

ABSTRACT

Thesis Title : Right and Compulsory to Make a Payment by Cheque

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This thesis is focused on studying the feature and scope of prevention and suppression of money laundering and tax evasion in the cash transaction by limiting the use of cash and performing the obligation by using cheque instead. The use of cheque will leave the trace of money by which the crime can be proved. In order to simplify the performance and promote the use of cheque while reducing the use of cash, the payment by cheque should be allowed even without consent of the creditor as an exception of section 320 under the Civil and Commercial Code. In addition, this thesis studies how to control the use of cheque in Thailand and finds out legal means and measures for commercial banks in dealing with the problem of bogus cheque by comparing with those employed by other countries as well as the impacts arising therefrom.

Results getting from reserch found that the law specifying the amount of money being paid by cheque should be enacted so as to prevent and suppress the money laundering and tax evasion as well as reduce the refusal

of the creditor to accept the cheque. Besides, in order to implement such measures successfully and protect the right of the endorsee, the problem of the bogus cheque must be lessened or disappeared by using both the legal means and commercial banks' measures. Although some persons can escape the law, they still have to preserve their credits and credibility. Such measures will as well prohibit the persons not to pay cheque within a certain period of time. As a result of the mentioned solutions, the cheque system of Thailand will be generally more efficient, reliable and user-friendly as an alternative to the use of cash for the purpose of decreasing the crime facilitated by the use of cash.