

Presentation
on
Constitutional Review and Global Challenges in the Contemporary Era
by
Hon. Mr. Noppadon Theppitak
Justice of the Constitutional Court of the Kingdom of Thailand
at
International Conference of the Constitutional Court of the Russian Federation
19th - 21st May 2026
St. Petersburg, Russian Federation

Introduction

Mr. President of the Constitutional Court of the Russian Federation, Honourable Justices, Distinguished Guests, Ladies and Gentlemen,

It is a profound honour to address this distinguished assembly on the auspicious occasion of the 35th anniversary of the Constitutional Court of the Russian Federation. Such a milestone not only commemorates institutional longevity but also reaffirms the enduring role of constitutional adjudication as the guardian of the Constitution—*custos constitutionis*—entrusted with upholding the rule of law and preserving constitutional equilibrium.

This conference provides an invaluable forum for the exchange of jurisprudential insights and comparative perspectives, particularly at a time when constitutional systems are increasingly confronted with complex and transnational challenges. These developments compel constitutional courts to evolve beyond traditional adjudicative functions and to respond with prudence, adaptability, and fidelity to fundamental legal principles.

Constitutional Development in Thailand

The Constitutional Court of the Kingdom of Thailand was established under the Constitution of 1997 and has now marked its 28th anniversary. Since the

constitutional transformation of 1932, Thailand's constitutional order has undergone continuous evolution, resulting in the promulgation of twenty constitutions—an indication of both institutional dynamism and constitutional fluidity.

In February 2026, Thailand conducted a national referendum posing the question of whether a new constitution should be drafted. A majority of 58.6 percent of voters expressed approval, thereby reflecting the *voluntas populi*, which constitutes a fundamental basis of constitutional legitimacy—*legitimitio ex consensu*. While the current Constitution provides mechanisms for piecemeal amendment, the referendum result represents a potential normative reset—a *tabula rasa* in constitutional discourse—signaling the possibility of comprehensive reform.

Contemporary Constitutional Challenges: Electoral Integrity

During the general election of Members of the House of Representatives in February 2026, significant constitutional concerns arose regarding the design and printing of ballot papers incorporating barcode and QR code systems. Such features raise the possibility of voter identification, thereby undermining the principle of secrecy in voting.

The integrity of the electoral process rests upon the principle of the secret ballot—*libertas suffragii*—which safeguards the freedom of political choice and ensures that elections are genuinely free and fair. Any encroachment upon this principle threatens the legitimacy of democratic governance itself.

The matter is currently under deliberation by the Constitutional Court, which must carefully balance technological innovation against the preservation of fundamental rights. In so doing, the Court may be guided by the maxim *salus populi suprema lex esto*—the welfare of the people shall be the supreme law.

Relevant Jurisprudence

The Court's prior rulings underscore the centrality of electoral integrity:

- In 2006, the Court invalidated a general election due to violations of ballot secrecy and procedural unfairness.
- In 2014, the Court declared the election void on the basis that it was not conducted nationwide on a single day.

These precedents reflect the enduring principle that no legal advantage may arise from unlawful conduct—*nullus commodum capere potest de injuria sua propria*.

The Role of the Constitutional Court

The Constitutional Court performs a pivotal function within the constitutional order by exercising judicial review—ensuring that legislative and executive actions conform to constitutional norms. This function is integral to maintaining the system of checks and balances and preventing the abuse of state power.

Moreover, the Court possesses jurisdiction to adjudicate cases involving the conduct of high-ranking executive officials, including the Prime Minister and Ministers. Where allegations of serious ethical misconduct arise, the Court may order temporary suspension pending its final judgment.

Illustrative cases include:

- The removal of a Prime Minister for grave ethical violations;
- The invalidation of an appointment where the appointee lacked requisite qualifications;
- The termination of office due to interference in civil service appointments for personal gain.

Such decisions exemplify the principle *fiat justitia ruat caelum*—let justice be done though the heavens fall—affirming that constitutional accountability must prevail irrespective of political consequences.

Global Challenges and Constitutional Implications

1. Geopolitical Conflict and Sovereignty

Contemporary geopolitical tensions, including armed conflicts in various regions, exert profound implications for national constitutional systems. Thailand consistently emphasizes the principles of sovereignty, territorial integrity, and non-aggression, adopting a balanced and pragmatic diplomatic posture.

These principles are consonant with the foundational norm of international law—*pacta sunt servanda*—which requires that states honour their international obligations in good faith.

2. Artificial Intelligence and Legal Transformation

The advent of artificial intelligence presents both unprecedented opportunities and complex regulatory challenges. While AI enhances efficiency, economic competitiveness, and administrative capacity, it also raises significant concerns regarding privacy, accountability, and legal responsibility.

Thailand has enacted key legislative measures, including the Personal Data Protection Act and the Cybersecurity Act, and is in the process of developing a comprehensive legal framework for AI governance. These developments may be situated within the broader evolution of *lex informatica*, reflecting the intersection of law and digital technology.

The Constitutional Court itself has embraced digital transformation through the implementation of electronic filing systems, case management technologies, and AI-assisted tools. Such innovations enhance transparency and accessibility, consistent with the principle that justice must not only be done but must also be seen to be done.

3. Climate Change and Constitutional Rights

Climate change constitutes not merely an environmental concern but a constitutional issue of the highest order, implicating fundamental rights such as the right to life and the right to a healthy environment.

The Constitution of Thailand recognizes the rights of individuals and communities to conserve and manage natural resources, while imposing corresponding duties upon the State. These provisions embody the principle of *intergenerational equity*, which mandates the protection of environmental resources for future generations.

Comparative jurisprudence further illustrates this trend. For instance, the German Federal Constitutional Court, in its landmark 2021 Climate Decision, held that insufficient climate measures may infringe upon the freedoms of future generations—an approach that resonates with the evolving role of constitutional courts as guardians of long-term societal interests.

Conclusion

In an era defined by rapid transformation and multifaceted global challenges, the Constitutional Court must transcend its traditional role as a passive arbiter of disputes and assume a more proactive function as a guardian of the Constitution.

This evolving role necessitates a dynamic and purposive approach to constitutional interpretation—akin to the concept of a “living constitution”—capable of responding to emerging realities while remaining anchored in fundamental principles of justice, human dignity, and the rule of law.

Ultimately, the enduring maxim *ubi jus ibi remedium*—where there is a right, there must be a remedy—continues to serve as the cornerstone of constitutional justice, ensuring that rights are not merely theoretical but effectively protected in practice.