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Study of the Pros and Cons of Public Interest of Resigning Local Administrators before their Terms Expire

Thanakrit Phoengurn¹

Abstract

This article aims to examine the consequences of early resignation by executives of local administrative organizations, focusing on its impact on public interest across various dimensions. Specifically, it explores the implications of the resignation of the mayor of the local administrative organization who take advantage of legal loopholes under the Local Council and Local Executive Election Act, B.E. 2562 (2019) as a strategic political maneuver to gain an unfair advantage. The study employs a descriptive analysis based on documents and articles related to local council elections within the framework of democratic governance. The study reveals both positive and negative consequences resulting from the early resignation of local administrative executives. The positive impacts are: 1) The opportunity to elect leaders with enhanced capabilities and fresh perspectives. 2) In certain cases, it helps reduce conflicts and improves administrative efficiency. 3) It promotes democratic awareness and engagement among citizens. The negative impacts are: (3.1) Disruptions in the continuity of public policies. (3.2) A decline in public confidence. (3.3) Financial and resource losses. (3.4) The influence of local political dynamics. (3.5) Weakening of public participation mechanisms. (3.6) Obstacle to local development. (3.7) Adverse effects on democratic governance. Furthermore, the study indicates that such resignations may lead to failures in two key areas of public policy implementation, which are: 1) Failure in policy design, it occurs when policies are not appropriately structured to align with real societal conditions or fail to anticipate long-term impacts. As a result, the intended policy objectives are not achieved, and in some cases, new problems may arise instead. This is particularly evident in policies formulated without thorough research or comprehensive problem analysis. 2) Failure in conceptual and technical aspects, it occurs when policies are ineffective in addressing the issues they aim to resolve. Such failures may also lead to unintended negative consequences, further complicating governance and public administration. The recommendations for addressing these failures are as follows: (2.1) Amend relevant election laws governing local council members and local administrative executives to close legal loopholes and enhance governance effectiveness. (2.2) Enhance public awareness by educating citizens on both the advantages and disadvantages of early resignation before completing the full four-year term. (2.3) Reassess election-related expenses, particularly in cases where an incumbent resigns and seeks re-election, to ensure a more efficient and cost-effective electoral process.

Keywords: Local Administrators, Terms Expire, Pros and Cons of Public Interest

Introduction

The election of executives in Thailand's local administrative organizations originated from efforts to decentralize power from the central government to local communities. These efforts gained significant momentum in the late 20th century, particularly following the enactment of the 1997 Constitution of the Kingdom of Thailand, which laid the foundation for strengthening and promoting local governance. This initiative aimed to empower citizens by encouraging their active participation in managing and developing their own communities.

Historically, local administration was primarily controlled by the central government. However, afterwards, various forms of local administrative organizations were established, such as municipalities, Provincial Administrative Organizations (PAOs), and Subdistrict Administrative

¹ Pathumthani university, Email: thanakrit@ptu.ac.th



Organizations (SAOs). These entities played a crucial role in enhancing public engagement in shaping the direction of community and regional development.

A major turning point was the enactment of the Local Administration Act, which granted local administrative organizations the authority to conduct direct elections for executives and council members. This reform allowed for the election of key local leaders, including the Chief Executive of the Subdistrict Administrative Organization (SAO), the Mayor of a Municipality, and the Chief Executive of the Provincial Administrative Organization (PAO). By empowering local governments, these changes significantly contributed to the development of more autonomous and community-driven governance.

The election of executives in local administrative organizations plays a crucial role in fostering public participation by allowing citizens to directly choose leaders who best represent their community's needs. This process is fundamental to the development of democracy and effective governance in the following ways:

1. Enhancing transparency and public participation.
2. Decentralizing power.
3. Driving local community and economic development.
4. Electing leaders who understand local issues.
5. Promoting grassroots economic growth.
6. Ensuring power checks and balances.
7. Fostering accountability – Enabling the public to evaluate the performance of elected officials and hold them accountable.
8. Developing exemplary leaders – Cultivating role models in governance who may eventually rise to national leadership.

Regular elections held every four years are, therefore, a cornerstone of democratic development, ensuring that governance remains aligned with the needs and aspirations of the people.

The election terms for local administrative executives are stipulated in the current Organic Act on the Election of Local Council Members or Local Executives, B.E. 2562 (2019). Section 11 of this Act mandates that elections for local administrative executives be held every four years upon the completion of their term.

However, the law allows for interpretation in cases of early resignation. If an executive resigns more than 180 days before the end of their term, a new election must be held. This legal provision has raised concerns regarding early resignations and their potential impact on public interest.

This study aims to examine the effects of early elections for local administrative executives on public welfare. Using a descriptive analysis approach, the research draws upon data from documents and articles related to elections within the framework of democratic governance.

Concept, Theory of Democracy

Democratic theory is a fundamental tool for understanding political systems and electoral processes at the local level. It is closely associated with public participation in political decision-making, as local elections play a vital role in fostering and strengthening democracy within

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communities (Channuwong et al., 2025; Dokthaison, 2009). Given this importance, studying democratic theories proposed by both international and Thai scholars is essential, as it provides a clearer understanding of the principles and frameworks applied in local electoral processes.

Dahl (1971) introduced the concept of "Polyarchy," which describes a government characterized by key democratic attributes, such as the opportunity for diverse political groups to access and influence decision-making processes. In this context, local elections serve as a mechanism that enables citizens to exercise their right to elect representatives, thereby reinforcing democracy at the grassroots level.

This perspective aligns with the ideas of John Locke (1690), who emphasized the significance of individual rights and freedoms in political participation. By allowing citizens to engage in the electoral process, local elections ensure that democracy is not only established but also sustained and continuously developed within society.

John Locke's liberal democratic theory emphasizes the fundamental rights and freedoms of individuals, particularly the right to vote and participate in governmental decision-making at the local level. According to Locke, local elections serve as a crucial mechanism that empowers citizens to elect representatives who are responsible for protecting their rights and ensuring fair governance.

Similarly, Jürgen Habermas (1996) proposed the concept of "Deliberative Democracy," which emphasizes the importance of open dialogue and the exchange of ideas between citizens and their representatives in political decision-making. Therefore, local elections play a crucial role in promoting civic engagement and fostering meaningful deliberation, ultimately leading to well-informed and representative decisions.

David Held (1995) proposed the concept of "Cosmopolitan Democracy," which advocates for democratic governance at both the global and local levels. His theory underscores the importance of citizen participation at all levels, including local elections, as a fundamental tool for building a sustainable democratic system.

Similarly, Thomas Pogge (2002) emphasized the role of local elections in ensuring fairness in the distribution of power and resources on a global scale. He argued that local elections are essential for promoting justice at a fundamental level, ensuring equitable access to governance and decision-making. This perspective aligns with Professor Dokthaisong (2009), who introduced the concept of "Grassroots Democracy," which highlights the significance of citizen participation at the community level and the strengthening of democracy from the bottom up. Additionally, Channuwong (2018) and Tepsutin (2013) discussed the importance of decentralization and local elections, asserting that a strong local government enhances transparency and governance efficiency. He further emphasized that local elections serve as a crucial mechanism for fostering sustainable democracy by empowering communities and encouraging greater public engagement.

Local administrative elections are not merely a process of selecting leaders; they also serve as a crucial mechanism for fostering civic awareness and collective responsibility within local communities. Moreover, they play a vital role in strengthening governance and ensuring the nation's long-term stability and sustainable development.

The Electoral Process

Local elections not only function as a way of decentralizing power but also act as a key instrument in reinforcing grassroots democracy. They emphasize public participation, transparency, and accountability among local leaders. The electoral process is guided by several fundamental principles as follows:

1. **Local Elections as a Mechanism for Decentralization:** the decentralization promotes grassroots democracy by transferring power from the central government to local communities. This process enables communities to manage their own affairs and facilitates development their specific needs. Public participation in local elections helps verify the elected officials and remain responsive to the needs of their constituents (Faguet, 2012).
2. **Citizen Participation:** the local elections serve as a vital platform for citizen engagement in political decision-making, allowing individuals to actively participate in selecting their leaders and shaping local policies. This participation fosters a democratic culture and strengthens civic responsibility at the local level (Norris, 2002).
3. **Transparency and Accountability:** the local elections contribute to transparency in governance, as elected leaders are required to be accountable to the public, reducing the opportunities for corruption and vague governance at the local level (Manor, 1999).
4. **Representation:** the local electoral system plays a crucial role in ensuring that elected officials truly represent the interests and concerns of their communities. Moreover, it reflects the needs and problems of the people at the grassroots level. The appropriate electoral framework, whether majoritarian or proportional, significantly impacts the quality of representation (Lijphart, 1994).
5. **The Context of Local Elections in Thailand:** In Thailand, local elections play a significant role in decentralization through local administrative organizations, including Subdistrict Administrative Organizations (SAOs), Municipalities, Provincial Administrative Organizations (PAOs), the Bangkok Metropolitan Administration, and Pattaya City. The concept of grassroots democracy reinforces public participation in policy-making and governance, ensuring that local administrations remain closely aligned with the needs and aspirations of their communities (Dokthaisong, 2009).

Relevant Laws and Regulations

The election of local administrative executives is governed by specific processes and procedures that must be followed by candidates, the Election Commission, and the general public. These regulations are stipulated in the Organic Act on the Election of Local Council Members or Local Executives, B.E. 2562 (2019), which includes key provisions as follows:

1. Election Scheduling, the law stipulates that elections must be held within 45 days after the completion of a local council member's or local executive's term, or within 60 days if the position becomes vacant due to other reasons. However, if a local council member's remaining term is less than 180 days, an election may not be required. For elections held to fill a vacant position, the newly elected official's term begins on the election day and lasts for the remaining duration of the respective local council's term. (Section 11)

2. Election Campaigning (Section 64), to ensure fairness and order in the electoral process, the law establishes specific timeframes for election campaigning. Candidates are permitted to campaign under the following circumstances: (1) Elections due to the completion of the term. (2) Elections following the dissolution of the council. (3) Elections due to a vacant position. (4) Re-elections, in all of the above cases, candidates may campaign until 6:00 PM on the day before election day. Furthermore, (5) In cases where a revote is ordered, election campaigning is strictly prohibited unless the Election Commission decides otherwise, considering principles of fairness and integrity.
3. Prohibited Campaigning Activities (Section 65), candidates and any individuals are strictly prohibited from influencing voters to cast or abstain from voting for themselves or others through the following actions:
 - Offering, promising, or preparing assets, or any other benefits that can be financially valued.
 - Providing or promising assets or benefits to communities, associations, foundations, religious institutions, educational institutions, or any other organizations.
 - Conducting campaign advertising through entertainment events or festivities.
 - Hosting or promising to host meals or gatherings for voters.
 - Finally, (3.5) Engaging in deception, coercion, threats, undue influence, or spreading false accusations.

Local council members and local executives are also prohibited from engaging in these actions, except when performing duties explicitly required by law. If a local administrative organization, a local executive, or the secretary of a local administrative organization approves a new project or activity that falls under the prohibited categories stated in the first paragraph within 90 days before the end of the term or resignation, such action shall be considered a violation of these prohibitions. However, exceptions apply to:

1. Relief projects addressing natural disasters or public emergencies.
2. Ongoing projects that are part of regular operations,
3. Projects approved by a Cabinet resolution. Furthermore, the 2023 amendment to the Local Election Act (Section 34) permits political officials, members of the House of Representatives, local council members, local executives, and other government officials to participate in election campaigning.

Impacts of the Early Resignation of Local Executives

The resignation of local executives before completing their full term (each term lasting four years, with a maximum occupancy of eight years) has significant implications across multiple dimensions. These include policy continuity, public trust, financial resources, local politics, citizen participation, and local development. These factors are critical considerations in policy and administrative decision-making to ensure the protection of public interests. The key impacts can be summarized as follows:

1. Continuity of Public Policy (Osborne & Gaebler, 1992), the early resignation of local executives can disrupt the continuity of ongoing policies, potentially compromising the

efficiency of local governance. A major consequence is the possible delay or discontinuation of development projects designed to enhance the well-being of local communities. Such disruptions may hinder long-term progress and weaken the overall effectiveness of public administration.

2. **Impact on Public Trust** (Norris, 1999), the early resignation of local executives may affect public confidence in local administrative organizations, causing the citizens to feel that they are not being appropriately served by their elected representatives.
3. **Financial and Resource Losses** (Schaffer, 2007), the need to hold new elections or appoint a replacement for a local executive who resigns before completing their term can lead to substantial financial costs for local governments. This additional expenditure may result in inefficient resource allocation, ultimately impacting community development and other governance public projects.
4. **The Role of Local Politics** (Faguet, 2014), the resignation of local executives is often driven by political factors, such as internal conflicts within the organization or pressure from opposing factions. These circumstances can impact political stability at the local level.
5. **Impact on Citizen Participation** (Putnam, 1993), the early resignation of local executives may weaken public enthusiasm for civic engagement in local affairs. If citizens perceive local administrative organizations as unstable or unreliable, they may become less inclined to participate in democratic processes in the future.
6. **Impact on Local Development** (Rondinelli, McCullough & Johnson, 1989), the replacement of local executives can lead to changes in governance approaches and resource management, potentially disrupting long-term economic, social, and environmental development.
7. **Impact on the Democratic System**, the early resignation of a local mayor before completing their term has significant implications for local democracy, as it necessitates new elections for both the mayor and provincial council members. This process consumes substantial resources and time and may lead to a decline in citizen participation in the electoral process. Frequent leadership changes can threaten governance stability, disrupt administrative continuity, and weaken public trust in the local political system. To uphold democratic principles, it is crucial to ensure transparency and fairness in the electoral process.

Public Policy Failure

Public policy failure refers to a situation in which government policies or public agency initiatives fail to achieve their intended objectives or effectively resolve issues. Such failures may lead to unintended consequences or even exacerbate existing problems. The causes of policy failure can be diverse and may include the following:

Policy Design Failure

Policy design failure occurs when policies are poorly structured and do not align with real societal conditions or when long-term consequences are not adequately considered. As a result, policies fail to address the intended issues effectively or may even create new problems. This often happens when policies are developed without thorough research or comprehensive problem

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- Implementation Failure, well-designed policies can fail if their execution does not align with the intended framework or if resources are mismanaged or inadequately allocated. Causes of implementation failure include poor administrative capabilities, political interference, or lack of public cooperation, all of which can hinder successful policy execution.
 - Political Failure occurs when political influences distort policy design and implementation, making policies unresponsive to actual public needs. This may result from political conflicts, partisanship, or the prioritization of private or group interests over the public good.
 - Adaptation Failure, in some policies fail because they lack flexibility and the ability to adapt to changing environments or long-term developments, such as technological advancements shift or evolving social structures.
 - Data and Research Failure, the policy failure can also result from decisions based on insufficient, outdated, or unreliable data and research. They are likely to produce the undesired outcomes, leading to inefficiencies and unintended consequences. (5) Lack of Public Support and Cooperation, most of time policies fail when public engagement and support are insufficient. This causes from a lack of citizen participation in the policy-making process, coupled with poor government communication.
- 2) Dimensions of Public Policy Failure

Public policy failure can occur across multiple dimensions, with two primary aspects being conceptual failure and technical failure. Both can result in policies that fail to effectively address their intended issues and may even lead to unintended negative consequences.

1. Conceptual Failure, the conceptual failure occurs when policies are designed and developed without properly aligning with the realities of the issues they aim to address. This often results from poorly informed decision-making that lacks comprehensive analysis and fails to consider the complex factors associated with the problem. The main causes of conceptual failure are as follows:
 - (2.1.1) Insufficient research or inadequate data used in policy planning.
 - (2.1.2) Inability to assess the long-term impact of policies.
 - (2.1.3) Policies designed to serve the interests of a specific group, rather than addressing the broader public interest.
 - (2.1.4) Lack of flexibility in decision-making, making it difficult to adjust to changing circumstances.

However, the conceptual failure may come from a lack of stakeholder engagement or policymakers' inability to fully comprehend the complexity of the issue. When policies fail to meet the actual needs of communities, their implementation is likely to be ineffective and completely unsuccessful.

2. Technical Failure, technical failure occurs when a policy's implementation does not align with its intended design, often due to inefficient management, insufficient resources, or a lack of necessary skills and expertise. This type of failure is typically associated with

poor coordination, inadequate knowledge of resource utilization, or ineffective collaboration among relevant agencies. The primary causes of technical failure include:

- Insufficient resources or inadequate technology required for effective implementation.
- Inefficient management, such as the lack of proper monitoring and evaluation mechanisms.
- Weak coordination systems among relevant organizations. Or
- Errors made by personnel unfamiliar with the policy implementation process or the tools required for execution.
- As a result, technical failure can prevent policies from achieving their intended outcomes, even if the policy concept itself is well-founded. Ineffective management and poor coordination can lead to the underutilization of available resources, ultimately causing the policy to fail in meeting its policy objectives.

Conclusion

The election of local administrative executives within the framework of democratic governance serves as a symbol of democracy and a key mechanism for ensuring efficient, transparent, and responsive local administration that absolutely meets the needs of the public. Holding elections before the completion of the standard four-year term presents both opportunities and challenges, depending on the reasons behind the election and how the process is managed. If conducted transparently and efficiently, early elections can bring long-term benefits to local communities. However, if motivated by political tactics and lack of proper planning, they may result in negative consequences. The impact of early elections on public interest can be summarized as follows:

Positive Impacts

1. The resignation of a local executive may provide an opportunity for a more competent leader with fresh perspectives to take office, potentially leading to improved local development and governance in better directions.
2. In certain cases, resignation can help resolve internal conflicts or enhance administrative efficiency, particularly when previous governance faced challenges or inefficiencies.
3. Build learning in the democratic political process for the citizens.

Negative Impacts

The early resignation of a local executive can have several negative effects on public interest, including:

1. **Disruption of Policy Continuity** -Ongoing plans, programs, and development projects may be delayed or discontinued, hindering the overall progress and growth of the community.
2. **Increased Financial Burden** -Conducting new elections or appointing a replacement incurs additional costs in terms of budget and resource allocation.
3. **Decline in Public Confidence in Governance** -Resignation may raise doubts about the

stability of local administration, potentially reducing public trust in the efficiency and reliability of governance.

4. **Impact on Staff Morale** – Uncertainty and anxiety among government officials and staff, may occur and affect their overall work efficiency.
5. **Community Conflict and Division** – Leadership changes may intensify political tensions within the local area, potentially leading to conflicts and divisions that weaken community cohesion.
6. **Damage to the Reputation of Local Administrative Organizations** – Early resignation may cause the local administration to be perceived as unstable or lacking accountability in its governance.
7. **Delays in Addressing Critical Issues** – The absence of stable leadership can result in delays or neglect in addressing key local challenges, such as infrastructure development, public health services, and other essential community needs.

The resignation of a local executive before completing their term can have both positive and negative impacts. Effective and timely management is crucial to minimizing negative consequences while maximizing opportunities to create long-term public benefits.

New Knowledge

The study of the advantages, disadvantages, and public interest implications of the early resignation of local executives can contribute to new knowledge in various aspects. Addressing this issue requires a deeply comprehensive, multi-dimensional approach to systemic problem-solving, including:

Legal and Regulatory Reforms – Establishing clear conditions for resignation, such as requiring executives to provide reasonable justification and obtain approval from a central authority. Additionally, implementing penalties or restrictions, such as prohibiting resigned executives from running for office again within a specified period if they step down without valid reasons.

Enhancing the Election System – Adjust the election system to have a backup mechanism for executives such as appointing the permanent secretary of the local administrative organization as an interim executive until a new leader is elected.

Amendments to the Local Election Law – As outlined in Section 11 of the 2023 Local Election Act, in cases where a local executive resigns before completing their term, "The permanent secretary of the respective local administrative organization shall serve as the acting executive until the end of the local council's term or until a new executive is appointed."

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