, through direct election, indirect election, integration of both forms of election, and appointment. Consequently, obtained results would be analyzed for applying to Thailand in order to obtain acquisition of senators suitable with Thailand and consistent with authority, function, and intention of Thai Senate establishment.

Accordingly, the researcher considered that the legislation on legal aspects and acquisition of senators suitable for Thailand should state that the congress shall have connection with people who own the sovereignty that shall be incorporated with recruitment of persons from various occupation fields in order to give opportunities to people in all sectors and occupations to participate in performing duties of senators for benefits of Thailand properly as the guidelines for developing legal measures on acquisition of senators suitable for Thailand.

Objectives

1. To study on legal problems regarding the legislation on acquisition of senators;
2. To conduct comparative analysis on legislation and acquisition of senators;
3. To study on consistency between legislation and acquisition of senators;
4. To bill legal aspects on acquisition of senators suitable for Thailand.

Expected Benefits

1. To obtain the guidelines for solving legal problems related to acquisition of senators suitable for Thailand;
2. To obtain bill on acquisition of senators suitable for Thailand.

Methodology

In this research, the researcher used the guidelines of qualitative research for seeking for legislation on legal aspects and acquisition of senators suitable for Thailand. The research process was divided into 4 stages as follows:

Stage 1: Study on legal problems and legislation on acquisition of senators. The procedures of interview are as follows:

1. Interview Preparation

1.1 The research created the interview form that is divided into 2 parts as follows:

- Part 1: General Information

Part 2: Interview Topics on Legal aspects and Acquisition of Senators Suitable for Thailand that can be divided into 5 parts.

1.2 The researcher selected the sample group consisted of 13 former senators obtained from election, appointment, or recruitment by using purposive sampling. Those selected senators were consisted of Mr. Prinya Kruithong (Former Senators of Surin Province), Assoc. Prof. Dr. Korbkul Phancharoenworakul (Former Senators of National Reform Council, Phra Nakhon Si Ayutthaya, Dr. Anant Ariyachaipanitch (Former Senators of Surin Province), Mr. Thongdee Nikongrum (Former Senators from election), Mr. Suradej Jiratticharoen (Former Senators of Prachinburi), Mrs. Penpak Srithong (Former Senators from recruitment of private sector), Mr. Suchon Chaleekrea (Former Senators of Chaiphum) , Police Colonel Payup Thongcheep (Former Senators from election), Prof.Dr. Boontan Dokthaison (Former Senators), Mr. Sumeth Sripong (Former Senators of Nakhon Ratchasima Province obtained from election), Mr. Rungsan Saengsuk (Former Senators from appointment), Mrs. Porntip Lohweera Chanratanapreeda (Former Senators of Chaiphum Province), Mr. Jaturong Theerakanok (Former Senators of Roi Et Province).

2. Interview commencement

3. Interviewing

4. Information recording and interview ending

Stage 2: Conduct comparative analysis on legislation on acquisition of Thai senators and authority and function of Thai senators under Constitution of the Kingdom of Thailand that is consisted of the following procedures:

1. Analyze legislation on acquisition of Thai senators;

2. Conduct comparative analysis on legislation related to power of Thai senators under Constitution of the Kingdom of Thailand;

- 2.1 Power on giving approval regarding to the king

2.1.1 Giving approval on succeeding to the throne that shall be studied and compared with 6 editions of Constitution of the Kingdom of Thailand;

2.1.2 Giving approval on appointment of the regent that shall be studied and compared with 8 editions of Constitution of the Kingdom of Thailand;

2.1.3 Giving approval on appointing the regent in the event of vacancy of the throne that shall be studied and compared with 8 editions of Constitution of the Kingdom of Thailand.

- 2.2 Legislative Power

- 2.2.1 Congress

- 1) Elements of congress that shall be studied and compared with 9 editions of Constitution of the Kingdom of Thailand.
- 2) Speaker of Parliament that shall be studied and compared with 7 editions of Constitution of the Kingdom of Thailand.
- 2.2.2 Legislation that shall be studied and compared with 9 editions of Constitution of the Kingdom of Thailand.
- 2.2.3 Bill proposal that shall be studied and compared with 2 editions of Constitution of the Kingdom of Thailand.
- 2.2.4 Consideration of bill that shall be studied and compared with 9 editions of Constitution of the Kingdom of Thailand.
- 2.2.5 Consulting on billing that shall be studied and compared with 9 editions of Constitution of the Kingdom of Thailand.
- 2.2.6 Inhibition of Act that shall be studied and compared with 7 editions of Constitution of the Kingdom of Thailand.
- 2.2.7 Selection of Standing Committee that shall be studied and compared with 9 editions of Constitution of the Kingdom of Thailand.
- 2.2.8 Petition nomination for holding the extraordinary meeting that shall be studied and compared with 9 editions of Constitution of the Kingdom of Thailand.
- 2.2.9 Petition nomination for holding the secret meeting that shall be studied and compared with 9 editions of Constitution of the Kingdom of Thailand.
- 2.2.10 Administration of State Affairs that shall be studied and compared with 8 editions of Constitution of the Kingdom of Thailand.
- 2.2.11 Questioning that shall be studied and compared with 9 editions of Constitution of the Kingdom of Thailand.
- 2.2.12 Petition for Debate that shall be studied and compared with 5 editions of Constitution of the Kingdom of Thailand.
- 2.2.13 Establishment of meeting regulations that shall be studied and compared with 7 editions of Constitution of the Kingdom of Thailand.
- 2.2.14 Consideration on Disbursement of Annual Government Statement of Expenditure that shall be studied and compared with 2 editions of Constitution of the Kingdom of Thailand.
- 2.2.15 Consideration on Billing on Annual Government Statement of Expenditure that shall be studied and compared with 4 editions of Constitution of the Kingdom of Thailand.
- 2.3 Administrative Power
 - 2.3.1 Legislation of decree that shall be studied and compared with 8 editions of Constitution of the Kingdom of Thailand.
 - 2.3.2 Declaration of War that shall be studied and compared with 7 editions of Constitution of the Kingdom of Thailand.
 - 2.3.3 Execution of contract that shall be studied and compared with 9 editions of Constitution of the Kingdom of Thailand.
- 2.4 Judicial Power
 - 2.4.1 Appointment of Constitutional Tribunal that shall be studied and compared with 7 editions of Constitution of the Kingdom of Thailand.
 - 2.4.2 Appointment and Dismissal of arbitrator in the administrative court that shall be studied and compared with 2 editions of Constitution of the Kingdom of Thailand.

- 2.4.3 Appointment of National Anti-Corruption Commission that shall be studied and compared with 2 editions of Constitution of the Kingdom of Thailand.
- 2.4.4 Appointment of State Audit Commission that shall be studied and compared with 2 editions of Constitution of the Kingdom of Thailand.
- 2.4.5 Appointment of Ombudsman that shall be studied and compared with 1 edition of Constitution of the Kingdom of Thailand.
- 2.4.6 Appointment of Election Commission of Thailand that shall be studied and compared with 1 edition of Constitution of the Kingdom of Thailand.
- 2.4.7 Appointment and dismissal of Attorney General that shall be studied and compared with 1 edition of Constitution of the Kingdom of Thailand.
- 2.4.8 Appointment of National Human Rights Commission that shall be studied and compared with 1 edition of Constitution of the Kingdom of Thailand.
- 2.4.9 Dismissal that shall be studied and compared with 2 editions of Constitution of the Kingdom of Thailand.

Stage 3: Study on consistency of legislation on power and acquisition of senators through interview consisted of the following procedures:

- 1. Interview preparation
- 2. Interview commencement
- 3. In-depth interview
- 4. Information recording and interview ending

Stage 4: Bill legal aspects on acquisition of senators suitable for Thailand consisted of the following procedures:

- 1. Study on information obtained from stage 1, stage 2, and stage 3 of the research.
- 2. Study on concepts and theories on acquisition of senators and qualifications of senators.
- 3. Bill law on acquisition of Thai senators.
- 4. Submit bill on acquisition of Thai senators to some experts for inspecting and providing more suggestions on amendment of billing
- 5. Improve ad edit such bill upon obtained suggestions.
- 6. Submit to some specialists for reconsidering after amending.

Assessment of bill on acquisition of Thai senators by using Focus group is consisted of the following procedures:

- 1. Specify qualifications and the list of experts and specialists.
- 2. Prepare the focus group conducted with such experts and specialists.
- 3. Hold the meeting consisted of focus group with such experts and specialists.
- 4. Close the meeting.

Results

Stage 1: The results of the study on legal problems and legislation on acquisition of senators through interview are as follows:

- 1. Indirect election of House of Representatives
- 2. Appointment of the king
- 3. Direct election of general people
- 4. Selection of the Recruitment Committee

Discussion

This research on legal aspects and acquisition of senators suitable for Thailand was conducted with the following objectives:

1. To study on legal problems regarding the legislation on acquisition of senators;
2. To conduct comparative analysis on legislation and acquisition of senators;
3. To study on consistency between legislation and acquisition of senators;
4. To bill legal aspects on acquisition of senators suitable for Thailand.

There are 4 stages of research methodology and the results of each stage are as follows:

Stage 1: Study on legal problems and legislation on acquisition of senators through interviewing with 13 experts and specialists as follows: The procedures of interview are as follows:

(1) For indirect election of people's representatives, namely, indirect election of House of Representatives, such acquisition was considered as indirect election of House of Representatives under the legislation of Section 24 of Constitution of the Kingdom of Thailand B.E. 2489. After short period of effectiveness, such law was finally cancelled.

(2) For appointment of the king, the king considered several experts from various occupation fields under Section 33 of Constitution of the Kingdom of Thailand B.E., Section 82 of Constitution of the Kingdom of Thailand B.E. 2492, Section 78 of Constitution of the Kingdom of Thailand B.E. 2511, Section 107 of Constitution of the Kingdom of Thailand B.E. 2517, Section 84 of Constitution of the Kingdom of Thailand B.E. 2521, Section 100 of Constitution of the Kingdom of Thailand B.E. 2534. The legislation of such constitutions stated that Senators must be elected by groups of persons with knowledge, expertise, and experiences from all occupations. To perform duties of senators with proper quality as the consultants or law screeners acquired by election, such action became the conflict due to disconnection with people's votes or failure of democracy under Thai people's meaning. Democracy under international meaning stated that representatives must be selected from general people therefore there are some conflicts and problems on advantages of this method. Advantage of this method was enabling senators to perform their duties transparently without being under influence of any politician or being in the status for rewarding any politician.

(3) For direct election of general people, people elect senators upon their own preference. Under Section 121 of Constitution of the Kingdom of Thailand B.E. 2540 incorporated with Section 111 of Constitution of the Kingdom of Thailand B.E. 2550, it stated that acquisition of senators must from election under acceptable international principles because it is democratic, namely, representatives must be voted by people for gaining acceptance from majority. However, there were also some disadvantages; namely, senators often performed their duties for political parties as reward for supporting him/her in political campaigns. Consequently, those senators will perform duties of senators for some political parties or mainly consider on benefits of some political parties. Accordingly, it will turn to be the problem on acquisition of Thai senators.

(4) Recruitment of recruitment committees, the recruitment committees shall be selected from persons with knowledge, expertise, and experiences from all occupations. Under Section 111 of Constitution of the Kingdom of Thailand B.E. 2550, such law legislated that acquisition of senators must be acquired from recruitment of the Recruitment Committee. Accordingly, there were both advantage and disadvantage, namely, senators from various occupation fields would be acquired for screening laws. For disadvantage, acquisition of senators was not connected with people's votes causing them denied such acquisition. Since those senators were selected by a group of committees, those committees may not be impartial causing some legal aspects and problems on acquisition of Thai senators.

Stage 2: The results of comparative analysis on legislation on acquisition of Thai senators and authority and function of Thai senators under Constitution of the Kingdom of Thailand are as follows:

- 2.1 Power on giving approval regarding to the king
 - 2.1.1 Giving approval on succeeding to the throne;
 - 2.1.2 Giving approval on appointment of the regent;
 - 2.1.3 Giving approval on appointing the regent in the event of vacancy of the throne.
- 2.2 Legislative Power
 - 2.2.1 Congress
 - 1) Elements of congress
 - 2) Speaker of Parliament
 - 2.2.2 Legislation
 - 2.2.3 Bill proposal
 - 2.2.4 Consideration of bill
 - 2.2.5 Consulting on billing
 - 2.2.6 Inhibition of Act
 - 2.2.7 Selection of Standing Committee
 - 2.2.8 Petition nomination for holding the extraordinary meeting
 - 2.2.9 Petition nomination for holding the secret meeting
 - 2.2.10 Administration of State Affairs
 - 2.2.11 Questioning
 - 2.2.12 Petition for Debate
 - 2.2.13 Establishment of meeting regulations
 - 2.2.14 Consideration on Disbursement of Annual Government Statement of

Expenditure

- 2.2.15 Consideration on Billing on Annual Government Statement of

Expenditure

- 2.3 Administrative Power
 - 2.3.1 Legislation of decree
 - 2.3.2 Declaration of War
 - 2.3.3 Execution of contract
- 2.4 Judicial Power
 - 2.4.1 Constitutional Tribunal
 - 2.4.2 Appointment and Dismissal of arbitrator in the administrative court
 - 2.4.3 Appointment of National Anti-Corruption Commission
 - 2.4.4 Appointment of State Audit Commission
 - 2.4.5 Appointment of Ombudsman
 - 2.4.6 Appointment of Election Commission of Thailand
 - 2.4.7 Appointment and dismissal of Attorney General
 - 2.4.8 Appointment of National Human Rights Commission
 - 2.4.9 Dismissal

Stage 3: The results of the study on consistency of legislation on power and acquisition of senators through interviewing with 13 experts and specialists are as follows:

- 2.1 Consistency of acquisition of Thai senators and power of senators in giving approval regarding the king;
- 2.2 Consistency of acquisition of Thai senators and legislative power;
- 2.3 Consistency of acquisition of Thai senators and administrative power;

2.4 Consistency of acquisition of Thai senators and judicial power.

Stage 4: The results of billing of legal aspects on acquisition of senators suitable for Thailand through focus group with some legal experts and specialists in order to obtain the bill on legal aspects on acquisition of senators suitable for Thailand legislated that:

“Senators must be elected by groups of persons with knowledge, expertise, and experiences from all occupations not less than 10 years with mutual characteristics or benefits. They must participate in working for society in various fields and their educational background shall be equal or not lower than Bachelor Degree. The method of selection was as follows:

1. The recruitment committees were selected from members and related outsiders of each group of all occupations in Thailand equally while the quantity of recruitment committees depended on appropriateness and proper consideration;

2. After obtaining recruitment committees as mentioned in 1, the recruitment committees shall mutually specified qualifications of persons eligible for selecting as the senators upon their occupational fields;

3. After taking action as mentioned in 2, the recruitment committees shall mutually collect the list of senators upon the list of occupations in all fields with qualifications as defined in 2 as well as register and declare to general people for acknowledgement. In addition, people shall be entitled to submit the petition to object against any person the list if they considered that such person was appeared to have improper behavior;

4. The recruitment committees shall select senators from the list of eligible persons and those selected senators shall be voted over a half of total votes of the recruitment committees. Consequently, it shall be deemed that those selected senators were obtained from recruitment based on people for accepting by general people;

5. The list of senators as mentioned in 4 shall be proposed to the king for further approval.”

Suggestion

1.1 Suggestions on Utilization

The researcher would like to give some suggestions on utilization of legal aspects and acquisition of senators suitable for Thailand as the guidelines for billing constitution on acquisition of senators suitable for Thailand.

For design of acquisition of senators, it should be connected with people therefore it can be accepted by majority under the international principles of democracy.

Direct connection with people’s votes means representatives election that is the way of democratic government as generally understood. However, direct connection with people’s votes can be designed through various methods that may not be direct election of general people only but it may be included with several methods as same as current draft institution that is designed or stated that the acquisition of senators must be acquired from persons from all occupations commencing from district level to provincial level, and country level. This kind of election is occurred among persons from each occupation. Anyone interested or anyone with the right shall apply for being listed in his/her field. This conveys that acquisition of senators from election among occupations groups is a part of connection with people’s votes leading to selection of good, quality, or talented persons from all occupations for performing duties in the Senate.

For the researcher, I would like to give an additional suggestion, i.e., persons from all occupation fields shall select the committees in their group for inspecting qualifications and performing the operation of their groups and working or attending the meeting with committees of other occupation fields, namely, each group shall select their committees and

those committees of each group shall inspect qualifications or personalities of members who will be listed for election of each group of occupations. The number of committees of each group shall be based on appropriate discretion of members of each political situation. The researcher considered that such method would be able to connect with people's votes as well.

Impartiality

Although there are various meanings of impartiality, the researcher would like to mention impartiality of voters or recruiters among occupation fields by seeking for design methods making election committees to be transparent. For election, we may hear that there were several cases of cheating in election, namely, those cases were considered as non-transparency of election. In addition, we also perceived that some candidates or persons with the right of being elected as candidates pay some efforts in asking for support from the recruitment committees. Accordingly, some candidates are under influence of those committees that is considered as weakness of this kind of election. As a result, it is necessary to find the method of design leading to impartiality of election and recruitment for transparency or impartiality.

1.2 Suggestions for Further Researches

The researcher would like to give some suggestions for further researches on legal aspects on acquisition of senators suitable for Thailand that some questionnaires should be distributed and responded by general people who are the owner of sovereignty because billing requires opinions from various parties including persons under laws, scholars, and persons responsible for billing. Accordingly, obtained laws will be valid or appropriate with current situation of Thailand.

REFERENCES

- [1] August, Meier and Elliot Rudwick. 1969. *The Making of Block America*. New York : Kingsport Press, Inc.
- [2] Dahl, R. A. (1971). *Polyarchy: Participation and opposition*. New Haven, Yale University Press.
- [3] Flippo, E.B. (1975). *Principles of personal management*. New Youk: McGraw-Hill.
- [4] Muthen, B. (1987). *LISCOMP: Analysis of Linear Structural Equations with a Comprehensive Measurement Models*. Mooresville: Scientific Software, Inc..
- [5] Pattom, M. Q. (2005). Utilization-focused evaluation. In S. Mathison (Ed). *Encyclopedia of Evaluation* (pp. 203-217). Thousand Oaks, CA: Sage.
- [6] Pateman, C. (1970). *Participation and democracy theory*. London: Cambridge Univesity Press.
- [7] J.L. De Lolme. (1979). *The Constitution of England*. New York.
- [8] German B. (2010). *Basic Law for the Federal Republic of Germany*. Berlin.
- [9] Schweitzer, Maurice. (2006). *Human Behavior, Trust, and Corruption*. In *Research on*
- [10] *Corruption and Its Control* (pp.15). Washington. The World Bank.
- [11] Shama, Indra D. (1962). *Modern Constitutions at Work*. London: Asia.
- [12] Duverger & Maurice. (1968). *Institutions Politiques et Droit Constitutionnel*. Paris: Press Universitaires de France.
- [13] Maurer, Hartmut, *Staatsrecht I*, 2. Aufl., Munchen 2001.
- [14] Heer, Friedrich, *'rhe Intellectual History of Europe*, translated by Jonathan Steinberg. London 1966.
- [15] Model, Otto: Creifeld, Carl; Lichtenberg, Gustav. *Staatsburger-Taschenbuch*. 26. Aufl., Munchen 1992.

- [16] von Salis, Jean R.. The Historical Development of Switzerland, in: Theo Chopard. ed., Switzerland, Present and Future. Bern 1963.
- [17] Stem, Klaus, Das Staatsrecht der Bundesrepublik Deutschland, Bd. V, München 2000.
- [18] Yamane, T. (1970). Statistics and introductory analysis (2nd ed.). New York: Harper & Row.