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Nowadays, there are a lot of self-service stores in Thailand. Those stores place goods in manner of commercial appearance to motivate customers to buy it. In addition , goods are placed on open shelf that customer can pick up by himself conveniently. Because of this reason some customers , which dishonest intention offence take goods away without payment. Their conduct of shoplifting is offence of theft under section 334 of the Penal Code. However , shoplifting has particular element which differ from typical theft. Therefore , it is inappropriate to apply the offence of typical theft to the shoplifting conduct.

The purpose of this research is to study and analyze the nature of shoplifting conduct and relationship between store owner and offenceder. In order to find proper application of substantive law and procedural law , aswell.

It is found that shoplifting in self-service store is a conduct of taking away inexpensive goods from a store that motivate customer to buy it took. Therefor , motivated need and opportunity usual cause customer to commit crime. Moreover , when the crime is committed , the store owner does not proceed criminal case but away forces the offender to reimburse compensation until he is satisfied.

Consequently , comparative studt between crime of theft and crime of shoplifting upon substantive doctrine , severity of punishment and criminal case proceeding show that the provision of the shoplifting offence should be separated from section 334 of the Penal Code , punishment of shoplifting should be less severe than one of theft , and the offence of shoplifting should be a compromisable crime.

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