

C370254 : MAJOR LAW

KEY WORD: CIVIL FORFEITURE/CRIMINAL FORFEITURE/PROPERTIES COMMITTED WITH THE COMMISSION OF AN OFFENCE

NAOWARATANA NOIPON : PREVENTION AND SUPPRESSION OF OFFENCE RELATING TO NARCOTICS BY MEASURE OF FORFEITURE OF ASSETS UNDER ACT ON MEASURE FOR THE SUPPRESSION OF OFFENDERS IN AN OFFENCE RELATING TO NARCOTICS, B.E. 2534. THESIS ADVISOR : ASSO. PROF. VEERAPONG BOONYOPAS, KULPOL POLWUN. Ed.D. 254 pp. ISBN 974-583-836-5.

At present, The narcotics offence are violently committed. The competent officials are able to arrest only the courier which is the low-level member of the gang but cannot arrest the leader of the gang who plan to commit and give to support to the offence. The benefit and proceeds which is derived from drug crime, especially money and properties shall be used for committing an offence again. In order to stop the threat of the narcotics drug before it constitute much more danger to social and economics system as well as stability of Thailand, the government promulgated Act on measures for the suppression of offenders in an offence relating to narcotics, B.E. 2534 for the purpose of prevention and suppression the commission of an offence relating to narcotics, by imposing penalty for conspirator and forfeiture of properties connected with the commission of and offence.

As the matter of fact, Act on measures for the suppression of offenders in an offence relating to narcotics, B.E. 2534 especially regarding to forfeiture of properties connected with the commission of an offence it is considered that it is Criminal Forfeiture. So the court cannot forfeit any properties if the alleged offender is not convicted according to the offence provided by the law.

In comparison with the others countries such as U.S.A., Germany, England Canada australia Singapore and Malasia such countries have the provision of Civil Forfeiture which separate the conviction of an offence from forfeiture of properties.