

## **ABSTRACT**

**Title** Criminal litigation against the public officials who cause the death of person

**Field** Politics

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The process of criminal litigation against public officials who causes the death of person provides a special procedure differing from criminal litigation in general in order to protect the rights of people and prevent the abuse of power by public officials. From the outset, the post mortem inquest requires that the public prosecutor and the administrative officer shall conduct the inquest together with the inquiry official and the physician. An examination of the inquest by the Court shall be held. Additionally, the public prosecutor is required to jointly produce the inquiry file with the inquiry official. Nevertheless, since the inquiry official who would commence a criminal case is a public official as well. Then, if there is no admittance or there is an allegation that the death is not caused by the act of public official, the inspection process as mentioned above will not be applied. According to the study on theory, notion and legal development, it is found that the Thai post mortem inquest system is a police system by which the inquiry official is significantly empowered to make a decision. Even though, the public prosecutor and the administrative officer are jointly conduct the inquest with the physician, the understanding of their roles and duties is still lacking. The purpose for inspecting and balancing the power could not be truly achieved. Besides, the separation of post mortem inquest process and inquiry process makes the fact finding be discontinuous and divided in parts. Additionally, when the public prosecutors are not aware of their role on joint inquiry, collecting evidence to produce inquiry file will be done by the inquiry officers alone. Therefore, in the policy perspective, the inspection process should be integrated by creating the process of collecting evidence from the inquest and the examination of the inquest, as well as producing the inquiry file to be one streamline system. There should be an improvement of laws and practicing regulations to allow the physician specialized in forensic medicine to play a role and have full authority in conducting the post mortem inquest. The relative of the deceased should have opportunities to involve and inspect from the beginning of the process. For practicing perspective to achieve the spirit of law, guidelines or practicing regulation for relevant officials should be developed. The consistent joint-training should be organized to raise awareness in performing their duties, and to strengthen the knowledge and understanding of their roles in joint inspections of the public officials' act which causes the death.