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KEY WORD:

LENIENCY/ COURT DISCRETION/ REDUCING PUNISHMENT / CONFESSION
CHANATIP SETTASUWAN : LENIENCY : A CASE STUDY OF COURT DISCRETION
ON REDUCING PUNISHMENT AS A RESULT OF CONFESSION. THESIS ADVISOR :
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Leniency under Section 78 of the Thai Penal Code is the circumstances concerning the accused that can be used to reduce the punishment. The objective of this provision, as it has been found in this thesis, bases of the notion to impose punishment that is proper to rehabilitate individual accused. Leniency on the confession of the accused, however is aimed at inducing the accused to plead guilty in order to receive mitigating punishment. It only helps speed the disposition of cases regardless of criminology theory.

The problem of reducing the punishment is that the judge has not been provided with sufficient personal information of the accused who confesses his crime in order to determine the condign punishment.

The suggestion to solve this problem is that leniency on confession should be consider seperately from leniency on other matters. The new clearer measures to conduct inquiry focusing on the accused personal background should be introduced. Coordination among the crimial justice agencies to make presentence investigation reports to the court should also be required to ensure that the court is provided with ample information to determine suitability of punishment for each accused.