

THEMATIC TITLE	CASE OF NECESSARY TO DECLARE MARTIAL LAW UNDER MARTIAL ACT BUDDHISM ERA 2457 (1914)
KEYWORDS	MARTIAL LAW/DECLARATION OF MARTIAL LAW/ PEACE KEEPING/CASE OF NECESSARY TO DECLARE MARTIAL LAW
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ABSTRACT

Section 2 of the Martial Act, Buddhism Era 2457 (1914) provided that “when, there is a case of necessary to maintain the peace without the disaster that will arise from the outside or within the Kingdom. The martial law will be announced by royal command to all provisions of martial law, some or any part of the text by the King. The conditions of application of such provisions are enforceable in any part of the Kingdom or throughout the Kingdom and if it was promulgated at any time or any place, then all the texts in any act or any law, which are contrary to the provisions of martial law, shall be unenforceable. The provisions of martial law shall be suppressed and replaced by the provisions of that martial law” . When considering the said provisions, then there are legal problems that arise in the issue: “when there is a case of necessary which will arise from the outside or within the Kingdom”. The word as a case of necessary is not defined. Therefore, it is a problem that what the meaning of the term of “a case of necessary” is and what the scope of this case is.

According to the studies, it has been found that the Martial Act, Buddhism Era 2457 (1914) does not provide the meaning and the scope of the word: “When there is a case of necessary” to declare martial law. So, in announcing martial law in the past to the present, this is a promulgation when there is a case of necessary to keep peace such as the international war, the coup for State administration and the prevention of problems relating to the internal riots. There are no other reasons for this case.

The author have suggested that the provisions of Section 2 of the Martial Act, Buddhism Era 2457 (1914) be amended by providing the power of the martial law, in the event that there is a necessary for a natural disaster, the emergency decree will be urgently required or there is an urgent case of necessary to prevent and control serious contagious diseases as prescribed by the ministry of public health. It make the exercise for declaration of the martial law in the Kingdom of Thailand has the benefit of providing assistance to the people and collective society by rapidly, timely and the most effective. There are no restrictions on the delay of the bureaucratic procedure. This will benefit the society as a whole and making effective for the State administration.