

SOCIO-POLITICAL AND CULTURAL FACTORS AFFECTING THE STRUCTURAL EQUILIBRIUM OF AUTHORITY AMONG THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES IN THAILAND'S PARLIAMENTARY SYSTEM

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Abstract

This research aims to 1. analyze the socio-political and cultural factors affecting the structural equilibrium of authority among the executive, legislative, and judicial branches within Thailand's parliamentary system, and 2. examine the compound effects of these factors on the functioning of checks and balances. The study employs a qualitative research design using qualitative institutional analysis. Data were collected through documentary research and in-depth interviews, twenty key informants were purposively selected, comprising political scientists, legal scholars specializing in public and constitutional law, and politicians. Data were analyzed through qualitative content analysis and interpretative analysis. Triangulation was applied to enhance the credibility of the findings.

The findings reveal that the imbalance of power among the three branches is deeply rooted in socio-political and cultural factors operating as a mutually reinforcing cycle. Four principal factors were identified: 1. guardianship democracy, in which extra-constitutional actors — particularly the military — have repeatedly reshaped political structures, undermining horizontal accountability among democratic institutions, 2. patronage culture and weak party institutionalization, which hollow out the legislature as an autonomous oversight body by rendering MPs structurally dependent on party leaders holding executive power, 3. deep ideological polarization, which transforms institutional checks from neutral accountability mechanisms into instruments of political warfare, and 4. constitutional discontinuity, whereby frequent constitutional replacement prevents the institutionalization of accountability norms and interrupts institutional learning. These factors interact to produce a “low-level equilibrium” in which checks and balances remain nominally intact but operate selectively and substantively constrained.

Keywords: Socio-Political, Cultural, Structural Equilibrium, Executive, Legislative, Judicial

Introduction

One of the most essential prerequisites for constitutional democracy is the separation of powers. Drawing on Montesquieu's *De l'Esprit des Lois* (Montesquieu, 1748), the division of powers among the legislative, executive, and judicial branches protects against the monopolization of power and provides systemic protection of individual freedom. This normative insight developed into the constitutional doctrine of checks and balances (Vile, 1967), establishing reciprocal restraints between branches as a fundamental element of democratic constitutional design. Constitutional stability therefore depends not just on competitive elections, but on institutional relations that prevent any one branch from monopolizing unchecked power.

However, formal institutional arrangements do not operate in isolation. As North (1990) argues, the performance of formal political institutions is shaped by informal institutions — the norms, values, and political culture within which they are embedded. Where informal institutions conflict with formal rules, checks and balances may be rendered dysfunctional. This insight is particularly salient for parliamentary democracies in which the separation of powers is already attenuated by the fusion of executive and legislative authority.

Thailand provides an instructive case. Following the transition from absolute monarchy to parliamentary government in 1932 (Wisetchai, 2024), Thailand adopted a parliamentary system in which the executive derives authority from and is accountable to the legislature, while the judiciary interprets and applies the law. Under the Constitution B.E. 2560 (2017), the three branches are assigned distinct constitutional roles: the executive implements public policy, the legislature exercises lawmaking and oversight functions, and the judiciary safeguards constitutional supremacy and the rule of law. Mechanisms of accountability include parliamentary interpellation, no-confidence debates, constitutional review, and oversight by independent bodies such as the Election Commission and the National Anti-Corruption Commission (Constitution of the Kingdom of Thailand B.E. 2560, 2017). Nevertheless, nine decades of practice reveal persistent fragility in the balance of power (Lertpaithoon, 2020). Executive dominance over the legislature, the expansive yet insufficiently accountable powers of the Constitutional Court (Lortanapisan, 2025), and the Senate's chronic failure as a balancing chamber (Supap, 2019) are well-documented. The judiciary presents a particular concern: the Constitutional Court's broad jurisdiction over party dissolution and political disqualification — without effective reverse accountability — creates a structural asymmetry in which it checks the other branches but is itself subject to minimal oversight. What remains insufficiently understood is how socio-political and cultural factors — including patronage networks, guardianship norms, ideological polarization, and constitutional discontinuity — interact with formal arrangements to sustain these imbalances.

Existing studies illuminate specific dimensions: Kongmuang (2002) on “parliamentary dictatorship”; Lortanapisan (2025) on the Constitutional Court's powers beyond Montesquieuan

principles; Supap (2019) on the Senate's persistent failure; Hirschl (2008) on the judicialization of politics; and Mérieau (2022) on judicial empowerment following military interventions. However, these studies concentrate on individual institutions, and no systematic analysis examines how socio-cultural factors mutually reinforce structural imbalance in a self-perpetuating cycle resistant to single-dimensional reform. This research addresses this gap by examining the socio-political and cultural conditions affecting the structural equilibrium among the executive, legislative, and judicial branches within Thailand's parliamentary system. The study is guided by two research questions: 1. What structural imbalances exist in the system of checks and balances among the three branches of government? and 2. How do socio-political and cultural factors contribute to the persistence of these imbalances? To address these questions, the study sets the objectives as following.

Research Objective

1. To analyze the socio-political and cultural factors affecting the structural equilibrium of authority among the executive, legislative, and judicial branches in Thailand's parliamentary system.
2. To examine the compound effects of such factors on the functioning of checks and balances in Thailand's parliamentary system.

Methodology

1. Research Design

This study employs a qualitative research design using qualitative institutional analysis to examine how formal constitutional arrangements interact with socio-political and cultural conditions shaping the structural equilibrium of authority among the executive, legislative, and judicial branches in Thailand's parliamentary system. This research was approved by the Academic and Ethics Committee of Phranakhon Rajabhat University (Project No. 03.031/68).

2. Population and Key Informants

Twenty key informants were purposively selected from three groups: 1. political scientists with expertise in Thai politics and democratic governance, 2. legal scholars specializing in public and constitutional law, and 3. politicians with direct experience in the executive or legislative branch. Purposive sampling was employed to ensure that informants possessed specialized knowledge relevant to the functioning of Thailand's political institutions.

3. Research Instruments

Two research instruments were used. First, a documentary research protocol for systematically reviewing and analyzing primary and secondary sources related to institutional design and inter-branch relations. Second, a semi-structured interview guide developed from the conceptual framework and objectives.

4. Data Collection

Data were collected through documentary research and In-depth interviews. For documentary research involved the systematic review of primary sources — including the Constitution of Thailand, relevant legislation, Constitutional Court rulings, and parliamentary records — as well as secondary sources such as academic research, policy documents, and institutional reports, and for In-depth interviews were conducted with 20 key informants.

5. Data Analysis

Data were analyzed using qualitative content analysis and interpretative analysis. Methodological triangulation and data triangulation (drawing on multiple informant groups and documentary sources) were applied to cross-validate findings and enhance the credibility of the research.

Results

The findings indicate that the structural equilibrium of authority among the executive, legislative, and judicial branches in Thailand's parliamentary system is significantly shaped by socio-political and cultural conditions. Although the constitutional framework formally establishes mechanisms of checks and balances among the three branches, the operation of these mechanisms in practice is influenced by broader political structures and institutional norms. The results are presented in accordance with the two research objectives as follows:

1. Socio-Political and Cultural Factors Affecting the Structural Equilibrium of Authority Among the Three Branches

The analysis identifies four major socio-political and cultural factors affecting the structural equilibrium of authority among the executive, legislative, and judicial branches, as follows:

1.1 Guardianship Democracy

The legacy of guardianship democracy constitutes one of the most deeply rooted obstacles to effective checks and balances in Thailand. The concept refers to a political structure in which extra-constitutional actors — most prominently the military — assume the role of ultimate arbiters of political order, intervening to reshape institutional arrangements when elected governments are perceived to have failed or overstepped their mandate. Since 1932, Thailand has experienced at least thirteen successful military coups, each followed by the abrogation of the existing constitution and the imposition of a new institutional framework designed to reflect the preferences of the intervening power. This pattern has produced two interrelated consequences for the balance of power. The recurrence of military intervention has progressively eroded the incentives for political actors to resolve conflicts through institutional channels. When crises can be resolved through extra-constitutional means rather than through parliamentary debate, judicial adjudication, or constitutional amendment, the credibility of these formal mechanisms diminishes. Political actors come to regard parliamentary

oversight and judicial review not as authoritative arenas of accountability but as provisional arrangements subject to displacement. The 2006 coup against the Thaksin Shinawatra government, for instance, occurred despite the availability of constitutional mechanisms that could have been employed to address the alleged abuses of power. Moreover, the constitutions drafted in the aftermath of coups have consistently reconfigured the balance of power in ways that structurally constrain elected institutions while expanding the authority of non-elected bodies. Post-coup constitutions have typically granted expansive powers to the Constitutional Court and independent organs over party dissolution and political disqualification. In this configuration, the system of checks and balances is redirected away from reciprocal oversight among democratic institutions and toward vertical control by unelected guardians, fundamentally distorting the equilibrium that the separation of powers is intended to maintain.

1.2 Patronage Culture and Weakly Institutionalized Political Parties

Patronage-based political culture and incomplete political party institutionalization destabilizes the structural balance of power, particularly when it means that the legislature has been drained of its institutional standing as an autonomous body to exercise meaningful political control over the executive. Political parties in Thailand have typically operated as personalistic networks that serve as focal-points for wealthy leaders or factions rather than as functioning political-organizational structures rooted in structured policy agendas and a cohesive internal system of democratic governance. Party organization, coalition-formation and legislative behavior are shaped largely by patrons-customers dynamics whereby political posts, resources, and access to state power are transferred from the apex of the party hierarchy to the junior ranks in return for the latter's loyalty and submission to legislation. This dynamic is not limited to any one party or politics making a difference affecting Thai party politics throughout the political spectrum; even across successive constitutional regimes. The consequences for checks and balances are profound. When members of parliament, in their political careers and electoral resources or taking on legislative positions, owe to party leaders who at the same time wield executive power, the structural independence necessary for effective legislative oversight is weakened within itself. Committee inquiries, interpellation and no-confidence debates among other parliamentary mechanisms become performative exercises rather than substantive actions. Members of the governing coalition are reluctant to challenge the executive on which their political livelihood depends, and opposition parties — already frequently operating under the same patronage-based internal structures — may use extra-parliamentary measures when formal oversight fails. The widespread recourse of opposition actors to street protests, judicial petitions, or appeals to the military is symptomatic of the credibility of a parliament being poor to hold its stakeholders to account on a real level. And the low degree of party institutionalization in parliament led to chronic instability in parties, the cyclical switching of parties by members of parliament, and in repeating the

process of political parties' dissolution and reconstruction. Such instability obviates the acquisition of institutional memory, legislative capacity and established norms of parliamentary conduct necessary for a prolonged and effective oversight.

1.3 Deep Ideological Polarization

Since the political turmoil of 2005–2006, Thai society has experienced a protracted and deepening polarization organized along competing visions of political order — one stressing electoral democracy and majoritarian governance, the other emphasizing institutional guardianship, moral authority, and constraints on elected power. This polarization has spread beyond civil society to encompass political parties, the media, the military, and attitudes toward the judiciary and independent institutions. The effect on checks and balances operates through two principal mechanisms. First, polarization transforms institutional checks from neutral accountability mechanisms into perceived instruments of partisan advantage. When judicial decisions — such as the 2008 dissolution of the People's Power Party and the 2020 dissolution of the Future Forward Party — are viewed by substantial segments of the electorate as politically motivated rather than legally principled, the social consensus required for institutional checks to function as authoritative restraints on power is eroded. Second, polarization reduces the normative commitment of political actors to the constitutional rules of the game. In an intensely polarized environment, electoral losses, parliamentary challenges, and adverse judicial rulings are increasingly conceived not as legitimate institutional outcomes but as existential threats — to be managed through mass mobilization, military intervention, or the strategic manipulation of institutional mechanisms. This dynamic simultaneously undermines the legislature's deliberative function, reducing parliamentary debate from policy-oriented deliberation to zero-sum political confrontation.

1.4. Constitutional Discontinuity

Constitutional discontinuity is the deepest structural condition undermining checks and balances in Thailand. Thailand has promulgated twenty constitutions since 1932 — an average of approximately one every five years. This extraordinary frequency of constitutional change is not simply a reflection of political instability but is itself a contributing factor acting as an impetus for the absence of strong and legitimate accountability mechanisms, which can be said to serve against institutional checks and balances between the government branches. There is a threefold impact related to checks and balances: to begin with, frequent constitutional replacement can slow down the development of accountability norms in the long run. Effective checks and balances do not depend merely on a list of formal rules or provisions but on the accumulation of norms, common conventions, precedents, and established agreements which form, over time, within a stable constitutional framework. When constitutions change every few years, these informal norms never take on their full form. The constitutional discontinuity interferes with institutional learning in every branch. Moreover, frequent constitutional changes make the constitution a construct of

instability instead of a device that reinforces temporary power arrangements, which is more or less an act of power formation by the coalition producing the initial constitution. The guidelines that govern checks and balances end up being themselves objects of political contestation instead of settled structures through which contestation takes place.

2. The Compound Effects of Socio-Political and Cultural Factors on the Functioning of Checks and Balances

The socio-political and cultural factors identified above do not merely affect individual institutions in isolation but interact to produce cumulative consequences for the system of checks and balances as a whole. The compound effect of these factors produces what can be characterized as a "low-level equilibrium". This low-level equilibrium manifests through three recurrent and mutually reinforcing outcomes in Thailand's parliamentary system, as follows:

2.1 Ritualized oversight without substantive accountability

The compound effect of the four factors analyzed under Objective 1 produces what can be characterized as a "low-level equilibrium" — a stable but dysfunctional pattern in which checks and balances remain formally intact but are substantively constrained. This low-level equilibrium manifests through three recurrent and mutually reinforcing outcomes in Thailand's parliamentary system. The most visible manifestation is the reduction of oversight to ritual. Formal mechanisms of accountability — including parliamentary debate, committee inquiries, interpellation, and no-confidence motions — continue to be exercised in procedural terms but rarely produce meaningful institutional consequences. The fusion of executive and party leadership, reinforced by patronage culture, ensures that governing coalition MPs have little incentive to exercise genuine oversight. Coalition members who depend on party leaders holding executive power for their political careers and electoral resources are structurally disinclined to challenge the government through these mechanisms. At the same time, constitutional discontinuity prevents the accumulation of parliamentary norms, conventions, and precedents that would, over successive parliamentary terms, strengthen these mechanisms into authoritative instruments of accountability. The result is a legislature that performs oversight as a matter of form while lacking the institutional conditions necessary to translate that performance into substantive constraint on executive power.

2.2 Displacement of political conflict to extra-systemic channels

Closely related to this ritualization is the systematic displacement of political conflict to extra-systemic channels. When formal institutional mechanisms lack credibility and effectiveness, political actors increasingly turn to arenas outside the constitutional framework to resolve disputes — including judicial intervention in political matters, mass street mobilization, and military involvement. This displacement is not a product of institutional absence but of the socio-political conditions that render formal channels insufficient. Guardianship democracy has normalized extra-constitutional intervention as a legitimate and even expected response

to political crisis, establishing a historical precedent in which institutional deadlock is resolved not through parliamentary negotiation or constitutional amendment but through the intervention of unelected actors. Deep ideological polarization compounds this dynamic by delegitimizing institutional checks in the eyes of contending factions; when judicial rulings, parliamentary votes, or electoral outcomes are perceived as instruments of political warfare rather than neutral applications of constitutional principle, the incentive to seek resolution within the formal framework diminishes further. The recurrence of this pattern — from the 2006 and 2014 coups to the sustained cycles of protest and counter-protest — demonstrates how the displacement of conflict outside institutional channels has become a structural feature of Thailand's political system rather than an exceptional response to crisis.

2.3 Resistance to institutional reform

The cumulative consequence of these dynamics is a deeply entrenched resistance to single-dimensional reform. The four socio-political and cultural factors identified in this study do not operate independently but reinforce one another in a self-perpetuating cycle. Patronage culture sustains weak party institutionalization, which reinforces executive dominance over the legislature; guardianship democracy perpetuates constitutional discontinuity through repeated coups followed by the abrogation and replacement of constitutions; ideological polarization transforms every reform initiative — whether judicial restructuring, electoral redesign, or constitutional amendment — into a new arena of political contestation rather than a shared effort to strengthen accountability. Attempts to address any one factor in isolation are therefore unlikely to break the cycle so long as the remaining conditions continue to sustain the imbalance. This interconnectedness explains why Thailand's political system has experienced numerous constitutional reforms, institutional redesigns, and political transitions over nine decades without achieving a durable equilibrium among the three branches of government. The formal architecture of checks and balances thus persists in name while being substantively hollowed out by the very socio-political and cultural conditions it is intended to regulate.

In summary, the four socio-political and cultural factors — guardianship democracy, patronage culture and weakly institutionalized political parties, deep ideological polarization, and constitutional discontinuity — interact to produce a low-level equilibrium in which formal checks and balances persist but are substantively constrained by ritualized oversight, extra-systemic conflict displacement, and resistance to reform.

Discussion

The findings of this study demonstrate that socio-political and cultural conditions play a crucial role in shaping the structural equilibrium of authority among the executive, legislative, and judicial branches in Thailand's parliamentary system. The persistence of institutional imbalance cannot be explained by constitutional design but must be understood in relation

to broader political structures and norms. The finding that guardianship democracy displaces horizontal accountability toward vertical control by unelected actors is consistent with Mérieau (2022), who observed that Thai courts gained expanded authority following military interventions. Similarly, Lorthanaphisarn (2025) notes that the Constitutional Court possesses powers exceeding classical Montesquieuan principles of accountability. This pattern also reflects Hirschl's (2008) concept of the judicialization of politics. However, in Thailand judicial empowerment has not emerged from elite consensus but rather from elite fragmentation following coups. In this context, the judiciary becomes embedded within a guardianship structure that constrains democratic accountability.

The finding that patronage culture and weakly institutionalized political parties undermine legislative accountability aligns with Kongmuang's (2002) warning about the risk of "parliamentary dictatorship" when legislative oversight is weakened by executive dominance. Rathamarit & Rathamarit (2019) similarly emphasizes that the effectiveness of oversight institutions depends on both institutional design and societal acceptance of their legitimacy. Patronage-based political practices weaken this foundation by making members of parliament dependent on party leaders and executive authority. This finding partly contrasts with Russell et al. (2016), who argue that parliamentary influence in Westminster systems often operates through informal mechanisms such as "anticipated reactions." The finding that deep ideological polarization transforms institutional checks into instruments of political conflict corresponds with Mérieau's (2022) observation that polarization has drawn the judiciary into the center of political contestation, undermining perceptions of neutrality. Rathamarit & Rathamarit (2019) likewise notes that institutional mechanisms function effectively only when they are socially perceived as legitimate. Polarization erodes this legitimacy and alters the function of checks and balances from neutral oversight to partisan contestation. Finally, the study finds that constitutional discontinuity represents a fundamental structural condition sustaining institutional imbalance. This observation is consistent with North's (1990) institutional theory, which emphasizes that effective institutions depend on the gradual development of stable norms and practices. Thailand's frequent constitutional changes have prevented the accumulation of accountability norms and institutional learning. Supap (2019) similarly finds that the Senate's inability to function as a balancing institution reflects this broader structural instability in Thai constitutional system.

Body of Knowledge

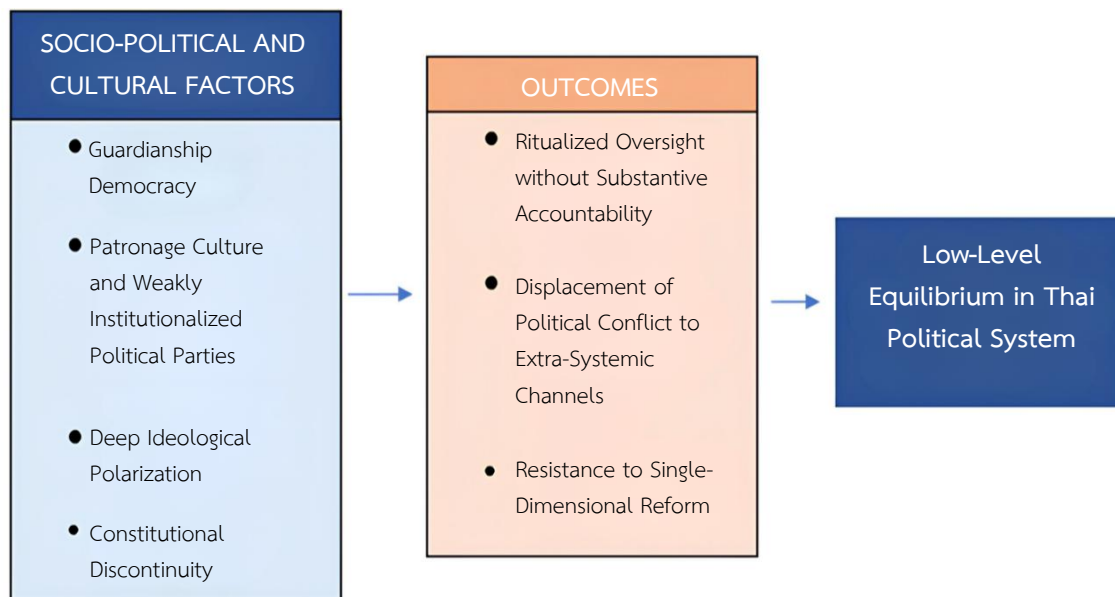


Figure 1: Socio-Political Determinants of Structural Equilibrium in Thailand

Figure 1 presents the analytical framework of the study demonstrating how four socio-political and cultural factors—guardianship democracy, patronage-based political culture and weakly institutionalized political parties, deep ideological polarization, and constitutional discontinuity—affect the functioning of checks and balances among the executive, legislative, and judicial branches. These conditions lead to three major outcomes: ritualized oversight without substantive accountability, the displacement of political conflict to extra-systemic channels, and resistance to institutional reform. Together, these dynamics produce a “low-level equilibrium” in Thailand’s political system.

Conclusion and Recommendations

Policy Recommendations

1. Institutional reforms should strengthen the independence and effectiveness of the legislature.
2. Electoral reforms should encourage stronger political party institutionalization and reduce patronage-based political practices.
3. Judicial accountability mechanisms should be enhanced to ensure greater transparency and balance in the exercise of constitutional adjudication.

Operational Recommendations

1. Capacity-building programs in legislative drafting, budget scrutiny, and oversight tools should be developed for parliamentarians to transform ritualized oversight into substantive accountability.

2. Inter-branch consultative forums should be institutionalized to reduce adversarial conflict and rebuild the mutual recognition necessary for checks and balances to function under conditions of ideological polarization.

Recommendations for Next Research

1. Future studies should examine the quantitative indicators of executive dominance, judicial activism, and legislative effectiveness across different constitutional periods.

2. Comparative research may explore similar patterns of institutional imbalance in other parliamentary systems experiencing political polarization or constitutional instability.

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