



### The Reform to Acquire Honest and Moral MPs: Politicians' Authority and Responsibility

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#### ABSTRACT

After the transition from absolute monarchy to democratic regime, Thailand has confronted continual coups and constitutional changes. This has been caused by the improper acquirement of a political vocation, and the lack of moral, virtue and awareness of a politician's role, as well as conflicting authorities. Consequently, to strengthen Thai politics, there should be a revision in the process for representative elections as well as the authority and responsibility of members of the House of Representatives. That is, they should come from elections and appointment. Elected senators directly connect people and understand the problems in each province, while appointed senators are experts from different fields. They are responsible for scrutinising and passing legislation. Regarding representatives, some are elected from single constituency elections and some from "proportional representation" by party lists. The politicians' authority should be separated clearly from their responsibility. A prime minister needs not come from election or be a representative. MPs needs not have membership in a political party and are responsible for proposing a draft bill which will be scrutinised by senators. This acquirement system will stabilise the democracy of Thailand, and bring progress and happiness to the people.

**Keywords:** reform, members of parliament, honest, moral, authority

## Introduction

The system of government of Thailand is that of a constitutional monarchy and a parliamentary democracy. The power is balanced by three branches: the executive, the legislative, and the judiciary. The executive consists of prime minister and cabinet. The legislative branch is composed of a Senate and a House of Representatives, both of which form the National Assembly or Members of Parliament (MPs). MPs are stipulated by the constitution to be people's representatives. Members of the senate and the House of Representatives are from elections and appointment alike, having only some difference in the process of acquirement. (Charuwan Sukhumalpong, B.E. 2550) Most democratic nations in the modern world, such as the United States and Thailand, are governed by a bicameral parliament with the House of Representatives being composed of senators and representatives. The senators in the parliamentary, presidential, or semi-presidential systems are often less in number than representatives, but have a longer term.

Actually, the senate was first established in the Greek and Roman periods as an upper chamber made up of seniors and experts who led the state. At present, members of the Senate are both elected and designated. As an example, the Australian Senate is directly elected by the citizens and serves six-year terms, half of the members being elected every three years. Differently, Canadian Senate members are appointed by Governor General of the Queen of the United Kingdom with suggestion from the

prime minister. There is also a mixed model of elections and appointment, as in India. Most of the 238 senators of India are indirectly elected by House of Representatives of the states and twelve more are appointed by the president.

In Thailand, after the reform from absolute monarchy to democracy in 1932, the form of the National Assembly was at first a unicameral parliament because of the lack of knowledge in this new system and insufficient representatives, but then changed to a bicameral parliament. The Senate was made up to be an overseer at the beginning. So its members needed to be experts from various fields — both in the civil service and private sectors — and often selected by the prime minister for the sake of government's security. In the past, no political party gained a census vote, so Thailand often had a coalition government that needed support from the Senate.

Seats in the Senate had to be reserved by the government to senior civil servants and military to secure the votes. Nonetheless, although the designation of seniors and experts from a wide range of fields to sit in the Senate expressed a good will, it seemed to have some hidden purpose-like to give favour to supporters, rather than actually realise the ability of selected senators. Along the long road of democratic regime starting from 1932 to 1997, the development of the Senate was considered a failure while democracy progressed continually. To strengthen the democracy of Thailand, the 1997 Constitution was thus outlined that people elected senators directly — the same way for

representatives — instead of appointment as before. The election was conducted in separate provinces (a constituency system) for a fixed number of members calculated from the amount of population in each province, or a total of 200 positions at that time.

The senators' role was only to consider new laws proposed by MPs. The 1997 Constitution was modified to a wider range of powers and duties, especially the new important task of monitoring and banishing administrators. That is, the senate was empowered to designate and remove all monitoring officers, such as Committee of Elections, Ombudsman Thailand, National Human Rights Commission of Thailand, Constitutional Court of Thailand, and The Administrative Courts. This authority was based on the reason that the senators were free from political pressure because they were prohibited to be a member of any political party or a cabinet minister. However, the first directly elected senators from the 1997 Constitution who performed their duties for a full six-year term have been criticised for their failure. Deliberately, the constitution outlined that senators be elected and take responsibility in scrutinising laws and monitoring administrators' state affairs, but they could not achieve the goal and the expectation of the people. The senators should efficiently monitor administrators' work and complete other tasks stipulated by the constitution. But, in practice, it turned out differently because the 1997 Constitution did not allow candidates to launch their own election campaigns. This was a weak point in the electoral system. They had

to rely on votes from a political party and local politicians and then were inevitably dominated after successfully receiving membership of the House of Senate. In other words, they could not do their duties freely due to their commitment in "political payback". Considering the background of becoming senators, most of them were noticeably supported by a political party, some even had relatives that were members of a political party. This issue was raised during the drafting of the 2007 Constitution, especially about the way of becoming senators and their duties. It was concluded that senate elections could not prevent political interference. Basically, some people who realised the problem of senators' election conducted as prescribed in the 1997 Constitution did not want a direct election and suggested the selection instead. On the other hand, those who still preferred a direct election suggested that the electoral system should be improved to protect senators from interference so that they were able to do their duties as a reviewing body completely.

Regarding the election process of the House of Representatives, most countries have the same principle, but different methods and constituencies. The calculation of representatives in proportion to the amount of citizens is a preferable way to the geological bound basis. For example, in Japan there are 408 representatives, 180 from a proportional election and 300 from a constituency election. All hold the membership for four years. In US, there are 435 representatives from elections with proportional and constituency systems. Each

constituency does not have the same amount of representatives, depending on the amount of citizens in each state. In Thailand, as for the general election on February 2, 2014, there were 500 representatives, 375 from proportional election and 125 from a party-list election.

After the change from absolute monarchy to democracy in June, 1932, Thailand had an interim constitution and on December 10, 1932 a permanent one. The first constitution of Thailand designated the first Thai National Assembly as a unicameral parliament or the House of Representatives that being composed of members of two categories: firstly, elected by the people and secondly appointed by the King as proposed by the prime minister. Due to an equal number and legislative authority between the two groups, an elected MP's role in challenging the administration of the state affairs was limited because the cabinet could gain support from appointed MPs who were also government officers. This became a tool for the cabinet to use in controlling the MPs.

Through the path to consolidated democracy, Thailand has experienced continual military coups and changes of constitution. However, the concept of good governance influenced by the global mainstream began in 1997 during the "Tom Yam Kung" economic crisis which, as believed, was partly caused by administration's mistakes. The 1997 Constitution consequently aimed to solve the problem of centralised administration and to promote good governance. It would build a solid foundation for a stronger civil society by increasing public

participation; such as generating mechanisms to monitor the administrators and balance power by establishing independent entities. To develop the political structure, the constitution supported the stabilisation of the cabinet and strengthened the political parties. It also introduced the good governance concept in restructuring the official sector to boost efficiency, while administrative function was decentralised to allow local administrations to get involved directly in their public service management (Borwornsak Uwanno, B.E. 2542). But the strengthening of the political sector weakened the role of the governmental sector in return, and caused interference in the balancing and monitoring mechanism.

Actually, the state administration under the 1997 Constitution has been reformed in many aspects, including the downsizing of the government sector; the reduction of waste and redundancy in operation; the focus on a new way of administration that was more concerned over the need of people who are service receivers; and decentralisation. In the meantime, the constitution reinforced the political sector, making it much stronger and more stable than ever. The cabinet could be formed by only one party. However, the monitoring and balancing mechanisms could not run efficiently while there was interference that brought out policy corruption worth over 10 billion baht. Tens of thousands of people turned out demanding political changes. The violent political demonstration started from public areas to streets and overran some official buildings. There were large-scale political conflicts and finally the military seized

power on September 19, 2006. A new constitution came into force the following year. The latest coup was on May 22, 2014 and a new constitution is in the drafting process.

The political crisis, in conclusion, has resulted from an ineffective inspection in abuse of authorities. Some of the problems include using power for their own profits rather than the public, enacting laws without awareness of public benefits and effects, and delaying a law that is useful to most people. As regards to the authority of the executive and government sector, the centralisation of powers, such as in administration, designation of officials, budgeting and budget approval, policy making, allowance application, and so on, show slow results in development in local areas. Moreover, management of natural resources is not fair to most people, because it is often beneficial only to capitalists. The mainstream policy of economic management focuses too much on laissez-faire capitalism, which leads to new problems in different aspects, such as income distribution, economic disparity, and conflicts grounded in the structure of economics, society, culture and politics of the country. There is also bribery and corruption and lack of good government direction in operations, which leads to conflict of interests, policy-making based on self-interest, and financial and monetary destruction. Moreover, media was used as a tool in mass mobilisation. By publicising misleading information or not telling the whole story, the media could direct hatred to one another, which magnified strong and irreconcilable conflicts between beliefs. All above

problems came from mistakes in administration, and administrators' lack of virtues, ethics and good governance. Or it can be said that the setting up of requirements and authorities of members of the National Assembly was incorrect or inappropriate to Thailand.

## Problems of electoral system<sup>2</sup>

The main governance of Thailand is under the parliament system of which the separation of authorities between the legislative branch and the executive branch are concerned. That is, the prime minister is not directly elected by the citizens, but appointed by votes in the House of Representatives by a simple majority. With these votes, the prime minister is able to dominate the House of Representatives. The tool the government uses to control the legislature is the “political party”.

The parliament system, consequently, causes two main problems: parliament dictatorship and competition for a chance to form cabinet or be a minister. Dictatorship occurs when the prime minister can control the parliament, while the opposition is too weak, with much fewer seats, to balance the power. The second problem is about the struggle of parties to be a cabinet or of representatives to have a position in the cabinet which is allocated by the quota system. Both are classic problems often found in the parliament system of all democratic countries, including Thailand.

The Senate, as part of the parliament using sovereign power through legislation, should obtain membership by way of democracy. Every

constitution stipulates that the senators are experts from various academic fields or other businesses that are useful to administration of state affairs and they are appointed by the King. Although it has only a duty to pass or temporarily reject a bill proposed by the lower house, the Senate must normally be elected directly by citizens. There is not enough reason to amend this clause to other ways of getting membership. However, the two houses are different from each other especially in the way of obtaining membership. That is, senators need not be elected by the citizens in the same constituency of representatives. The process of getting membership must be based on the purpose or objective of establishing the Senate as a composition of the National Assembly, and be considered in accordance with the sociological condition of Thai politics.

The stipulation of membership and authorities of the Senate is not relevant to the political system and sociological condition of Thailand. That is, the parliamentary system of Thailand is unicameral while a social norm is based on a patronage system which results in vote-buying in elections. Consequently, under the rule of direct Senate election by citizens in each provincial constituency, delegates from political parties or local politicians have more advantages than general candidates. And that's why general candidates have to rely on politicians or parties that normally have a wide base of voters and election canvassers. With an existing tendency of being a parliamentary dictatorship, the holding of most votes inevitably pins down the absolute

power in the system. The Senate's power in reviewing politicians' performance and MPs' authority becomes merely a 'guarantee' stamp of no corruption. The failure of the Senate comes from mistakes in the organisational design.

Direct election is truly relevant to the principle of ideal democracy, but the acquirement of membership, qualifications and prohibitions of a senator intentionally designed to make a strong body free from political parties' interference are often criticised for its inability to reach expectations. The purpose of establishing a reviewing body is not accordant to the true composition of the Senate. Hence, the design should begin from the clear reasons of the need to have the Senate, before going on to the roles and authorities that can answer the question of what to do and whom the senators serve as a representative, then it should be concerned with the qualifications, the prohibitions, acquirement process and reviewing authority consecutively. This will ensure clarification and the appropriate ways of stipulating the Senate's role and authorities. (Charuwan Sukhumalpong, B.E. 2550)

Under the 1932 Election Act and the 1933 Revised Election Act, the first parliamentary election of Thailand was arranged with an indirect system. That is, the citizens of each Tambon (sub-district) elected a Tambon's representative who would elect a representative of each Amphur (district) who would elect a representative of each province who would take a seat in the House of Representatives. By this indirect process the final-elected representatives lost some dignity in their membership (not

being voted directly by the citizens of their province). Then in 1946, the government amended the Election Act for a direct election under a province-wide constituency system. So Thailand began to have a direct election like other democratic countries after the Revised Election Act (No. 5) was proclaimed in force.

The amendment of the general election law has been done several times since 1936, such as the change from single member constituency to multiple member constituency electoral system in 1947. The medium-sized constituency for one to three representatives replaced the system of one representative allowed in a province since 1947 onwards. There was no evidence of changes in the principle of direct election, so it can be concluded that Thai politicians have accepted this main concept as a core of a democratic regime. Though there have been many coups and constitutional changes, the coup's leaders never dared change that principal.

However, the important problems that still exist nowadays include the corruption in the election procedures and the transgression of election laws, especially vote-buying, which continuously increases since business began to get involved in politics in 1969. The politics of Thailand has become a type of business where investors can gain a good return or make profits after investing in election campaigns.

It is said that the corruption in election procedures and the transgression of election law are mainly caused by these three factors:

1. Most politicians are found to have no

political ethics. To win the election, they shamelessly practise corruption and violate the law, even if it was initiated and written by themselves. These politicians have been blamed by people who love democracy for being political businessmen and losing political legitimacy.

2. Most voters lack political experience and are often deceived by businessmen whom, pretending to be good and kind, promised to give them some money or other enticements in exchange for their votes. In rural areas, people are often willing to give their votes. A lot of vote-buyers can successfully take a seat in the House as their party has enough votes to be able to set up government. Then they use their authority, legally and illegally, in making money to spend in the next elections. As a result, there is a little chance for a proficient politician who wants a transparent way of obtaining votes to get a seat in the House and create public benefits and an improvement to the country.

3. The Ministry of Interior and officials in charge of the electoral process are too afraid of politicians' influences to enforce the laws, even though they are empowered by those laws and have full authority to arrange a transparent election and struggle against corruption. Moreover, many officials take themselves on one side while some, especially in vote-counting, break the law to help some politicians and political parties.

The Constitution Drafting Assembly believed that all above are important factors that make the election not "free or fair". The Ministry of Interior and officials have full power to eliminate corruption and injustice in local elections

if they realised they could enforce the laws, without fear of political influence over the ministry during or after election. (Sida Sornsri, B.E. 2546)

Even though the constitution is focused on elections rather than the selection of the Senate, as the number of elected senators is higher than the selected ones, this clause is criticised as the direct election process cannot keep political domination away and the Senate is not free. The comments on this issue prescribed in the 1997 Constitution were separated into pros and cons. Opponents, realising the problem of direct election, preferred the selection and appointment of senators. It was agreed to retain the direct election, but asked for improvement in the methods that could ensure senators are not dominated by any side and could truly perform their duties as a reviewing body. However, the selection method was also in question of not being democratic. The advantages and disadvantages of the senate election and selection are as follows:

#### **The advantages and disadvantages of Senate election**

**The advantages:** the election of the Senate conforms to the principle of democracy stating that the Senate must be the citizens' representative. The elected senators are from the selection of the citizens and technically the masses of people are more difficult to lobby than a small group of a selecting commission. In addition, the selected senators rarely approach the citizens because they are not selected by

the people, while the elected senators have more interaction with people since they are elected.

**The disadvantages:** it is likely that some characteristics of the elected senators will not vary, such as their profession and educational background. Moreover, they may have (tight) relationships with local politicians that may lead to the ineffectiveness of scrutiny of bills. That is, a senator may be financed by a supporter and get votes from a party's bastion, since in each province there are many people wanting to be a senator and these people may not be known by the people in the province or they may not possess good public speaking skills, they need the powers of local and national politics. In order to do so, a member of the House of Representatives will help the senator candidate with the campaigns and when this situation occurs, it cannot be obstructed easily. As a result, the candidate needs to rely on the member of the House of Representatives or the political party and they will be on the same side. Hence, it is not unusual that many senators mistakenly take the roles of the members of the House of Representatives since they are also elected by the citizens.

#### **The advantages and disadvantages of senator selection**

**The advantages:** the chance that the senators' professions, residences, or opinions will vary may be higher. This will lead to the deliberate scrutiny of bills. Moreover, the senators will not be related to any politicians or parties, so the scrutiny of bills will truly be for the

benefits of society. The role of senators regarding the legislation is to ensure the deliberation and equality of the law; hence, the task requires the various aspects of the senators. The selected senators will make a good Senate, which refers to the council of senators that scrutinise the bills before they are promulgated in every part of the country and sustain the reliability of the political institute, without causing any scandal.

**The disadvantages:** the aforementioned variety is defined by only a group of people, which is likely to cause a problem, especially when the government or a party is involved with the selection commission. Though there is no political intervention, there is still a question of the adequacy of variety because variety is subjective and there is a risk of absolutism. Moreover, the senators selected by a small number of people do not represent all Thai population. There may be favouritism and lobbying. The selected senators also lack connection with the citizens since it is not necessary for them to do so and they do not acknowledge or understand people's problems because they are not locals. Finally, there is no guarantee that there will not be a kinship system in the selection process (Jaruwan Sukhumalpong, B.E. 2550).

#### **The advantages and disadvantages of each representative electoral system**

#### **The advantages of party-list system are as follows:<sup>3</sup>**

1. The party-list system helps reduce vote buying because the constituency is the

whole country and all votes are counted and added up before the numbers of the representatives are allotted to each party. This makes each party put the potential candidates on the list to make it look reliable and favourable. Also, the candidates in the list will not try to "buy votes" since they do not know if they will be elected and the constituency is too large to do so. In the two elections in 2001 and 2005, this advantage seemed non-existent since candidates still tried to buy parties by being supporters of the parties in order to be on the tops of the lists. However, this problem can be solved by examining donations to each party.

2. The party-list system makes every vote count, especially the votes for each list because all the votes are calculated nationally while in the single-member district system, the only votes counted are the ones for the winners, since the other votes will not be counted again. For example, in a district where the winner receives 90,000 votes and the second receives 80,000 votes, the votes that are counted are those 90,000 for the winner while the 80,000 votes are useless. However, all votes in the party-list system will be counted.

3. The party-list system supports the party system because a person must vote for a party, not for a particular candidate. The candidates can only be a variable for consideration. The rule stating that no candidate in the list with less than 5% of the votes is elected is applied to prevent too many small parties in the parliament, which can lead to the

instability of the government.

4. The party-list system allows the newcomer politicians who have competency, but lack campaigning skills to get elected more easily. With this advantage, it is hoped that there will be newcomers who get into the political circle by the party-list system, but there is still a problem that party supporters are usually on the tops of the list. If that situation can be prevented, we are likely to see more new faces.

5. The party-list system results in more representatives at national level who have good visions to be elected.

6. The party-list system allows the citizens to form a shadow cabinet, because a party leader and important candidates of each party in the list have chances to be appointed as ministers.

To prevent the party supporters controlling a party and being a candidate in the list, the whole system should be improved. That is, the political parties should reflect people's intentions, not a party's. Democracy must firstly exist in a political party. A solution to free a party from any person or any group of people is to limit the maximum amount of money a person can offer to a party each year. For example, a person cannot donate more than 500,000 baht each year to a party while a corporate party with a commercial objective or a company may donate money to a party after it has been approved in the annual general meeting by the shareholders. For a corporate party which is a partnership, donations must be

approved by all the shareholders and the amount must not exceed 1 million baht per year and the act must be recorded in its annual report. Moreover, the solution should involve preventing any corporate party who makes a donation to a political party to sign a contract or be a concessionaire with the government while any corporate party that has already been must not make a donation to any political party, in order to prevent political business.

#### **The advantages of the election on single-member district system are as follows<sup>4</sup>:**

The system requires small constituencies in which the candidates have close relationships with people in the areas. The parties will then be strong because each party has to select only one candidate to run for election, so each party will pay much attention to the selection process.

#### **The disadvantage of the single-member district system is as follows:**

The small constituencies may lead to a problem concerning the border between two constituencies which can cause inequality, for example, a party may exclude its competitor's advantageous area or include its advantageous area in the constituency.

#### **The advantages of the proportional representation system are as follows:**

The parties have important roles and can clearly present their policies. If a party selects their candidates effectively, people will have

quality representatives. Also, with this system, a small party has a chance to have their candidates elected.

**One of the constraints** is that when there are many small parties, there will be a coalition government. Also, the candidates will lack the connections with the locals as well as an awareness of the local problems.

## Powers of politicians

### 1. The cabinet

The cabinet or Council of Ministers is a group of people who hold honourable positions and they are responsible for the administration of the government. Any act of the cabinet affects the citizens of the country; therefore, they are very significant in leading the country.

#### Powers of the cabinet<sup>5</sup>

1. Define the policies to administer the government.

2. Administer the government according to the policies declared in the parliament and use the executive power in the name of the King.

3. Countersign the royal commands concerning legal, the royal prescripts, and the royal commands concerning the administration of the government.

4. Propose bills, acts, and organic laws as well as pass emergency decrees when there is an emergency in order to sustain the country's safety, the public's safety, and the economy's stability or to prevent disasters and pass royal decrees to be a tool for administering

the government without violating the higher laws.

5. Be the chief of each ministry, agency, and department to coordinate between ministries, define rules and regulations of each ministry, and consider as well as decide on the matters proposed by each ministry.

6. Have the right to attend meetings to report and make a statement in the parliament, but have no right to vote, attend a meeting and have the right to request a secret meeting if invited by the House of Representatives.

7. Have the right to submit a motion for a general debate without passing a resolution if there is an important matter that requires the members of the parliament's opinions.

8. Call a referendum when there is a matter affecting the citizens.

9. Have the authorities to act in the name of the King in other affairs, such as the execution and cancellation of martial law, war declaration, amnesty, and disgrace.

10. Have other powers and authorities specified by the laws.

### 2. Senators

The roles and powers of "The Senate", according to the 2007 Constitution can be divided into seven aspects.

1. Legislation such as scrutinising the bills passed by the House of Representatives and approving the emergency decrees.

2. Examination of public administration, such as the interpellation of the duties of the ministers and call of general debate without passing a resolution.

3. Legitimacy of Constitutional Review.
4. Selection and approval of members of independent entities and courts.
5. Officer Expulsion.
6. Representation of Thai people.
7. Consideration and Confirmation of any matters.

In conclusion, the Senate or the senators have roles and powers as “house of scrutiny” which scrutinises bills approved by the House of Representatives. Of this legislative power, the House of Representatives have more powers than the Senate. Another significant duty of the Senate or the senators is to be the “house of examination” which examines many officers whose positions are in executive, juridical, and legislative branches, including the committees of independent entities under the Constitution.

### **3. Members of House of Representatives**

Have these following powers :

1. Select the Prime Minister.
2. Pass a law.
3. Examine the administration of the government by interpellation; motion making; general debate; debate of no-confidence of the prime minister, a minister, or the cabinet.
4. Oversee the government’s expenditure by fairly approving the budget.
5. Be the representative of people and report their problems to the government.

## **Conclusion**

From the past until the present, Thailand’s democracy has faced many difficulties, especially

the political problems arising from the uses of powers of different branches that are difficult to examine and the abuse of functions. The parliament may use its power to enact a law without considering its benefit or its effects to the public or it may postpone the enactment of a law that benefits the public. The exercises of power of the executive branch and the government officers do not emphasise decentralisation. This situation leads to a concentration of power and development. Moreover, the resources allocation is rarely fair to most people as it usually benefits a group of people. Another problem also occurs, for example, with officers’ corruption and misconduct. One of the examples concerns the government officers and politicians who lack good governance, cause a conflict of interests and nepotism, and bring about financial damage. Also, the media are used for fomentation and transmission of incorrect information that later leads to conflicts and disagreements.

Thailand is a constitutional monarchy under a parliamentary democracy in which the highest power lies in the sovereignty consisting of three branches: legislative power, executive power, and juridical power. The parliament is the political institute that exercises the legislative power for Thai people. It is one of the three pillars of sovereignty. Parliamentary democracy has been used in Thailand for over 80 years. The political institute can access and communicate with the masses because it consists of people’s representatives. It performs many important duties like the passing of laws, the regulation of

the cabinet's administration, and the approval of an important matter, such as the declaration of war and enthronement. However, for all the period of democratic development in Thailand, there have been legislative problems, such as the entering into power, the power exercise, and the examination of members of parliament's exertion. Though there have been attempts to apply many forms of parliament, various designs, the improvement of the House of Representative's power, and the law enactment to improve political parties in order to increase the work effectiveness of legislative branch, there is still no solution to these issues.

To ensure the lawful exercise of power in every aspect, apart from the separation of institutes of sovereignty in order to prevent centralisation, there should be an appointment of relational power structure which includes the examination and balance of power between organisations, structure of each organisation, and main duties of each organisation which should not overlap or have a gap that brings about conflicts in terms of roles and powers or the abuse of power. The important factors that make Thai government unstable are that the acquirement of members of parliament is not appropriate, and the politicians' lack of morals, ethnics, good conscience and rightful exercise of power. Therefore, there should be incorrupt ways to acquire members of parliament and appropriate specification of powers and responsibilities as follows:

## Methods to acquiring honest and moral members of parliament

### 1. Senators

As the second council of Thai parliamentary system, the Senate must have different components from the House of Representatives. Otherwise, the Senate cannot fully perform their duties. In the 2007 Constitution, there is an attempt to design the Senate to be different from the House of Representatives in terms of the acquisition, qualifications, and incompatibility of the candidates. In order to ensure the effective examination of state power and the fair practice of the Senate, the senators should be recruited by these two methods:

1. **By election:** the election of the Senate conforms to the principles of democracy in which the senators must be people's representatives. The election by people will be harder to lobby. Also, these senators will have the connection with people and be aware of the local problems as well as being able to solve them better.

2. **By selection:** in order to have senators with various professions and expertise, the selection of senators should be applied. Otherwise, these kinds of people may not have the chance to join the council. Another advantage of the selection of the Senate is that the senators may not be related to any politician or party, so the law scrutiny will truly be for the sake of the general public.

However, senators selected by a few people cannot represent the general public because the selecting commission lacks the

connection with people as they do not have responsibilities and acknowledgement of people's problems. Moreover, the grassroots have fewer chances to be selected and there is no guarantee that there is not a kinship system or political intervention. Therefore, it is right to have the senators be elected and selected. However, to solve the aforementioned problems, the rules for the Senate application should be amended to not allow anyone to run for election. The professional bureaucracies or associations should join the government and the parliament in nominating the appropriate candidates to be senators. The Senate will have different components to the House of Representatives, which will lead to the clear roles of the senators.

The recruitment of senators and the specification of their powers and duties should be as follows:

1. The Senate consists of 150 members (77 elected and 73 selected)

2. Each elected senator is from each province. People in each village select their representative who will select the representative of their sub-district and district who will later choose the representative of the province.

3. The Senate has 150 members. 77 members are elected senators. Therefore, there are 73 selected senators who are selected from representatives of various professions and expertise.

4. The elected senators have the power to discharge an officer, in order to ensure the deliberate and fair acts of high officers in the legislative, executive, and juridical positions. The

selected senators do not own this right, but they have the responsibilities to scrutinise bills approved by the House of Representatives and to amend the bills, in order to ensure the discreet and complete legislation.

## 2. Members of the House of Representatives

The electoral system should be considered whether to emphasise the government's stability, or the result that is decided by citizens. If the first is needed, the single-member district majority system according to the 1997 Constitution is better because it leads to a two-party system. On the other hand, if the latter is chosen, the German form of election should be employed. This form requires both a proportional system and single-member district system, because every vote will be counted and calculated in order to get the numbers of the representatives. The amounts of representatives of each party correlate to people's votes. Medium and small parties will have more chances to be elected. However, the election system stated in the 2007 Constitution will bring neither the government's stability, nor people's content; therefore, the result should be as concordant to people's content as possible, especially when there is a conflict. If the parties have the desirable representatives in the parliament, the conflict will be solved more easily. Hence, there should be an amendment in the election system of Thailand by allowing the representatives to be non-partisan and to work independently, not under the government. This will permit the representatives to truly represent

the population and create a balance between the legislative and executive branches. We should encourage a representative to be a member of a party, but should not force him/her to do so. The election system that supports the representatives to be under political parties is the proportional system. Also, the representatives should be examined by the juridical branch, regarding the abuse of power. The 1997 and 2007 Constitutions have already assigned the Supreme Court's Criminal Division for Holders of Political Positions to perform this task, but the methods and processes of accusation should be made more conveniently. Thus, recruiting methods of members of the House of Representatives should specify the numbers of members selected from each recruiting method and determine the qualifications as follows:

1. The total number of members is 350.

2. 200 members are from the election on a constituency basis in which a population in a village selects a representative to choose the representative of a province (indirect election). The other 150 members are from regional proportional elections, which is divided by connecting areas, such as the north of the north-east area and the south of the north-east area.

#### **Qualifications of the representative candidates**

1. A candidate can be non-partisan for the sake of independence.

2. A candidate must be at least 30 years old.

3. A person who has been sentenced or reported guilty of corruption or misconduct

or has acted illegally during the election cannot take a political position.

4. A government officer, employee, and staff can run for election. If elected, he/she must resign from the work. After the termination of the term, he/she can resume the position. In the past, these people could not run for the elections.

5. A candidate must have at least a bachelor degree.

6. A candidate must have morals and ethics, honesty and good conscience that can be seen and examined.

### **3. The executive branch**

The prime minister is the leader of the executive branch who should be nominated by members of the parliament, including those who are not a representative or do not come from an election. To nominate the cabinet, the prime minister should make a list of the cabinet to propose to the parliament and ask for their approval. The Senate should examine the cabinet's background and the list should be revealed to the public at least 30 days before the appointment. The members who are nominated to be the prime minister or a minister will cease to be a member of the House immediately after the royal appointment.

#### **Ways to specify the powers and responsibilities of politicians**

Thai government employs the parliamentary system which is very problematic in terms of division of powers between the legislative and the executive branches. Powers

in a democratic system must be divided into legislative power (enactment), executive power (enforcement), and juridical power (interpretation of law) to create the examination and the balance of powers. Therefore, the powers and responsibilities of each branch should be as follows:

### **1. The Prime Minister**

The prime minister has the power to define policies; administrate the government according to the policies presented in the parliament; countersign the royal commands concerning the law, the royal writings and the royal commands concerning the government's administration; and dissolve the parliament to govern and balance the parliament's exercise of power.

### **2. The Cabinet**

The cabinet shares the prime minister's powers and responsibilities in specifying policies concerning the execution, administrating the country according to the policies presented in the parliament; proposing bills; issuing royal acts that benefit people; leading each ministry, agency, and department; collaborating between ministries; specifying rules and regulations of each minister, and making decisions on any matters proposed by each ministry.

### **3. Members of House of Representatives**

Members of the House of Representatives have powers and responsibilities to nominate the prime minister, propose bills, scrutinise the bills proposed by the cabinet, govern and examine the government's administration through

interpellation, motion making, general debate, no-confidence debate of the prime minister or a particular minister or the cabinet, oversee the annual government statement of expenditure, represent the citizens, present the public's problems to the government, and coincide to appoint, as well as discharge, an independent entity in the joint sitting of parliament.

### **4. Senators**

Senators have powers and responsibilities to scrutinise bills approved by the House of Representatives, approve emergency decrees, oversee and examine the government's administration by questioning the ministers, selecting or discharging officers of independent entities and courts, examine the authorities in executive, juridical, and legislative branches, and certify or remove or show no confidence in the cabinet in the parliament chamber.

### **5. Representative and senator candidates**

If it is found that there is corruption during the election process, such as vote-buying or any other forms of promise to vote, the candidate will be guilty and receive a punishment of lifetime disqualification.