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KEY WORD: OFFENSE, COMPUTER VIRUSES

PORNCHAI LIEOPATTANAPONG : OFFENSE REGARDING COMPUTER VIRUSES
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Computer viruses cause damage to computer*programs of data as well as great loss to persons or organizations using such programs or data. This is because computer viruses can replicate themselves and also because programs or data with computer viruses are widely used by computer users and this group of persons will be the cause of the wide-spread of computer viruses.

According to the legal studies of Thai laws which have criminal sanction, at present, no law can be applied to punish a person who commits an offence regarding computer viruses since by the provision of law, programs or data are not considered as property and hence the wrong doer cannot be punished for an offence of mischief under Section 358 of the Thai Penal Code. Moreover, there is no relevant law which prescribes the constituents of an offence relating to computer viruses.

In the United States, the current law with an object to punish the offender concerning computer has been prescribed. Such Law, However, does not cover an offence regarding computer viruses. Therefore the draft of the law to prevent and suppress such offence has been proposed for consideration in the Congress. In such circumstances, it would be prescribed that these acts are considered as criminal which two important offences were provided as follow . 1. an offence of inserting computer viruses into computer 2. an offence of providing programs with computer viruses. These provisions have been prescribed for the purpose of the effectiveness of prevention and suppression of these types of offences.

In this thesis, the writer has analysed the principle and enforcement of the Thai criminal law which can be used in analysing the act regarding computer viruses, and showing loopholes in the law when applied to these types of offence. The writer has also summarised and proposed guidelines to deal with such matters