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KEY WORD: INVESTIGATING AUTHORITY/NAVY OFFICER

SUB:LT. CHAOWALERT PRASOPSUN : INVESTIGATING AUTHORITY OF THE THAI
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Defence and suppression of law's violation in Thai Waters are the missions which Navy Officer have power and function to enforce the law. It is because Navy Officer have capability to perform them. However, the relevant laws that authorized Navy Officer to perform their function are not provided in the same kinds of crimes in Thai Waters Act B.E. 2490 (amended B.E. 2534) empower Navy Officer to have inquiry and investigating authority and to be the inquiry official. Defence and suppression privacy Act B.E. 2534 empower Navy Vessel Act B.E. 2481 empower Navy Officer to have inspection searching authority, arresting authority, and authorize Navy Officer to bring offender to the inquiry official for further operation. The difference of these provisions and the Navy Officer's skill in inquire criminal are cases make a problem in practice. It is that Navy Officer are hesitate and loose confidence to function their duties because they do not know how many power they have and so, sometimes, they often take offender to inquiry official despite some legislations provide that Navy Officer have inquiry authority.

These difference of the provisions of these legislation effect to the Navy Officer's performance. So they should be amended by some of these ways.

1. Enact new legislation that empower Navy Officer to have inspection search and arresting authority for enforce all criminal offence in Thai Waters. This way would make Navy Officer have self-confidence for performing their function and if some new criminal offence bases take place, we can refer power from this new legislation

2. Amend the existing legislation to empower Navy Officer to have inspecting search authority, arresting authority and authorizing Navy Officer to Bring the offender to the inquiry official. But this way would make Navy Officer some problem in performing their function because they have a few skill.

However, if inquiry official do not be authorized in collecting prima facie evidence, the collecting prima facie evidence procedure would not be successful. So we should solve this problem by appreciating both 1 and 2. We should enact new law which provide guideline for defence and suppression law's violation in Thai Waters which empowers Navy Officer to have primary investigation and inquiry authority regarding to delinquency and bringing offender to inquiry official for further operation.

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