

Abstract

The Criminal Procedure Code of Thailand classifies the statement of the accused during the arrest into 2 types, i.e. confession and other statements. According to the Criminal Procedure Code of Thailand, the applicable rules relating to the admissibility of given statement of the accused during the arrest are different in terms of rules and strictness, that is to say, if the given statement is the confession, it will be definitely inadmissible as an evidence to establish the guilt of the accused. As for other statements, it will be admissible as an evidence to establish the guilt only when the accused is notified about his rights before he gives any statement.

The main reason why the confession of the accused is subjected to strict rules of admissibility is due to untrustworthy of the society in the performance of police officers in gathering evidences or in the process of bringing the wrongdoer to punishment. However, concerning the rules of admissibility, it can be said that the rules of admissibility in Thailand are quite distinctive comparing to the international rules. That is to say, according to the study of international law in the topic of rules of admissibility of confession, there are no other countries providing such rules as rigorous as Thailand. Instead, they try to guarantee the proper acquirement of confession from the accused, given that too strict rules will make the process of bringing the wrongdoer to punishment much more difficult that eventually affects public peace and order, despite the fact that strict rules are beneficial in preventing police officers from abusing the rights of the accused.

In respect of other statements, considering in terms of the rules of admissibility, the purpose of the law is to protect the rights of people who involve in the justice system, especially the accused, since the arresting process, including privilege against self-incrimination and right to meet or consult an attorney or a legal representative. These rights already mentioned are in line with the international laws on the basis of the Due Process. Yet, the provision of law does not evidently identify the scope of other statements.

This thesis, thus, will study the problems relating to the admissibility of given statement of the accused during the arrest, in both the confession and other statements, with the intention to make this thesis a guidance in the law amendment in the future to facilitate the application and enforcement of law more flexible and corresponding to the international principle of law.