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# BOOK OF CONFERENCE PROCEEDINGS

International Conference and Global Forum

**MULTIDISCIPLINARY  
RESEARCH FOR  
SUSTAINABILITY**

9-10  
**NOV**

Official Partner: Lintas Cakra Pusaka (Scholarvein)



**International Conference and  
Global Forum on  
Multidisciplinary Research for  
Sustainability  
(MRS 2017)**

**November 9-10, 2017**

**Seoul, South Korea**



**Proceeding Book**  
**of**  
**International Conference and Global Forum on**  
**Multidisciplinary Research for Sustainability**  
**(MRS - 2017)**

*“Enhancing innovation and value creation sustainability  
through academic research”*

**ISBN:**

978-602-50035-2-3

**Chief of Editor:**

Dr. Hendrati Dwi Mulyaningsih

**Cover and layout:**

Gina Noviana Yuniar

**Publisher:**

PT. Lintas Cakra Pusaka

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First publication, November 2017

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# CONFERENCE CHAIR MESSAGE

We are delighted to welcome you to the International Conference and Global Forum on Multidisciplinary Research for Sustainability (MRS) hosted by Research Synergy Foundation and PT. Lintas Cakra Pusaka as official partner held on November 9 – 10, 2017 at Hi Seoul Youth Hostel, Seoul, South Korea.

The theme of MRS Conference is enhancing innovation and value creation sustainability through academic research. MRS 2017 International Conference shows up as a cutting-edge multidisciplinary platform to gather presentations and discussions of recent achievements by leading researchers in academic research.

It has been our privilege to convene this conference. Our sincere thanks, to the conference organizing committee; to the Program Chairs for their wise advice and brilliant suggestion on organizing the technical program and to the Program Committee for their thorough and timely reviewing of the papers. Recognition should go to the Local Organizing Committee members who have all worked extremely hard for the details of important aspects of the conference programs and social activities.

We welcome you to Seoul and hope that this year's conference will challenge and inspire you, and result in new knowledge, collaborations, and friendships.

Best regards,

Dr. Ismi Rajjani  
Conference Chair of MRS 2017

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## KEYNOTE SPEAKER



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His research focus are marketing Management, Consumer Behavior, International Marketing, and Consumer Behavior. He had involved in various research both national and international project. His recent research activities entitled "Service Quality in PDAM" was sponsored by Local Water Supply Utility (PDAM). He was winner of Research Higher Degree Excellence Award for the Best Dissertation from Faculty of Business and Law University of Newcastle Australia in 2008.

## Track: Social Science and Humanities

# **Guidelines for Increasing Participation in Community Development in Accordance with the Philosophy of Samsen Resident's who Voted 2016 Referendum**

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## **Abstract**

*Following the referendum on the draft Constitution of the Kingdom of Thailand B.E. which was held on 7 August 2016, it revealed that most voters approved this draft constitution. Nevertheless, in this study of Samsen Community's people who voted, they have their opinions about the political structure which are; Thailand is ready for the 2-party system, the qualification of the candidate should be graduated with abachelor's degree, and the head of the government should come from the party with a majority vote. Additionally, they disagree about the prime minister who comes from the senator's nomination, and the senator should not have the authority of controlling the independent entity.*

**Keywords:** Political Structure, Referendum

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## **I. Introduction**

In May 2014, Thailand's military took control of the government and enacted an interim constitution to replace the 2007 constitution. The interim constitution outlined a roadmap to return the country to a democratically-elected government, to be implemented by the military-led National Council for Peace and Order. The roadmap includes a constitution drafting and review process followed by a public referendum. The current draft constitution, which voted on in the 7 August referendum, was written by a 21-member Constitution Drafting Committee (CDC) appointed by the NCPO on 5 October 2015. A first draft of the constitution developed by the Constitutional Drafting Committee (CDC), General Lertrat Ratanavanich, the CDC members visited different parts of the country and met with people, gathering as much public opinions as they can. The CDC members have also met with the different sectors including the National Council for Peace and Order (NCPO) and the cabinet to get their opinion on the new constitution draft. A first draft of the constitution was rejected by the National Reform Council

(NRC) in September 2015. Under the terms of the interim constitution, this rejection required development of a new draft by a new CDC, which was completed on January 29, 2016. This new draft does not require approval by the NRC, and instead will be voted on in this referendum.

The referendum runs under the Referendum Act B.E. 2016 for the Draft Constitution of the Kingdom of Thailand 2016. The referendum is a direct democracy that people could express their political will. Each and every one of them could agree or disagree to public issues, legal and policies. Thai citizens voted in a referendum that will decide whether the draft constitution backed by Thailand's military, the National Council for Peace and Order (NCPO), On 7 August 2016. The referendum was seem to be unfair and against all of democracy theory by Referendum Act B.E. 2016, the National Council for Peace and Order (NCPO) wouldn't allow Thai people to listen to the people who disagree and to learn more about the Draft Constitution of the Kingdom of Thailand 2016. Under Article 61 of the Act, "...anyone who disseminates text, images or sound, through newspapers, radio, TV, electronic media or other channels, that are either false or delivered in a violent, offensive, rude, inciting or threatening way, with the intention to influence voters to refrain from voting or voting in a certain way, or abstain from voting, shall be considered as a person who creates confusion in order to disrupt voting procedures." Violators face jail terms of up to 10 years, fines of up to 200,000 baht (US\$5,713), and the revocation of voting rights for a period of up to 10 years."

In addition, Article 63 of the Referendum Act prohibits the publication of opinion polls or surveys related to the referendum from seven days prior to 7 August until the end of voting day. Violators face imprisonment for up to three months or a 6,000 baht (US\$171) fine, or both.

The body of the Draft Constitution of the Kingdom of Thailand 2016 will make the political problematic to Thai politics that because of the content against the democracy theory as follows;

1) Junta decrees remain in effect

All announcements, orders, and acts of the NCPO and the head of the NCPO already in force are considered constitutional and lawful. NCPO orders and announcements can only be repealed or replaced by the new Parliament. This allows the continuation of NCPO orders and announcements that are inconsistent with

Thailand's obligations under international law or the draft charter itself.

2) NCPO, proxies maintain grip on power.

The transition period allows for a 250-member Senate, appointed for a five-year term. The NCPO would select 50 members from a list of individuals submitted by the Election Commission (EC), 194 from a list of individuals submitted by an NCPO-appointed committee, and six seats would be reserved for top-ranking officials in the military, police, and the Ministry of Defense.

### 3) Undemocratic institutions.

After the five-year transition period, the Senate will be comprised of 200 appointed members who cannot be members of a political party. A fully-appointed Senate is a significant step backward from the 1997 and 2007

constitutions - in which all and half of the senators were elected, respectively.

### 4) Senators have veto power over constitutional amendments.

On their first reading, constitutional amendments require the approval of at least 50% of the total number of Members of Parliament (MPs) and senators. However, the vote on the amendment will fail if it is not supported by a minimum of one-third of the Senate. On the third and final reading, the procedure is basically the same in that an amendment will fail if not supported by at least one-third of the Senate.

### 5) Prime Minister may be a person who is not an elected MP

The King appoints the Prime Minister after he/she is elected by the House of Representatives by a majority vote of the MPs. If, for any reason, during the five-year transition period, MPs in the House of Representatives fail to elect a Prime Minister from the lists of eligible candidates nominated by political parties and a joint session of both houses of Parliament is demanded by at least 50% of the MPs, then such joint session can exempt the election of a Prime Minister from the members of the political parties sitting in Parliament by an affirmative vote of two-thirds of the total number of MPs and senators (500 of 750 votes). The House of Representatives would then vote on the nominee for Prime Minister by an absolute majority vote. In this case, the House of Representatives may nominate a person who is not an elected MP to serve as Prime Minister.

6) Prime Minister, Ministers can be removed for lack of “ethical standards” or “apparent honesty” A petition signed by a mere 10% of the total number of MPs in the House of Representatives or by 10% of the total number of senators is sufficient to lodge a complaint to the Speaker of their respective assemblies in order to begin an impeachment process to remove a cabinet minister, including the Prime Minister, from office if he/she does not possess “ethical standards” or “apparent honesty.” The vague terminology, coupled with the low threshold necessary to lodge a complaint, makes this system susceptible to abuse.

7) Stronger, unchecked ‘independent’ institutions.

The draft constitution gives ‘independent’ institutions, such as the Constitutional Court, the National Anti-Corruption Commission (NACC), and the EC disproportionately broad and unchecked powers. Allowing such institutions, which have traditionally been highly politicized and accused of bias, to become stronger

increases the risk of political instability as they can directly scrutinize the government’s actions without any checks and balances. The NACC and the EC are granted powers to launch investigations on their own without the requirement of

a formal complaint by a third party. This increases the risk of them staging a ‘judicial coup’ by filing lawsuits and initiating proceedings against the government. In addition, the Constitutional Court is able to examine complaints based on petitions filed directly by individuals, without the requirement that the dispute be

screened by the Prosecutor General or the Ombudsman.

8) Toothless National Human Rights Commission.

As outlined in the draft charter, the National Human Rights Commission lacks some of the key powers it needs to effectively fulfill its duties as a National Human Rights Institution in line with the Paris Principles. Notably lacking from the draft constitution are provisions that ensure its ability to seek information related to

human rights violations and raise these issues with the government; encourage the ratification of, and ensure the effective implementation of national legislation with international human rights instruments; and receive complaints from individuals and seek a solution.

9) Weak protection of fundamental human rights.

While the 1997 and 2007 constitutions contained provisions protecting the right to a fair trial, the draft constitution is notably lacking such a provision.

Referendum is a direct democracy. The constitution is the highest law in every country. People should have vote and express their opinion and vote on what they think on the current issues. Samsen Community is one of many communities in Bangkok Thailand. People in this area are Bangkok resident. They interest and active in Thai political movement. This research is aim to study Samsen Community’s people who voted for referendum on 7 August 2016. Researcher focused on how people react to this referendum and how they suggest on these issues.

## **II. Literature Review**

### **2.1 Separation of Power**

Separation of power on the other hand means that every bodies in the government sector, for instance the judiciary bodies, the administrative bodies has their own power in executing their duties. Each body carries out their duty independently and other bodies cannot interfere in their decision-making process.

If separation of power is not exercised in a country, government bodies can hardly execute their duty in fair and independent manner. The reason behind the existence of Separation of Powers is that when a group or person has a huge amount of power, they can become dangerous to the society and citizens. If a single group shared all three powers, they would be a dictatorship and have unlimited power. They could do anything they like without been questioned. The Separation of Power is a method of reducing the amount of power in any group's hand, hence making it harder to abuse and used in a wrong method.

### **2.2 Theory of Sovereignty**

The beginnings of the theory of sovereignty are found in Aristotle's *Politics*, "Sovereignty has many meanings in political theory." Stankiewicz offers several dichotomies, such as political and legal sovereignty, internal and external sovereignty *de iure* and sovereignty *de facto*, influential, limited, relative sovereignty, etc Sovereignty means an unlimited power. This is its main attribute. Nonetheless, the whole concept cannot be reduced solely to this aspect, as some lawyers believed. As noted, the two opposite streams had a different solution as to how to relate unlimited power to the state authority. Whereas classical thinkers believed that the state authority was sovereign and thus unlimited, Constitutionlists held that, although final, it must have been limited and that sovereignty was vested in the constitution. There are three main elements of the Classical theory of sovereignty. The first element is the unlimited power. The second is that the sovereign power is the source of all the rights in the state. The third is that the state authority is the bearer of sovereignty, not the people, some legal document (like a constitution), or any other actor.

### **2.3 Rule of Law**

The rule of law does not have a fixed and precise definition, and its meaning can be different between nations, legal traditions and people from all kinds of lifestyles. Its main principle is 1) legal system 2) legality and 3) constitutionality. The rule of law is the principle that no one is above the law and treated equally among citizens. Laws are made to maintain law and order in our society and provide a harmony environment for the sake of progression

of people. No man could be lawfully interfered or punished by the authorities except for breaches of law established in the ordinary manner before the courts of land.

## 2.4 The balance of power

The balance of power appears at first sight a simple concept. It has been defined as "a phrase in international law for such a 'just equilibrium' between the members of the family of nations as should prevent any one of them from becoming sufficiently strong to enforce its will upon the rest." The balance of power is a consequent of **Separation of Power**. When the power is separated and it must be balance among them. That means each of power is balance and checks each other.

### III. Research Methodology

This research had set up the research methodology;

#### 1. In-depth interview.

Researcher interviewed Resident in Samsen Community who are at the age of 18 which have the right to vote for the referendum on 7 August 2016.

#### 2. Documentary study.

Researcher reviewed and analyzed documents; Referendum Act B.E. 2016 for the Draft Constitution of the Kingdom of Thailand 2016 and the Draft Constitution of the Kingdom of Thailand 2016.

### IV. Findings

The result of this research divide into two parts; a) referendum analysis and b) field research analysis.

#### 4.1 Referendum analysis.

The result of the vote was follow;

Question	For		Against		Invalid/ blank	Total votes	Registered voters	Turnout
	Votes	%	Votes	%				
Draft charter	16,820,402	61.35	10,598,037	38.65	2,322,238	29,740,677	50,071,589	59.40
Election of the Prime Minister	15,132,050	58.07	10,926,648	41.93	3,681,979			

The referendum added the second question to its campaign. It gives senators the authorization to vote for prime minister. Thai citizens will vote on a new constitution and a proposal allowing an appointed 250-member Senate to join

the House of Representatives in selecting a Prime Minister. Researcher found that the draft constitution broke down the principle of ‘balance of power’ in democracy theory. The draft constitution gives ‘independent’ institutions, such as the Constitutional Court, the National Anti-Corruption Commission (NACC), and the EC disproportionately broad and unchecked powers. Allowing such institutions, which have traditionally been highly politicized and accused of bias, to become stronger increases the risk of political instability as they can directly scrutinize the government’s actions without any checks and balances. This will bring back the political crisis to Thai political and find no more political solutions.

#### **4.2 Field research analysis.**

The result of the study found that The Draft Constitution of the Kingdom of Thailand 2016 is not launched from the real political will from people of Thailand. National Reform Council (NRC) didn’t set up public hearing. Resident in Samsen Community had their opinion as follow;

1. Resident in Samsen Community agree that Thailand is ready for the 2-party system,
2. The qualification of the candidate should be graduated with abachelor’s degree,
3. The head of the government should come from the party with a majority vote.
4. Resident in Samsen Community disagree about the prime minister who comes from the senator’s nomination,
5. The senator should not have the authority of controlling the independent entity.

#### **V. Conclusions**

The principle of referendum is a fair method for people to express their political will for important issues. It is a direct democracy. The referendum on the draft Constitution of the Kingdom of Thailand B.E.2016 which was held on 7 August 2016 was run under Referendum Act B.E. 2016. This referendum was unfair to people who disagree. It prohibited by section 61 and 63. Under Article 61 of the Act, people who disagree couldn’t express the text, images or sound, through newspapers, radio, TV, electronic media or other channels. Violators face jail terms of up to 10 years, fines of up to 200,000 baht (US\$5,713), and the revocation of voting rights for a period of up to 10 years.” Article 63 of the Referendum Act prohibits the publication of opinion polls or surveys related to the referendum from seven days prior to 7 August until the end of voting day.

The draft Constitution of the Kingdom of Thailand B.E.2016 will make the political problematic to Thai politics that because of the content against the democracy theory such as senators have veto power over constitutional amendments.

Constitutional amendments require the approval of at least 50% of the total number of Members of Parliament (MPs) and senators. Prime Minister may be a person who is not an elected MP

As a result of this study found that

1. Resident in Samsen Community agree that Thailand is ready for the 2-party system. People of Thailand take time for more than ten years to learn about two political parties system.
2. The qualification of the candidate should be graduated with bachelor's degree. This is a primary rule to select well educated nominated prime minister.
3. The head of the government should come from the party with a majority vote. This result is relies upon theory of sovereignty. The head of the government or prime minister is a represent on behalf of people who vote for him/her.
4. Resident in Samsen Community disagrees about the prime minister who comes from the senator's nomination. Prime minister is the administrative body has their own power in executing their duties. Senator is a part legislation body. Two powers shall not overlap.
6. The senator should not have the authority of controlling the independent entity. The senator is a part legislation body when senator have the authority of controlling the independent entity. This breaks the rule of the balance of power.

The suggestion of this study;

1. National Reform Council (NRC) should set up public hearing before the referendum. This will be fair enough to people who disagree to the draft Constitution of the Kingdom of Thailand B.E.2016
2. Senators are not selected by the people, shall not have the authorities to vote for prime minister.
3. Senators are not selected by the people, shall not have the authorities over independent entity.

### **Acknowledgments**

The author would like to thank the Research and Development Institute, College of Innovation and Management, Suan Sunandha Rajabhat University, Bangkok, Thailand for financial support.

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## **FUTURE EVENTS**

January 8-9, 2018

Korea International Conference on Emerging Trends in Business, Economic  
and Social Science Studies (KIBES)

<http://www.kibes.researchsynergy.org/>

January 18-19, 2018

Singapore International Conference on Management, Business, Economic,  
and Social Science (SIMBES)

<http://www.simbes.researchsynergy.org/>

January 22-23, 2018

Hong Kong International Conference on Business, Social Science and  
Management Studies for Sustainable Innovation (HIBSSI)

<http://www.hibssi.researchsynergy.org/>

January 29-30, 2018

Japan International Conference on Business, Management Studies and  
Social Science (JIBUMS)

<http://www.jibums.researchsynergy.org/>

February 15-16, 2018

Singapore International Conference on Marketing, Management Science  
and Business Theory and Practice (SIMBUT)

<http://www.simbut.researchsynergy.org/>

February 5-6, 2018

Korea International Conference on Business, Management and Social  
Science: Theory, Current Issues and Research (KIMTIR)

<http://www.kimtir.researchsynergy.org/>

February 19-20, 2018

Hongkong International Conference on International Business, Economic  
Studies and Humanities (HIBESH)

<http://www.hibesh.researchsynergy.org/>

February 26-27, 2018

Japan International Conference on Global Business Practice and Theory,  
Management Studies and Social Science (JIGMES)

<http://www.jigmes.researchsynergy.org/>

