

ARPATH SUKANUN : PROBLEMS OF CORPORATE CRIMINAL PROCEDURE. THESIS

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Criminal justice process in Thailand pertaining to juristic person is the antropomorphization of ordinary person's criminal process. Article 7 of the Thai Criminal Procedure Code stipulates special procedure for corporation accused of crime. Its essence is the authority to summon corporate executives or its representatives to represent the corporation at trial. Penalties are provided for those who failed to obey the subpoena. In many cases, arrest warrant may be issued for such purpose; however, detention of the corporate representatives are not allowed. Any other procedural requirements for ordinary person are applicable to corporation according to this provision. This research finds that such antropomorphization is unsuitable and impractical because measures provided are for those of ordinary person with personal rights and liberty. Corporations lack human bodies; therefore, their rights and liberty cannot be jeopardized. Accordingly, any procedural safeguards and protections for ordinary person may not be utilized to its full capacity. This thesis finds also that juristic person does not enjoy true procedural rights and duties as does ordinary person. This thesis analyzes such unsuitability of the present legal process pertaining to juristic person and propose that procedural requirements for juristic person such as corporation be revised. Such procedure should be different from those provided for ordinary person. Therefore, article 7 of the Criminal Procedure Code should be amended to reflect the present day reality.