

## Abstract

The offenses relating to obtaining loans amounting to public cheating and fraud appear widely in Thailand nowadays, and seem more increasing looking into the future because properties especially cash that wrong-doer acquired from an offense is numerous. That vast amount of money lures potential wrong-doer into making final decision of defrauding and many innocent people are drawn into pooling their money together for making loans. Appurtenant to the laws of Thailand today, they are less effective in term of freezing or tracking down wrong-doer's proceeds. And, thus, resulting in victims (lender(s)) not getting their money or getting their money back in less than what it should have been.

This thesis studies measures on laws that can be used to compel proceeds of wrong-doer by analyzing measures in the Civil Procedure Code, the Special Case Investigation Act, B.E. 2547 (2004), the Emergency Decree on Obtaining Loans Amounting to Public Cheating and Fraud, B.E. 2527 (1984), and the Anti-Money Laundering Act, B.E. 2542 (1999) and by studying the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, A.D. 1990, and the United States, and British's laws in order to find a way(s) to take action on wrong-doers' proceeds.

From the studies, it was found that authorities of an inquiry official or special case inquiry official that can be used to seize or confiscate proceeds of wrong-doers are limited to proceeds derive directly from committing such a crime. As a result, both officials have no an authority to seize or confiscate properties which transform from cash to other forms. Thus, resulting in lender(s) could not be restituted. And on examining the Emergency Decree on Obtaining Loans Amounting to Public Cheating and Fraud, B.E. 2527 (1984), there is no article that requires any other institutions to report such a crime to any authorized officials, therefore, resulting in authorized officials are not being able to seize or confiscate properties to reimburse lender(s) in time. Furthermore, the authority of an inquiry official or special case inquiry official is limited to seizing and

confiscating of tangible properties. Any other forms of benefits neither obtained from committing such a crime neither seizure nor confiscated. On examining the Anti-Money Laundering Act, B.E. 2542 (1999), Committee on Transaction will seize or confiscate only cash or properties involved in the offenses relating to obtaining loans amounting to public cheating and fraud, but not including such neither pecuniary benefits that a person obtained from his/her wrong-doing nor properties or pecuniary benefits that a person obtained instead. For that reason, wrong-doers who committed such a crime still benefit from his/her crime. Therefore, this thesis addresses ways to solve those ongoing problems that deal with proceeds of an offender committing a crime relating to obtaining loans amounting to public cheating and fraud and at the same time to prevent and suppress these types of criminal act too.