

## ● Rulings of the Constitutional Court and the Effect of Constitutional Court Rulings.

Section 216 of the Constitution of the Kingdom of Thailand B.E. 2550 (2007) prescribed the following essential rules on Constitutional Court rulings and effects of Constitutional Court rulings:

1. A quorum of Constitutional Court Judges in a hearing and giving of a decision must comprise no fewer than five Constitutional Court Judges (there are a total of 9 Constitutional Court Judges).

2. A ruling of the Constitutional Court shall be made by a majority of votes unless otherwise provided by the Constitution as an exception. The only exception provided in the Constitution of the Kingdom of Thailand B.E. 2550 (2007) is the constitutionality review of the conditions for enacting an Emergency Decree, which requires the votes of no fewer than two-thirds of the total number of Constitutional Court Judges.

3. The Constitution requires all Constitutional Court Judges constituting the quorum to prepare an individual opinion in the ruling. The opinion shall be declared orally in a meeting before voting on a resolution. The Constitutional Court ruling and opinions of each Constitutional Court Judge will be published in the Government Gazette. The essential substance of a Constitutional Court ruling must at least contain the background or allegation, a summary of the facts obtained from the trial, the reasons behind a factual and legal ruling, and the provisions of the Constitution and laws which were invoked.

4. A ruling of the Constitutional Court is final and binding on the National Assembly, Council of Ministers, courts and other state organs. The effects of a Constitutional Court ruling may be divided into two instances, namely:

4.1 A ruling of the Constitutional Court is final, meaning that once the Constitutional Court passes a ruling, the parties, related persons or applicant to the Constitutional Court may not file an appeal to an appellate or supreme court, or object such ruling of the Constitutional Court, or file an action in another court to reverse such ruling of the Constitutional Court;

4.2 Upon a ruling of the Constitutional Court, the decision of the Constitutional Court would also be binding upon third parties who are not parties, related persons or the applicant to the Constitutional Court; in other words, the ruling is binding upon the National Assembly, Council of Ministers, courts or other state organs pursuant to the protection principle of constitutional supremacy.

The binding force of a Constitutional Court ruling is provided under the Constitution of the Kingdom of Thailand B.E. 2550 (2007) which contains provisions recognizing and preserving the supremacy of the Constitution relating to the binding force of Constitutional Court rulings. Section 27 of the Constitution states that *“rights and liberties recognised by this Constitution expressly, by implication or by decisions of the Constitutional Court shall be protected and directly binding on the National Assembly, the Council of Ministers, courts, constitutional organs and State agencies with respect to the enactment, application and interpretation of all laws.”* In other words, once the Constitutional Court passes a ruling on rights and liberties on any matter, the ruling would be directly binding on the National Assembly, Council of Ministers, courts as well as constitutional organs and state agencies in the enactment of laws, application of laws and interpretation of laws.