

**Constitutional Court Ruling No. 11/2565 (2022)**

Court of Appeal, Region IX

Applicant

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Respondent

Constitution, section 26 and section 40;

Election of Members of Local Assemblies or Local Administrators Act, B.E. 2562 (2019), section 50(10).

Section 50(10) of the Election of Members of Local Assemblies or Local Administrators Act, B.E. 2562 (2019) provided that a person who had been convicted by a final judgment for an offence relating to the law on gambling, which was an offence of being a gambling dealer or gambling-parlour owner was prohibited from exercising the right to apply for candidacy in an election of a member of a local assembly or local administrator without any prescription of limitation period. Such provision had been enacted to implement section 98(10) of the Constitution and section 42(12) of the Organic Act on the Election of Members of the House of Representatives, B.E. 2561 (2018), in order to inspect, deter, prevent and restrain a person who had a blemished history from assuming a political office. The prescription only stated the offence under the law on gambling as a gambling dealer or gambling-parlour owner. The provision did not include a gambler or supporter. Hence, the measure was prescribed only to the extent of necessity and reasonably proportionate. The provision was not contrary to the rule of law, did not disproportionately increase a burden or restrict a right or liberty of a person, and did not prejudice human dignity. The provision was also generally applicable and was not directed at any particular case or person. Even though there was some restriction of liberty to engage in an occupation, such provision of law was enacted in the interest of maintaining national security or public interests. Hence, the provision was neither contrary to nor inconsistent with section 26 and section 40 of the Constitution.