

Abstract

To settle the case out of the court was one of the important tools to remove the case which had a minor offense out of the court. The ground was to settle the case caused the minor offense able to be ended at the official stage, which was benefit to the offender for faster process. Meanwhile, the offender was not required to proceed on the legal proceedings in the court which may be the criminal stigma or blemish of the offender.

Since the original Thai Legal System did not show the concept on separation of administrative penalty from criminal penalty, most of legal offenses including violation or breach against the criteria for social organization which should provide the administrative penalty all became the offense with criminal penalty. On the other hand, Thai Legal System has applied the administrative penalty for the purpose of criminal penalty. As a result, it led to the first problem on settlement of the case. In case such law had authorized the lawful official to enable to settle the case regarding legal offenses in order to terminate the criminal case and in case the offense which the official was authorized to settle was under the scope that an inquiry official can settle the case by virtue of the Criminal Procedure Code, a question was raised whether the inquiry official can settle the case under such law, according to the Criminal Procedure Code in order to remove the case out of the court or not.

According to the study on case settlement, besides the problem on the official who was authorized to settle the case, it found that the monitoring system of the case settlement was only provided for the case settlement conducted by the inquiry official which was by virtue of the Criminal Procedure Code. There was no monitoring system for the case settlement conducted by the official under the authorization of other laws or conducted by the inquiry official whose authorization was granted by the mentioned official, although the procedure was in the same direction and the Quasi Judicial Function was performed.

This thesis aimed to study the significant feature of administrative penalty and criminal penalty in order to know the difference among these two penalties, as well as, to know the official from what unit will be in charge of the case settlement of other laws. Moreover, this thesis also studied pattern and procedure of legal proceedings for the minor offenses in overseas which can learn what organization would be in charge of the legal proceedings for the minor cases, and what methods they use. This information was gathered in order to compare with the case settlement under Thai law. Finally, the result of the study can lead the guideline for improvement of any mistakes on the case settlement.