

**Constitutional Court Ruling No. 16/2565 (2022)**

Election Commission  
Thairaktham Party

Applicant  
Respondent

Organic Act on Political Parties, B.E. 2560 (2017), section 15 paragraph one, section 27 paragraph one, section 30, section 92 paragraph one (3) and paragraph two and section 94 paragraph two.

Section 15 paragraph one of the Organic Act on Political Parties, B.E. 2560 (2017), provided that a political party regulation had to at least prescribed rates for fees and subscription of the political party to be collected from members in an amount not less than one hundred baht per year. Section 27 paragraph one provided that the membership of a member initiated from the payment of political party subscription as provided under the regulation. Section 30 prohibited a political party or any person from giving, offering or promising to give monies, properties or any other benefit, directly or indirectly, to persuade a person to apply for membership. The provisions in those three sections were intended to ensure that a person who became a member of a political party had faith in such political party, not become a member of the party merely due to an inducement. The provisions also promoted a sense of ownership amongst party members to genuinely become involved in the party activities.

It was found on the facts that the respondent party leader allowed a person to persuade the public to apply for membership of the respondent party by inviting to a group to make sandalwood flowers without having to pay subscription to the political party, and offering to purchase materials and repurchase at a price of one baht per flower, until the respondent accumulated 500 party members and was able to open a party branch. It was found from such circumstances that the respondent party leader had tasked such person to perform acts in violation of the law, which was binding on the respondent party. The application for party membership was a consequence of deception due to the inducement methods of the respondent party. The persons who became members of the political party did not have faith in the political party, did not feel a sense of ownership of the party and were not genuinely devoted to participation in the activities of the respondent party. Applications for membership of the respondent party were submitted only because of the expectation of receiving monies from the crafting of sandalwood flowers or other benefits given, offered, or promised by the respondent party. There was reasonable evidence to believe that the respondent party committed a violation of section 30 of the Organic Act on Political Parties, B.E. 2560 (2017). Hence, an order was issued to dissolve the respondent party pursuant to section 92 paragraph one (3) and paragraph two in conjunction with section 30 of the

Organic Act on Political Parties, B.E. 2560 (2017). The right to apply for election candidacy of the respondent party executives was revoked under section 92 paragraph two for a period of ten years as from the date of Constitutional Court order to dissolve the respondent party. Furthermore, the respondent party executives were prohibited from registering the establishment of a new political party or becoming an executive of a political party or participating in the establishment of a new political party within a period of ten years as from the date of Constitutional Court order to dissolve the respondent party pursuant to section 94 paragraph two.