

At present, the criminal statistics has markedly shown that the trend of recidivists, particularly those who committed the crime three times or more who may be held a habitual criminal has been rapidly increased. Severe punishment or added sentence alone cannot hinder this type of criminal from committing further crime. In dealing with a habitual criminal, relegation and added sentence are stipulated in the Thai Penal Code but the application of relegation are rarely used. Relegation in Thailand, on the other hands, has long been disregarded and has no role to reduce crime committed by an habitual criminal.

This study aims directly at studying and analyzing problems of application of relegation under the Thai Penal Code. Strong and weak points of relegation including the question of whether relegation should be rescinded or substitute by other forms of punishment will be discussed in this thesis. Studies of background, evolution and legal principles of relegation of foreign countries, especially those in Europe and America, will be provided.

This research has found that while added sentence is not adequate to solve the problem of habitual criminal, relegation has more significant role to cope effectively with this matter if it is rightly implemented by criminal justice authorities-Police, Public prosecutor, Court or Correction. It is also suggested in this thesis that some changes of substantive law and implications of law enforcement be made in accordance with the purpose and object of the Thai Penal Code.