

MALINEE RUNGAROONSIRI : TRANSFER OF PRISONERS : A STUDY OF ITS
PURPOSE OF REHABILITATION. THESIS ADVISOR : DR. CHIRANIT HAVANOND,
S.J.D., ASST.PROF. SUPHANIT KIRDSOMKIAT, 227 PP. ISBN 974-579-172-5

The objective of this research is to study roles of rehabilitative theory which gives rise to transfer of prisoners and the influence of the theory which has been recognized by the treaties and laws concerning transfer of prisoners.

It was found that rehabilitative theory determined the objective of punishment on the offender's psychological alternation or attitude modification by means of eliminating the deviant impulses that are the factors which bring to recommitting offenses. In addition, the purposes of the theory are to induce the offender's intention in deterring his rewrongoing as well as the introducing the offender's capacity of hindrance crime recommitting. For foreign offenders, there are many difficulties which cause the rehabilitation of these offenders can not be successful. Therefore, the transfer of prisoners is one of the instrument providing an opportunity to the countries to be able to rehabilitate its own nationals and the offenders will have a chance for a period of time before release to adjust themselves in their own society. The rehabilitation of offenders in their own community should be more effective. It was also found that most of the principles and conditions in the treaties and laws concerning transfer of prisoners have been provided by implementation of rehabilitative theory. Some of them, are be benefit to other punishment theories such as deterrent theory, do not enough promote to rehabilitate the offenders, and are the obstacles of prisoners transfer in the future.

This research has introduced the modification of some provisions in the Thai treaties and law concerning transfer of prisoners. The introductions are: terms and definitions, the addition of "domicile" principle to "nationality" principle, the transfer of mental incapacity offenders, the exception of the length of the sentence remaining to be served, the adaption of sanction, the criteria of consideration on transfer of prisoners including the follow-up of rehabilitation of offenders after the transfer to comply with rehabilitative theory by considering other punishment theories in order to fulfill the objective of the new penology.