

ABSTRACT

**Title The provision of laws relating to the protection of The head of state
under Thai penal code section 112**

Field Politics

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This research aims to study the origin and significance, the existence of reasons, appropriate penalties and punishments, including the applicable provisions of law relating to the protection of the honor of the monarchy under Penal Code section 112. The scope of the study focused on the research and the collection of comparable importance, analysis and views on the provisions of the law on the protection of the honor of the Thai monarchy and the attitude of the people in the law enforcement process and corporate responsibility involved in social and specific information that can be disclosed, the theoretical analysis and the provision of legal opinions of experts, intellectuals and civil society, the judgment of the court and comparable to some foreign countries. The results showed that Constitution and laws of democratic countries provide the provisions on the protection of the head of state relating to political. and civil liability, criminal and honor of them. Both the King and the President is the head of state, such as Denmark, Norway and Germany have criminal law protection like Thailand. Although there is no law in the UK and the U.S. relate directly of this protection the UK provides the provision of offense of treason in its penal code which includes the honor of the Queen, and the U.S. defines a crime with malice to the President as well, the principles of such provisions to the extent of the coverage. It depends on the historical background, culture and social conditions of each country vary which can be summarized into three kinds.

First, Provisions for defamation or insulting or malice to the monarchy under Penal Code section 112 is consistent with a democratic society, international law. Constitutional law principles of civilized countries, criminology in defining offenses not contrary to the principles of democracy and unrestricted freedom of expression that are submitted by the Universal Declaration and the International Covenant on Civil and Political Rights in any way.

Second, Provisions of punishment and punishment rates according to the study of the previous Thai laws comparable to foreign laws, the judgment of the court by considering the appropriate punishment in accordance with any crime, factors, value of what the law intends to protect, danger of how offenders use and the degree of moral blame to the offender. With the grace of the Lord, and a royal pardon, it is reasonable enough to be modified the term of imprisonment that is not exceeding seven years prior to the amendment in 2519.

Third, Process of enforcement of law deserves to be amended in the aspect of personnel development and process of each justice organization, such as, investigator, prosecutor and the judge to have a professional moral courage and coordination within the organization as a unified function to fair speedy and precise according to the Constitution and laws.