The Constitutional Court
The Kingdom of Thailand

Constitutional Court Ruling
No. 5/2563 (2020)

Dated 21st February B.E. 2563 (2020)

Between	**Election Commission**	**Applicant**
	Future Forward Party	**Respondents**

Re: The Election Commission requested for a Constitutional Court order to dissolve Future Forward Party.

The Election Commission, applicant, submitted an application to the Constitutional Court requesting for an order to dissolve Future Forward Party, respondent, and to revoke the election candidacy rights of the respondent party executive committee members pursuant to section 92 paragraph one (3) in conjunction with section 72 of the Organic Act on Political Parties B.E. 2560 (2017), as well as to prohibit persons who had held offices in the respondent party executive committee and whose election candidacy rights had been revoked from registering the establishment of a new political party or becoming a political party executive or participating in the establishment of a new political party, for a period of ten years as from the day of Constitutional Court order to dissolve the respondent party under section 94 of the Organic Act on Political Parties B.E. 2560 (2017).

The facts in the application and supporting documents could be summarised as follows.

The respondent, by resolution of the respondent party executive committee, entered into two loan agreements to borrow monies from Mr. Thanathorn Juangroongruangkit, the respondent party leader. The first loan agreement, dated 2nd January B.E. 2562 (2019), was for a loan amount of 161,200,000 baht. The respondent had received the entire principal of such loan amount. Article 2 of the agreement stipulated that “the borrower shall pay interests to the lender at the rate of 7.5 percent per annum on the principal. Interest payments are due on a monthly basis until the expiration of the agreement. Notwithstanding the foregoing, if the borrower defaults on a repayment, whether in whole or in part, the borrower shall be liable to a penalty of 100 baht per day (one hundred baht) until the borrower

satisfies the outstanding principal repayment, interest and penalty on the defaulting instalment." Thereafter, the respondent made 3 repayment instalments to such loan. The first instalment was paid on 4th January B.E. 2562 (2019), in the amount of 14,000,000 baht. The second instalment was paid on 21st January B.E. 2562 (2019), in the amount of 8,000,000 baht. And the third instalment was paid on 29th January B.E. 2562 (2019), in the amount of 50,000,000 baht. The total amount repaid was 72,000,000 baht. It did not appear that the respondent paid monthly interests for the months of February, March and April of the year B.E. 2562 (2019). Subsequently, around the month of May B.E. 2562 (2019), the first loan agreement was amended in article 2, from the previous provision "...interest payments are due on a monthly basis..." to "...interest payments are due on an annual basis..." As for the second loan agreement, dated 11th April B.E. 2562 (2019), for a loan amount of 30,000,000 baht, article 2 stated that "the borrower consents to the payment of interest to the lender at the rate of 2 percent per annum on the loan principal only with respect to the outstanding principal." The respondent received a loan sum in the amount of 2,700,000 baht on the loan agreement execution date, and Mr. Thanathorn Juangroongruangkit, the respondent party leader, donated sums to the respondent, in the year B.E. 2562 (2019), in the amount of 8,500,000 baht.

The applicant was of the following opinion. Mr. Thanathorn Juangroongruangkit, the respondent party leader, lent monies to the respondent pursuant to two loan agreements in a total amount of 191,200,000 baht. The respondent was a political party, not a juristic person which could generate incomes or earn profits from business operations. The respondent collected incomes from donations or other monies as specified in section 62 of the Organic Act on Political Parties B.E. 2560 (2017), and the respondent's incomes could only be used for expenditures provided under section 87 of the Organic Act on Political Parties B.E. 2560 (2017). The respondent's incomes could not be used to repay loans. Moreover, it did not appear that the respondent had any credible security to demonstrate an ability to repay such loans along with the interests accrued under the agreement. When the respondent failed to pay the monthly interest provided in the agreement, it did not appear that Mr. Thanathorn Juangroongruangkit, the respondent party leader, took any action to enforce repayment. On the other hand, there was an agreement to amend the period for payment of interests to the respondent. This was therefore a case of a juristic act to conceal the actual juristic act of gifting or donating monies to the respondent in a value exceeding ten million baht. Since Mr. Thanathorn Juangroongruangkit, the respondent party leader, had already donated monies to the respondent in the amount of 8,500,000 baht, he was unable to donate monies or other benefits to the respondent in a value exceeding 1,500,000 baht. Mr.

Thanathorn Juangroongrunagkit, the respondent party leader, by gifting or donating monies to the respondent by way of two loan agreements in the amount of 191,200,000 baht, therefore gifted or donated monies or other benefits to the respondent in excess of ten million baht, which was inconsistent with section 66 paragraph one of the Organic Act on Political Parties B.E. 2560 (2017), and carried a penalty under section 124. The monies or other benefits of Mr. Thanathorn Juangroongruangkit, the respondent party leader, in excess of ten million baht was therefore unlawful. For these reasons, the respondent's borrowing of monies and receipt of such monies from Mr Thanathorn Juangroongruangkit, the respondent party leader, was therefore inconsistent with section 66 paragraph two of the Organic Act on Political Parties B.E. 2560 (2017) and subject to a penalty under section 125. Furthermore, the respondent's receipt of loan in the amount in excess of ten million baht was a receipt of donations or other benefits with knowledge or imputed knowledge of an unlawful source, or with reasonable grounds to suspect unlawful source, which was a violation of section 72 of the Organic Act on Political Parties B.E. 2560 (2017), and constituted a cause for dissolution of the respondent party under section 92 paragraph one (3) in conjunction with section 93.

The applicant therefore adopted a resolution in meeting no. 129/2562 on 11th December B.E. 2562 (2019) to submit an application to the Constitutional Court for an order to dissolve the respondent party pursuant to section 92 paragraph one (3) in conjunction with section 93 of the Organic Act on Political Parties B.E. 2560 (2017), and requested for the following decisions of the Constitutional Court:

(1) an order to dissolve the respondent party;

(2) an order to revoke the election candidacy rights of the respondent party executive committee members, namely Mr. Thanathorn Junagroongruangkit, Miss Kunthida Rungruengkiat, Mr. Chamnan Chanruang, Lieutenant General Pongskorn Rodchompoo, Mr. Ronnawit Lorlertsoonthorn, Mr. Piyabutr Saengkanokkul, Mr. Nitipat Taemphairojana, Mr. Klaikong Vaidhyakarn, Miss Pannika Wanich, Mr. Surachai Srisaracam, Miss Yaowalux Wongpraparat, Mr. Chan Phakdisri, Mr. Janevit Kraisin, Mr. Sunthon Bunyod, Miss Jaruwan Sarunyagate and Mr. Niraman Sulaiman;

(3) an order to prohibit former executives of the respondent party whose election candidacy rights had been revoked from registering a new political party or becoming a political party executive or participating in the establishment of a new political party for a period of ten years as from the day of Constitutional Court order to dissolve the respondent party.

The preliminary issue considered by the Constitutional Court was whether or not the Constitutional Court had the competence to accept this application for a ruling under section 92 of the Organic Act on Political Parties B.E. 2560 (2017).

After deliberations, the Constitutional Court found as follows. The facts in the application and supporting documents stated a case where the applicant requested for a Constitutional Court order to dissolve the respondent party under section 92 paragraph one of the Organic Act on Political Parties B.E. 2560 (2017). The provision stated "upon the Commission finding credible evidence that a political party has committed any one of the following acts, the matter shall be submitted to the Constitutional Court for an order to dissolve such political party:... (3) violation of section 20 paragraph two, section 28, section 30, section 36, section 44, section 45, section 46, section 72 or section 74..." and section 72 provided "political parties and office holders in political parties are prohibited from receiving donations of monies, properties or any other benefit with knowledge or with imputed knowledge that they were obtained unlawfully or there are reasonable grounds to suspect that there was an unlawful source." Upon the applicant having credible evidence that the respondent had committed an act constituting a cause for the Constitutional Court to dissolve the respondent party under section 92 paragraph one (3) in conjunction with section 72 of the Organic Act on Political Parties B.E. 2560 (2017), and the applicant submitted an application to the Constitutional Court for an order to dissolve the respondent party, the Constitutional Court therefore ordered the acceptance of this application for a ruling pursuant to section 7(13) of the Organic Act on Procedures of the Constitutional Court B.E. 2561 (2018) in conjunction with section 92 paragraph one of the Organic Act on Political Parties B.E. 2560 (2017). The respondent was directed to submit a reply statement.

The respondent submitted a reply statement and supporting documents to the Constitutional Court which could be summarized as follows.

1. The process by which the applicant submitted an application requesting for dissolution of the respondent party was unlawful for the following reasons. The applicant received a letter from the Association for the Protection of the Thai Constitution, dated 21st May B.E. 2562 (2019) requesting for an inquiry, investigation and examination of the case of Mr. Thanathorn Juangroongruangkit, the respondent party leader, entering into loan agreements with the respondent. The applicant, in meeting no. 69/2562 on 28th May B.E. 2562 (2019), tasked the Secretary-General of the Election Commission to appoint an investigation and inquiry committee. The Secretary-General of the Election Commission delegated the 13th Investigation and Inquiry Committee with such task. Subsequently, the 13th Investigation and Inquiry Committee conducted fact and evidence finding proceedings. The outcome of the investigation and inquiry showed that there were no grounds in the case. The committee therefore adopted a unanimous resolution to dismiss the complaint. In this event, the applicant was under a duty to order the dismissal of the matter

pursuant to section 41 paragraph one of the Organic Act on Election Commission B.E. 2560 (2017). Moreover, during the investigation and inquiry of the 13th Investigation and Inquiry Committee or the applicant, the respondent was never given notice of the allegations, which was a violation of article 54 of the Election Commission Regulation on Investigations, Inquiries and Decisions B.E. 2561 (2018).

2. The Constitutional Court did not have the competence to dissolve the respondent party since the Constitution did not contain any other provision which gave the Constitutional Court competence "under other laws." The applicant's request for a Constitutional Court ruling by applying section 92 and section 93 of the Organic Act on Political Parties B.E. 2560 (2017) to this case was therefore inconsistent with section 210 paragraph one (3) of the Constitution. The Constitutional Court could not apply such provisions of law to this case as construed under section 5 paragraph one of the Constitution.

3. The respondent had the capacity of a private juristic person. The application and interpretation of the law with respect to the respondent had to be in accordance with the fundamental principles of freedom of expression of intent. The respondent had the right and liberty to create a legal relationship insofar as there were no provision of law prohibiting the political party from doing so. Moreover, the "loan sum" had the status of a "debt", not "income". If the law intended to prohibit a political party from borrowing monies, there should be an express provision to preserve the security of legal capacity of a political party which was a private person. Since the Organic Act on Political Parties B.E. 2560 (2017) did not provide a prohibition on political parties from borrowing monies, the respondent was therefore able to borrow monies and able to apply the respondent party's income to repayment of loan debts. Moreover, there were 16 political parties that had borrowed sums as evident in the political party financial statements of the year B.E. 2561 (2018). Furthermore, as regards money loans under foreign laws, political parties could borrow monies under varying conditions. Upon comparison with civilized nations, money loans were regular juristic acts which could be executed by political parties generally.

4. The respondent's borrowing of monies from Mr. Thanathorn Juangroongruangkit under both loan agreements in the amount of 191,200,000 baht were intended to be loans under section 653 of the Civil and Commercial Code, and not concealed juristic acts, since the loans provided for a fixed term according to a calendar date and stipulated an interest rate not lower than the fixed deposit interest rates of commercial banks. The respondent, as borrower, and Mr. Thanathorn Juangroongruangkit, as lender, by amending the interest payment period from "monthly" to "annually", was only intended to facilitate debt repayment.

There was no reduction of interest since the interest rates under both loan agreements stipulated interest rates where a reduction in principal would incur lower interests. In addition, throughout the past, the respondent had gradually repaid the loan together with interests and penalties to Mr. Thanathorn Juangroongruangkit. Thus, this was not a gift under section 521 of the Civil and Commercial Code and not a donation or any other benefit under section 4 of the Organic Act on Political Parties B.E. 2560 (2017) which would constitute a violation of section 62, section 66 and section 72.

5. Section 72 of the Organic Act on Political Parties B.E. 2560 (2017) was intended to prevent a political party or office holder in a political party from receiving a donation of monies, property or any other benefit which was dirty money. The respondent was a political party capable of seeking incomes and profits from the sale of goods or services, or from holding fund-raising events and money donations pursuant to section 62 paragraph one (3), (4) and (5) of the Organic Act on Political Parties B.E. 2560 (2017). In the past, the respondent had consistently held fund-raising events to obtain monies for repayment of loans under the loan agreements to Mr. Thanathorn Juangroongruangkit. The respondent had the potential to generate incomes to repay the loans and had loan securities, i.e. the respondent's financial statements of the year B.E. 2561 (2018) from 3rd October B.E. 2561 (2018) to 31st December B.E. 2561 (2018) showed that the respondent was capable of generating a total income amount of 71,173,168 baht. The lender could anticipate with certainty that the respondent had the ability to repay loans under the agreements. As of the beginning of the year B.E. 2561 (2018), the respondent enjoyed widespread popularity amongst the public as evident from the subscription of membership to the respondent party in a number over 70,000 persons. The trend also showed that membership would continue to increase steadily. Moreover, in the election of Members of the House of Representatives on 24th March B.E. 2562 (2019), the respondent received 6,330,617 votes. If the respondent could draw more membership subscriptions to the party and donations to the respondent, it would be capable of repaying the loans. As for the interpretation that monies obtained from the loan were monies obtained unlawfully or had been obtained from an unlawful source, the respondent did not have knowledge and was not in a position to know that the loan sum was money obtained unlawfully. Also, there were no reasonable grounds to suspect that the loan sums from Mr. Thanathorn Juangroongruangkit were obtained from an unlawful source since they were obtained from honest business operations. Furthermore, there was no law which prohibited a political party from borrowing monies. It appeared that other political parties also borrowed monies and the applicant had never issued a caution or ordered the return of such loans to the

lenders. Therefore, the applicant's allegations that the respondent violated section 62, section 66 and section 72 of the Organic Act on Political Parties B.E. 2560 (2017) were not sound and constituted an application and interpretation of section 72 of the Organic Act on Political Parties B.E. 2560 (2017) that was contrary to or inconsistent with the spirits of the law.

The Constitutional Court, after examining the application, reply statement and supporting documents, found that there was sufficient evidence to give a ruling without the need to conduct an inquisitorial hearing of witnesses. However, for the benefit of these proceedings, the Court allowed 17 witnesses pursuant to the schedule of witnesses submitted by the respondent, namely Mr. Thanathorn Juangroongruangkit, Mr. Piyabutr Saengkanokkul, Mr. Nitipat Taemphairojana, Mr. Putthipong Ponganekgul, Associate Professor Pipop Udorn, Associate Professor Somchai Srisutthiyakorn, Mr. Thirachai Phuvanatnaranubala, Mr. Sawaeng Boonmee, Mr. Kriangsak Muangoon, Mr. Niyot Damrongprapak, Mr. Suchat Petarwut, Miss Maneerat Israchatapol, Miss Yanawan Isra, Miss Pornwisa Empanich, Mr. Chalermwan Permpaisankul, Mr. Mahin Suradinkul and Police Major General Pisan Pummarin, to submit affidavits affirming facts or opinions to the Constitutional Court, and directed the Secretary-General of the Election Commission, as a related person to submit a written opinion to the Constitutional Court.

The respondent filed an objection to the order to proceed without an inquisitorial hearing and requested the Constitutional Court to conduct an inquisitorial hearing of the 17 witnesses. The Constitutional Court, after deliberation, found that the respondent failed to show other facts which differed from the respondent's reply statement that would render it necessary to change the Constitutional Court order. Hence, the objection was dismissed.

The Secretary-General of the Election Commission submitted a written opinion and documents to the Constitutional Court which could be summarised as follows. Upon the applicant receiving a complaint that the respondent had committed a violation of the Organic Act on Political Parties B.E. 2560 (2017), the applicant and the Secretary-General of the Election Commission proceeded under section 41 and section 42 of the Organic Act on Election Commission B.E. 2560 (2017) in conjunction with the Election Commission Regulation on Investigations, Inquiries and Decisions B.E. 2561 (2018), being criminal proceedings which had to be filed in the Courts of Justice, currently pending consideration by the applicant. As for the application to the Constitutional Court to dissolve the respondent party in this case, the Secretary-General of the Election Commission, as the Political Parties Registrar, exercised powers by virtue of section 93 paragraph one of the Organic Act on Political Parties B.E. 2560 (2017) in conjunction with article 54 and article 55 of the

Election Commission Regulation on Political Parties B.E. 2560 (2017) in issuing Order No. 7/2562 dated 27th November B.E. 2562 (2019) to appoint a facts and evidence finding committee to report to the Political Parties Registrar. Upon the Political Parties Registrar examining the facts and evidence report, the matter was submitted to the meeting of the applicant. When the applicant found that there was credible evidence that the respondent had committed a violation of section 62, section 66 and section 72 of the Organic Act on Political Parties B.E. 2560 (2017), an application was submitted to the Constitutional Court for an order to dissolve the respondent party. Thus, the process and procedures pertaining to the submission of application to dissolve the respondent party was lawful. The notice of allegations was of concern in the criminal proceedings, and not relevant to the proceedings to dissolve a political party.

Mr. Niyot Damrongprapak, Mr. Suchat Petarwut and Mr. Kriangsak Muangoon, officials of the Office of the Election Commission, submitted affidavits affirming facts or opinions to the Constitutional Court which could be summarised as follows. All three witnesses were appointed to comprise the 13th Investigation and Inquiry Committee to conduct an investigation pursuant to the applicant's resolution in meeting no. 69/2562 on 28th May B.E. 2562 (2019) in the case of an allegation that Mr. Thanathorn Juangroongruangkit and the respondent committed a violation of the Organic Act on Political Parties B.E. 2560 (2017). All three witnesses completed the investigation and had already submitted an investigation report to the applicant for consideration. As for the issue relating to the applicant submitting an application to the Constitutional Court for an order to dissolve the respondent party, all three witnesses were not aware of the facts and did not have any involvement whatsoever.

Mr. Thirachai Phuvanatnaranubala submitted an affidavit affirming facts and opinions to the Constitutional Court which could be summarised as follows. The loan which the borrower was under a liability to repay was not income under accounting standards. Income could not be extended to include loans and loan amounts received could not be recorded in the accounting book as income since it did not fall within the definition stated in such accounting standards. A loan was not a donation since a loan under a loan agreement was monies which the borrower was under an obligation to repay. If the borrower failed to repay pursuant to the agreement, the lender had the right to enforce such agreement. Furthermore, section 62 of the Organic Act on Political Parties B.E. 2560 (2017) opened the opportunity to seek incomes from 7 sources. A political party therefore had means of seeking incomes to repay the loans. In addition, the Organic Act on Political Parties B.E. 2560 (2017) did not prohibit a political party from borrowing monies. A

political party had the ability to borrow monies and could borrow monies from the political party leader. Upon a comparison with the rules and regulations of the United States of America, it was found that there were regulations to stipulate a loan obtained by a political party was a form of donation until full repayment, and there was an exemption for regular commercial bank loans where the political party had the ability to repay such loans.

Mr. Sawaeng Boonmee, Mr. Chalermwan Permpaisankul, Miss Maneerat Israchatapol, Miss Yanawan Isra and Miss Pornwisa Empanich, officials of the Office of the Election Commission, submitted affidavits affirming facts to the Constitutional Court, in brief, stating that all five witnesses did not have any involvement in the process for dissolution of the respondent party.

Associate Professor Pipop Udorn submitted an affidavit affirming facts and opinions to the Constitutional Court which could be summarised as follows. A loan was a debt, not income, since the money belonged to another person from whom it was obtained and there was an obligation to repay. On the other hand, income referred to monies, properties or other benefits of monetary value received from the sale of goods or properties, delivery of services, investments, including receipt of monies or properties from a donor for use in an operation. Section 59 paragraph one (1) of the Organic Act on Political Parties B.E. 2560 (2017) provided that the account of a political party should consist of a daily account showing incomes or receipts and showing expenditures or expenses. This showed that "incomes" as opposed to "receipts", and "expenditures" as opposed to "expenses" were different. A "receipt" referred to all monies received by a political party from all transactions, which could in some instances be deemed as income. For example, a receipt from sale of souvenir or money donation would be deemed as income, but a receipt from loan or deposit would not be deemed as income. On the other hand, expenses referred to monies which a political party paid in all transactions, which could in some instances be deemed as an expenditures. For example, the expense paid for advertising billboards or travel expenses would be deemed as expenditures, but expense paid as deposit for equipment that was returnable upon the return of equipment would not be deemed as an expenditure. In any event, the Organic Act on Political Parties B.E. 2560 (2017) provided guidelines which promoted transparency and accountability in financial and accounting systems of political parties in accordance with international standards.

Mr. Thanathorn Juangroongruangkit, Mr. Piyabutr Saengkanokkul, Mr. Nitipat Taemphairojana, Mr. Putthipong Ponganekgul, Associate Professor Somchai Srisutthiyakorn, Mr. Mahin Suradinkul and Police Major General Pisan Pummarin did not submit any affidavit affirming facts or opinions to the Constitutional Court.

The Constitutional Court, after an examination of the application, reply statement, statements of related persons, affidavits affirming facts and opinions of witnesses and supporting documents, determined that there were 4 issues which had to be decided, as follows.

The first issue was whether or not the applicant had the competence to submit this application to the Constitutional Court for a ruling under section 92 of the Organic Act on Political Parties B.E. 2560 (2017).

The second issue was whether or not there was a cause for dissolution of the respondent party under section 72 in conjunction with section 92 of the Organic Act on Political Parties B.E. 2560 (2017).

The third issue was whether or not and to what extent the executive committee of the respondent party would have their election candidacy rights revoked under section 92 paragraph two of the Organic Act on Political Parties B.E. 2560 (2017).

The fourth issue was whether or not the former executives of the respondent party that had been dissolved and whose election candidacy rights had been revoked could register the establishment of a new political party or become a political party executive or participate in the establishment of a new political party within ten years of the respondent party's dissolution pursuant to section 94 paragraph two of the Organic Act on Political Parties B.E. 2560 (2017).

A finding of preliminary facts was found from the application, reply statement and opinions of related persons, including supporting documentary evidence, that the respondent registered the establishment of a political party on 3rd October B.E. 2561 (2018). The respondent submitted a financial statement for the year B.E. 2561 (2018), for the accounting period between 3rd October B.E. 2561 (2018) to 31st December B.E. 2561 (2018) to the Political Parties Registrar, stating that the respondent had total incomes of 71,173,168 baht and total expenditures of 72,663,705 baht. Expenditures exceeded incomes by 1,490,537 baht. On 2nd January B.E. 2562 (2019), the respondent entered into a loan agreement with Mr. Thanathorn Juangroongruangkit, the respondent party leader, for the amount of 161,200,000 baht. Article 1 stipulated that "...the borrower has received the entire loan amount..." Article 2 stipulated that "the borrower consents to the payment of interest to the lender at the rate of 7.5 percent per annum on the loan principal which shall be payable on a monthly basis until the expiration of the agreement. If the borrower defaults on a repayment, whether in whole or in part, the borrower shall be liable to a penalty of 100 baht per day (one hundred baht) until the borrower satisfies the outstanding principal, interest and penalties incurred on the defaulting instalment." Thereafter, the respondent repaid part of the loan debts to

Mr. Thanathorn Juangroongruangkit, the respondent party leader on 3 occasions, i.e. on 4th January B.E. 2562 (2019), the respondent paid cash in the amount of 14,000,000 baht, on 21st January B.E. 2562 (2019) paid cash in the amount of 8,000,000 baht, and on 29th January B.E. 2562 (2019) paid by money transfer to a deposit account at Krungsri Bank, Thai Summit Tower Branch, in the amount of 50,000,000 baht. The total amount repaid was 72,000,000 baht. Subsequently, on 11th April B.E. 2562 (2019), the respondent entered into a loan agreement with Mr. Thanathorn Juangroongruangkit, the respondent party leader, in the amount of 30,000,000 baht. Article 1 stipulated that "...on this contractual execution date, the borrower received the loan amount of 2,700,000 baht... The outstanding loan amount under this agreement will be transmitted by the lender to the borrower at a subsequent time." Article 2 stipulated that "the borrower consents to the payment of interest to the lender at the rate of 2 percent per annum on the loan principal only with respect to the outstanding debt." The respondent and Mr. Thanathorn Juangroongruangkit, the respondent party leader, as lender, submitted a reply statement admitting that there was an amendment to article 2 of the loan agreement from previously stipulating the payment of interest on a monthly basis to payment on an annual basis. In addition, in the month of July B.E. 2562 (2019), Mr. Thanathorn Juangroongruangkit, the respondent party leader, donated monies to the respondent in the amount of 8,500,000 baht, and on 27th December B.E. 2562 (2019), the respondent paid interests and partially repaid the loan amount to Mr. Thanathorn Juangroongruangkit, the respondent party leader, on 3 occasions. On the 1st occasion, payment was made for loan interest together with penalties in the amount of 5,895,200 baht. On the 2nd occasion, payment was made for the partial repayment of loan amount under the loan agreement dated 2nd January B.E. 2562 (2019) in the amount of 5,000,000 baht. And on the 3rd occasion, payment was made for loan interest together with penalties in the amount of 1,449,988.04 baht.

The first issue was whether or not the applicant had the competence to submit this application to the Constitutional Court pursuant to section 92 of the Organic Act on Political Parties B.E. 2560 (2017).

After deliberations, the Constitutional Court found as follows. Section 92 of the Organic Act on Political Parties B.E. 2560 (2017) provided that upon the applicant finding credible evidence that a political party had committed any act under section 92 paragraph one (1), (2), (3) or (4), an application should be submitted to the Constitutional Court for an order to dissolve such political party. Section 93 provided that upon the Secretary-General of the Election Commission, as Political Parties Registrar, finding that a political party had committed an act under section 92, the Political Parties Registrar should collect facts and evidence as well as submit an

opinion to the applicant for consideration in accordance with rules and procedures prescribed by the Election Commission. Article 54 paragraph one and article 55 paragraph one of the Election Commission Regulation on Political Parties B.E. 2560 (2017) provided rules analogous to section 92 and section 93 of the Organic Act on Political Parties B.E. 2560 (2017). Article 55 paragraph one of the Election Commission Regulation on Political Parties B.E. 2560 (2017), by providing that the Election Commission Regulation on Investigations, Inquiries and Decisions B.E. 2561 (2018) applied *mutatis mutandis*, did not mean that all articles of such regulation would apply. The latter regulation applied only where the Election Commission Regulation on Political Parties B.E. 2560 (2017) did not provide on a certain matter. Furthermore, the Election Commission on Investigations, Inquiries and Decisions B.E. 2561 (2018) was a regulation governing investigations, inquiries or criminal investigations against a person due to the commission of an offence under a law relating to elections and political parties, which provided a process for serving notice of allegations and referral to an inquiry official or public prosecutor for further criminal proceedings under the relevant laws.

The respondent objected that upon the 13th Investigation and Inquiry Committee reporting to the applicant that the case did not contain any grounds, the applicant was under a duty to dismiss the matter pursuant to section 41 of the Organic Act on Election Commission B.E. 2560 (2017). The Secretary-General of the Election Commission, however, as Political Parties Registrar, relied on facts obtained from the aforesaid investigation to pursue charges under section 72 of the Organic Act on Political Parties B.E. 2560 (2017), which were presented to the applicant. The applicant, in meeting no. 129/2562, decided to submit an application to the Constitutional Court to dissolve the respondent party without proceeding to refer the matter to the Political Parties Registrar to make changes to the case file and conduct an inquiry in order to notify the respondent of the allegations pursuant to the legal process. It was thus claimed that the investigation or inquiry and fact-finding exercise conducted by the applicant were inconsistent with section 41 of the Organic Act on Election Commission B.E. 2560 (2017) and article 54 of the Election Commission Regulation on Investigations, Inquiries and Decisions B.E. 2561 (2018). On this objection, the Constitutional Court found as follows. Section 41 paragraph one provided that upon finding a reasonable grounds for suspicion or upon a matter appearing before the Commission by any means, regardless of whether or not there was an informer or accuser, if there was reasonable evidence or sufficient information to pursue an investigation to determine whether or not a violation of or non-compliance with the laws relating to elections and political parties, or which would render an election as not having been conducted honestly and fairly, or

unlawfully, the Commission had the duty to conduct an investigation or inquiry to find facts and evidence immediately. If the outcome of investigation or inquiry showed that there were no grounds of a wrongdoing, the matter would be dismissed. If, however, there was a finding of credible evidence that a person had acted in the manner subjected to the investigation or inquiry, the Commission should order legal proceedings without delay, or in a case of necessity, order a temporary suspension of election candidacy rights of the performer of such act. In other words, upon an outcome of an investigation or inquiry revealing no grounds of a wrongdoing and the applicant concurred with such outcome of investigation or inquiry, the matter would be dismissed. The applicant's opinion was made independently without obligation to concur with the opinion of the investigations and inquiries committee. Moreover, it was found further on the facts that criminal proceedings pursuant to the complaints and allegations made by Mr. Srisuwan Janya and Mr. Surawat Sangkharoek against the respondent, the investigation proceedings had been completed at the stage of the Problems and Objections Ruling Committee and pending consideration by the applicant. Thus, the matter had not yet reached the stage of serving notice of allegations under the Election Commission Regulation on Investigations, Inquiries and Decisions B.E. 2561 (2018). Furthermore, the issue of serving notice of allegations was a process in the criminal proceedings. On the other hand, the proceedings for dissolution of political party pursuant to section 92 of the Organic Act on Political Parties B.E. 2560 (2017), as evident in the applicant's meeting no. 125/2562 on 26th November B.E. 2562 (2019), the applicant adopted a resolution that, in order to ensure that proper actions were taken in the case of an allegation of a violation of the law on political parties, the Political Parties Registrar should take action pursuant to powers and duties provided under the Organic Act on Political Parties B.E. 2560 (2017). The Political Parties Registrar issued Order No. 7/2562 dated 27th November B.E. 2562 (2019) Re: Appointment of Facts and Evidence Finding Committee. The said committee deliberated to examine and analyze in detail the investigation files in the case of allegations that Mr. Thanathorn Juangroongruangkit, the respondent party leader, had lent monies to the respondent in violation of the law relating to political parties, to determine whether actions should be taken under the Organic Act on Political Parties B.E. 2560 (2017). The committee collected facts and evidence and made a submission to the Political Parties Registrar who then submitted the matter to the applicant for consideration. After deliberations, the applicant found that there was credible evidence that the respondent had violated section 72 thus constituting a cause for submission of an application to the Constitutional Court for a ruling under section 92 paragraph one (3) of the Organic Act on Political Parties B.E. 2560 (2017) and adopted a resolution to submit an

application to the Constitutional Court in this case. Therefore, the process for criminal proceedings and process for submission of application to the Constitutional Court for a Constitutional Court order to dissolve a political party were independent from one another. Hence, the applicant's submission of application was consistent with the relevant laws and regulations. The respondent's objection on this issue was rejected.

The respondent objected further that the constitutional provisions did not contain any other provision which gave competence to the Constitutional Court to have powers and duties "under other laws." The applicant's request for a Constitutional Court ruling by applying section 92 and section 93 of the Organic Act on Political Parties B.E. 2560 (2017) to this case was unconstitutional, and that the Constitutional Court could not apply such provisions of law to this case pursuant to a reading of section 5 paragraph one of the Constitution. Thus, it was asserted that for those reasons the Constitutional Court did not have the competence to dissolve the respondent party. On this objection, the Constitutional Court found as follows. Section 210 paragraph two of the Constitution in conjunction with section 7 of the Organic Act on Procedures of the Constitutional Court B.E. 2561 (2018) provided that the court had the duties and powers to consider the following cases... (13) other cases as provided under the Constitution, Organic Act or other laws as being within the jurisdiction of the Constitutional Court. Therefore, the Constitutional Court had the duties and competence to adjudicate on the dissolution of the respondent party. The respondent's objection on this issue was thus rejected.

Section 4 of the Organic Act on Procedures of the Constitutional Court B.E. 2561 (2018) provided that "case proceedings" meant any process in the proceedings, including inquiries, deliberations for consideration and adjudication or hearings, and section 58 paragraph one provided that "if the court finds that a case raises a question of law or there is sufficient evidence to reach a decision, the court may meet to deliberate and decide without conducting an inquiry or adjourn an inquiry." The case under this application raised a question of law where the facts were already settled. As from the day of the applicant's submission of application on Friday, 13th December B.E. 2562 (2019) until Friday, 21st February B.E. 2563 (2020), the Constitutional Court had conducted proceedings of the Constitutional Court. Upon the Constitutional Court accepting the applicant's application for consideration on 25th December B.E. 2562 (2019), meetings of the bench of Constitutional Court Justices were held continually to deliberate on this case in a total of 11 occasions until a resolution was reached by the bench of Constitutional Court Justices and a ruling date was scheduled on 21st February B.E. 2563 (2020). Thus, the Constitutional Court had spent considerable time to examine this case in great detail and ensured

fairness to the parties, both the applicant and respondent in making a reply statement. Meetings for deliberations and ruling extended over a period of 71 days. The case was therefore not by any means expedited or rushed.

The second issue was whether or not there was a cause for dissolution of the respondent party under section 72 in conjunction with section 92 of the Organic Act on Political Parties B.E. 2560 (2017).

Section 45 paragraph one of the Constitution provided that a person had the liberty to form a political party with others in accordance with means under the democratic regime of government with the King as head of state as provided by law. Paragraph two provided that a law under paragraph one must at least contain provisions relating to the administration of a political party, which had to be open and accountable. Members had wide opportunities to participate in the determination of policies and fielding of election candidates as well as to prescribe measures to enable independent operations free from domination or influence by a person who was not a member of such political party, including supervisory measures to prevent a political party member from committing a violation or failing to comply with laws relating to elections.

Section 66 paragraph one of the Organic Act on Political Parties B.E. 2560 (2017) provided that a person could not donate monies, properties or any other benefit to a political party in excess of the value of ten million baht per political party per year. In the case where such person is a juristic person, a donation of monies, properties or any other benefit to a political party, whether one or several political parties, in excess of five million baht, notice had to be given to next general meeting of shareholders subsequent to the donation. Paragraph two provided that a political party could not receive a donation of monies, properties or any other benefit in excess of the value stated under paragraph one. Section 72 provided a prohibition of political parties and office holders in political parties from receiving donations of monies, properties or any other benefit while knowing or having imputed knowledge of that such value was obtained unlawfully or there was reasonable cause to suspect that the value was obtained from an unlawful source.

After deliberations, the Constitutional Court found as follows. Section 45 of the Constitution was intended to recognise the liberty to establish a political party by providing a legal framework pertaining to the establishment and administration of a political party to ensure that political parties widely served the public and were internally administered in accordance with democratic principles under the political party. In particular, a political office holder and political party should be able to perform duties or undertake activities independently, free from unlawful domination or influence by a person or group. In this regard, the public was allowed to establish

a political party from the beginning and it was provided that the administration, fielding of candidates in an election of Members of the House of Representatives and other activities of a political party should involve the participation of members. This requirement prevented a political party from becoming a political business or enable any person to exploit a financial advantage to dictate a party solely or by a single group. As a consequence, the National Assembly enacted the Organic Act on Political Parties B.E. 2560 (2017) as a law under section 45 of the Constitution.

Section 66 paragraph one of the Organic Act on Political Parties B.E. 2560 (2017) prohibited a person from donating monies, properties or any other benefit to a political party to a value in excess of ten million baht per political party per year. In the event that such person was a juristic person, the donation of monies, properties or any other benefit to political parties, whether one party or several parties, in excess of five million baht per year, notice had to be given to the subsequent general meeting of shareholders after the donation. Paragraph two prohibited a political party from receiving donations of monies, properties or any other benefit with a value in excess of paragraph one. Such provisions were intended to control a political party's receipt of donations of monies, properties or any other benefit from a person within the limit of ten million baht per year. This measure prevented a political party from being subject to exploitation by a person or group relying on a financial advantage to act as an investor in the political party to dictate or exercise influence to dominate or manipulate the political party's activities to satisfy the exclusive wishes of such person or group. If such a situation arose, the operations of a political party would not be independent and the checks and balances within a political party would not be truly effective, thus undermining the democratic principle within the political party under the spirits of section 45 of the Constitution. A possible outcome would also be the political party being used as a tool for exploiting unlawful personal gains of the controller or influencer of such political party. It was therefore necessary to prescribe measures to control the value of donations to political parties to promote the democratic administration within political parties, and to ensure that a political party was an institution which the public could trust and accept.

Section 72 of the Organic Act on Political Parties B.E. 2560 (2017), which provided the causes for dissolution of a political party in this case, raised an initial question on the scope and extent of interpretation of the provision on a political party and office holder in a political party receiving a donation of monies, properties or any other benefit with knowledge or imputed knowledge of such value being obtained unlawfully or with reasonable cause to suspect that such value was obtained from an unlawful source constituting a violation of section 72 of the

Organic Act on Political Parties B.E. 2560 (2017). The Constitutional Court found as follows. The provisions of section 72 provided two prohibitions. The first prohibition concerned a political party and office holder in a political party committing a violation by receiving a donation of monies, properties or any other benefit with knowledge or imputed knowledge that the value was obtained unlawfully, which governed both the obtaining and method of obtaining the monies, properties or any other benefit unlawfully or without disclosure. The second prohibition concerned a political party and office holder in a political party committing a violation by receiving a donation of monies, properties or any other benefit with reasonable cause to suspect that the source of such value was unlawful, i.e. obtaining monies, properties or any other benefit, the source of which was the commission of a legal offence, or dirty money, laundered money, trade in illegal items, human trafficking or corruption. The obtaining of donations in both cases, regardless of their value, were in all events deemed as an unlawful act. For these reasons, section 72 of the Organic Act on Political Parties B.E. 2560 (2017) provided for the prohibition to prevent a political party from becoming involved with monies, properties or any other such benefit, which would cause the political party to become a conspirator or collaborator or accomplice in the commission of an offence, thus prejudicing public trust in the Thai political party system. This measure was essential for the promotion of the Thai political party system to ensure transparency of institutions and public trust, consistent with section 77 paragraph one of this Organic Act, which provided necessary measures and procedures to be imposed on political parties to ensure that a political party's receipt of donations were lawful, transparent and accountable.

The second question raised was whether or not a political party could borrow monies pursuant to the Organic Act on Political Parties B.E. 2560 (2017). The Constitutional Court found as follows. A political party's operations had to rely on incomes of the political party. The law provided income sources under section 62 of the Organic Act on Political Parties B.E. 2560 (2017). Therefore, any money expended by political party in political activities that had not been obtained from a source and method specified by law would be deemed as money that had been unlawfully obtained pursuant to section 62. Even though the Organic Act on Political Parties B.E. 2560 (2017) did not expressly prohibit a political party from borrowing funds, it also did not recognize such an act as permissible. Moreover, a political party had the status of a juristic person under the Organic Act on Political Parties, which was a public law, and a loan, despite not being an income, constituted a receipt and a political fund. Undertakings related to the acquisition and expenditure of monies for political activities were therefore limited to the scope of law only. Upon an

examination of the spirit of the law which intended to prescribe legal measures to supervise the administration and political activities of a political party to ensure transparency and accountability, and to secure the independence of political parties, to be free from domination or influence of any person or group through the reliance of monies, properties or any other benefit, a political party borrowing therefore had to be consistent and be in accordance with the spirits of the Constitution and relevant laws.

The third question raised was the definition of a receipt of donated monies, properties and any other benefit under section 72 of the Organic Act on Political Parties B.E. 2560 (2017). The Constitutional Court found as follows. Upon a consideration of the definitions under section 4 of the Organic Act on Political Parties B.E. 2560 (2017), the term “donate” meant a grant of money or property to a political party other than a fee or dues of the political party, and included any other benefit conferred upon a political party which could be valued in money terms as prescribed by the Commission. The term “any other benefit” included a grant of property, service or discount without consideration or with consideration that was not in accordance with regular trade terms, and an act that would reduce or extinguish a political party’s debt. The use of the term “include” in the definition of terms in law logically included other items apart from that specified or defined. Thus, the conferring of any other benefit to a political party included an act which was analogous to the giving of properties, service or discount without consideration or with consideration that was not under regular trade terms, and an act which caused a reduction or extinguishment of a political party’s debts, or the grant of any other benefit to a political party which could be valued in money terms without cost, contrary to normal practice, which constituted a conflict of interests. Hence, an interest-free loan, or interest that was not in accordance with regular trade terms, or causing a political party’s debt to reduce, or the receipt of monies or any other benefit without cost, contrary to normal practice, were deemed as any other benefit under section 4 of the Organic Act on Political Parties B.E. 2560 (2017), pursuant to the spirit of section 45 paragraph two of the Constitution, and pursuant to rules and conditions on donations and receipt of donated monies, properties or any other benefit pursuant to section 66 and section 72 of the Organic Act on Political Parties B.E. 2560 (2017).

For these reasons, the terms “donate” and “any other benefit” under the Organic Act on Political Parties B.E. 2560 (2017) had a specific definition under this law in order to determine the matters subject to the application of the law on this matter and in order to meet the objectives of the Constitution and law in controlling the financial sponsorship of political parties to within reasonable levels for the

carrying out of political activities. In this regard, measures were prescribed for a political party to maintain a financial and accounting system, including transparency and accountability in a political party's incomes. In addition, the democratic principle within a political party was also supported and protected, which would ensure that a political party was a trusted and recognised institution of the people. A person or group was prevented from exploiting a political party as a tool for personal gains, or from exploiting financial advantages to dictate or exercise exclusive influence and control over a political party's activity by the single person or group.

The following facts were found in this case. The respondent's financial statement for the year B.E. 2561 (2018) (3rd October B.E. 2561 (2018) to 31st December B.E. 2561 (2018)) submitted to the applicant under section 59 of the Organic Act on Political Parties B.E. 2560 (2017) showed that the respondent had incomes from an initial capital in the amount of 1,067,124 baht, membership dues in the amount of 8,620,475 baht, incomes from sale of goods in the amount of 2,718,648 baht, donations in the amount of 58,732,000 baht, other incomes in an amount of 34,921 baht, a total of 71,173,168 baht. Expenditures consisted of the costs of sales of goods in an amount of 2,444,434 baht, administration costs in an amount of 61,579,341 baht, publicity costs in an amount of 8,639,930 baht, a total expenditure of 72,663,705 baht. The respondent had current and fixed assets in a total of 32,873,211 baht. Expenditures exceeded incomes by 1,490,537 baht. The respondent entered into 2 loan agreements with Mr. Thanathorn Juangroongruangkit, who also had the capacity of the respondent party leader, for the amount of 191,200,000 baht. Interest rates and penalties were not in accordance with regular trade terms, and could be deemed as any other benefit granted to a political party which could be valued in money terms. Even though the respondent might have made partial repayments of the loan to the lender on several occasions, the first repayment on 4th January B.E. 2562 (2019) by cash in an amount of 14,000,000 baht merely 2 days after the execution of the loan agreement, was deemed to be an irregular transaction. Moreover, as regards the loan agreement dated 11th April B.E. 2562 (2019) for the amount of 30,000,000 baht at an interest rate of 2 percent per annum, whilst the respondent received only 2,700,000 baht on the contractual execution date, such execution of an additional loan agreement whilst still carrying the burden of an existing debt was deemed to be an irregular transaction. Therefore, the execution of such loan agreement had the characteristics of a money loan with a contractual term and circumstances which conferred benefits or gave special assistance to the respondent that was not in accordance with regular trade terms and not a regular loan and loan repayment transaction. Furthermore, the interest rate was not in accordance with normal trade terms for an unsecured loan, which

was deemed as any other benefit granted to the respondent that could be valued in money terms. When added together with any other benefit which the respondent received that were incidental to the loan of 191,200,000 baht, and monies donated by Mr. Thanathorn Juangroongruangkit to the respondent in the year B.E. 2562 (2019) in the amount of 8,500,000 baht, it was apparent that this was a case of receipt of donated monies, properties or any other benefit to a value exceeding ten million baht per year, being an act prohibited under section 66 paragraph two.

From such facts, circumstances and evidence, it was found that Mr. Thanathorn Juangroongruangkit, the respondent party leader, loaned monies to the respondent as a donation of monies, properties or any other benefit. With regard to the acts of Mr. Thanathorn Juangroongruangkit, who was the respondent party leader, giving the respondent a large loan sum, the respondent party executive committee should have known that such a large debt owed to a person would cause domination or influence by the creditor who could rely on the debt to demand that the respondent repay debts or refrain any act as specified by contract. Also, the financial advantage may grant exclusive control of the party to a single person or group. As a result, the political party would become a political business. Therefore, the respondent's loan was intended to avoid the receipt of donation of monies, properties or any other benefit under section 66. As the donation was prohibited under section 66, the donation of monies, properties or any other benefit was accepted with knowledge or imputed knowledge of an unlawful source under section 72 of the Organic Act on Political Parties B.E. 2560 (2017). Hence, there was credible evidence that the respondent violated section 72, constituting a cause for dissolution of the respondent party under section 92 paragraph two in conjunction with section 92 paragraph one (3) of the Organic Act on Political Parties B.E. 2560 (2017).

The third issue was whether or not and how the executive committee of the respondent party would have their election candidacy rights revoked under section 92 paragraph two of the Organic Act on Political Parties B.E. 2560 (2017).

After deliberations, the Constitutional Court found as follows. Section 92 paragraph two of the Organic Act on Political Parties B.E. 2560 (2017) provided a mandatory provision that "upon the Constitutional Court conducting an inquiry and finding credible evidence that a political party has committed an act under paragraph one, the Constitutional Court shall order the dissolution of the political party and revoke the election candidacy rights of such political party's executive committee." Thus, upon the respondent committing an act which constituted a cause for dissolution of the respondent party, the Constitutional Court was required to order the dissolution of the respondent party pursuant to section 92 paragraph

one (3) and paragraph two of the Organic Act on Political Parties B.E. 2560 (2017). It was therefore proper that the Constitutional Court order the revocation of election candidacy rights of the respondent party's executive committee holding such offices on 2nd January B.E. 2562 (2019) or 11th April B.E. 2562 (2019), being the dates of the acts constituting the causes for dissolution of the respondent party pursuant to section 92 paragraph two of the Organic Act on Political Parties B.E. 2560 (2017).

The next question considered was, upon ruling on the revocation of election candidacy rights of the respondent party's executive committee, how long the revocation of election candidacy rights should last. On this question, the Constitutional Court found as follows. The determination of the period of revocation of election candidacy rights, which was one of the key political rights, when applied to a person who had volunteered to work for the nation by applying for candidacy in an election of Members of the House of Representatives, had to be considered in accordance with the rule of proportionality after having regard to the circumstances and seriousness of the action. The penalty applied had to be proportional to the restriction of personal rights as stated in a precedent set by the Constitutional Court in Ruling No. 3/2562 dated 7th March B.E. 2562 (2019).

Upon consideration of the characteristics of the respondent's actions as per the foregoing ruling, the respondent's actions was a violation of section 72 of the Organic Act on Political Parties B.E. 2560 (2017), which prohibited a political party and any office holder in a political party from receiving a donation of monies, properties or any other benefit with the respondent's knowledge or imputed knowledge of its unlawful source or with reasonable grounds to suspect of an unlawful source. The loan from Mr. Thanathorn Juangroongruangkit, the respondent party leader, in the amount of 191,200,000 baht, showed circumstances and evidence that the respondent intended to avoid the provisions of section 66, which prohibited a person from donating monies, properties or any other benefit to a political party to a value exceeding ten million baht per political party per year, and prohibited a political party from receiving a donation of monies, properties or any other benefit with a value exceeding ten million baht per political party per year. Such operations of a political party was wrongful pursuant to provisions of law and inconsistent with the spirits of section 45 paragraph two of the Constitution. However, the actions had not reached the extent of causing the respondent party to come under the complete domination or control of such person, or total loss of democracy in the respondent party. It was therefore deemed reasonable to impose a ten-year period of revocation of election candidacy rights of the respondent party's executive committee commencing from the day of Constitutional Court order to dissolve the respondent party, consistent with the period under section 94 paragraph two of the

Organic Act on Political Parties B.E. 2560 (2017), which prohibited a former office holder in the executive party of a dissolved political party whose election candidacy rights had been revoked from registering a new political party or from becoming a political party executive or from participating in the establishment of a new political party. Therefore, the election candidacy rights of respondent party executive committee members holding offices on the days of the actions constituting the causes for dissolution of the respondent party are revoked for a period of ten years as from the day of Constitutional Court order to dissolve the respondent party pursuant to section 92 paragraph two.

The fourth issue was whether or not former office holders of the dissolved respondent political party whose election candidacy rights had been revoked could register a new political party or become an executive of a political party or participate in the establishment of a new political party within the ten-year period as from the dissolution of the respondent party pursuant to section 94 paragraph two of the Organic Act on Political Parties B.E. 2560 (2017).

After deliberations, the Constitutional Court found as follows. Section 94 paragraph two of the Organic Act on Political Parties B.E. 2560 (2017) provided that a former executive of a dissolved political party whose election candidacy rights had been revoked for the aforementioned causes could not register a new political party or become an executive of a political party or participate in the establishment of a new political party for a period of ten years as from the dissolution of the political party. Such provision of law provided the consequences of a legal violation. The Constitutional Court did not have the competence to give an order otherwise. Upon the Constitutional Court giving an order to dissolve the respondent party and dissolve the election candidacy rights of the respondent party's executive committee, it was therefore mandatory that an order be given to prohibit the former executives of the respondent party who held such offices on 2nd January B.E. 2562 (2019) or 11th April B.E. 2562 (2019), being the days of commission of acts constituting causes for dissolution of the respondent party and revocation of election candidacy rights, from registering a new political party or becoming a political party executive or participating in the establishment of a new political party for a period of ten years as from the day of Constitutional Court order to dissolve the respondent party pursuant to section 94 paragraph two of the Organic Act on Political Parties B.E. 2560 (2017).

By virtue of the foregoing reasons, the Constitutional Court orders the dissolution of Future Forward Party, respondent, pursuant to section 92 paragraph one (3) and paragraph two in conjunction with section 72 of the Organic Act on Political Parties B.E. 2560 (2017), as well as the revocation of election candidacy rights of the respondent party executive committee holding offices on 2nd January

B.E. 2562 (2019) or 11th April B.E. 2562 (2019), being the days of commission of acts constituting causes for dissolution of the respondent party pursuant to section 92 paragraph two of the Organic Act on Political Parties B.E. 2560 (2017), for a period of ten years as from the day of Constitutional Court order to dissolve the respondent party. Furthermore, the former office holders in the respondent party's executive party are prohibited from registering a new political party or becoming a political party executive or participating in the establishment of a new political party for a period of ten years as from the day of Constitutional Court order to dissolve the respondent party pursuant to section 94 paragraph two of the Organic Act on Political Parties B.E. 2560 (2017).