

タイにおける汚職の創造

——法規定と政治家批判

外 山 文 子*

The Creation of Corruption in Thailand: Legal Provisions and Criticism of Politicians

TOYAMA Ayako*

Abstract

Thailand made great progress toward institutional democratization through the amendment of the 1991 Constitution, which stipulated that only elected MPs were eligible for the position of prime minister in 1992. This amendment was followed by the 1997 Constitution. However, Thailand experienced a coup in 2006, and the coup group drafted the 2007 Constitution. Since the coup, the judiciary has been pivotal in changing governments. Democratically elected governments have been toppled by the judiciary. Furthermore, people in large cities such as Bangkok, who protested against the military's extended rule in 1992, approved of the 2006 coup and the unusual methods employed in changing governments, an abnormal phenomenon in a parliamentary democracy.

The common objective that links the coup, the two constitutional amendments (1997 and 2007), and the decisions of the judiciary is resolving corruption among the country's politicians. Even though several coups have occurred and constitutional amendments have been made for this purpose, the problem of corruption appears to be continually exacerbating. To understand this issue, it is important to recognize what kinds of behavior in politicians have been codified as corruption. Therefore, this paper examines the legal definitions of corruption.

A close scrutiny of Thailand's constitutions and laws reveals that the legal definition of corruption has widened owing to the former's consecutive amendments since the 1990s, from apparent corruption (such as bribes or kickbacks) to vague or gray corruption (such as conflicts of interest and false statements of property and debt).

Although in other countries these new legal definitions of corruption are used to control the spread of corruption among politicians by pre-empting potential corruption, in Thailand such forms of corruption are stipulated as grave crimes that could end an individual's political career—and they have broader definitions, including forms of corruption that are not serious. This suggests that constitutional amend-

* 京都大学東南アジア研究所 ; Center for Southeast Asian Studies, Kyoto University
e-mail: fwis2356@nifty.com

ments have resulted in increased corruption among politicians. This has caused people to distrust politicians and a democratic form of government, leading to the possible destruction of democracy either by coup or by the judiciary. In fact, constitutional amendments may themselves have been excuses for dismantling democracy.

Keywords: Thailand, constitutional amendment, legal definition, corruption, democratization
キーワード タイ, 憲法改正, 法的定義, 汚職, 民主化