

## Abstract

Special personal characteristics establishing the perpetrator's punishability cases are the cases that have a reason to punish some special person. They define special personal characteristics of the perpetrator in the elements of crime. In the case that there are complicity more than one person, the question is what liability of co-principals, instigator or aider in such cases is. Generally, perpetrator of these cases are only certain person or classes of person e.g. "public officer", "woman". Other persons cannot be the perpetrator of these cases. In Thai Law, for co-principals , instigator or aider, the persons who do not have special personal characteristics cannot be the perpetrator of these cases, and they cannot be co-principals and instigator as well. They can be only aider. Although, they intentionally abet or instigate these crimes , they will be liable for their participation as the aider. Nevertheless , there are different principles of laws between Thailand and other countries. For example , some countries, the persons who do not have special personal characteristics must be liable as aider but other countries must be liable as accomplice. This thesis is showed the comparison of principles of laws in many countries namely England , the United States , France , Germany and Japan.

The references of knowledge in this thesis are from textbooks and articles of Thai and foreign jurist , law and decision of supreme court of Thailand and other countries , by means of compilation and comparison such knowledge in order to solve the problems.

The purpose of this thesis is to indicate some disadvantages about notion of liability of co-principals and instigator in special personal characteristics establishing the perpetrator's punishability cases in Thai law. Because the person lacking special personal characteristics can be only aider, Thai judge cannot punish the person who aids , abets or instigates in proper liability and cannot enforce the article of instigator that the offence is not committed. Consequently, the author realizes that the person who lacks special personal characteristics can be co-principals and instigator in the special personal characteristics establishing the perpetrator's punishability cases.