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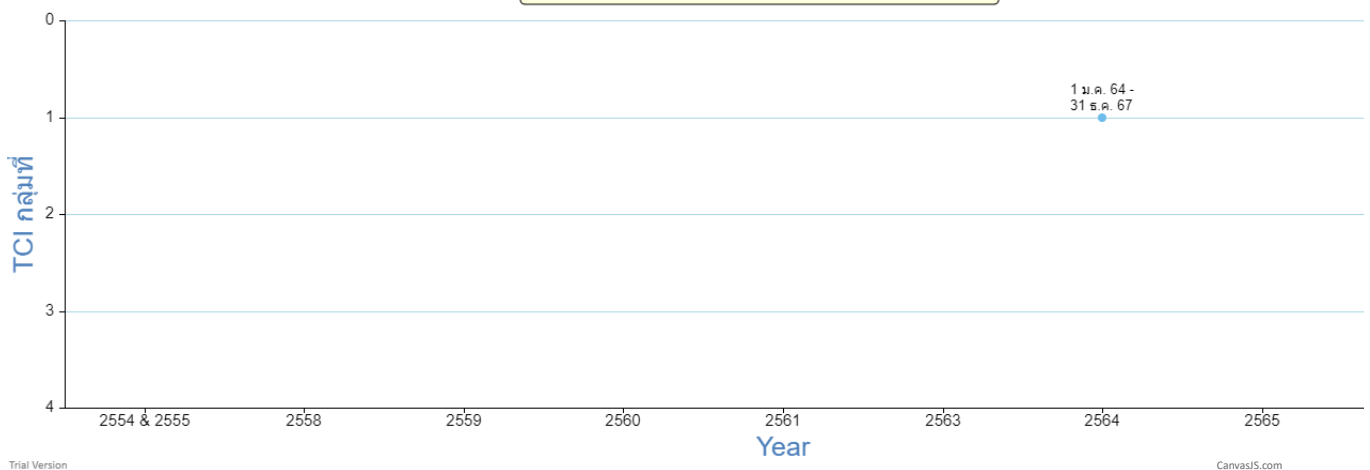
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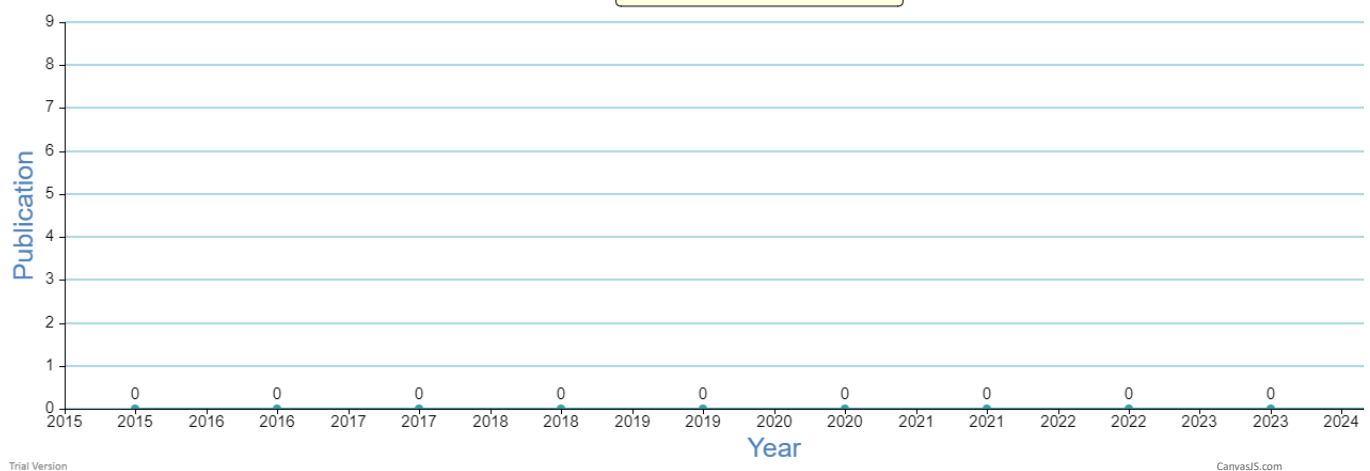
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A DISCURSIVE ANALYSIS ON THAILAND CONSTITUTION'S PREAMBLES: A POLITICAL LANGUAGE AND THE CONSTRUCTION OF THAI POLITICAL 'TRUTH'

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Abstract

Almost 90 years after the Siamese Revolution of 1932, Thailand promulgated 20 constitutions to legitimize the political power in Thailand. There were also 21 times of the successful and unsuccessful coup d'état which labeled Thailand as the '4th most constitution changing country in the world'. A so-often coup d'états have affected Thailand Constitutions with more complexity, more categories, and a more statutory or constitutional interpretation. This article provides a brand-new approach to understanding Thai politics by connote-to-conceal the political intention behind the rich texts of Thailand Constitution's Preambles. The purpose is to reveal the power relation effecting in the legal and the social organization of the Kingdom of Thailand. This article applied 'Foucauldian Discourse Analysis' into the investigation process on 20 Thailand Constitution's Preambles. The result found some crucial discourses indicating some substantive confluence between the National Security, The Army, and the King against the 'Democratic' People Participation. The synonymous between the ethical majestic of the Thai King, the peacemaker Junta, and the limitation of the King subject's participation has been constituted as the 'TRUTH' in the legitimization of Thai political power while the people's raising for democracy has been depreciated on the contrary.

Keywords: Thailand Constitution's Preamble, Discursive Analysis, Constructive Thai Political TRUTH

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Introduction

Constitution-making is the result of the construction/definition of basic political structures and underlying rules (Banting & Simeon, 1985). According to the theory of the one of the most foundational theorists of the Constitutional Study, Albert Venn Dicey (1915) commented that Constitutional Law includes 'direct' and 'indirect' rules which are distributed of the sovereign power of the state. In Dicey's terminology, the direct rules are called the 'conventions of the constitution' which are precisely a written and unwritten laws, enforced by the court while the indirect rules are called 'political/constitutional morality', which are not enforced by the court but are connoted in the public opinion on the customs of the politicians and the public officers. In short, For Dicey, the sovereign power of the state consists of 2 dimensions- a 'legal' and a 'political'.

For Legal Theorists, the Constitution is rooted in conservatism's view of laws, but the constitution change has been allowed in protecting social stability. Constitution change has been described as a process of interest bargaining between every group in society. In other words, the constitution change is a result from a compromise between the government and its opposition. And the constitution can be changed explicitly or implicitly. Even though the document itself remains unchanged, the inquiry into how a specific 'de jure' and 'de facto' constitutional provision in a specific situation is necessary. (Voigt, 1999).

In the case of Thailand, since the Siamese revolution of 1932, Thailand has changed the constitution 20 times. According to the data collection of The Comparative Constitutions Project of Cambridge University, Thailand was ranked as the 4th most constitution changing country in the world (Elkins et al., 2009).

Pandit Chanrojkit (2015) clarified that Thailand Constitutions are products of a historical structure of Thai society, economics, and politics. These products have brought out the social norms as a social fundamental rule which nationalized the political bodies of Thai state. According to Hague & Harrop (2007), as Chanrojkit referred to, there are 3 derivations of constitutions: 'a regime change', 'a post-war-state restoration', and 'a sovereign declaration of a new-born-state'. But Chanrojkit added 'a coup d'état' as the 4th aspect to the theory because this aspect is the most crucial point in the constitution change in Thailand. For Chanrojkit, each constitution has been constituted to legitimize the political authority of anyone who has already possessed the state including the Junta. The discontinuity influenced by many so-often coup d'états have affected later Thailand Constitutions a more complexity, a more categories, and a more statutory or constitutional interpretation. Although every constitution has been apprehended as an ultimate regulation, but these backbones always have been obliterating when the Juntas asserted themselves as a 'Thailand's political security maker'. The most important political issue in many latter constitutions was the distribution of the sovereign power to the independent entities to allege the constitutional interpretation of the constitutions, especially in the arbitration by the Judicial Review.

From to my survey, the most reliable Academic Research and Literature Database in Thailand; Thailand Digital Collection; ThaiLIS (www.tdc.thailis.or.th), Thai Journals Online; ThaiJO (www.tci-thaijo.org), and Thai Journal Citation Index Center; TCI (www.kmutt.ac.th/jif/public.html). In the drawback to investigate Thai publications since 2000-2010, there are about 2,000 titles concerning Thailand Constitution. The most fashionable of Thailand Constitution publications was a Behavioralism Survey Research especially in the topic of political participation and attitude. There were a few published topics concerning history and theory while a very few concerning comparative study. Most important of all, none of those publications have highlighted the Thailand Constitution's Preamble.

Preehasinlapakun (2012) classified the study on Thailand Constitutions into 4 paths or schools. First, 'a Legal-Institution' which can be identified as a mainstream between Thailand Constitutional academics. This first school is the movement in the study of Thailand

Constitution by using the Theories of Laws. The schema focuses on legal machinery of Thailand Constitutions as a Positive Laws in making a comparative evaluation between Thailand Constitutions with the other countries' Democratic Constitution without including any dimensions of politics. Second, 'a Historical-Cultural' which was initiated by Nidhi Aeusrivongse's work, "A Cultural Constitution", in 1991. This schema distributes Thai normative justification into 2 types of constitution, 'a written' and 'a cultural'. To be last-long survive, the written constitution must be consistency constituted with a cultural constitution. This school has opened a new perspective not only of the study of Thailand Constitution, but also of the explanation of an oftentimes coup d'état in Thailand. Third, 'a Political Science/Politics' which has focused on the concept of 'power relations' between Thai interest groups in certain time which influenced the Making of each Thailand Constitutions. A comparative politics discipline also imported into the study of Thailand Constitution to draw a systematic comparison with other countries' Democratic Constitution to justify each Thailand Constitution as 'a democratic' or 'a despotic'. The last school is 'an Economics' which has imported economics approaches such as Marxism, Liberalism, Political Economy, Market System etc. into the study of Thailand Constitutions. The concept of a Perfect Competition Market has been set as the target of the political interest bargaining between Thai stakeholders while constitutions have been seen as trust/contract which contains a set of the competition rules.

Hence, in following the data from the Academic Research and Literature Database in Thailand concerning with Preechasinlapakun's classification, the study Thailand Constitution's Preamble is the very brand-new alternative academic path for study of Thailand Constitution.

The Important of a Constitution's Preamble

If we start with the first question—"Why political scientists should pay attention on the Constitution's Preamble?" As a matter of course, Preamble or the introductory article of the Constitution is a common constitutional feature. As Frosini (2012) mentioned, preambles are 'words with a reason' which indicates the general purposes for which the people ordained and established the constitution; it has never been regarded as the source of any substantive power conferred on the government. However, preambles, as Frosini concluded, remind us 'Why and How the constitution was approved?'.

According to the quantitative study of Orgad (2010), the growing pace of using a preamble in the Constitutional Adjudication in countries has been gradually increasing. In many countries recently, as Orgad claimed, the use of a preamble has restyled constitutions to become 'a set of laws', instead of 'a set of rules' or its 'grounding definition'. Moreover, preambles have recently added up more, in Orgad's term, 'government-led intention' while a popular demand has been pulled down. But, as the formal definition of a preamble is 'the introductory part of a constitution or statute that usually states the reasons for and intent of the law' (www.merriam-webster.com/dictionary/preamble).

Indeed, preambles always design with an easily accessible language containing *raison d'être* and legal purposes. Orgad categorized a Preambles Design into 3 types. First, a 'Ceremonial-Symbolic' which persuades the people to obey the law because the law is just not a dictatorial prescription but the law itself is a 'good' also. Second, an 'Interpretive' indicates the significant guiding framework to command state and people to 'do' or 'not to do' in the statutory interpretation by the reason that preamble is an inspiration for rights of the people residing in the national founding. Third, a 'Substantive' which distributes the higher legal status of the fundamental prerequisite decision of the state or 'a constitution is a spirit of the people', than the norm of the state or 'a constitutional law is regulations to obedience'.

Orgad also subsumed the Content of Preambles into 5 elements, some preambles contain all 5 elements while some contain partially. There are; firstly, 'The Sovereign' or 'The Source of

Sovereignty' which identify the constituent relationship of the power of the people and the authority of the states; secondly, 'Historical Narratives' which shape the common identity which always referred to past events that influenced the establishment of the nation or of the state to define who the "we" is; thirdly, 'Supreme Goals' is the abstract ideas of the nation's/state's fundamental goals or the nation's/state's universal objectives; fourthly, 'National Identity' is the national creed or the constitutional philosophy including a future aspirations, a commitment of a liberty or human dignity; and lastly, 'God or Religion' which reflects the grounding definition of political morality of the state's political power.

Moreover, a Merit of the Preamble always include the Nation's Core Principles and Values. Hence, as Orgad concluded, the political power of preambles not only affects the legal operation but also in its social operation. The more preamble enjoys its legal status; the more moral principles or historical intension of a constitution are neglected.

It is assuring enough that the understanding on the relationship between a legal status and an ideological status of the constitution is very necessary for the Political Scientists. As Koselleck (2006 cited in Saengkanokkul, 2016) argued that "the study of the history of laws is the study of its own singularized language of laws". After all of the reasons above were mentioned, my next question arose- "How do we study the intention of the legitimization of the political power, connoted behind the rich text in Thailand Constitution's Preamble?"

Methodology of this Study

To answer the question above, I applied 'Foucauldian Discourse Analysis' into the investigation process on 20 Thailand Constitution's Preambles to reveal 'Why and How each Thailand Constitutions were approved?' which have been concealed behind those texts. The Discourse Analysis is a research method for studying the relationship between language/text and its social context. While Linguistic Analysis Approaches focuses only on the rules of language using, as contexts play the important role in the construction of the meaning of language/text, Discourse Analysis is the interpretative operation on the cultural (and also political) context(s) influencing to the meaning of the formal language/text and, in the other hand, the subjugated/informal meaning. In short, as Eisenhart & Johnstone (2008) mentioned, "Discourse Analysis is the method to understand how language is used, valued, defined, or even constructed as the 'TRUTH'".

Based on Michel Foucault (2013), the Discourse Analysis analyses the social construction by language which in turn reflects the existing power relationships in the society (Mills, 1997). Discourses are created as 'which(es)' are 'thought-able'/'said-able'/'acted-able'/'written-able' while the 'others-unable' are left out. For Foucault, discourse is not only culturally constructed as knowledge, but also constructs the power relation influencing individuals' views of the ideological and political realities. According to Foucault, discourse is a 'power/knowledge' because discourse simultaneously produces/reproduces both power and knowledge circulating throughout the society to represent the 'TRUTH'. As humans live their societal life concerning 'which' is 'TRUTH' and 'which' are 'not', power is omnipresent. Power/Knowledge constitute the conscious/unconscious disciplines of the subjects' way of societal living. As discipline is a regulated mechanism to constitute the individuals' behaviour in a, in Foucault's term, governmentality/disciplined society, humans are finally an unavoidably subject to the discourse(s).

To understand the production of 'TRUTH', Foucault offered the method to study a family tree of power/knowledge-'a genealogy'. The Foucauldian genealogy is the search for the discontinuities in the knowledge of truths-'an episteme'-residing in the systems of knowledge during certain periods. To conceal the power of an episteme, Foucault suggested us to find the social and political context in which a certain episteme was changed. The changing of an episteme reveals which knowledge is submitted while others are subjugated. Hence, to uncover

the power relation in the construction of societal 'TRUTH' is to examine that 'which', 'why', and 'how' some definitions have been promoted while others have been demoted in history. In conclusion, to apply the Discursive Analysis into the study of politics is to examine the political language/text as discourse. These discourses are 'political' because they, on the one hand, construct the 'political TRUTH' to define the formal/acceptable political rule in each political society, on the other hand, the discursive practice(s) also dominate and subjugate the other 'political truths' as the informal/inacceptable. To uncover the hidden power relations, constructed through the 'political TRUTH', Political Scientists must contest the formal usage of the discourse to reveal which(es) are included and which(es) are excluded (Charoensin-olarn, 2013). In short, to study the 'TRUTH' of the political intention behind Thailand Constitution's Preamble is to, firstly, identify the discourse(s), and then, secondly, examine 'Why' and 'How' that discourse(s) has been frequently promoted.

The Discursive Analysis of Thailand Constitution's Preambles

To identify the exactly promoted discourse, I borrowed Orgad's theory of a 'Legal Purpose of Preamble's Design' and a theory of a 'Preamble's Elements' to construe 20 Thailand Constitutions. If we leave the over-abundantly conclusion that Thailand Constitutions were designed in the Ceremonial-symbolic style because of the approximately 99% of the using of Pali language in the first paragraph of every Preambles. If the total number of the Thai Constitution's Preambles is count as 100% (p = 100). It has found in a percentage by using the simply counting that most Preambles were designed in the Substantive style (p = 70). It mentioned the fundamental political decision of change by accredited Thai People's political inspiration as the source of change. But it is necessary to be noted that the King's granting in a Ceremonial-Symbolic matter of the process of promulgation is also always mentioned. Such as:

"As His Majesties of the Chakri Dynasty have succeeded to the throne of Siam. His Majesties' government policies with the Absolute Monarchism and the principle of the 10 virtues of the Kings...Now, the number of the higher-educational people and the bureaucratic officers is raised which should drive the country to progress. Hence, participation should be deserved in the country's development. Consequently, His Majesty granted to bestow the Constitution of the Kingdom of Siam". (Constitution of the Kingdom of Siam, 1932)

Though the Siamese Revolution was 'in-fact' the revolt against the Absolute Monarchism, the main issue of 'The Constitution is the King's permission has become the Meta-Narrative of Thailand Constitutions since. Even in the latter Constitutions, this keystone has been lasted for, such as:

"After prudent consideration, the Constituent Assembly voted in favor of passing the resolution to present the draft to *His Majesty to sign the Royal Signature for granted to bestow*". (Constitution of the Kingdom of Thailand, 1997)

"To diminish the conflict for the reconciliation of the peaceful country on the foundation of love and harmony. The cooperation between the state's bodies and the people is important...Hence, the Prime Minister presented the draft to *His Majesty to sign the Royal Signature for granted to bestow*". (Constitution of the Kingdom of Thailand, 2017)

In the aspect of elements, the percentage of the most mentioned elements in Thailand Constitution's Preambles were the Supreme Goal (p = 100), the Source of Sovereignty (p = 90), and the National Identity (p = 75). Moreover, if we construe the most mentioned element (Supreme Goal, the Source of Sovereignty, and the National Identity). Every Preambles mentioned the significance factors of Thai precedence Ideologies as nation, religions, and monarchy (p = 85), national security (p = 70), and democracy under the Constitutional Monarchism (p = 60). On the matter of Sovereignty, the King was often mentioned as the source of Sovereignty (p = 90) and the Coup Junta was mentioned frequently (p = 85) while

the people and the people's participation were seldom recognized (p = 20). Most of the History Narrative was informed that the coup(s) needed to revolt or reform because of the national unrest from the un-democratic of the former government (p = 80) while the democratic reform which was raised from the account of the people was seldom informed (p = 20). Such as:

"In the situation of the country has changed a lot...The Prime Minister therefore discussed the matter with members of the House of Representatives along with the advocates *asking for the constitution bestowed by His Majesty...to suit the situation of the country and to make the democratic regime more complete*". (Constitution of the Kingdom of Thailand, 1946)

"In the Reformation of the government in this regime in any way depends on the circumstances and the reasonableness of each situation. And there must be an amendment to make the constitution to be suitable in order to the democratic reform of the Constitutional Monarchy to achieve *the intent of this constitution: the national security and the well-being of the people by adhering to the main institutions of the country-nation, religion, and the King*". (Constitution for Administration of the Kingdom, 1976)

According to the design, it can be interpreted that the legal purpose of Thailand Constitution's Preambles has been portrayed 'to persuade' more than 'to command'. Apparently, most of the Preambles are concerned with the founding ideology of the norms. Moreover, no matter since 1932, in the process of supreme political norm establishment, Thai political society has always emphasized 'how the state should be?'. This effect to the founding reference of supreme political power and the cause of political society changing have been frequently paid attention, while an acquired political identity and the grounding morality of power has occurred a few times or even been dismissed. For example:

"The essence of the new draft is to achieve the common objectives of the Thai people... to maintain the independence and security of the nation, religion, to honor the King...*the democratic system with the King as Head of State is the way of how the country be governed*". (Constitution of the Kingdom of Thailand, 2007)

The result also implied that the most important reason in the Thailand Constitution changing was the unrest. So, the National Ideologies and Security persistence was the goal of the change. Interestedness, the source of Thai Sovereignty has been recognized that it resides with the King and Junta(s). If we consider the power characteristics aspect of the Preambles between its Integrative and the Disintegrative. This result corresponds to the work of Petchlert-anan (2018) which concludes the reason for the coup d'état since 1932 is always have a short of explanation but always mention to the socio-political necessary. The most alleged reason is the political instability because of the persecution of the government, prime minister, and the cabinet to the bureaucracy. The displeasure on the political power sharing between the Thai Army and the government is the main purpose of the decision to overthrow the government. The second most mentioned is the matters of the King such as the royal prerogative, the royal honor, and the lèse majesté.

It is worth mentioning that even the power characteristics of Thailand Constitution's Preambles were disintegrative but have been turned into more Integrative since 1974. The account of Thai people's requirement of peaceful politics and the 'Protection of The Monarchy' was more often declared by the Junta. Apparently, this turning point occurred just one year after the 6th October 1976 Massacre which was the dreadful crackdown of the Right-wings against the Leftists.

"Forty years pass since the events of the country have changed (the Siamese Revolution-mentioned by the author) ...As time passed, people have become more educated with a better political knowledge...The desire of the government by the people and a dissatisfaction of the (Junta's-mentioned by the author) government was raised... On 13th and 14th October 1973. There was an immediate constitution revendication...caused tragic bloodsheds and the loss of many lives. That was a serious political crisis... *The spirit of this Constitution represents the determination of the Thai people* which should uphold the independence of the nation, the

protection of all religions, and *the loyalty to the honor of the King as the head of state* and the symbol of the nation in the democratic regime”. (Constitution for the Administration of the Kingdom, 1974)

“In 6th October 1976, *the people raising* was shown a clearly confident in the democratic regime of government with *the King as the Head of State as a good and appropriate system of the government* to maintain national security and well-being of the people as a whole”. (Constitution for Administration of the Kingdom, 1976)

But, on the other hand, in the social and political context in this discontinuity, according to Anderson (1977), the aftermath of the 6th October 1976 Massacre has brought out the gradually explicit support of dictatorship by the Thai middle class who favored stability and peace above democracy. The coup d'états have become the campaign to educate Thai people to be a ‘how-to-be a proper’ citizenship. The draft constitution was mentioned to process a referendum with the support of the political parties, media, activists and intellectuals. The Juntas were supported as the democratic good-coup in the ‘Democratic System with the King as a Head of State’. (Marks, 1980; Bunbongkarn, 2004; Connors & Hewison, 2008)

This content can be delineated by using Winichakul’s (2016) concept-the Royal Nationalism, an inextricably bounding of Thai nationalism ideology with a subdue to Thai Monarchy. For Winichakul, Thai Monarchy and Monarchists have played the most significant role in shaping a Thai-styled Democracy. The effect of Royal Nationalism has constituted the fusion of the perception of the King with both the Conservatism-‘Thai Kingship is the hallmark of Thai-ness’, and the Liberalists-‘Thai Kings were selected from Thai people’. Ultimately, the perception of Thais on Thai history has been portrayed as a Thai Monarchical anecdote. (Tepnarin, 2012; 2022) In addition, after 1983, the political power within the Thai Army has been reorganized and compacted. Unfortunately, in this duration, the government by people has been gradually imputed as a threat of the national ideologies and security. The binary opposition between the ‘public-at-large loyalty Juntas’ against ‘the corruption by-the-people’s Politicians’ has been constituted. For example:

“*The persons who were elected to take part in the government have not respected the intention of the Constitution in various ways. They have governed for their self-interest over the public interest of the country. As a result, democratic governance has always been tumultuous, and the determination of the nation came to calamity. Therefore, it is necessary to restore and reform the democratic government by the Coup*”. (Constitution for Administration of the Kingdom, 1976)

“After the National Peace Keeping Council has successfully seized and controlled the power of the country...by wishing to have *an appropriate constitution* in order to rule the country, *to eliminate all dangers* to the nation and the *monarchy, and bring back peace and order* quickly”. (Charter for Administration of the Kingdom, 1991)

“After the National Council for Peace and Order which consists of the military and police informed His Majesty that the political conflict situation in Bangkok and the nearby areas has become more and more serious. The insecurity had spread to almost every region of the country because the unity of the people was divided. Sometimes the violence occurred with the use of force and weapons in attack and persecuting each other. The normality of welfare and livelihood of the people was threatened. The economic development and the government had been stuck. The exercise of legislative, administrative and judicial enforcement was ineffective. That was an unprecedented serious crisis...The National Council for Peace and Order *has to seize and control the power of the country...to resolve serious situations to return to normality...before transferring the mission to the representatives of Thai people to take over the administration of the state affairs in the next period. The democratic methods alone cannot achieve in this reconciliation process...it is necessary to take time to create an atmosphere of peace and harmony to bring back the long-lost happiness back to the people and reform some*

rules that provoke the conflict...If comparing with letting the situation with fate, it should not take a long time". (Constitution of the Kingdom of Thailand (Interim), 2014)

Even after the protest for democracy or at least for more political participation of the people, the power of the episteme has supported not only the continuous vicious circle of Thai political system but has also raised the higher status of The National Security of the Millenarian State and the Royal Nationalism which has not been persisted over the People Democracy. (Petchlert-anan, 2018). Finally, Thailand Constitutions have been treated as a political reform instruments and techniques of the lawyers-authors guided by the Junta while, at the same time, were gradually abandoned the characteristics of the product which represented Thai people's aspiration (Saengkanokkul, 2016). This conclusion of these Meta-Narratives as Thai political 'TRUTH' can be seen in the current Preamble.

"There was an unstable or unordered government because of the various continuous problems and conflicts. Sometimes, those became a constitutional crisis which cannot be resolved. Some causes of the problem were disrespect or disobedience to the regulations of some people, the corruption, the fraud, the lack of awareness and responsibility to the nation and the people which affected the law enforcement became ineffective. Those must be prevented and corrected through an education reform, a shift law enforcement, and strengthening the moral and ethical system...But as another cause was caused by the unsuitable rules of politics and administration with the political scheme. The preceding to the forms and methods over the basic principles of democracy...The Constitution Drafting Committee has motivated the public awareness in the principles and rationale of the various revisions to the people. The opportunity to access for more understanding of the Draft via various types of media has been made for the development of the essences of the Constitution concomitant with the people's suggestions...When the Draft was finished. It was published with an explanation and the summary on the essence of the Draft for easy and generally accessible. The referendum was also held to approve the entire Draft. After that process, in the promulgation of the Constitution as the Constitution of the Kingdom of Thailand for last forever, the Prime Minister presented the Draft of His Majesty for the Royal signature signing. His Majesty made his respond that it was deserves to be approved." (Constitution of the Kingdom of Thailand, 2017)

Conclusion

Since the Siamese revolution of 1932, there are 20 constitutions have been designed for legitimized the political power in Thailand. The vicious circle of coup d'état pushes Thailand up to the 4th most constitution changes country in the world. Apparently, every constitution is the backbone of each state's political power sharing. But because of a so-often coup d'états have affected Thailand Constitutions with more complexity, more categories, and a more statutory or constitutional interpretation. There are many provided academic approaches to understanding of Thailand Constitution, but the approach, the study of Thailand Constitution's Preamble, presented in this article is very brand-new for Thai Political Science Academic Circle.

The notion of this approach holds the position that preambles have been connoted by the political intention of the authors. The study of the intention of the legitimization of the political power, connoted behind the Preamble, will reveal the power relation effecting in the legal and the social organization of the state.

In this study, this article experimentally applied Orgad's theory and Foucauldian Discourse Analysis methodology to investigating on 20 Thailand Constitution's Preambles to connote the 'TRUTH' of Thai power relationship which is legitimized by Thailand Constitutions. After the identification of the crucial discourses, the National Ideologies, the National Security, Democracy, the Junta, and the King have been often interpolated into each preamble for many reasons. But in the close consideration, there indicates some substantive confluence between

the National Security, The Army, and the King against the 'Democratic' People Participation. Especially after the 1980s, for Thai elites and middle class, the coup d'états are good because it is a shaving-democracy campaign to educate the episteme of Thai Democracy to the 'not-political-readiness' people who always has been beguiled by the politicians.

Finally, at least by the Discursive Analysis of Thailand Constitution's Preambles, with the power of the history-making of the TRUTH, the synonymous between the political role of Thai King, the peacemaking of the Junta, and the King subject's participation has been affirmed as the 'Legitimated Political Power' in Thailand Constitution Changing while the democratic reform raised from the people only has been slightly dismissed. This is the true face of Thai Democratic regime, concealed within Thailand Constitution's Preambles.

References

- Anderson, B. (1977). Withdrawal symptoms: Social and cultural aspects of the October 6 coup. *Bulletin of Concerned Asian Scholars*, 9(3), 13-30.
- Banting, K., & Simeon, R. (1985). Introduction: The Politics of Constitutional Change. In K. Banting, & R. Simeon. (eds.). *The Politics of Constitutional Change in Industrial Nations* (pp. 1-29). London: Palgrave Macmillan.
- Bunbongkarn, S. (2004). *The military and democracy in Thailand*. Retrieved from <https://press-files.anu.edu.au/downloads/press/p33231/pdf/ch0335.pdf>.
- Chanrojkit, P. (2015). *Thailand Constitutions: origins and matters*. Bangkok: King Prajadhipok's Institute.
- Charoensin-o-larn, C. (2013). *Language and Politics/The Political*. Bangkok: Vibhasa.
- Charter for Administration of the Kingdom, 1991*.
- Connors, M., & Hewison, K. (2008). Introduction: Thailand and the "good coup". *Journal of Contemporary Asia*, 38(1), 1-10.
- Constitution for Administration of the Kingdom, 1976*.
- Constitution for the Administration of the Kingdom, 1974*.
- Constitution of the Kingdom of Siam, 1932*.
- Constitution of the Kingdom of Thailand (Interim), 2014*.
- Constitution of the Kingdom of Thailand, 1946*.
- Constitution of the Kingdom of Thailand, 1997*.
- Constitution of the Kingdom of Thailand, 2007*.
- Constitution of the Kingdom of Thailand, 2017*.
- Dicey, A. (1915). *Introduction to the Study of the Law of the Constitution*. London: Macmillan.
- Eisenhart, C., & Johnstone, B. (2008). Discourse Analysis in Rhetorical Studies. In B. Johnstone, & C. Eisenhart. (eds.). *Rhetoric in Detail: Discourse analyses of rhetorical talk and text* (pp. 3-21). Amsterdam: John Benjamins Publishing Company.
- Elkins, Z., Ginsburg, T., & Melton, J. (2009). Introduction. In Z. Elkins, T. Ginsburg, & J. Melton. (eds.). *The Endurance of National Constitutions* (pp. 1-11). Cambridge: Cambridge University Press.
- Foucault, M. (2013). *Lectures on the Will to Know*. In D. Defert. (ed.). & G. Burchell. (trans.). London: Palgrave Macmillan.
- Frosini, J. (2012). *Constitutional Preambles at a Crossroads between Politics and Law*. Rimini: Maggioli Editore.
- Hague, R., & Harrop, M. (2007). *Comparative Government and Politics: An Introduction*. New York: Palgrave Macmillan.
- Marks, T. (1980). October 1976 and the Role of the Military in Thai Politics. *Modern Asian Studies*, 14(4), 603-644.
- Mills, S. (1997). *Discourse*. London: Routledge.

- Orgad, L. (2010). The Preamble in Constitutional Interpretation. *International Journal of Constitutional Law (I-CON)*, 8(4), 714-738.
- Petchlert-anan, T. (2018). *“Reason” for Coups in Modern Siam/Thailand*. Bangkok: Social Science and Humanities Textbooks Foundation.
- Preechasinlapakun, S. (2012). A four paths of Thailand Constitutional Study. *CMU Journal of Law and Social Sciences*, 5(2), 29-43.
- Saengkanokkul, P. (2016). *Constitution: History, Constituent Power, and Transition*. Nonthaburi: SameSkybooks.
- Tepnarin, P. (2012). *King and nation in royal nationalist ideology: the investiture of sovereign power during a crisis of political transition*. Master of Political Science Thesis, Thammasat University.
- Tepnarin, P. (2022). *Dhammaraja liberalism: the power dynamics between the monarchy and democratic institutions in the majority-restriction project (1990-2020)*. Doctor of Philosophy Thesis. Thammasat University.
- Voigt, S. (1999). Implicit Constitutional Change-Changing the Meaning of the Constitution Without Changing the Text of the Document. *European Journal of Law and Economics*, 7, 197-224.
- Winichakul, T. (2016). *A face of Royal Nationalism: On Thai History*. Nonthaburi: SameSkybooks.

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