

Constitutional Court Ruling No. 4/2561 (2018)

Ombudsman

Applicant

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Respondent

Constitution, section 25, section 26, section 27 and section 45;
Organic Act on Political Parties, B.E. 2560 (2017), section 140, section 141 paragraph one (5) and paragraph two, as amended by the Order of the Head of NCPO No. 53/2560 Re: Implementation of the Organic Law on Political Parties.

Section 140 and section 141 paragraph one (5) and paragraph two of the Organic Act on Political Parties, B.E. 2560 (2017) provided rules and conditions relating to membership of a political party. A political party had to compile an accurate, complete, coherent and updated register of political party members. This procedure was essential for a political party since political party branches and provincial political party representatives served as mechanisms for advocating people's political participation nationwide. Even though such rules and conditions could have certain impact on the political party, there were concessions for political parties that were unable to meet the deadline. Such provision did not excessively increase a burden or restricted a right or liberty of a political member and political party. There were still recognition and protection of the rights and liberties of association to establish a political party under section 45 of the Constitution. The law applied generally, was not an unjust discrimination against a person, was neither contrary to nor inconsistent with section 25, section 26, section 27 and section 45 of the Constitution, and therefore did not raise any question of constitutionality.