

Abstract

“Public figures” is a premise appointed for only some groups of people by a society. This is because those people have missions in people’s interests administration or public interests, especially politicians and government officials, as public figures who involve in political society and public affairs. However, the understanding of Thai people in “Public figures” is not articulate. Also, there is no line between personal and public issues. These cause conflict between reputation protection of public figures and liberty and rights protection of people, which, finally, lead to lawsuit in criminal case for defamation.

This thesis aims to present the concept of liability in criminal case for defamation to public figures who involve in political society and public affairs. ,by pointing out the faultless of public interests criticizing through public figures though this could unavoidably affect people’s lifestyle.

Compared with other countries defamation law, the concept of “public figures” is distinctive that the public figures, by public interests, is classified into levels, each level has its dimension for public or press to criticize. Moreover, defense to claims of defamation to public figures is aware. In particular, Actual malice is proved as faultless in the U.S. while Duty-interest test is endured in England and European countries. European human rights course focuses on Test of necessity for a democratic society. In Australia, justice depends on Test of reasonableness.

Furthermore, the regulation of Restrictions on freedom of speech law or Anti-Hate Speech is found in many countries e.g. USA, England, Australia, New Zealand, Iceland, and South Africa. This is because, though about public personals, some opinions could be cause of social cases. The results of difference opinion and bias in race and ethnicity; gender identity; region; ideology; disability; sexual orientation; social class; appearance, etc. are not only the affront between those persons but also the disunited among people in the country. The mentioned issues are thus not appropriated to be commented on as they stage no interests to the social but the endless trouble. Hate speech is a kind of criminal case under the Hate crime section.

For Thailand, the court tends to more and more use “Public interests” to indicate “Public figures” status. Considering rationale of a judgment, speech that indicate status of public figures are mentioning about occupation, if it directly concerns with livelihood of people or public interests, could be of interest and critic. Other ways to show trust are referring to defamation as public issue that concerns with conformity and morality of people, not personal, as well as to defendant that candidate oneself as people’s representative.

However, to avoid mistaken the law, especially one that involves with faithfully and fairly critic to a person or article which is an exception for criminal case for defamation, verse in criminal law section 329(3) should cover the public interest issue. This is for clearness in critics made to public figures who involve in political society and public affairs, which is not considered as criminal case for defamation.