

# Dynamic of Enforcing the Law on State of Emergency in Thailand

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With 6.54 millions infected cases and more than 387 thousands have been killed by the deadly Novel Coronavirus 2019 (Covid-19) it is the most severe medical emergency in the century (ECDC, June 5, 2020). The global pandemic of the Novel Coronavirus 2019 (Covid-19) raises the concern on the use of laws that might violate human rights in the name of disease control. At the end of 2019, the massive wave of travelers all around the globe had been traveling on the holiday season, while there were some reports on unusual infection disease that might be emerged. The early 2020, when the newly confirmed disease called Novel Coronavirus 2019 later known as Covid-19 was confirmed a new pandemic, and human being is the carrier of this deathly disease many countries reacted with several measures such as closing borders, prohibition of traveling, prohibition of several businesses and social activities, and several lockdown measures. Since, the carrier of the disease is the human being, many of the measures and the laws enforcement are human related prohibitions. It was an emergency situation for all the countries, and territories. Thus, enforcing the law on state of emergency has been a common practice in several countries. Furthermore, the public gives a strong support to the governments for enforcing such law, because people see the necessity of enforcing such law in order to control the scope of pandemic, minimizing the death tolls, and minimizing the risk of newly infection cases.

In Thailand the government announced the use of nationwide state of emergency on March 25, 2020 by declaration of the enforcement of Emergency Decree, and allows the authorities to exercise the appropriate measures in order to control the spreading of the Covid-19 disease accordingly. Curfew has been enforced some few days later. For the time being Thailand is still under the enforcement of the Emergency Decree, in which the government just agreed to renew the use of this law until the end of June 2020. This was the second renewal of the decree, and it raises more concerns on the intention of this renewal. According to the authority, and The Centre for COVID-19 Situation Administration (CCSA) of Thailand, the major reason to maintain the Emergency Decree is to prevent the possible second wave outbreak of the disease. However, many social academics and activists raise the concern on overly use of the law due to several circumstances that the authorities have been using this law to prohibit the public participation, and freedom of expression.

Despite of the current situation that Thai government is exercising its authority by enforcing the law on state of emergency, Thai people have been facing the exercise of the emergency law throughout the past decades. In specific areas such as the deepsouth of Thailand where there is the confrontation with the insurgent, the law on state of emergency has been enforced for over 14 years continuously. Moreover, before 2019 general election, Thailand had been under the military-ruling government more than 5 years since May 2014. Thus, there were several occasions that the military ruled government had exercised its power under the law on state of emergency, and in several circumstances the exercise of the obsessive powers have been used under the security laws, and constitution that have been drafted by the military junta themselves. The law enforcement by obsessive power during the time of military-ruled government was not limited only the use of law on state of emergency, but it was in practice the use of several legal instruments, such as, martial law, cyber act, and security act. Thus, the law enforcement during the time of emergency in Thailand is not limited only the utilizing of Emergency Decree, but it covers several many other laws that in certain level, it violates the rights of political participation, freedom of expression and speech, and in several occasions it is the life threatening.

Prior the May 2014 *Coup d'état*, there were numbers of political instability situations in Thailand

that were caused by the political conflicts. The polarization of the political camps between the different groups of people with the different political ideologies namely; rightwing authoritarian whom preferred more conservative approaches, while another group in the political conflict is more keen on more liberal approaches. The governments had initiated and enforced law on state of emergency to ease the possibility of violence, and tried to control the situation by enforcing the law on state of emergency. However, the use of emergency law proved the failure, since the political conflict ended by the *Coup d'état*. That marks a significant change in Thai political change when the military takes the control of the country for another time.

Apart from several political conflict prior the 2014 *Coup d'état*, Thailand has been struggling with the insurgent in the deepsouth of the country. The major three provinces namely; Pattani, Yala, and Narathiwat are the major areas of the insurgent operation. The Emergency Decree that was initiated in 2005, and has been renewed every 3-month for almost 15 years. Recently in June 2020, the cabinet has approved the proposal of the National Security Council of Thailand for another 3-month renewal of the Emergency Decree (2005) in particular areas of the Southernmost Provinces of Thailand. This is an area where the law on state of emergency has been enforced for an extended period of time, while many other special laws and legal instrumentals have been applied. The justification of utilizing these laws and legal instruments aim to ensure the security and safety of the people. However, there are not sufficient evidences to prove the effectiveness of the law enforcement, on another hand, there are criticisms regarding the misconduct and lack of the transparency in using the law throughout the period that the law are being enforced.

Even though, the main objective of this conference is to address the use of law on state of emergency during the time of the Covid-19 pandemic, however this paper it aims on drawing the picture of the enforcement of law on state of emergency, along with several other laws and legal instruments in the period of Covid-19 pandemic, and further elaborate the linkages to various circumstances that these laws are being implemented. In addition, this paper will analyze the enforcement of law on state of emergency along with several special laws and legal instruments in Thailand throughout the past decade in order to portray the significant characteristics of authoritarian society and undemocratic means of governance and their practices in enforcing law on state of emergency. And finally, this paper will analyze the impacts from the enforcement of law on state of emergency in several situations, and explore the linkages to the people perception and recognition of the impacts.

## **State of Emergency: Chronicle of Emergency Law in Thailand**

The state of emergency law has been commonly used in Thailand in several circumstances. The current Emergency Decree is officially called “Emergency Decree on Public Administration in Emergency Situation, B.E. 2548 (2005)”. It was issued in 2005 to replace an aging Emergency Act on Public Administration in the Emergency Situation that was issued in 1952. Thus, this paper will focus only the declarations to enforce the 2005 Decree, and the sequences of the enforcements.

The Article 4 of this Emergency Decree defines the term “emergency” that it is the situation that would certainly affect the normalcy of living, harmful to the state security or the situation that might lead the country to the critical and instability. Furthermore, it clarifies that the instability or the harmful situation also includes the terrorism, insurgency, and in a certain extent it includes the warfare and the situation when the country is in a battle. To enforce this law it aims on the major purposes of maintaining the rule of law, security, protecting the rights and the freedom of people, and to resolve the immediate disaster and harmful circumstances. This law further addresses the degree of emergency in its Article 11, that the highest degree of emergency is categorized by some specific condition, eg. the terrorist act that is harmful to life of people, the situation that is harmful to the national security, and the situation that is needed an immediate mechanism to resolve. These

are the definitions and conditions that are applied under the justification of the law drafting principles.

Since, the law on the state of emergency is aimed on the temporally situation that might be harmful to the people, and the stability of society, it limits the declaration of the enforcement not exceeding the period of three months with the possibility of renewal by the cabinet resolution. The process of declaration of the enforcement of this Emergency Decree are basically executive power, that the government by the cabinet resolution is the means of activation the law. However, it is by its nature that the law is very much centralized, the Prime Minister and the cabinet are authorized to make the declaration of the decree in accordance to the immediate requirement of the situation.

According the Article 9 and 11 of Emergency Decree 2005, the centralization of the administrative power allows the Prime Minister or/and the Emergency Board (Appointed from Article 6) will have executive power over the National Administration and are capable to make the orders in the specific purposes as follows; 1) announcement of curfew, 2) prohibition of public gathering, 3) Control over the media and public information, 4) prohibition of travel and transportation, 5) prohibition of using or entering certain buildings or premises, and 6) evacuation or prohibition of entering specific areas. Moreover, if the emergency situation is considered higher degree of treat or harmful to the people and the stability of the state, the higher degree of measures is allowed as follows; 1) the authority is allowed to arrest the suspects who might be the cause of the emergency situation including the possibility to conduct the violence, 2) calling people to report to the authority, 3) confiscating the possession of weapons or goods and products, 4) demolishing buildings or premises, 5) investigating the means of communication eg. letter, printing materials, telephone etc. and ceasing any means of communication for the benefit of investigation, 6) prohibition of actions by the particular individual(s) that might be for the benefit of security, 7) prohibition of entering or leaving the country, 8) ability to deport the alien that might be considered involve with the emergency, 9) prohibition of exchanges of goods and products, 10) authorizing the use of arm forces or security authority such as police to address the immediate issues. (Emergency Decree on Public Administration in Emergency Situation, B.E. 2548 (2005)) The enormous authority given to the government in the 2005 Emergency Decree was justified to maintain the security to people and nation. However, with the wide range of the scope of implementation, the decree itself limits the period of time that the decree could be effective, and in several sections of this decree it also limits the time frame of some activities to be minimized in order to ensure that the law is not use with bad intentions and purposes.

The 2005 Emergency Decree has been testing several uses in the past 15 years. The first time that this Emergency Decree was enforced was September 20, 2005 with the purpose of providing additional legal instrumental to the resolution of the violence situation in the Southernmost Provinces of Thailand namely, Pattani, Yala, and Narathiwat. Remarkably the declaration of the Emergency that was dated back to 2005 has been renewed for 59 times (renewal every 3 months) up present. There have been some amendments to several renewal on the areas that have been covered under the enforcement of the law. The prolongation of the effectiveness of an emergency decree that has been expand the throughout many years raises a question over the legal structure and the effectiveness of the criminal law in order to cope with the violence situation. As it was mentioned earlier that the emergency law is aimed on addressing an emergency situation. According to Cambridge Online definition of state of emergency means “a temporally system of rules to deal with an extremely dangerous or difficult situation”. The conceptual frame of the state of emergency and the principles of an emergency law should respect the appropriation of the degree of emergency as well as the period of time it needs to be enforced. The circumstances of protracted use of the temporary based legal instrument might hatch from some social conditions and nurtured by particular norm of the society.

Apart the first declarations of the Emergency Decree on Public Administration in Emergency Situation, B.E. 2548 (2005) in September 2005, there were 8 more additional of the enforcement declarations from 2008 – 2020, the most recent declaration was in March 2020. There are similarity and differences of the principles and the conditions in applying the state of emergency law in these various occasions, and there have been diverse and similarity of the impacts from the utilizing this law, and they are the chronicle of the state of emergency law in Thailand.

### **Chronic Emergency: Maintaining the Military Roles in Political and Social Sectors**

Chronic in the medical term means the disease or symptom that last long and recurrently emerged, while the emergency means the urgent and dangerous situation that needs the immediate resolution. Chronic emergency might refer to the immediate measures that have been repeatedly enforced over a long period of time. Protracted use of the state of emergency law might be a sign of the system failure, while the emergency is prolonged. However, the system does not fail by itself, but with certain stimulations and influences. This paper will emphasis the stimulations and influences of the military in the civilian system that might be the cause of chronic emergency.

Alongside with the state of emergency law, Thai government is equipped with two other special laws in dealing with the situation that might be harmful to people and security of the state namely; National Security Act (2008), and a century old Martial Law Act (1914). The degree in exercising these laws are vary, but the major contents of these laws mainly allow military and security authorities to take the control in critical situation. Disregarding the principles of the drafting of these laws that were officially addressed, the real principle is based on the traditional military-security. The ideology of this principle lies on the value of national security from the military approach. “In the traditional approach, security is a military phenomenon, military capabilities take priority in governments' budgetary allocations, and the projection and deterrence of military force are central to understanding the working of international politics”. (Collins, 2016: 192) In many parts of the globe the traditional security based on the roles of military is being shifted. The term security has opened up to broader conceptualized that incorporate human security approach, and furthermore, the old paradigm of the military plays the leading roles is no longer popular. However, it is quite contrary in an authoritarian society such as Thailand, quite a number of people in this society still enjoy a strong role of the leader, and are willing to give up their rights for the sake of having a strong leader.

Thus, the roles of military and security authorities is shifted in Thai society, not in the same sense with the rest of the world but on the opposite direction. Therefore, many of the civilian roles are under the control of the military, and when the conceptual frame of security is broadening the roles of military are likewise growing along. The clear evidence could be seen from the military role in the politics. In the past 15 years there were already two successful *Coup d'état* in Thailand, and in both military ruling government disregarding the unsuccessful resistance the strong leaders gain a level of popularity.

The military leaders increase the roles of military in several administrative and social sectors. Most of the ministers in the military-ruled governments are the former military leaders, and retired technocrats and bureaucrats. That shaped the leading clan and alliance of the military. The expansion of the roles of the military covers broad meanings of security, and the meanings of the security in the laws is automatically interpreted to the broader sense. Thus, the military and security authorities set up their missions along along with several civilian functions. The development tasks force, the rehabilitation units, medical and health care units, political units, agriculture units, etc. It overlaps with the civilian roles in the administration. Referring to the exercise under the state of emergency law most of the time the roles of military are concerned.

Comparing between the 2008 National Security Act and 2005 Emergency Decree, the scope of provision in both laws are basically the same especially the capability to investigate, and prohibit. The 2008 National Security Act is more likely to empower the security authorities through Internal Security Operations Command (ISOC) which is the military based by its practice. Looking into the body of the Emergency Board of Operation Committee according to Article 9 out of 19 members are from the military or military related institutions. Even though, the structures in enforcing the two laws are slightly different but the core mentality of giving the specific roles and power to the military forces is quite obvious.

The higher active roles of the military shaped up Thai political and social structure. After 2014 *Coup d'état* the military took the control of government and administration, one of the most important tasks is to draft a new constitution that would lead the country into a new round of general election. The 2017 constitution that ignore the principle of democracy, and giving the mandate to the appointed senates and many constitutional institutions that have been appointed by the National Legislative Assembly (NLA), and more over the members of NLA were also appointed by the National Council for Peace and Order (NCPO) the military center command center for the 2014 *Coup d'état*. This circumstance has been criticized that it is the attempt to prolong the power for the military junta. The 2019 general election in Thailand portrays the fact that Thai 2017 constitution is designed to support the continuity of ruling power by the previous junta government. It is the attempt to prolong the military authoritarian regime. There were many of the irregularities in the election, but the Election Commission of Thailand seems to stay idle for most of the cases that involve the allegation of fraud conducted by the party that support the former junta leader, vis-à-vis the investigations mostly targeted on the opposition parties. The expected free and fair election, that used to be the hope for creating a turning point for Thai democracy has become the nightmare, since the military paved political and social structure has become sturdy.

Apart from the 2017 Constitution, the junta appointed National Legislation Assembly (NLA) had passed 412 Acts during the 5-year-ruling period the enormous number of laws issue in such a short period of time. (iLaw, 2019) On the average of 2.5 laws per day that had been passed by the National Legislation Assembly (NLA) there were very limited people participation on drafting and issuing those laws. Once the military have taken over the law drafting procedures and mechanisms, the political and social structure has been compromised as the result of the law enforcement. Leave alone the regular laws, but the state of emergency law is most likely to be compromised by the influence of the military accordingly.

### **Cultural Concerns from Authoritarian Perspectives**

The enforcement of 2005 Emergency Decree from the initiation in the area of the Southernmost provinces of Thailand and has been renewed every 3 months in the past 15 years is basically based on the authoritarian ideology, that people trend to believe and trust the strong leaders and to have a strong legal instrumental for the strong leader, that could be the best choice to get to the solution. Thus, the cause of the chronic emergency is not only the structural dimension and at certain point it involves the cultural dimension and peoples' perception in admitting the obsessive power given to the government by implementing the state of emergency law.

During the press conference on June 1, 2020 the Assistance to the Deputy Prime Minister Spoke person addressed that the preliminary study found out that majority of people are willing to support the government to renew the state of emergency law for a period of time because they believe that the law enforcement helps to minimize the infected cases of Covid-19 in Thailand, and it also enhance the unity of work forces from various government sectors. This phenomenon is explained by Altemeyer (1988) who considers that the authoritarian could be nurtured in all kinds of society. The degree of authoritarianism are derived from three main factors of consideration,

namely the degree of aggression, submission, and conventionalism.

It could be assumed that particular authoritarian tends to exercise power in order to achieve a particular target by his/her aggressive authority. The use of the power under the state of emergency law is an example that the government believe that the centralized power is the best means of achieving its target, and people are submissive to the use of such power. The components of fulfilling the authoritarian environment in the society composed of the followings:

- 1). Authoritarian submission – a high degree of submission to the authorities who are perceived to be established and legitimate in the society in which one lives.
- 2). Authoritarian aggression – a general aggressiveness, directed against various persons, that is perceived to be sanctioned by established authorities.
- 3). Conventionalism – a high degree of adherence to the social conventions that are perceived to be endorsed by society and its established authorities (Altemeyer, 1988: 2, cited in Sharom, 2019: 130 - 131).

The enforcement of state of emergency law could be counted as a preferable in authoritarian society, because of people believe that the stronger the law the more effective outcome is projected. Furthermore, this kind of perception has been developed over one's life time throughout the cognitive process. Generally, the submission to the authoritarianism could have emerged from the early childhood, and nurtured throughout the lifetime experiences with the society, and the environment.

Parental influence is apt to be enormous at first, and for understandable reasons parents do not typically encourage their young children to scrutinize the dictates of authority. Thus, in most families children may be taught simply to obey legitimate authority unquestioningly or from fear of punishment. The other determiners of attitudes most important to the young child (for example, teachers, and extended family) usually reinforce this 'reflexive' submission. We might thus expect children to believe rather uniformly that they should obey the authorities in their world. Conventionalism may vary more, depending on the content of the local authorities teachings and life-style; but young children, with limited cognitive abilities and experience, typically have conventional attitudes (Altemeyer, 1988: 56-57 cited in Sharom, 2019: 131).

Altemeyer (1988), people cognitive perspectives toward submission to authoritarianism continue from the childhood throughout one's lifetime. The society and their environment play a significant role in shaping up understanding and accepting the authorities that dominate them. Among various strong influences that people have to experience through their lives, those strong and restricted believes are the major factors in development of authoritarian submission. In various occasions, religions could be one of the most important influences in nurturing one's fate in authoritarianism. However, it has not been concluded that the religious people would trend to submit to authoritarianism, but in the case of religions where strong commands and obedience are required; such circumstance could stimulate people to create the attitude which relates to the cause of submission to the authorities.

The continuity of the Prime Minister Prayut in office after the 2019 general election leaves the

authoritarian footprint along the way. The portrayal of the hero still persisted in peoples' perception of the military who are in charge of making things right. Thus, pursuing the power, by being armed might not encourage them to stage the coup, but with the believe and trust from the public that these armed authorities are aiming good to the nation is the key.

The 'good' here, means the merit, by inheriting to the social status, and also with the linkage to the pillars of the nation namely; nation, religion (Buddhism), and monarch. The military seems to be the protector of these pillars. That justify their invisible legitimate to exercise excessive power to handle the tasks. Thus, to stage a *coup d'état* does not mean violating people basic rights but to secure them under the pillars. The righteousness of such behavior becomes collective when it repeated over and over again through several channels of communication. (Sharom, 2019: 131–133)

Thus, during the time of emergency especially, when it is the life threatening disease such as Covid-19, people would prefer to allow the authority to withhold the power by utilizing the state of emergency law. The cultural concerns from the perspective of authoritarianism is an important factor that could explain the acceptance of the state of emergency law enforcement even though the stretch of the time is extended without reasonable explanation. The fear of life threatening disease of oneself or the loved ones is the drive for people to submit to the authority. The believe that the authority holds the knowledge and instruments in battle with the confronting emergency builds trust among people, and it is the collective value. No matter these believes are truth, the collective value of trust makes people give up their rights to the authority, and it is clearer in an authoritarian society such as Thailand.

## **State of Emergency Law and Its Impacts from the Covid-19 Pandemic**

This is the first time since the Emergency Decree that was issued in 2005 is being used in a medical emergency situation. As it was mentioned earlier that the official principle of drafting this law covers various aspects of the emergency situations, but in practice it has tendency to yield on the utilizing military and security forces to resolve the political conflicts, and social unrests. It is yet to assess the effectiveness of implementing this law systematically, since it does not have sufficient information. This paper will analyze some impacts that are the results of enforcing the Emergency Decree during the past few months of the outbreak of Covid-19 in accordance to certain facts.

### **Covid-19 Situation Update in Thailand**

With 6.54 millions infected cases and more than 387 thousands have been killed by the deadly Novel Coronavirus 2019 (Covid-19) it is the most severe medical emergency in the century (ECDC, June 5, 2020). Combating with Coronavirus 2019 in Thailand, thanks to the medical professions who have been working very hard to combat the pandemic of Coronavirus 2019, that is now the Global treat. Apart from these medical professions, many of those who work in the service areas such as the patients helpers, housekeepers, bus drivers, and garbage collectors are also working hard in a risky situations and conditions.

The outbreak of Covid-19 was firstly found in Thailand early January along with the outbreak in

China. Thai government seemed to reluctance in applying harsh policies in controlling the disease. The number of new infections, and death toll had been in a very slow progress from January to March 2020. But with the hyper-spreading in the second week of March namely from the two big boxing events, the situation has been changed and the number of new infected patients has been on the rapid rising. Thai government declared state of emergency under the Emergency Decree on March 26, 2020 (BBC News Thailand, 2020), and lockdown Bangkok and several big cities to control the outbreak by ceasing the people mobility, but the criticism on the possibility of violation of rights to political and public participation, and freedom of expression and speech are being questioned.

The policies that aims on securing the universal healthcare for those infected with the deadly virus seems to guarantee the sufficient treatment, while lacking of massive scanning is questioned. Closing down of the public places is a good help to make social isolation among people, while many of the private institutions and businesses are facing the cost burden, and have left thousands unemployed. The government tried to react promptly to address the unemployment by issuing the extra-treatment for the employees under the social security system, while the employment of the labour outside the social security system had to wait for several weeks for a release of a policy to help them financially. On the social and economic sectors, following the lockdown policy, the government has initiated several other financial aids to the vulnerable groups, and some policies to help out general public in order to survive during the emergency time, such as, financial aids to farmers, low income earners, business enterprises, students, and reduction of utility costs, etc. However, there are criticism that these economic and financial aids have not reached some leftover groups of people, such as, the homeless, migrant workers, unregistered residences, and small community, etc. The community based run food bank has filled up some gaps by filling up the demand of food and consuming items both on the charity and community based approaches (Pindavanija, 2020).

Currently, Thailand maintains a slow number of newly infected case to a single digit number (Official figure). But the government renewed the implementation of Emergency Decree for the third time for another 30 days till the end of June 2020 with the justification of preventing the recurrent outbreak. There are several groups of social activists opposed the renewal of the state of emergency law due to the improvement of the pandemic situation. The proposal from the activist groups includes the replacement of state of emergency law, by the public health laws, labour laws, etc. (Prachatai, 2020).

### **The Negative Impacts from State of Emergency Law Enforcement**

Generally, it is commonly known that several countries declared the state of emergency during the time of pandemic, in the United States, almost all the states have declared the state of emergency while the number of infected people and the death tolls are rising (AS News, 2020). Some of the good example is Japan that announced the state of emergency in mid-April and lifted on May 26, 2020 when the authority see a lot of improvement in combatting with the deathly virus (BBC News, 2020). When the authority sees that the situation has been improving it is a good reason to lift off the harsh law, and return to the normalcy of the administration.

In Thailand, the criticism over the renewal of the state of emergency law enforcement comes from the solid evidences that the authorities have been abusing the power under Emergency Decree. There are number of human rights and democratic activists have been arrested of violating the emergency law, while some of the villagers who are opposing the governmental projects were threatened by the authorities (Amnesty International Thailand, 2020). The report cases

Furthermore, during the beginning of the outbreak, there were some complains from the medical

professions who tried to release certain facts that might not please the authority, but it seems to be vanished very quickly. Thus, up to now, there is no sufficient information both from the medical sector, and the social sector that give us another perspective towards the exercise of state of emergency law in Thailand. It could be assumed that the government has been well in controlling the release of the information and the media. Thus, the only source of information available now is only from the authority. Getting back to one of the principles of state of emergency law, controlling of the media is very important in order to deliver the precise and accurate information to the public to raise the awareness of the situation and make the public ready to cope with the situation. However, the control of the media by the current government leaves a lot of room for doubts and wonderings, since the current government background of being a part of the military junta, and most of them have been supporting the 2014 *coup d'état*, thus, the level of trust for an authoritarian government in carrying on the administration by equipping with a special law such as state of emergency law is scary.

The effectiveness of controlling the information and the media is a part of the characteristics of an authoritarian government. The channel of communication and the freedom of expression are the tools that the public could use to receive the accurate information and communicate their wills and opinions to the others. The means that an authoritarian government does is to install a set of information that will lead the public to believe. During the time of pandemic, a very outstanding slogan is “Stay at home, stop the disease, for the sake of nation”. It brings about a unity of public participation, however, it leaves a room for criticism, because those who do not obey the policy might be consider the threat to the nation, because, to be correct means to be as we are told to do. Moghaddam (2019) explain this characteristic as follows:

[...] in most situation, people look to local ideas about “correct behavior” as guides to how they should think and act, and mostly follow such guides. Our conceptions of what is 'correct' behavior in any given situation is taught to us through the family, school, and other agent of socialization. We have some measure of freedom to conform or not to conform, but most of the time, we tend to conform to what we believe to be the “correct” way to behave (Moghaddam, 2019: 29).

In this case assumed that the government is the sole holder of the information, no matter the other sources on input information if it is not certified by the government would not count as the accurate information. An authoritarian government might use this loophole in order to set up a new correctness and make people to conform to these made correctness disregarding the fact that it might not the preferable behavior. This kind of conforming could be passing through several channels first if all through the formal education. It is also a certain fundamental mechanism in people's development of authoritarian submission. In the educational system that the relationship between the instructors and the pupils strictly requires the full respect of obedience in agreeing with particular ideas, it would create more influences in authoritarianism than the classes that allow teachers and students to discuss various ideas from different sources of information. This cognitive process in the formal education system would create the certain perspectives that would lead students toward their future social behaviors (Altemeyer, 1988: 56-57). It could be applied in term of the information released by the authority, if the authority trends to cover up the certain facts, and deliver only the facts that the authority would allows the public to know, no matter it is truth, that means the rights to access to the accurate information during the time of emergency is no longer protected.

The control of the flow of the information and over all contents by controlling media is a common practice for authoritarian government. Apart from the experience during the time of Covid-19 pandemic, during either the social unrest in the Southernmost Provinces of Thailand or the

nationwide political conflict in the past the government had been practicing several techniques and apply several political and legal instruments in order to limit the freedom of expression and public participation. The control over several kinds of medias, and setting up a special task force for making information operations, aims on the target that might be considered the opponents is the very first thing that all the military junta practice. To control the means of communication would directly affect the people perceptions on their actions. The photos of people distributing roses to the military during the time of *coup d'état* could easily be found here in Thailand. Moreover, the freedom of expression is limited to those to hold the different value and try to voice themselves. The severe punishment is the means to control the public with fear, and condemn to the certain behaviors. The cognitive process also includes the utilization, and consumption of news and media. News and media play a significant role in delivering data and information that would lay in the foundation of people's perception. In the event that the media is dominated and is reporting false information, people would perceive the information that leads them to the submission of authoritarianism. Thus, people opinion in politics, economics, and social issues could be strongly influenced by the information given by the media (Altemeyer, 1988).

## Conclusion

Thus, the enforcement of the state of emergency law in Thailand during the time of Covid-19 pandemic has shared some characteristics with the previous implementations of this law at least in the part 15 years after it was issued in 2005. This paper tries to make the connectivities of the implementation of state of emergency laws in Thailand from various occasions. There are many shared concerns and some differences throughout the time, but this paper tries to elaborate some important common grounds that relate to the social structure, and cultural concerns, especially the authoritarianism in Thai society. Even though this is the first time that this law is being used for the medical emergency, but the mentality of the law enforcement from the military regime still persists. The past experience of Thai society passing through half a decade long military ruling government, and its continuity in forming up the current government make so much doubtful to the transparency and accountability in enforcing the law. There are very obvious groups of people who get the direct negative impact on the implementation of the law, while many unexplored cases are await to be revealed. The authoritarian mentality is lying beneath the combatting with the deadly virus, it is not yet clear of how the situation will develop.

## References:

- Altemeyer, B. (1988). *Enemies of Freedom: Understanding Right-Wing Authoritarianism*. San Francisco – London, Jossey-Bass.
- Arendt, H. (1958). *The Origins of Totalitarianism*, Cleveland. OH: Meridian.
- Brown, W., Gordon, P. E., & Pensky, M. (2018). *Authoritarianism: Three Inquiries in Critical Theory*. University of Chicago Press.
- Chaleomtiarana, T. (1979). *Thailand – The Politics of Despotism Paternalism*. The Social Science Association of Thailand and Thai Khadi Institute, Bangkok, Thammasat University.
- Cooper, D. F. (1995). *THAILAND: Dictatorship or Democracy?*. London, Minerva Press.
- Emergency Decree on Public Administration in Emergency Situation, B.E. 2548. (B.E. 2548, 16 July). *Royal Thai Government Gazette*. Vol. 122, Part 58a. pp.1-16.
- Frantz, E. (2018). *Authoritarianism: What Everyone Needs to Know®*. Oxford University Press.
- Internal Security Act B.E. 2551. (B.E. 2551, 27 February). *Royal Thai Government Gazette*. Vol. 125, Part 39a. pp.33-44.
- Moghaddam, F. M. (2019). *Threat to democracy: The appeal of authoritarianism in an age of*

- uncertainty*. Washington, DC: American Psychological Association.
- Pindavaniya, E. (2009). *Thai social transformation under the influence of capitalism*. (Inter-European Doctoral dissertation, Universitat Jaume I).
- Pindavaniya, E., et al. (2017). "Social Healing Factors and Process that Lead to Reconciliation and Forgiveness: The Studies of Thailand Socio-political Violence Conflict over a Decade". In *Proceedings of the 13th International Conference on Thai Studies "Globalized Thailand?" Connectivity, Conflict, and Conundrums of Thai Studies*, (pp. 1220-1237).
- Putnam, R. D., Leonardi, R., & Nanetti, R. Y. (1994). *Making democracy work: Civic traditions in modern Italy*. Princeton university press.
- Selby, D. F. (2018). *Human rights in Thailand*. University of Pennsylvania Press.
- Sharom, A., & Spooner M. (ed.) (2019), *The Spectra of Authoritarianism in Southeast Asia*. Bangkok: SHAPE-SEA
- Thupthong, S. (2015). *Thai State and the exertion of authority in emergency situation: a case study of declaration of Emergency Decree on Public Administration in Emergency Situation A.D. 2005, from 2009-2010*. Bangkok: Faculty of Political Science, Thammasat University.
- Welzel, C., Haerpfer, C. W., Bernhagen, P., & Inglehart, R. F. (Eds.). (2018). *Democratization*. Oxford University Press, USA.
- Wise, J. (2019). *Thailand: History, Politics And The Rule Of Law* Singapore: Marshall Cavendish Editions

## Website:

- AS English (2020), *Coronavirus: Which countries have declared state of emergency?*. Retrieved June 07, 2020, from [https://en.as.com/en/2020/04/08/other\\_sports/1586370252\\_184109.html](https://en.as.com/en/2020/04/08/other_sports/1586370252_184109.html)
- BBC (2020), *Coronavirus: State of emergency lifted in most of Japan*. Retrieved June 05, 2020, from <https://www.bbc.com/news/world-asia-52658551?fbclid=IwAR1uMN2bFCrezpsCqdHppbXMsdBqGHBgNvSvpuAEDwNQ4YMk2qEGfkIuHhdi>
- BBC (2020), *ไวรัสโคโรนา: รัฐบาลประกาศ พ.ร.ก.ฉุกเฉิน สกัดโควิด-19 วันพฤษหส์บดินี้*. Retrieved June 05, 2020, from [https://www.bbc.com/thai/thailand-52014435?fbclid=IwAR0uLHyvyzKtWkez0\\_tMYHZUsDln0U-sKZjA7wJ8F5cw8QGG-q50fXypbFU](https://www.bbc.com/thai/thailand-52014435?fbclid=IwAR0uLHyvyzKtWkez0_tMYHZUsDln0U-sKZjA7wJ8F5cw8QGG-q50fXypbFU)
- European Centre for Disease Prevention and Control (2020), *Download today's data on the geographic distribution of COVID-19 cases worldwide*. Retrieved June 05, 2020, from <https://www.ecdc.europa.eu/en/publications-data/download-todays-data-geographic-distribution-covid-19-cases-worldwide?fbclid=IwAR2IGxS8jTuu9HsQZlnP8OwlhXEKA-RtSE7KNQ1FTEDgkQbAjUuWa0deJQQ>
- iLaw (2020), *5 in 6 Emergency Decrees were put to sudden end once emergencies resolved*. Retrieved June 04, 2020, from [https://ilaw.or.th/node/5661?fbclid=IwAR2Mms5BGJYkT0SfBZhLglMx1E-C80o0A87r-vhZ5NObjQ\\_7zXXW3LyPaV8](https://ilaw.or.th/node/5661?fbclid=IwAR2Mms5BGJYkT0SfBZhLglMx1E-C80o0A87r-vhZ5NObjQ_7zXXW3LyPaV8)
- iLaw (2020), *ตำรวจอ้าง พ.ร.ก.ฉุกเฉิน คุกคามนักศึกษาขอลดค่าเทอม และชาวบ้านค้านเหมือง*. Retrieved June 05, 2020, from <https://freedom.ilaw.or.th/en/node/809?fbclid=IwAR21gqOm8wH7CyshtudhoqGtJt3pu9cV1V9psGMVquSg6uzZgjTbyFiCAEs>
- International Commission of Jurists (2020), *Thailand: measures under the Emergency Decree to address the COVID-19 outbreak must conform to international law*. Retrieved June 04, 2020, from <https://www.icj.org/thailand-measures-under-the-emergency-decree-to-address-the-covid-19-outbreak-must-conform-to-international-law/?fbclid=IwAR0XMjvD-yu-ajAStZ4er7qxuWc6E-J7q4--KsZvEXx1zt67dsgD-bRPeJ4>
- Kaohoon (2020), *"นายกฯ" สั่ง "คกก.เฉพาะกิจ" ศึกษาเปรียบเทียบ กม. ใช้ตัดสินใจขยายเวลา*

ยกเลิก พรก.ฉุกเฉิน. Retrieved June 05, 2020, from [https://www.kaohoon.com/content/362785?fbclid=IwAR3kYfNXtPN1t3E7CtR8P54ac\\_Qme\\_Wy4oKdZNv3Lt4QLSEkr3OGjF2nms](https://www.kaohoon.com/content/362785?fbclid=IwAR3kYfNXtPN1t3E7CtR8P54ac_Qme_Wy4oKdZNv3Lt4QLSEkr3OGjF2nms)

Khaosod (2020), *เปิดสถิติ 5 ปี สนช. ยกมือผ่านกฎหมาย ฟุ้งกว่า 4 ร้อยฉบับ โควิดสุดท้ายพุ่งกระฉูด!*. Retrieved June 06, 2020, from [https://www.khaosod.co.th/politics/news\\_2234486](https://www.khaosod.co.th/politics/news_2234486)

Naewna (2020), *'สมช.' เห็นชอบต่อพรก. ฉุกเฉินจังหวัดชายแดนใต้อีก 3 เดือน*. Retrieved June 05, 2020, from [https://www.naewna.com/politic/496402?fbclid=IwAR1RC\\_SbmWM0wc04wwUwFY3is9JPbFY4uDL0KZfC4r6hV51DzWCfE4BnvTU](https://www.naewna.com/politic/496402?fbclid=IwAR1RC_SbmWM0wc04wwUwFY3is9JPbFY4uDL0KZfC4r6hV51DzWCfE4BnvTU)

Office of the Council of State (2006), *Emergency Decree on Public Administration in Emergency Situation, B.E. 2548 (2005) (Official Translation)*. Retrieved June 05, 2020, from [http://web.krisdika.go.th/data/document/ext810/810259\\_0001.pdf](http://web.krisdika.go.th/data/document/ext810/810259_0001.pdf)

Office of the Council of State, *Internal Security Act B.E. 2551 (2008) (Unofficial Translation)*. Retrieved June 06, 2020, from [http://web.krisdika.go.th/data/document/ext809/809941\\_0001.pdf](http://web.krisdika.go.th/data/document/ext809/809941_0001.pdf)

Prachatai (2020), *หาคู่แต่งงาน: ตำรวจไม่อนุญาตชุมนุม อ้างผิด พ.ร.ก. ฉุกเฉินคุมโควิด-19*. Retrieved June 05, 2020, from <https://prachatai.com/journal/2020/05/87818>

Thaipost (2020), *ปิดเมืองแต่ไม่ปิดเหมือง! ชาวบ้านบุกโรงพักแจ้งเอาผิดตำรวจสก. หัวทะเลหลังใช้อำนาจคุกคามเหตุแกลงลือกตาวนเหมืองแร่*. Retrieved June 05, 2020, from <https://www.thaipost.net/main/detail/64947?fbclid=IwAR3NDUMqZqgsU54Aw5vmFOXOt6Nzcu8VgU3nflL1ZT3y5JPeoB1XXpZEWXqU>

Thaipublica (2020), *ทำความเข้าใจ พ.ร.ก. ฉุกเฉินฯ จากรัฐบาล “ทักษิณถึงประยุทธ์”*. Retrieved June 07, 2020, from [https://thaipublica.org/2020/03/emergency-decree-prayut-chan-ocha/?fbclid=IwAR0hRNe7JBu80wLn54tc\\_VfZkvz9qQgCGbN0Y4K6FG7xK6nChDp80jFlT\\_8](https://thaipublica.org/2020/03/emergency-decree-prayut-chan-ocha/?fbclid=IwAR0hRNe7JBu80wLn54tc_VfZkvz9qQgCGbN0Y4K6FG7xK6nChDp80jFlT_8)

TheMomentum (2020), *ความท้าทายครั้งใหม่กับการใช้ พ.ร.ก. ฉุกเฉิน จัดการโรคระบาดเป็นครั้งแรก*. Retrieved June 07, 2020, from [https://themomentum.co/thailand-state-of-emergency-fight-covid-19/?fbclid=IwAR2v0SQGcdWnC9AYfRxNBx9srO3\\_iRn62G1q9w7Td0EcBpbdLY8yAB3U2jM](https://themomentum.co/thailand-state-of-emergency-fight-covid-19/?fbclid=IwAR2v0SQGcdWnC9AYfRxNBx9srO3_iRn62G1q9w7Td0EcBpbdLY8yAB3U2jM)