

CHITRUEDEE VERALESS : PRIVILEGE OF THE WITNESS WHO IS A PERSON
IN THE ACCUSED'S OR DEFENDANT'S FAMILY. THESIS ADVISOR : MR.
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ISBN 974-578-803-1

The success to prove the truth in a criminal prosecution usually depends upon the evidence presented to the court. The evidence is the most important instrument for discovery of the truth of the charge. The witness who is a person in the accused's or defendant's family is one of evidence which can facilitate the search for truth. However the testimony of such witness can cause another problem of having bias for his spouse or cousin, as well as, discord of the family.

To solve this problem, the United States courts introduce the privilege of the witness who is the spouse and the parent-child has the adverse testimony privilege and the confidential communications privilege of the accused or defendant who is a person in his family. The purpose is the fostered peace and protecting of confidence, a private of family life and the perjury. In reality, the privilege is the right and the interests to receive the protecting because the relationship is one interest in the society and the societal values are more important than this search for truth, regardless the peace in family.

In case of Thailand, the study showed that there is no thought on adopting the privilege of the witness who is a person in the accused's or defendant's family into practical reality. In my opinion I think that it is necessary to amend Thai Code of Criminal Procedure by including the privilege of the witness. The recommendation also insists on the careful examination of the suitability of the socioeconomic and political contexts as well as the legal tradition of the country. The main goal is to introduce the privilege of the witness that is effective.