

THEMATIC TITLE	PROBLEMS OF DEFINITION, DUTY AND PENALTY RELATING TO THE ASSEMBLY ORGANIZER UNDER PUBLIC ASSEMBLY ACT B.E. 2558
KEYWORDS	PROBLEM OF INDEFINITE DEFINITION OF ASSEMBLY ORGANIZER, PROBLEM OF ASSEMBLY ORGANIZER' S DUTY, PROBLEM OF PENALTY AGAINST ASSEMBLY ORGANIZER
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ABSTRACT

The study of definition, duty and penalty relating to the assembly organizer under Public Assembly Act B.E. 2558 (2015) aims to study meaning, duties and penalty relating to the assembly organizer, concept and theory in connection with exercise of rights and liberties to the public assembly as well as to conduct a comparative analysis of form, steps of action and means of relevant public assembly under laws of the Republic of France, the Federation Republic of Germany and the Republic of Korea. The analysis divides into four issues i.e. indefinite definition of the assembly organizer, duties of the assembly organizer, penalty against the assembly organizer and legitimacy of the administrative enforcer in order to seek for solution or suggest appropriate provisions of law.

The study of Public Assembly Act B.E. 2558 (2015) of Thailand finds three problems of the assembly organizer i.e. too broad definition of the assembly organizer, unavailable duty of the assembly organizer to announce a termination of assembly in case of the assembly organizer is unable to maintain the assembly's orderliness and inappropriate penalty against the assembly organizer. The comparative analysis of laws of the Republic of France, the Federation Republic of Germany and the Republic of Korea results findings of definite definition of the assembly organizer, duty of the assembly organizer to announce the termination of assembly in case of the

assembly organizer is unable to maintain the assembly's orderliness and appropriate penalty against the assembly organizer e.g. administrative measure taken in parallel to criminal punishment in order to terrify the assembly organizer.

Accordingly, the researcher suggests amending Public Assembly Act B.E. 2558 (2015) in these following issues i.e. firstly, definition of the assembly organizer should exclude the person inviting or making appointment to other people for joining the assembly on day, time and place specified by any means or the person asking for permission to use premises or amplifier or the person requesting authorities for facilitation of the assembly and should include the person whom the assembly organizer assigns to be the assembly leader instead and the person giving speech on the assembly stage. Secondly, duty of the assembly organizer should be added to announce the termination of assembly in case of the assembly organizer is unable to maintain the assembly's orderliness. Thirdly, administrative measures taken in parallel to criminal punishment should be added to terrify the assembly organizer for example administrative fine and injunction issued by the Public Assembly Official to prohibit the assembly organizer giving speech on stage in such public assembly. Where the assembly organizer does not agree to such injunction, the assembly organizer is entitled to submit an appeal to the administrative court. The court order, accordingly, shall be final. Moreover, during term of the Public Assembly Official's injunction prohibiting the assembly organizer giving speech on stage in an assembly or during the time of appeal and consideration of appeal, the assembly organizer must suspend giving speech on stage of such assembly.