

THEMATIC TITLE	LEGAL PROBLEM ON ASSET AND LIABILITY EXAMINATION OF PEOPLE WHO HAVE DUTY TO PROVIDE ASSET AND LIABILITY LIST DURING THEIR OFFICE.
KEYWORD	CORRUPTION / ASSET AND LIABILITY LIST / BEING IN AN OFFICER / STATE OFFICER OR GOVERNMENT OFFICER
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ABSTRACT

Asset and liability examination of government officer and political officer, by the National Counter-Corruption Commission, is conducted on propose of solving corruption problem since the officers take a position until they leave from their office. Using only criminal procedure cannot efficiently solve corruption problem. Due to government officers and political officers have legal authority beyond common citizen to consider, authorize, and give a permission in significant public project, the law provides a measure of asset and liability examination for checking on their power. According to such measure, the officers have duty to show their asset and liability list to the National Counter-Corruption Commission.

The Constitution of the Kingdom of Thailand B.E. 2540 (1997) provided the principle of asset and liability examination. Then, the Organic Act on Counter Corruption B.E. 2542 (1999) provided more details on that principle to comply with the constitution. After then, the constitution B.E. 2550 (2007) and 2560 (2017) followed that principle by providing that the political officer and government officer, in any position that is stipulated by law, need to show their asset and liability list. The reason behind such principle is that corruption might be

conducted by conspiring between politician and government officer, so the law was set up to prevent against such corruption.

Nowadays, showing of asset and liability list of political officer and government officer, the law forces them to show their own list, and also their spouse and under legal age children's list. Other than such list, they have duty to provide any document proofing the existence of such assets and liabilities showing on the list, including the document that show their personal income tax and list of other asset, both are in and out of Thailand, that are acquired by other people assigned by the officer. The law provides that the officer need to show the lists to National Counter-Corruption Commission in 3 occasions. First, when he get in an office. Second, when he leave an office. And third, if he is a high rank government officer, he need to show his list every 3 years during his office. Regarding to such rule, the author sees one problem. The problem is the officers are required to show their list just only when they take and leave their office. Therefore, they might move or transfer their assets from corruption to other certain person before showing their list when they leave the office. They might also hind their asset for other corrupting purpose.

To enforce the law efficiently, to provide transparency, and to comply with the law's idea to control and examine those politicians and officers, the author think the Organic Act on Counter Corruption B.E. 2542 (1999) should be amended. Political officer and government officer should be forced to yearly show his, his kids, and his spouse's asset and liability list, while he is taking his office. He also need to show those things when he leave from his office and when he has leave his office for 1 year.