

THE IMPACT OF LÈSE MAJESTÉ LAWS AND AUTHORITARIAN RULE ON DEMOCRACY IN THAILAND

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ABSTRACT

This paper aims to analyse the impact of lèse-majesté and authoritarian regimes on Thailand using the distribution of power as the conceptual framework. Thailand's contemporary political landscape reflects a persistent tension between constitutional democracy and entrenched authoritarian structures. Although formally a constitutional monarchy, the country continues to rely on legal and military instruments that suppress political participation. A central element in this dynamic is the lèse-majesté law, as defined in Article 112 of the Thai Penal Code, which criminalises criticism of the monarchy and has been used to curb political expression, particularly during periods of military influence in government. The enforcement of this law has narrowed civic space, curtailed freedom of expression, and fostered an environment that suppresses public debate and political contestation. At the regional level, these domestic conditions intersect with broader governance challenges in Southeast Asia, where fragile institutions, historical legacies, and the ASEAN principle of non-interference have allowed authoritarian practices to persist. This paper suggests that democracy has made progress in parts of the region; however, Thailand's experience illustrates how legal and political mechanisms can hinder further reform. In addition, the enduring obstacles through lèse-majesté and authoritarianism are still around in order to advance civil liberties and accountable governance both in Thailand and the region.

Keywords: Lèse-Majesté, authoritarian, democracy, Thailand, Southeast Asia

INTRODUCTION

Thailand is one of the countries in the Southeast Asia region that still uses the constitutional monarchy system. Although Thailand is formally a constitutional democracy, its political system remains heavily shaped by monarchical influence and authoritarian legal

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instruments such as the lèse-majesté law. The survival of Thailand's Monarchy-Constitutional system has been a dynamic journey, marked by a timeline of historical events that eventually led to its current stable position. There are many demonstrations from demanding constitutional reform to public demand for transparency in the King's financial arrangements ("Thai protest practice 'coup prevention', 2020). The existence of various kinds of demonstrations in Thailand shows that there is an ongoing domestic political turmoil that challenges the legitimacy and stability of the constitutional-monarchy system. Since 2021, Thailand has become more authoritarian as the democracy movement felt heavy hand of Thailand's illiberal constraints on basic civil liberties (East Asia Forum, 2022). There is some evidence showing that Thailand has an authoritarian regime. Democratic development in Southeast Asia largely emerged during the late twentieth century, particularly after the Third Wave of Democratization in the 1970s-1990s (Huntington, 1991). However, unlike Western democracies with longer institutional histories, democratic institutions in Southeast Asia remain fragile and vulnerable to authoritarian resurgence (Parameswaran, 2020).

With the goals of accelerating economic growth, social progress and cultural development within the Southeast Asian countries, the Association of Southeast Asian Nations (ASEAN) was built in August 1967 as an international organisation to establish peace and security in the region. ASEAN was firstly established to tackle the spread of communism in Southeast Asia. ASEAN developed many principles, one of which is non-intervention. With the non-intervention principle, ASEAN member countries cannot intervene in other countries' internal affairs. With no intervention from neighbouring countries, authoritarianism in Thailand could grow and democracy status in the Southeast Asian region got worse. A strong and viable Thailand plays a significant role for the growth of ASEAN.

The presence of authoritarianism in Thailand is not new. For centuries, the Kingdom of Siam maintained an absolute monarchy until the 1932 revolution. In a government that has an absolute monarchy system, the state was considered "right" to impose its will without opposition or accountability. The truth that the "King is always right" had been legitimised by the lese majeste law, which is still applied in Thailand to this day. The lese majeste law finds it difficult to foster democracy in Thailand. This law became a "protector" for the King in order to always justify Thailand's actions. Because the law shields the monarchy from scrutiny, the regime uses it to suppress citizens who voice dissent. This law is difficult to escape from Thai society because it has long existed in Thailand as a milestone for the State to justify its actions (NuDelman, 2018). This law is very undemocratic because of several actions of the Thai royal family that have crossed various legal boundaries that have been stipulated in the constitution.

Nationalism can affect the growth of authoritarian regimes. The narratives developed by nationalist groups have shaped democratic and authoritarian prospects, influencing the trajectories of political regimes around the world over time (Tudor & Slater, 2020). Thailand, in this contemporary era, still shows the existence of royalist groups that are still loyal to the Kingdom and groups that want reform for the Kingdom that tend to support democracy. Therefore, the elitists in Thailand have developed a narrative of

nationalism in order to keep the Kingdom going in the middle of a world that has adopted a democratic system. However, it also provides opportunities for repeated authoritarian intervention. The narrative that has been created by the elites of the Thai Royals has also made the people continue to support the Kingdom. At the same time, the military emerged as another powerful political actor, occasionally positioning itself against the monarchy during periods of political contestation. This is proven by the imposition of constitutionalist limits on the throne in the 1932 coup. But after the coup that overthrew the absolute monarchy of Siam and many years later, still the Kingdom and the military played a big role in the Thai government so that it again created a narrative that democracy would mislead the Thai people.

Looking back, pro-democracy movements have been widespread in Thailand. These movements emerged against a backdrop of long-standing ethnic chauvinism rooted in Thai supremacy (Keyes, 2014). In the end, the military would be threatened by the presence of democratic movements in the country. Fearing the loss of its grip on the chair of leadership, the military would certainly make efforts to keep the government in its hands. It is evident from the numerous military coups that have taken place in Thailand since the 1932 revolution, with scholars noting around 19 coup attempts (Brown, 2014). Thailand experienced several major political ruptures, notably the popular uprising of October 1973 and the Thammasat Massacre in October 1976, which, together with recurring coups, shaped a pattern of military intervention (Takahashi, 2022). In the 2006 coup, this pattern manifested again as the military sought to retain political influence. Thaksin Shinawatra successfully garnered support from various suburbs in Thailand, ultimately winning the general election and reclaiming the position of the Prime Minister (Tudor & Slater, 2020). Gen. Sondhi Boonyaratkalin, Thailand's army chief led the coup back in 2006, where military leaders seized control of Bangkok, suspended the constitution and declared martial law in the capital (New York Times, 2006). With the coup carried out by the military, Thaksin Shinawatra resigned from his position as Prime Minister (Hinojar, 2012).

Military intervention also occurred in the 2014 coup. The coup launched by the military against the government of Prime Minister Yingluck Shinawatra, the younger sister of Thaksin Shinawatra, has succeeded in overthrowing Yingluck's government by being replaced with the military junta. The coup is said to have occurred as a result of a six-month political crisis (Taylor & Kaphle, 2014). Military intervention is frequent in Thai politics. Certainly, there are various reasons why military intervention occurred, such as maintaining Thailand's unit, eradicating corruption, and so on. For many different reasons but with the same justification, the military repeatedly claimed the need to intervene to restore order, resolve political deadlock, and reform the constitution to prevent future crises. However, what happened was that the military leaders did not know how to run the country. Because of the lack of understanding, the seat of state leadership was returned to the civilians again who were better in understanding how to run the country. After the return of power to the civilian population, it certainly did not stop the military from returning to the coup.

Thailand has had many different kinds of leaders. There are those who supported the development of democracy such as Prime Minister Chatichai Choonhavan to those who

tended to be authoritarian like Prime Minister Prayut Chan-O-Cha. The presence of military intervention in Thai politics has contributed to instability in Thailand's domestic politics because of the many coups that have been carried out. What is clear and often appears is that Thai politics has become a paradox with an extraordinary tone of democratic irony (Pongsudhirak, 2003). Even the place for authoritarianism to flourish does not only come from leaders with a military background, though the military often carries out coups. In addition, Thailand under Thaksin Shinawatra looked democratic from previous governments. However, in practice, Thaksin Shinawatra's government has become more and more like a military dictatorship in the past (Pongsudhirak, 2003). With various coups that have occurred, changes in leadership and governmental system have happened to Thailand's domestic politics. The presence of authoritarianism and the emergence of the democratic movement have described Thailand as a democratic authoritarian state. Based on the background, this paper will analyse the impact of lese majeste and authoritarian regimes on Thailand and Southeast Asia's democracy.

The rest of the article proceeds as follows. First, the introduction outlines the background and historical evolution of the *lèse-majesté* law in Thailand, situating it within the broader relationship between authoritarianism and democracy. Second, the conceptual framework develops the theoretical foundation by applying a neorealist perspective, particularly power distribution theory, to explain how domestic political structures and elite power configurations shape democratic outcomes in Thailand. Third, the section on democracy and authoritarianism in Thailand examines the country's contested democratic trajectory, highlighting the roles of monarchy, military intervention, and legal institutions. Fourth, the democratisation in Thailand section traces key historical moments that have influenced democratic transition and regression, emphasising the persistence of authoritarian practices within formal democratic institutions. Fifth, the impact of *lèse-majesté* and authoritarian rule on Thai democracy analyses how Article 112 reinforces political control, constrains civil liberties, and shapes patterns of dissent and compliance. Sixth, the major cases and dilemmas of *lèse-majesté* in Thailand examine selected legal and political cases to illustrate how Article 112 operates both as a legal mechanism and as a strategic political instrument.

CONCEPTUAL FRAMEWORK

The standpoints of one nation will affect the neighbouring countries and this shows the dynamic of international relations in the real world. This paper will use neorealism perspective to understand the impact of lese majeste and authoritarian regimes on Thailand and Southeast Asia's democracy. Neorealism, also known as structural realism, has different approaches; one of which is the distribution of power theory that is applied in this paper (Waltz, 1990). Morgenthau, one of the traditional realists in international relations discipline, has his own approach in dealing with the issues. He explained how foreign policy decisions were made. He pointed out rational thinking and stray away from subjective thought or opinion. By this manner, he aimed to get the clearest and most logical understanding in a democratic world. Every action a state chooses to do, is its strategy of

self-defence in order to have the power to take control. The world is a battle of behaviour, where every actor is aiming at the forefront that is driven by an underlying fear of being defeated. However, the weakening of Thailand's constitutional order created a political vacuum that enabled the resurgence of authoritarian rule, particularly through the alliance of the military and the monarchy.

The distribution of power occurred when domestic issues in Thailand escalated and democracy was not well-established. Thailand shifted its balance of power that leads to changes in how other countries in the Southeast Asia region interact with each other on an international level. Hence, distribution of power can be a significant method that drives different schemes in international relations (Mansfield, 1993). After World War II, Thailand came to its own common sense of taking away their citizens' rights, proceeding violation, and emulating democracy (Harrison, 2022). The implementation of democracy was perceived as a threat, giving the Thai ruling elites the incentive to resist democratic reforms to maintain their political system and reinforce Thailand's position as regional power. Hereby, as a member of the ASEAN, Thailand may affect other country members which have agreed upon certain agreements not to intervene in other member states' domestic issues. On the other hand, what happened to Thailand was beyond the principle of ASEAN country members. It shows how the distribution of power consistently has pointed out Thailand's behaviour to act on an authoritarian regime in order to stand for its own principles.

Suppression and restriction then become more aggressive and the rights of its people are at risk. Any kinds of democratic acts or discussion to obtain negotiation are restricted. Neorealists see this behaviour as a way for them to generate their national interest without knowing the impact coming afterwards. The fact that Morgenthau's way was to get in the mind of Thailand's decision-maker to uncover the rational explanation of why they choose its authoritarian regime. It is not an arguable case if Thailand's action was to support its idealism. Neorealism's perspective shatters the realist view of only seeing the causes of why a state chooses to react defensively, because neorealism redefines the perception of the cause and effect between multiple states in international politics (Mansfield, 1993). Neorealist examines the causes that are grounded in the principles of individual states which affect a broader and larger structural level (Waltz, 1990). Therefore, Thailand's characteristics of showing their authoritarian regimes could influence the other actors around it. This case investigates how dual actions and structural forces give impact to one another. Neorealism perspective through the eye of distribution of power theory would analyse how the impact of lese majeste and authoritarian regime on Thailand and Southeast Asia democracy

Within a neorealist framework, Thailand's *lèse-majesté* legal discourse can be interpreted as a domestic mechanism for maintaining internal stability and the power distribution, reflecting the broader dynamics of structural realism. The law not only serves as legal protection for the monarchy but also as an instrument for consolidating the harmony between the monarchy and the military elite, thus shaping Thailand's domestic balance of power. From a neorealist perspective, this internal legal instrument serves as a strategic tool for maintaining regime security, reflecting the state's efforts to prevent

internal fragmentation that could weaken its regional position. Consequently, the enforcement of *lèse-majesté* aligns with Thailand's efforts to safeguard state sovereignty and regime legitimacy within the regional order—reinforcing the neorealist argument that internal political structures and external behaviour are intertwined. Thus, the *lèse-majesté* discourse embodies both the logic of national security and the preservation of power, hindering the consolidation of democracy and maintaining the resilience of Thailand's authoritarianism within the Southeast Asian geopolitical landscape.

DEMOCRACY IN SOUTHEAST ASIA

As the largest continent globally, Asia hosts a myriad of distinct societies, while ASEAN is a regional-level organization that connects ten Southeast Asia country members. Different societies have different views. The different views have certainly provided a foundation for customary norms in each region. The norms in one culture, if viewed from the belief, will be largely determined by the religions that are spread in the region. In Southeast Asia, culture, religion, and customs are still very influential (Duile & Aldama, 2024). Sometimes these things become a foundation for shaping the perspective of the surrounding community. In a political context, the formulation of an ideological view will certainly be greatly influenced by these things. The interpretation of the Asian people, in this case Southeast Asia, will be very different from those in the West (Kitayama and Salvador, 2024). The absence of unity due to differences in culture, religion, customs, and ethnicity has been present in Southeast Asia, and this certainly has a major impact on many interpretations.

Democracy in Southeast Asia is different from democracy in the West. The concept of democracy in Southeast Asia finds its original expression from religions, such as Buddhism, Confucianism, Christianity, and Muslims (Thompson, 2015). Liberal ideas of popular participation and justice against despotic governance are principles that can be found in many religions. In accordance with this context, every leader of a country who is religious, will then formulate the meaning of "democracy" according to their own beliefs. As explained by Aung San Suu Kyi, the State Counsellor of Myanmar from 2016 to 2021, who formulated a rebuttal to the criticism of Asian values style towards democracy in the Buddhist view (McCarthy, 2004). Kim Dae Jung, former president of South Korea from 1998 to 2003 argued that Confucianism had strong democratic tendencies (Kim, 1994), thus rebutting Lee Kuan Yew's stances. In addition, there is Anwar Ibrahim, Malaysia Prime Minister, who supports democracy in accordance with Islamic principles (Zulfiani, 2019). This is also the same case in Indonesia where the Muslim community rejected the Suharto dictatorship and demanded democracy in Indonesia (Barton, Yilmaz & Morieson, 2021). There has also been a movement in the Philippines that criticises the government policies of former President Ferdinand Marcos, which tend to be authoritarian through Christian and Catholic imagery (Nadeau, 2005).

Democracy appears to be a very flexible and dynamic concept in the Southeast Asia region since it changes over time. During the Cold War, there were political changes in

several countries in the Southeast Asian region, which led to changes in the views on the democratic system (Hansson, Hewison & Glassman, 2020). In Southeast Asia, the Cold War reshaped political trajectories across multiple countries. In Indonesia, President Soekarno rejected Western alignment, while his successor, Suharto, embraced Western support but consolidated an authoritarian regime. Similarly, Ferdinand Marcos in the Philippines established an authoritarian order; Thailand experienced repeated military coups, and Myanmar faced persistent military uprisings that entrenched authoritarian rule in the post-colonial era. There are several trends that caused countries in Southeast Asia to form their own democracies. Several countries in the Southeast Asia region have experienced how it feels to be colonised by Western countries. At the same time, Western countries also criticised democracy in Southeast Asia. The formulation of democracy in accordance with Asian values can be an effort so that Asia can find its own identity, rather than adopting Western democracy, which was formerly a colonialist power. These localized adaptations draw from sources such as Buddhism in Thailand and Myanmar, Islamic political thought in Indonesia and Malaysia, and Catholic social traditions in the Philippines, making Southeast Asian democracy fundamentally contextual rather than uniform (Bell, 2019).

West and Asia have very far differences, such as background, history, and culture (Thompson, 2015). No culture in Asia is willing to submit to the universal norms of the West, let alone countries in Asia that are sure to reject the definition of the West. Given that, Asia and the West have had a long history in the past, and some of the events that have occurred in that history are inconspicuous. The “Asian values” discourse can be summarised as cultural particularism versus universalism, nation-as-family versus individualism, social and economic rights to political rights, and non-interference in the domestic affairs of a country rather than the enforcement of international norms (Hoon, 2004). The Asian values, which were propagated by Mahathir Mohamad and Lee Kuan Yew, have been criticised by the West for being used as constructs used by authoritarian regimes to undermine civil liberties under the guise of maintaining stability (Tew, 2012).

Whereas in Southeast Asia, there is not only one society, yet millions of people with different backgrounds and understandings. The presence of cultural diversity could be the foundation for the interpretation of the meaning of ‘democracy’. It is difficult to claim that there is only one homogeneous culture for a region as populous as Asia, let alone Southeast Asia (Tew, 2012). Democracy in Southeast Asia must be seen from the context that is in Southeast Asia, and not according to the Western context. There is a clash between the West and East, where the West prioritises the individual, and the East tends towards communitarianism. With this context, democracy that is spreading in Asia can emphasise more socio-political stability and its obligations than individuals. Asia has never valued the individual over society. Society has always been more important than the individual (Burton, 1993). What the West sees as an "authoritarian" system can be seen by Asians as a democratic system.

Democratisation in Thailand and Southeast Asia

At the end of the Cold War, the political situation in several countries in the Southeast Asian region experienced major changes. There are several countries that were previously authoritarian but are beginning to move towards democracy. Although it has not changed simultaneously, democracy has begun to be recognised by the people in every country in Southeast Asia. As an example, several countries in East Asia experienced democratic transition during the late Cold War and early post-Cold War period, which are Indonesia in 1998, the Philippines in 1986, Thailand in 1992, Malaysia in 1998, and Singapore in the 1980s (Thompson, 2015). These developments can occur as a result of the downturn of a world that was previously bipolar to multipolar, or to a fragmented and interdependent world of competing multipolar centres of power (Neher, 1991). The occurrence of democratization that fades countries with an authoritarian system has an impact on the entire world, including Southeast Asia.

In the Indochina region, Vietnam, Cambodia, and Laos continue to adopt socialist political systems shaped by their revolutionary histories and one-party structures. It is believed that the economic system of socialism will destroy these countries because it has created backwardness. After more than ten years of economic decline, these three countries finally started to change their economic policies with policies to end collectivisation, promote decentralised planning, downgrade agriculture, and stop price controls and subsidies (Neher, 1991). Policy reforms at the economic level were carried out because the economic policies of socialism were inefficient for industry and state revenues. These three socialist countries are finally starting to resemble a market-oriented economy like ASEAN. Foreign capital inflows that are indispensable for state development and economic improvement have entered these countries because of the liberalisation of foreign investment laws and increased trade relations with ASEAN and Western capitalist countries. These reforms produced favourable results for these countries in the late 1980s. As with Vietnam, which has succeeded in reaching as a country that can produce food for themselves in 1989 and became the third largest rice exporter in 1990. Laos has also felt an economic movement as a result of its policy changes. In 1986, Laos experienced economic growth after the *chin tanakan may* (new thinking) reform (Uchida & Kudo 2008).

The changing political system is slowly taking place in several countries in Southeast Asia. Democracy has steadily increased, indicating a gradual change in ASEAN membership since 1986 (Jetschke, 2003). The founders of ASEAN, Indonesia, Thailand, and the Philippines were undergoing a transition toward democracy at the end of the Cold War. Changes that lead to democracy are people's desires in these three countries. Certainly, the transition to democracy is a very revolutionary movement in these three ASEAN countries. Indonesia, Thailand, and the Philippines prior to the movement towards democracy were countries that showed a very high level of autocracy. The regime change has brought changes to these countries.

Thailand has also shown a movement towards a more democratic system. Thailand's political history has been managed by an authoritarian system of government.

With the existence of a monarch system in Thailand, a hierarchical system of government is more visible than a democratic system of government (Neher, 1991). The occurrence of various coups in Thailand has indicated that Thailand's political stability is vulnerable to changes. On 23 February 1991, there was a coup in Thailand which resulted in the end of semi-democratic government (Ganesan, 2004). Prime Minister Chatichai Choonhavan was overthrown in a military coup and replaced by a new government. Under Prime Minister Chatichai, Thailand has experienced growth in two areas, namely the economy with a very high growth rate and foreign policy (Frost, 1991). In addition, Thailand has experienced growth, but due to corruption scandals, weak government administration, and growing tensions between the civilian and the military, led to the February 23 coup. The military has long been in politics in Thailand. Even the Thai government has experienced military interference from the end of the 19th century and culminated in a coup in 1932 that overthrew the absolute monarchy of King Prajadhipok by Luang Phibunsongkhram from the military and Pridi Phanomyong from the civilians. This coup stopped the rule of the Kingdom of Siam with a system of absolute monarchy for more than 800 years (Britannica, 2021).

Prime Minister Chatichai has succeeded in bringing change into the social sphere. By adopting a semi-democratic system, he has succeeded in changing the view of Thai society that previously saw democracy as chaos, economic hardship, and instability, into a system that is approved by society (Neher, 1991). The success of the semi-democratic system under his administration has brought changes to society and the economy, and brought the Thai government to be able to meet the needs of its citizens. Prime Minister Chatichai has brought economic development, high levels of education, literacy, media access, and the ability of people to be able to travel. Hence, these changes have shaped Thai society's view of democracy so that Thai people, starting from under Prime Minister Chatichai, wanted democracy to be maintained even though under his government it was a semi-democracy. The democratization in Thailand started under Prime Minister Chatichai and has led Thailand to become a world class country (Neher, 1991).

In post-2014 Thailand, the military junta continued to dominate politics, although it later announced that a general election would be held in February 2019. These elections were finally able to take place after being cancelled many times when the military succeeded in seizing power in 2014 (Simandjuntak, 2018). Since Thailand is under the rule of a military junta, there has been a constitution passed and signed in 2017 designed to weaken Thailand's major political parties. In addition, the main aim is to curb former Prime Ministers Thaksin and Yingluck Shinawatra from gaining power again as prime minister. This situation shows the lack of democratic values in Thailand's governmental system, because it opposes Thai citizens to gain power as prime minister, this constitution is still passed. During the reign of former Prime Ministers Thaksin and Yingluck, they prohibited the public from being able to gather in political meetings and has limited the interaction of politicians and potential voters in campaigns ("Thailand's military junta", 2018). Although the military remains in power in Thai politics, it has shown the desire for elections, which is one of the values of democracy.

LÈSE-MAJESTÉ AND AUTHORITARIAN REGIME ON THAILAND DEMOCRACY

The condition of the world which is filled with liberal democratic values has not made Thailand leave the legacy of its royal history. Thailand is a Kingdom that has a legacy of its nation's historical heritage that has survived to this day. Several countries in the world still use a constitutional monarchy system, such as England, Luxembourg, Norway, and in Asia, there are Japan and Thailand. The constitutional monarchy system was originally started from the development of liberalism in Europe. At that time, society saw that the various kinds of restraint, oppression, and restriction imposed by the aristocracy, even the king himself, would only make each individual have a limited and not a free life. If we take it further, absolute monarchy like in France in the old days only creates differences in each class of society. In the eighth century French society was divided into three classes, or levels (*estate*): the clergy were the first estate, the nobility were the second estate, and the commoners were the third estate (Britannica, 2020).

Liberalism upholds the freedom of every individual to express opinion, thought, politics, and freedom of property. With the spirit of liberalism, people who uphold the ideas of liberalism call for restrictions on the Kingdom to society. The development of liberalism eventually became a matter of concern for the Monarchs. With the Constitutional-Monarchy, the monarchs can be regulated through a constitution agreed by the government and society. The existence of this constitution is to regulate the monarchs so that they do not exceed the limits of their power. When viewed today, Kings or Queens are only "ceremonial", and the government is led by the prime minister.

Several parts of liberalism have been explained above which and from the liberal point of view, it will find very striking differences from individual liberty and authoritarianism. After the death of King Bhumibol Abdulyadej, Prince Vajiralongkorn was crowned as King in 2019 replacing his father. With the coronation of King Vajiralongkorn, the Thai people saw a new side of the Kingdom. Before the death of King Bhumibol, Thailand had experienced several coups. The last coup was carried out by the general Prayut Chan-O-Cha who couped the Prime Minister Yingluck Shinawatra ("Thailand coup General", 2014). Coups that happened in Thailand have occurred since 1932 which ended the Siam absolute monarchy. Even after a coup in 1932, a coup staged again in 1933 by General Phraya Phahon against Prime Minister Phraya Manopakorn Nititada. Since the Siamese revolution of 1932, which overthrew the absolute monarchy of King Prajadhipok, Thailand has had a truly exceptionally large number of coups (Taylor & Kaphle, 2014).

King Vajiralongkorn's leadership has shown some authoritarian leadership. With the various kinds of demonstrations that are taking place in Thailand under the leadership of Prime Minister Prayut Chan-O-Cha, Thailand issued a regulation criticizing or questioning the government, especially the King, that the individual could be jailed. The Prime Minister also ordered the arrest of supporters and activists from the protest. In addition, the demonstrators, who were mainly students and activists, also want a change in the constitution even to the dissolution of the parliament. The demonstrators were calling

for a major change that led to systematic democratic reforms. From the dissolution of the parliament, an end to harassment of opponents, amendments to the constitution, to the curbs on King's power. Thai people could face a prison sentence up to 15 years just for criticising the monarchy ("Why are Thai Students", 2020). Indeed, questioning the kingdom or royal family is a taboo for Thai society. This can be said because the Thai people have been in a monarchical system for a long time, compared to a democracy that embraces such values of free opinion. This protest has caused the Prime Minister to declare a state emergency (Peck & Blake, 2020).

Thai monarchy is protected by Section 112 of the country's Penal Code, which says whoever defames, insults or threatens the king, the queen, the heir-apparent, or the regent shall be punished with imprisonment of 3 to 15 years. ("Thailand's lese majeste law", 2020). Article 112, or Thailand *lese majeste* law, has strong protections maintained by the unitary government of the Kingdom of Thailand. Thai military politicians can also be seen as protectors of the kingdom. The military government is defending the Thai monarchs with Article 112 ("Thailand's lese majeste law", 2020). The existence of this article indicates that there is no freedom to express opinions from the public to the monarchs. This article can threaten the growth of democracy in Thailand. With the difficulty of democracy to grow in Thailand, the Thai government could change from a constitutional monarchy system to an absolute monarchy. In July 2017, the military-appointed legislative assembly amended the royal property law to give the King full control of the Crown Property Bureau, which manages the Crown's estimated \$30 billion USD fortune. In addition, in October 2016, King Vajiralongkorn put two army units under his direct leadership. Civil society conflicts and demonstrations have instilled concern among pro-democracy advocates for the well-being of their country. The whole life of society under the rule of the absolute monarchy system will be controlled, and could happen like France before the revolution.

It should be noted that some demonstrators were arrested by Thai soldiers, and sometimes several demonstrators did not return home (Farely, 2013). The text of the "truth" has divided Thai society into parts: "we and the other". The term "we" means the ones who support the Kingdom, and "the other" means the ones who support the reformation and democratic values. The repressive behaviour of the Thai army towards the demonstrators indicates that the foundation of the "truth", which states that the Kingdom is true or the King could never be criticised, creates the behaviour of the Thai soldiers so as to defend the Kingdom. Moreover, it was added that the army was seen as the protector of the kingdom. The knowledge of the truth that "criticizing the kingdom is taboo" and the article 112, overwhelmed the entire ideological apparatus that created the aggressive behaviour of the Thai soldiers against the demonstrators who only wanted democratic progress in Thailand.

Apart from the governing nature of King Vajiralongkorn and Prime Minister Prayut Chan-O-Cha, Thailand's domestic politics has been marked by recurring instability and frequent disruptions. Before becoming Prime Minister, Prayut was a general in the Thai army. Prayut Chan-O-Cha launched a coup against Prime Minister Yingluck Shinawatra, and she was charged by the court for abusing her power. Yingluck Shinawatra was ruled by the Constitutional Court that she had abused her power. The Constitutional Court ruled

that for more than three years, she transferred a civil servant to another post (Taylor & Kaphle, 2014). The pro-military party controls the Thai government, although Prime Minister Prayut Chan-O-Cha does not come from any party. With the existence of a pro-military party in power, a military-style government that is more authoritarian will not be spared. Certainly, there are other countries, including near neighbours like Myanmar and Indonesia, where coups have occurred at important junctures of their development as nation states. The influence of the armed forces in those two countries has also remained strong (Farrelly, 2013).

Thailand's *lèse-majesté* law, which forbids the insult of the monarchy, is among the strictest in the world (Mérieau, 2018). Through this statement, the Thailand government still concludes the law as a necessary need to protect the monarchy, which is highly respected in Thailand. Though the law has existed for a long time, the number of prosecutions has increased, and the punishments have become harsher since the military assumed power. People have also been arrested on several activities in Social Media (BBC, 2017). In order to stifle critiques of the monarchy, the Thai government used the *lèse-majesté* law statute as a tool to maintain regime stability, resulting in terrible human rights crimes. In brief, Thailand has become less free and more authoritarian, as the democracy movement is feeling the weight of Thailand's illiberal restrictions on basic civil liberties. From what Thailand experienced in 2017, the authoritarian legal kit that criminalises dissent is becoming more complex, moreover the King and the junta are constitutionally creating a semi-democratic government with a dual-state system that includes an elected government overseen by the military and the monarchy. This has witnessed a deepening of authoritarianism in Thailand (Mérieau, 2018).

Major Cases and Dilemmas of *Lèse-majesté* in Thailand

The application of *lèse-majesté* law in Thailand, enshrined in Article 112 of the Criminal Code, illustrates how legal instruments have been used to restrict political expression and strengthen the authority of the monarchy in ways that have affected the country's democratic trajectory. Although this law was historically designed as a mechanism to preserve the dignity of the throne, its more recent application, particularly following the 2014 military coup, has expanded beyond protecting the king's personal reputation and instead serves as a tool to suppress dissent and limit public debate (Streckfuss, 2011). Under the National Council for Peace and Order (NCPO), the use of Article 112 increased significantly, with charges often levelled at activists, students, politicians and ordinary citizens who criticised state policies or questioned the monarchy's privileged position in Thailand's political order. During this period, the law operated alongside other restrictive measures, including military courts and censorship regulations, creating a legal environment that hindered open political participation and undermined civil liberties.

Several cases involved online expression, such as critical Facebook posts or symbolic acts, demonstrating how the *lèse-majesté* law created a "chilling effect" in which individuals refrained from engaging in political discussion for fear of prosecution (Farrelly, 2017). This trend reflects a broader pattern in which the military and monarchist institutions maintain political dominance through legal means, rather than electoral

legitimacy. Furthermore, the dilemma of lese majeste can be seen from the Thai government, which has repeatedly justified Article 112 as essential for national stability, its implementation has contributed to the erosion of democratic norms, including freedom of expression, proportionality in law enforcement, and civilian oversight of the state.

Scholars have noted that this approach constitutes a form of "autocratic legalism," where the law is used not to enforce democratic accountability but to strengthen the power of incumbents. Consequently, the Thai lèse-majesté case demonstrates how certain legal frameworks in Southeast Asia can be an obstacle to democratic consolidation, particularly when they are broadly defined, offer little protection against political abuse, and operate within a system where the military retains decisive influence. In this context, rather than facilitating constructive dialogue between the state and society, Article 112 deepens the divide by limiting platforms for peaceful political contestation. This dynamic helps explain why Thailand has experienced repeated democratic setbacks despite holding regular elections, as substantive democratic practices, particularly open criticism, deliberation, and accountability, remain constrained. Thailand's experience therefore, highlights the importance of legal reform and institutional balance in ensuring that laws aimed at preserving national symbols do not undermine citizens' democratic rights, an issue that continues to shape debates about governance and political freedoms in the wider Southeast Asian region.

CONCLUSION

Thailand's lèse-majesté law, under Article 112 of the Thai Criminal Code, criminalises any form of defamation, insult, or threat against the King, Queen, heir apparent, or Regent. The law carries harsh penalties, including up to 15 years in prison per offence. Critics argue that the law is often used to stifle political dissent and limit freedom of expression, while supporters argue that it is necessary to protect the monarchy, which holds a revered position in Thai society. However, the existence of lèse-majesté and authoritarian regimes has had an impact on the rise of democracy in Thailand and Southeast Asian countries.

The diversity of backgrounds in Southeast Asia has made kinds of differences in the meaning of democracy. The existence of many interpretations has certainly created a different narrative about the meaning of democracy. In addition, with a long history of colonialism as well as the rise of nationalism, these things have become the driving force for the growth of an authoritarian regime. Due to this, the development of democracy can be hindered by the need of the state to achieve state development. It has been written above that democracy can be a "barrier" for any country wishing to progress. This also has to be seen from the context, if it is a newly independent country, considering that most of the countries in Southeast Asia have experienced colonialism, then progress to building the country must be pursued. State development must also be endeavoured. If democratic matters are continuously considered, the state will probably find it more difficult to achieve what it wants, given that it has been colonised and wants to build the country. Therefore, many independent countries in Southeast Asia after independence do not implement

democracy, thus making them with only one party, military junta, and authoritarian or totalitarian system.

Countries in Southeast Asia have seen many changes throughout many decades. The region has the most country-focused accounts on the growth of democracy. Because of it, the Southeast Asia region has been a home for a hybrid regime type and varying social pressures beyond the state. Thailand and Indonesia have some similarities, as in the past, Indonesians were under authoritarian rule, and so were Thai people. Both Thailand and Indonesia have undergone a critical historical conjunction in their domestic political development in the 1990s, in that their military authoritarian regimes were over. With the development of democracy that is still relatively young in the Southeast Asian region, the presence of *lèse-majesté* and authoritarianism could disrupt the development of democracy in Thailand and Southeast Asia. However, the increasing number of demonstrations that are taking place in Thailand also shows that there is a desire from the people to change the domestic political order.

REFERENCES

- Al Jazeera. (2020). Thai protesters practise ‘coup prevention’ in latest rally. <https://www.aljazeera.com/news/2020/11/27/thai-protesters-practise-coup-prevention-in-latest-rally>
- Al Jazeera. (2020). Thailand’s *lèse-majesté* law: A weapon to silence dissent. <https://www.aljazeera.com/news/2020/10/15/thailands-lese-majeste>
- Al Jazeera. (2020). Why are Thai students protesting against King Vajiralongkorn? <https://www.aljazeera.com/news/2020/8/26/why-are-thai-students-protesting-against-king-vajiralongkorn>
- Ankersen, C. (2024). Thailand’s foreign policy does not exist: Windy times call for better roots, not just more bending. *Journal of Indo-Pacific Affairs*.
- ASEAN. (2021). *Overview*. <https://asean.org/asean/about-asean/overview/>
- Barton, G., Yilmaz, I., & Moriesan, N. (2021). Authoritarianism, democracy, Islamic movements, and contestations of Islamic religious ideas in Indonesia. *Religions*, 12(8), 641. <https://doi.org/10.3390/rel12080641>
- BBC News. (2014). *Thailand’s coup: General Prayuth Chan-o-cha named PM*. <https://www.bbc.com/news/world-asia-28876154>
- BBC News. (2017). *Lèse-majesté explained: How Thailand forbids insult of its royalty*. <https://www.bbc.com/news/world-asia-29628191>

- Britannica. (2020). *Estates-General*. <https://www.britannica.com/topic/Estates-General>
- Britannica. (2021). *Thailand*. <https://www.britannica.com/place/Thailand>
- Brown, P. (2014). Thailand's 19th coup underscores country's fatal flaw. *CBC News*. <https://www.cbc.ca/news/world/thailand-s-19th-coup-underscores-country-s-fatal-flaw-1.2658846>
- Burton, S. (1993, June 14). Society vs. the individual. *TIME*. Quoted in Y. Tew (2012), *Beyond "Asian values": Rethinking rights*. <https://www.repository.cam.ac.uk/handle/1810/245115>
- Busbarat, P. (2012). A review of Thailand's foreign policy in mainland Southeast Asia: Exploring an ideational approach. *European Journal of East Asian Studies*, 11(1), 95–121. <https://www.jstor.org/stable/23615440>
- Buszynski, L. (1994). Thailand's foreign policy: Management of a regional vision. *Asian Survey*, 34(8), 721–737. <https://www.jstor.org/stable/325271>
- Duile, T., & Aldama, P. K. (2024). Seeing through the lens of atheism: Plural societies, religion, and harmony ideology in Southeast Asia. *Secularism and Nonreligion*, 13(4), 1–11. <https://doi.org/10.5334/snr.173>
- East Asia Forum. (2022). Thailand doubles down on authoritarianism. <https://eastasiaforum.org/2022/02/04/thailand-doubles-down-on-authoritarianism/>
- Farrelly, N. (2013). Why democracy struggles: Thailand's elite coup culture. *Australian Journal of International Affairs*, 67(3), 281–296. <https://doi.org/10.1080/10357718.2013.788123>
- Farrelly, N. (2017). *Thailand's triple threat*. Lowy Institute. <https://www.lowyinstitute.org/>
- Forsberg, T. (2011). *Power in international relations: An interdisciplinary perspective*. Palgrave Macmillan. <https://doi.org/10.1057/9780230342934>
- Frost, F. (1991). *The coup in Thailand, 23 February 1991: Background and implications*. Parliamentary Research Service.
- Ganesan, N. (2004). The collapse of authoritarian regimes in Indonesia and Thailand: Structural and contextual factors. *Asian Journal of Social Science*, 32(1), 1–20. <https://www.jstor.org/stable/23654684>
- Glassman, J. (2020). Lineages of the authoritarian state in Thailand: Military dictatorship, lazy capitalism, and the Cold War past as post-Cold War prologue. *Journal of Contemporary Asia*, 50(4), 571–592. <https://doi.org/10.1080/00472336.2019.1665595>

- Harrison, A. T. (2022). Thailand: The return of authoritarianism. *The Osprey Journal of Research and Ideas*, 3(1).
- Head, J. (2019). Rohingya crisis: Villages destroyed for government facilities. *BBC News*. <https://www.bbc.com/news/world-asia-49596113>
- Hinojar, B. L. (2012). The modern Thai conflict: National security issues and perspectives. *Journal of the Higher School of National Defense Studies*, 213–230.
- Hoon, C. Y. (2004). Revisiting the Asian values argument used by Asian leaders and its validity. *Indonesian Quarterly*, 32(2). https://ink.library.smu.edu.sg/cgi/viewcontent.cgi?article=1832&context=soss_research
- Huntington, S. P. (1991). *The third wave: Democratization in the late twentieth century*. University of Oklahoma Press.
- Huntington, S. P. (2018). Political order in changing societies. In E. Kimura (Ed.), *Routledge handbook of politics in Asia*. Routledge.
- Hutchcroft, P. D. (2000). Colonial masters, national politicians, and provincial lords: Central authority and local autonomy in the American Philippines, 1900–1913. *The Journal of Asian Studies*, 59(2), 277–306.
- Ibrahim, A. (2014). *Prospects for democracy in the Asian century*. Chatham House.
- International Crisis Group. (2011). *Waging peace: ASEAN and the Thai–Cambodian border conflict*. <https://www.crisisgroup.org/>
- Jetschke, A. (2003). Democratization: A threat to peace and stability in Southeast Asia? In C. M. Dent (Ed.), *Asia-Pacific economic and security co-operation*. Palgrave Macmillan.
- Keyes, C. (2014). *Finding their voice: Northeastern villagers and the Thai state*. University of Washington Press.
- Kim, D.-J. (1994). Is culture destiny? The myth of Asia's anti-democratic values. *Foreign Affairs*, 73(6), 189–194.
- Kimura, E. (2018). Democratization and the lack thereof in Southeast Asia. In S. Hua (Ed.), *Routledge handbook of politics in Asia*. Routledge.
- Kitayama, S., & Salvador, C. E. (2024). Cultural psychology: Beyond East and West. *National Library of Medicine*. <https://pubmed.ncbi.nlm.nih.gov/37585666/>
- Kudo, T., & Uchida, K. (2008). Japan's policy and strategy of economic cooperation in CLMV. In C. Sotharith (Ed.), *Development strategy for CLMV in the age of economic integration* (ERIA Research Report 2007-4, pp. 209–261). IDE-JETRO.

- Mansfield, E. D. (1993). Concentration, polarity, and the distribution of power. *International Studies Quarterly*, 37(1), 105–128.
- McCarthy, S. (2004). The Buddhist political rhetoric of Aung San Suu Kyi. *Contemporary Buddhism*, 5(2), 1–18. <https://doi.org/10.1080/1463994042000291556>
- Mérieau, E. (2018). Thailand's deepening authoritarian rule. *East Asia Forum*. <https://eastasiaforum.org/2018/01/30/thailands-deepening-authoritarian-rule/>
- Morgenbesser, L. (2019). Cambodia's transition to hegemonic authoritarianism. *Journal of Democracy*, 30(1), 158–171.
- Mydans, S., & Fuller, T. (2006, September 20). With premier at U.N., Thai military stages coup. *The New York Times*. <https://www.nytimes.com/2006/09/20/world/asia/20thailand.html>
- Nadeau, K. (2005). Christians against globalization in the Philippines. *Urban Anthropology and Studies of Cultural Systems and World Economic Development*, 34(4), 317–340.
- Neher, C. D. (1991). Democratization in Southeast Asia. *Asian Affairs*, 18(3), 1–15. <https://www.jstor.org/stable/30172303>
- Ngoun, K. (2012). Thai–Cambodian conflict rooted in history. *East Asia Forum*. <https://www.eastasiaforum.org/2012/01/27/thai-cambodian-conflict-rooted-in-history/>
- NuDelman, L. (2018). *Beyond common sense: The resurgence of Thailand's anachronistic lèse-majesté law* (International Immersion Program Papers No. 83).
- Parameswaran, P. (2019). Southeast Asia between democracy and authoritarianism: Look beyond the litmus tests. *The Diplomat*. <https://thediplomat.com/2019/01/southeast-asia-between-democracy-and-authoritarianism-look-beyond-the-litmus-tests/>
- Parameswaran, P. (2020). *Democracy in Southeast Asia: Between discontent and hope*. Wilson Center. <https://www.wilsoncenter.org/>
- Peck, G., & Blake, C. (2020). Thailand declares emergency after unprecedented protest. *AP News*. <https://apnews.com/article/thailand-protests-emergency-declared-55bed9e6dfcdb8207e0bab62279f4d42>
- Pongsudhirak, T. (2003). Thailand: Democratic authoritarianism. *Southeast Asian Affairs*, 277–290. <https://www.jstor.org/stable/27913239>
- Raymond, G. (2022). Thailand doubles down on authoritarianism. *East Asia Forum*. <https://eastasiaforum.org/2022/02/04/thailand-doubles-down-on-authoritarianism/>

- Reid, A. (2018). Southeast Asia in the age of commerce. In E. Kimura (Ed.), *Routledge handbook of politics in Asia*. Routledge.
- Reuters. (2022). *New evidence shows how Myanmar's military planned its brutal purge of the Rohingya*. <https://www.reuters.com/investigates/special-report/myanmar-rohingya-warcrimes-investigation/>
- Samudavanija, C.-A. (1987). Democracy in Thailand: A case of a stable semi-democratic regime. *World Affairs*, 150(1), 12–20. <https://www.jstor.org/stable/20672123>
- Sigit, A., Adelia, E., & Bosawer, C. A. (2022). Constitution, coups, and sanctions: The United States' policy amid the democratic backsliding in Myanmar. *Korean Social Sciences Journal*, 49, 73–86.
- Simandjuntak, D. (2018). *The state of democracy in Southeast Asia*. Heinrich Böll Stiftung. <https://th.boell.org/en/2018/10/19/state-democracy-southeast-asia>
- Streckfuss, D. (2011). *Truth on trial in Thailand: Defamation, treason, and lèse-majesté*. Routledge.
- Sutherland, H. (2018). The making of bureaucratic elite: The colonial transformation of the Javanese priyayi. In E. Kimura (Ed.), *Routledge handbook of politics in Asia*. Routledge.
- Takahashi, K. (2022). Moments of silence: The unforgetting of the October 6, 1976 massacre in Bangkok. *Asian Affairs: An American Review*, 49(3), 166–168. <https://doi.org/10.1080/00927678.2021.2004722>
- Taylor, A., & Kaphle, A. (2014, May 22). Thailand's army just announced a coup. Here are 11 other Thai coups since 1932. *The Washington Post*. <https://www.washingtonpost.com/news/worldviews/wp/2014/05/20/thailands-army-says-this-definitely-isnt-a-coup-heres-11-times-it-definitely-was/>
- Tew, Y. (2012). *Beyond "Asian values": Rethinking rights*. University of Cambridge Repository. <https://www.repository.cam.ac.uk/handle/1810/245115>
- The Economist. (2018). Thailand's military junta may at last be ready to call an election. <https://www.economist.com/asia/2018/08/30/thailands-military-junta-may-at-last-be-ready-to-call-an-election>
- Thompson, M. R. (2015). Democracy with Asian characteristics. *The Journal of Asian Studies*, 74(4), 875–898. <https://www.jstor.org/stable/24738561>
- Tudor, M., & Slater, D. (2020). Nationalism, authoritarianism, and democracy: Historical lessons from South and Southeast Asia. *Perspectives on Politics*, 1–17. <https://doi.org/10.1017/S153759272000078X>

- Wagener, M. (2011). Lessons from Preah Vihear: Thailand, Cambodia, and the nature of low-intensity border conflicts. *Journal of Current Southeast Asian Affairs*, 30(3), 27–59. <https://doi.org/10.1177/186810341103000302>
- Waltz, K. N. (1990). Realist thought and neorealist theory. *Journal of International Affairs*, 44(1), 21–37.
- Zulfiani, A. (2019). Anwar Ibrahim's political thoughts on civil society and its relevance to politics in Malaysia. *International Journal on Social Science, Economics, and Art*, 9(3), 143–157.