

Structure of Thai Political Parties that Recruits are Honest and Legitimate Members of Parliament

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ABSTRACT

Politician's disreputable statuses have been doubted because of corruption, by people in Thai society for the past ten years and that has become a political problem for a long time. This research presented the implementation of reformed structure and function of a political party on recruitment, inspection, and impeachment for the Member of Parliament who will be recognized as honest and legitimate. The study suggested on two principles; the first is the party owner by Thai people and the second is building of political party's system and mechanism able to be set in stone, in the following 4 states. 1) Selected candidates, 2) Monitoring and Control, 3) Ethical promotions 4) Impeachment of member.

Keywords: political party, politician, political institution, political legitimacy.

Introduction

It could be said that the major cause of political problems in the past 10 years is the system of political party and election. Thai politicians are in crisis since they are called “election professionals” who purposefully come to gain benefit and become political entrepreneur rather than representatives of the people to solve the problems of the country. This crisis of faith has brought intense doubt to the questionable legitimacy of members of parliament through election, leading to an election boycott on 2nd February, 2014. The unconstitutional attempt to impede the election is considered undemocratic.

Therefore, having trustworthy and legitimate members of parliament is the key to preventing democracy setback or people's denial of the authority. In a way, it will also prevent democracy from becoming just a form of government without its true principle. For that matter as the key issue for Thailand's democracy, it does not mean merely to establish the democracy itself, but also to find the way out for legitimacy issue for the members. To gain people's trust, the members of parliament have to check the performance of the administrative section, consider promulgation of law, protect the rights and freedoms of the people, and maintain political security. However, the image of the members of parliament has been questionable in terms of transparency and known for corruption for a long time. Their abuse

of power has triggered people to lose faith and question their “legitimacy”. It has led to the bigger problem of overthrowing the power by a coup d'état. In particular, it should be noted that there have been two coup d'état events within less than 10 years.

The important thing to take into consideration is the honesty of the members of parliament which is the essential element to legitimacy of a political party in democracy. This will fulfil their performance in government founded upon the principles of morality and ethical rulers, as His Majesty the King once said:

“Our country has good people and bad people. No one can make everyone good people. Therefore, to pacify our country is not to turn everyone into good people, but to promote good people to rule and keep bad people from coming into power and causing disorder.”

In response to the King's speech, the political party whose duty is to procure and supervise the performance of the members of parliament needs to be one of the organizations in the democratic system under The King, apart from the parliament, the courts, NGOs, and national security organizations. As such, the political party has an important role to maintain national security. Therefore, it is vital that political parties reform their structure and role in election of the representatives who are honest and legitimate. By doing so, they might be able to resolve the political conflicts that Thailand

has been suffering from for a long time.

Research objectives

1. To study the structure of political party organization that results in members of parliament that the society needs.
2. To analyse the factors that contribute to recruiting honest and legitimate members of parliament.
3. To suggest the guideline and approach for recruiting members of parliament that the society needs.

Scope

The research entitled “Implementation of reformed structure and function of political party on recruitment, inspection, and impeachment for the Member of Parliament” is based on the democratic regime with The King as the head of the state. The mechanism of the parliament system is applied to analyse the performance of political parties on the members of parliament. The four key processes are; 1) screening the candidates, 2) performance control, 3) moral and ethical promotion and 4) revocation of membership.

Benefits of the research

1. The findings provide the mechanisms and tools to recruit, supervise and control the performance of members or membership to meet the needs of the society, be ethical, legitimate and accepted among the people.
2. The results can be used as the guideline

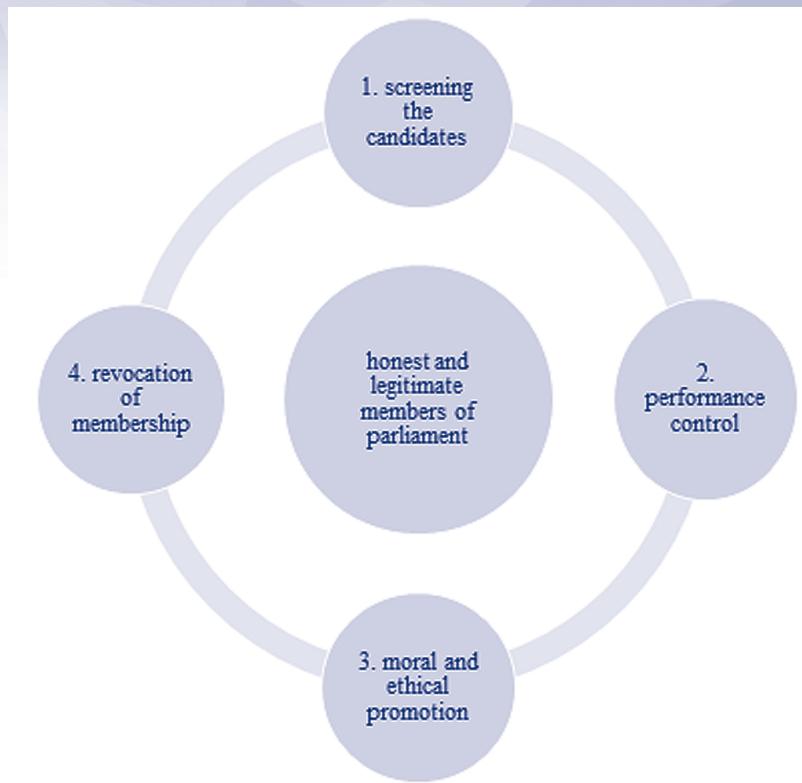
for Organic Act on Politicians so that political parties function to supervise and control the recruitment and performance of honest and legitimate members of parliament.

3. It demonstrate the approach for planning the structure of public organizations to be interconnected with the people where they can play a part in supervising, control and inspect the performance of the organizations.

Research paradigm

At the first stage of recruiting honest and legitimate members of parliament, political parties need to prepare qualified persons who have been screened, educated and disciplined systematically. The candidates for politicians need to be of good knowledge, spotless profile and reliance so that when they become real politicians, they will not wrong the ethics and morality that the society expects (Nakharin Mektrairat, 2003, p.12-13; School of Political Management, King Prajadhipok's Institute, 2008, p.8-9; Worachet Pakeerut, 2011; Niyom Ratamarit, 2004).

After becoming a politician, the party in charge has to supervise his or her performance. The party needs to encourage the party members and the people to monitor and check on the behaviour of the politicians belonging to the party (Preecha Hongkrailoet, 2007, p.364-365; Boonsri Meewong-ukos, 2012, p.159). The behaviour control should be fostered in parallel with promotion of morality and ethics which are important to their duty as representatives



of the people (Montri Chenvidyararn, 2006, p.5.). The politicians most suitable and wanted by the people deserve to take the important posts. For this matter, the political parties need to design the control mechanism and promote ethics based on the benefits and expectations of the people.

Aside from the control and ethical promotion, politicians have to be in the status of accountability. This means that they can be removed from the position when they misbehave, violate the agreement, and the desire of the public (Vipawan Tuvayanond, 2000, p. 26-32; Michael Saward, 1992) as the actions may default the social contract promised during the

election campaign. However, to relieve someone from the position, it is important to take into account the freedom to perform their duties as politicians so that they remain legitimate as the representatives of the people.

These four elements are the important questions that this research aimed to recommend the structure, system, and mechanism for political parties to secure and create legitimate for politicians who will administer the country based on the need of the people. In doing so, political parties are social institutes that coordinate between the people and the government. They change their status from general citizens to politicians and promote

legitimate politicians to represent the people in administration, and establish accountability among politicians when they are proven guilty.

Research methodology

This study employed qualitative research based on documents from a government-owned research institution, academic journals, journalistic articles and public media that reflect public opinions on political parties. The implementation is divided into 3 phases as follows:

1. Review the theoretical concept by doing literature review about structure and responsibility assignment to political parties.

2. Analyse the obstacle for performing the duties of political parties in controlling and promoting honesty and legitimacy of members of parliament.

3. Analyse the supervision of political parties with constitutional law, political party law and political institutes, as well as the form of political party foundation that may affect their performance under the theoretical concept in Phase 1.

Results

According to the research on the political process to establish the political party structures that result in honest and legitimate members of parliament, it requires four steps of implementation: 1) screening the candidates, 2) performance control, 3) moral and ethical promotion and 4) revocation of membership. All

the four processes are the act of maintaining the constitutional mechanism, the intention of the people and the effectiveness of political parties in a democratic system with The King as the head of the state. To make it work, the four processes need to be implemented under two key principles:

1. All four principles have to be connected to the people. For example, the information about the party member should be open to the public. The list of party members should be always easily visible to the public, from when they are recruited, when they perform their duty to when they are relieved of membership. These processes are implemented through the structure of the political party.

2. There needs to be a mechanism to screen, examine and revoke politicians from membership inside the structure of the party. As of now, political parties in Thailand do not have this mechanism to perform such actions and the society does not have an opportunity to access the knowledge and play a role in the decision making.

The recommendations on the structure, form and operational approach for political parties are as follows:

The Monitoring and Control, the Ethical Promotions and the Construction of Accountability In order to make political parties and politicians gain social acceptance in terms of legitimacy, it is important that the citizens be encouraged to feel that they are the owners of

the parties. Even though the members of the party are from various regions, with different economic statuses, society and culture, there must be common characteristics that go hand in hand with one another. Besides, it is necessary that the resolution of the party be considered to have the same status as the public opinion.

The establishment of the structure and the accountability of an institution within a political party aim to monitor, control and prepare to be responsible for each situation which leads to social acceptance. Among these aims are to possess the moral institution within the Members of Parliament (MPs) and politicians, the impartiality, the openness to public opinions in every aspect and the effective and time-saving process. To achieve these aims, the institution that takes care of the Monitoring and Control, the Ethical Promotions and the Construction of accountability within a political party must be able to be observed by public. In other words, the public should be able to follow and check the operation of the institution that should not engage with one's personal or particular group's profit that can be gained through their power. The balance of the power has to be clear. This research is going to show the construction of a political party from the beginning, which includes candidate screening for an election, monitor and control to promote ethics and impeachment. The following principles are the design of the institutional construction within the party.

1]. The institution has to be connected with the public sectors, the members of the political party and the voters. It has to emphasize on the construction of the equity by equalizing the proportion of the members to include civil society and experts, as well as staff from an anti-corruption organization from both government and public sectors in the institution.

2]. The counterbalance of power and the inspection of the counterbalance of power must be put into practice by dividing the duty between organizations such as the separation between those that work on the nomination of candidates for an election, anti-corruption and related process, ethical promotion and the impeachment of a member that has been proven to have committed fraud and corruption.

3]. All organizations that are mentioned above should not only exist for political reputation but should also possess certain authority whether to be supportive or against the politicians and the MPs in a practical way.

4]. Organizations that promote legitimacy for politicians and MPs must have freedom in administration and are independent from the control of party executive committees. It is obligatory for these organizations to be open for public inspection.

The Nominating Committee

In order to select the candidates, the nominating committee within the party that works on the selection of potential candidates for the election must be established. The

nominating committee has to be independent and connected with the voters. Furthermore, the committee is allowed to take a long time to examine the qualifications of potential candidates closely.

In addition, the committee has a duty to enlighten the registered candidates with political knowledge so that their political ideologies, ideas, skills and morals are sufficient to make them become qualified and good politicians before applying as electoral candidates. Besides, the nomination of the candidates should gain support from people within the area. In this case, the party committee sometimes can be supportive while other times local people may sign up to show their support for the candidates. Politicians that have moved from other political party without going through the process however, are unacceptable. Therefore, it is important for the nominating committee to legislate the duty of the organization within the Political Parties' Laws and Regulation.

This research suggests that the nominating committee must be listed in the Political Parties Laws and Regulation. The nominating committee must consist of representatives from the party executive committee, representatives from every branch of the party, including representatives of the members in the party from every province.

The person who is qualified to be a candidate for an election must be inspected and prepared. The list of candidates has to be announced to the public at least two years

before the election so that people can examine and trace their work. Besides, the nominating committee has to arrange a training course or meeting in order to encourage the members who are willing to become a candidate to be involved with political activity. Thereby, they will be prepared to become MPs and effective politicians who work with morality, honesty and legitimacy.

Before the announcement of the list of candidates, a political party has to gather and accept the opinions from the electorate, as well as to conduct a poll. The result from the poll should be a part of the criterion to consider and select a candidate.

The nominating and selecting candidate committee must be independent and unable to be influenced by any organizations within the party. Thus, the official announcement of candidates for election from the nominating committee is considered an ultimate. After that, the party executive committee will sign a paper showing approval of the list. Finally, only the party executive committee can make a request for the reconsideration of the list.

Monitor and Control Organization

Internal surveillance is essential in establishing legitimacy for politicians. Frequently, many politicians are portrayed as those who do nothing against or even facilitate corruption, by saying that there is no sufficient evidence to strike the case and deliver it to the court or claiming that the case is still in the legal

process. Whatever the reason is, these claims should not be introduced by political authorities as their power directly affects the citizens and may cause a large-scale impact if proven to be true. A party, therefore, must have an internal organization that functions in the same way as the opposition in the parliament, in order to monitor the workflow and be able to make criticism. Moreover, the organization must set itself free from any possible political benefit while maintaining a healthy connection with the citizens, both local people and the officials from the following factors:

1). Office of the Chief Administration – According to the Organic Act on Political Parties. B.E. 2550, a political party committee is granted the position of chief administrator that is responsible for guiding the party under the constitution, laws regarding the party's policies, as well as rules and regulations set during the meeting, with careful consideration and honesty for the sake of the country and citizens. It must also support democracy within the party as well (Section 17). The committee must consist of the party leader, deputy leader, secretary, deputy secretary, treasurer, registrar administrator, spokesman and other administrative positions, which have been elected by the party member with the age not less than 20 (Section 11). The committee must share the accountability of its resolution and its action according to the Organic Act on Political Parties as this will reflect its readiness to become a responsible organization. However, there is still not much

connection with the citizens by the committee as the law states that the committee must be elected from the general meeting and that the party members are part of the general meeting (Section 29):

"The quorum of the general meeting must conform to the rules and regulations for the political party which must consist of at least half of the party committee, representatives from at least half of the total number of branches and member representatives, all with the total number not less than 200.

In order to obtain the member representatives as stated in the first paragraph, it should be done in accordance with the rules and regulations for the political party, which must be concerned about the proportion of the members in each branch as well as their gender to reflect diverse opinions and approaches from members of different levels".

The embracement of diversity among the members of the general meeting according to the rules and regulations for the political party, however, limits the connection between the party and citizens, who cannot fully become a party member. Therefore, what should be done is that the members of the general meeting must come from every province and a wide range of professions. The resolution of the general meeting must be broadcast to the public. The general meeting itself must also be observed by at least 10 outsiders.

In addition to issuing party's policies, rules and regulations, as well as holding a committee

election, the general meeting should be responsible for the impeachment due to its administrative function and that it consists of the highest number of members compared with other internal organizations.

2). Party's Strategic Committee – Party's strategic committee is there to regulate and control a political party committee's policies in terms of practicality and ethical promotion required in administration. The strategic committee must consist of members' representatives from all over the country. Moreover, the strategic committee must contain not less than half of the total number, members that do not hold any position within the party. Representatives from the party committee as well as from the headquarters and sub-branches must also take part in the strategic committee. Seniors and experts in each subject and fields that do not hold any political position and are well-known for their achievements are also allocated slots in the strategic committee. These fields of knowledge are those that reflect domestic problems as listed in the structure of Standing Committees in the House of Representatives.

The main role of the strategic committee is to raise its opinions, to regulate and monitor the manifestation of policies on every level. Every policy must be accepted by the strategic committee before it is publicly announced in order to prevent long-term impacts and problems originating from faulty policies.

Ethical Promotion Organization

Every political party needs to have an ethical promotion organization whose duty is to define the ethical direction necessary for the party. There should also be discipline and ethics committee of the party to promulgate the list of ethics that politicians and the political party should look upon. The ethical value should be part of the party's rules. Such a list of ethics should also specify the characteristics of ethical violation. In such a case, the discipline and ethics committee will investigate and present the issue in the general meeting to revoke the membership of the offending person.

Consisting of party's non-members, the discipline and ethics committee must have the freedom to perform their task. The ratio of non-member should be more than the member committee. At least, the members of the committee should be composed of representatives from the National Anti-Corruption Commission, the State Audit Commission and the Election Commission.

The revocation of discipline and ethics committee of the party will be conducted in the general meeting of the party in order that the ethical control activities in the party are carried out seamlessly and in parallel with the counterbalance principle. The law on political parties should require the subcommittee for inspection and monitoring of performance as part of the election commission. This subcommittee will monitor and control the performance of the party managing committee

and the politicians in the party. It will function to receive the claims, collect the facts and report to relevant agencies to take appropriate legal procedures. In addition, such subcommittee will give a report on performance monitoring of each political party to the public.

Membership Revocation Organization

To revoke a position or punish a party member, the executive committee of the party as well as the party's politicians need to stipulate clearly in the party's rules. The rules have to agree with the list of ethics for politicians and members of the party. The discipline and ethics committee of the party is responsible for receiving reports from the people, collecting relevant facts, and deciding the punishments. Every action will be presented factually in the general meeting and the report be open to the public.

In addition, political parties have to also specify the time frame for each stage in the party's rules.

For members and politicians of the party who commit an act of corruption or misconduct, they are fired or their membership revoked. The investigation will be performed by an external corruption inspection organization. The party leader will take responsibility by resigning from the post. If the case is investigated by the discipline and ethics committee of the party itself, the party leader does not have to leave the position. However, the party needs to accelerate to process the corruption and misconduct incidents.

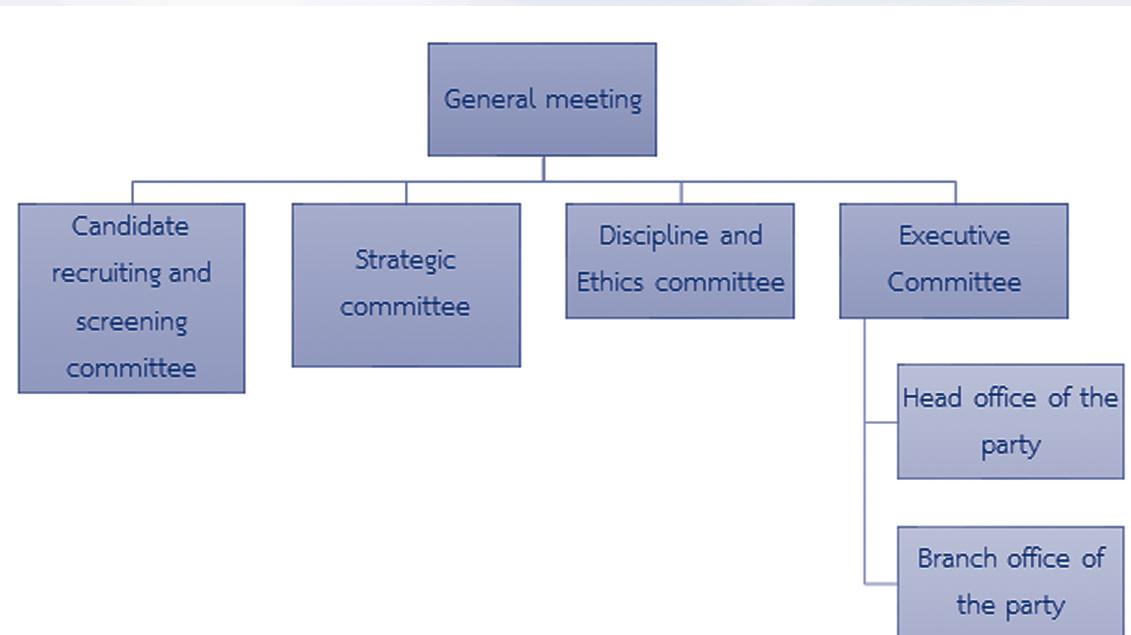
Working Organization of Political Parties

The problems about performing the tasks of political parties so far have been caused by the staff members, close acquaintances, friends or ex-inferiors of politicians or the executive committee of the party. With these relationships, political parties tend to work to satisfy personal gains rather than those of the public. The relationships also make it hard to investigate corruption because they work without a counterbalance principle. Therefore, part of the working team in the headquarters should have the background of parliament government officials who are permanent state servants and paid from the national budget. The superior of these officials depend on their responsibilities in the parliament. The ratio of the party's staff members who are government officials depends on the number of party members. However, the implementation under the headquarters of the party is still supervised by the executive board of the party designated by the party's committee.

Discussion

1. Political reforms in 2003 and 2015, up until today, focus on the superficial problems. That is to say, independent entities inspect and control the behaviour of politicians while the measures included in the 2015 constitution tend to weaken the political sector, especially the term that limits the government from having the majority vote and establishing independent entities to examine. Even though preventing the majority party in the parliament, in a way, it

Organization Chart of Political Party that Results in Honest and Legitimate Members of Parliament



makes it easier to control the performance of a political side, in another aspect, it is a deprivation of rights and liberty of the people. Moreover, the system becomes less democratic because it emphasizes on strengthening the inspector for exercise of power. Therefore, the system fails to control and counterbalance the power of the inspection side. Also, the politicians in the government may not be the ones elected by the people. Eventually, the independent entities and the constitution established to perform such a task may exercise the authority to offend the people or even conduct corruption themselves. For this matter, there has been an example of independent entity for inspecting

the exercise or right in the Constitution of the Kingdom of Thailand B.E. 2540, which has been highly doubted by the whole society.

The researcher regards that strengthening political parties as the institution to counterbalance and control the power by encouraging the people to become part of the political party is a way that might work. Apart from having only political party to cross-check themselves, it will enhance the atmosphere of democracy and motivate the people to exercise their rights and freedom through political parties. This is because political parties are the coordinating media between the people and the upper structure. By establishing political parties as

the media to counterbalance is a solution to the problems that Thailand is facing. In the past, we opted for the means that weakened the political parties, hoping that political side would become weaker accordingly. As a result, for political reform, it is important to consider shifting the power through political parties from politicians to the people and society so that the latter can inspect the exercise of power and control the politicians elected as their representatives. This mechanism will run in parallel with the implementation of independent entities inspecting and monitoring from the outside. However, to make this work, we need to be certain that the people are the true sovereign owner and their role will steer the direction of politics to move this country away from crisis. In other words, the burden should not be upon a specific group of persons to decide and act on behalf of the people without consent from the people.

2. To make political parties belong to the people rather than to politicians is to turn them into public organizations, independent entities owned by the state. In the past, political parties in Thailand were run as private organizations by a handful of people who have almost absolute right in practice. This is because these people financially supported the parties. Therefore, to make political parties belong to the people, the organizations should have a special status and there should be a mechanism for the people to participate in managing political parties. To do so, it has to start with allocations of budget,

personnel and supporting laws, this research has already provided the approach for these.

3. Democracy is the best regime to establish a mechanism to control and counterbalance the power since everyone has one right to vote. It does not promote a specific organization to be more powerful than others. Should Thailand be a real democracy, every state organization would have been connected to the people and with that we would have saved a great deal of budget to control and examine them as we do now. The country would not have been in recess in terms of economic, social and political aspects like today. Therefore, Thai political culture should be based on democracy. Academic research by scholars and higher education institutes should also be founded upon democracy in order to create the democratic culture in Thai society.

4. To connect political parties to the people, it is important to make them understand the stakes of the party's operation. In some countries, political parties do not simply work in political aspect to push politicians to thrive like in Thailand, they are also social institutions that the people can depend on. They at times provide support and come up with development projects to fulfil the gap of development. In other countries, political parties have their own development organization whose functions are to develop local communities. In Thailand, there are some parties that play such roles, but they are not very popular. Therefore, it is necessary to conduct research on the development of the

country by political parties. The parties themselves should also express more outstanding roles than just political duties in the parliament.

Reference

Nakharin Mektrairat. (2010). **The Siamese Revolution of 1932.** 5th Edition, Bangkok: Same Sky Books.

Borwornsak Uwanno. (2001). **Intention of the Constitution in 4 Years. Constitution: Problems and Obstacles to Political Reforms.** Nonthaburi: King Prajadhipok's Institute.

Boonsri Meewong-ukos. (2012). **Approach to Reform of Election System and Political Parties.** Bangkok: Office of Research and Development, King Prajadhipok's Institute.

Montri Rupsuwan et al. (1999). **Intention of the Constitution.** Bangkok: Winyuchon Publication House.

Vipawan Tuvayanond. (2000). **Handbook of Members of Parliament on Corruption Suppression.** Nonthaburi: King Prajadhipok's Institute.

Wisut Phothithaen. (2007). **The Basic Concept of Democracy.** Nonthaburi: King Prajadhipok's Institute.

Surachart Bamrungsuk. (2014). **Global Security: Politics and Military in the Changing World.** Bangkok: Security Study Project.

Journal and Newspaper

Nakharin Mektrairat. (2003). “**Difficulties in Establishing Representative Democracy: Basic Observations**”, King Prajadhipok's

Institute. 1st year (1), January - April.

Niyom Ratamarit. (2004). “**New Political Structure and State Authority Control Measures**”, King Prajadhipok’s Institute, 2nd year (3), September-December.

Prayat Hongthongkham. (2005). “**Political Parties in Political Process of Democracy**”, Parliament Journal. 53rd year (11), November. p. 6

Montri Chenvidyararn. (2006). “**Concept about Legitimacy and Political Struggles during the Taksin Government**”, King Prajadhipok’s Institute. 4th year (1), January-April. p. 5

Montri Chenvidyararn. (2008). “**Mechanism and Principles for Political Accountability in Democracy of Thailand**”, King Prajadhipok’s Institute. 6th year (1), January-April.

Somkid Lertpaitoon. (2007). “**Background and Intention of Constitution of the Kingdom of Thailand B.E. 2550**”, King Prajadhipok’s Institute. 5th year (3), September-December. P 11-12

Thesis, Research Report, Research Paper

Niyom Ratamarit et al. (2009). “**Code of Conduct for Members of Parliament: A Comparative Study**”. Research Paper, Office of Research and Development, King Prajadhipok’s Institute.

Panporn Sonthichai. (2013). “**The Problem of Enforcing a Code of Conduct for Members of Parliament according to the Constitution of the Kingdom of Thailand B.E. 2540**”. Thesis LL.M., Public Law, Thammasat University.

Worachet Pakeerut. (2012). “**Role and Responsibility of Members of Parliament in Maintaining Disciplines of Political Parties as Representatives of the People**”. Research Report, Institute of Constitution Studies, Constitutional Court of the Kingdom of Thailand.

Vichet Kasemthongsri. (2016) “**Structure of Thai Political Parties that Recruits Honest and Legitimate Members of Parliament**”. Research Report under National Defence College (NDC) 58th Class, National Defence College

Law

“**Regulation on Ethics for Members and Committee of Parliament B.E. 2553**”, Government Gazette. Issue 127, 24 February 2010.

“**The Organic Act on Counter Corruption B.E. 2542**”, Government Gazette. Issue 116, 17 November 1999.

“**Regulation of Office of the Prime Minister on Development for National Security**”, Government Gazette. Issue 32, 5 March 2015.

“**The Constitution of the Kingdom of Thailand B.E. 2540**”, Government Gazette. Issue 114, 11 October 1997.

“**The Constitution of the Kingdom of Thailand B.E. 2550**”, Government Gazette. Issue 124, 24 August 2007.

Unpublished documents

King Prajadhipok's Institute, College of Politics and Governance. "**Role of Political Parties with Great Number of Members and Level of Democracy in Political Parties**". Summary of Special Lecture by Dr. Thomas Meyer 15 September 2008.

Electronic Database

"His Majesty The King's Speech at the Opening Ceremony of National Boy Scout at Vajiravudh Boy Scout Camp, Chon Buri Province, 11 December 1969". (2015). (Online). Retrieved from: http://www.rd.go.th/publish/kingsay/Royal_Instruction11122512.pdf

English

David Beetham. (1991). **The Legitimation of Power**. London: Macmillan.

Jean-Marc Coicaud. (2002). **Legitimacy and Politics A Contribution to the Study of Political Right and Political Responsibility**.

Translated by David Ames

Curtis. Cambridge: Cambridge University Press.

Marc Askew, editor. (2010). **Legitimacy Crisis in Thailand**. Chiangmai: Silkworm Books. P