

ABSTRACT

Thesis Title : The Right of Accused and Defendant under the Consitution
B.E.2540: A Case Study on the Right of Provisional Release

Student's Name : Mrs. Marasri Penroaj

Degree Sought : Master of Laws

Academic Year : 1999

Advisory Committee :

1. Assoc. Prof. Dr. Montree Rupsuwan Chairperson
2. Mr. Dusit Pathmanata
3. Mr. Surasak Vajasit

This thesis's purpose is for studying the right of suspect and prisoner who ruled on the Constitution B.E.2540, particularly this case is provisional release. Since the right of provisional release on suspects and prisoners who have given that as the Constitution law, but also they are overforced in which not followed as one.

Accordingly, the result of study that they are revealed the followings as the constitution law B.E.2540 which issued on the right and this served, and all issues on international law, according to this the constituted exclamation on the human right. The human right described that the suspects have the right on non-involving crime until they are justified that bad behavior as the criminal law.

In this case, the Constitution B.E.2540 has served the right of suspects who have given provisional release which incurred in the 239 (measure). Following as this just they are released except sometime, but also the Constitution described the substance as larger than narrow, and this isn't any laws issued the right given. In practice the official police still forced to control the suspects, except some cases are released

The study concluded that the criminal law – processing should be improved, in particularly provisional released as follows:

(1) The substantial rules : the suspects and prisoners should be released, instead of the case can't be avoided to control them. And this must not be called the community for releasing over due to proper case.

(2) The diagnosis for asking release must be improved in which, the position, occupation, status or the well – known of the suspects or prisoners, or persons who have the right on provisional release. Including this essential for the community and the properties for releasing.

(3) The right on asking second processing in case as non – allowance in provisional release which doing this at the process of investigator and prosecutor. Since this right should be equal as the process of justice, thus the provisional release must be investigated for arresting or controlling force of the suspects.