

Constitutional Court Ruling No. 20/2567 (2024)

Election Commission

Applicant

Move Forward party

Respondent

Constitution, section 49 and section 211 paragraph four

Organic Act on Political Parties, B.E. 2560 (2017), section 92 paragraph one (1) and (2) and paragraph two and section 94 paragraph two

Section 49 of the Constitution was a provision intended to safeguard the democratic regime of government with the King as Head of State from threats arising from the exercise of constitutional rights or liberties. It aimed to prevent such rights or liberties from being used in a manner that eradicated or destroyed the fundamental principles of the Constitution, thereby destabilising the foundations of the existing democratic regime with the King as Head of State in Thailand to be decayed or vanished.

Section 92 paragraph one (1) and (2) of the Organic Act on Political Parties, B.E. 2560 (2017), set out criteria that were consistent with section 49 of the Constitution and were related to the principle of militant democracy by introducing the dissolution of a political party as a defensive mechanism for preventing the democratic regime from threats.

In Constitutional Court Ruling No. 3/2567 (2024), the Court found that the respondent's actions had constituted an exercise of rights or liberties aimed at overthrowing the democratic regime of government with the King as Head of State under section 49 of the Constitution. This ruling was final and binding pursuant to section 211 paragraph four of the Constitution.

Therefore, the behaviours of the respondent, as determined in the ruling, also constituted an action that was hostile to the democratic regime of government with the King as Head of State. There was reliable evidence indicating that the respondent committed acts falling under section 92 paragraph one (1) and (2) of the Organic Act on Political Parties, B.E. 2560 (2017), thereby leading the Court to order the dissolution of the respondent political party under section 92 paragraph two.

In addition, the Court ordered the revocation of the right to stand for election of the party's executive committee members, by virtue of section 92 paragraph two for a period of ten years from the date of the Court's order dissolving the party.

Furthermore, pursuant to section 94 paragraph two, any person who held a position as an executive committee member of the dissolved party was prohibited, for a period of ten years from the date of the dissolution order, from registering a new political party, serving as

an executive committee member of any political party, or participating in the formation of a new political party.
