

Thesis Title	Fine : A Case Study of Community Service In Lieu of Fines
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ABSTRACT

Fine is imposed for the purpose to enforce for getting properties of offenders and it is punishment that the court enforces in using the punishment the most of all. Fine is also punishment in pair with imprisonment in almost every type of offence. However, Thai fine punishment system presently does not make fine punishment to comply with the objectives reasonably, because Thaifine punishment uses fixed fine system making courts of law to have jurisdiction to determine fine amount. Courts of law will consider to determine fine from severity of offence causing inequality in punishment, because offender having rich economic status who can pay the fine, will not be affected by punishment and will not fear fine punishment and he/she will have trend to commit offence repeatedly. An offender who has poor status is affected by severe penalty, because if there is no money for paying fine, courts of law will enforce fine, by confiscating his/her properties instead of fine or imprisoning to replace fine. Practically, legal execution by enforcing fine, when courts of law had judgment, if punished person does not have money to pay for the fine, courts of law will order to detain instead of paying fine immediately; resulting in punished person who has to pay the fine shall lose freedom, making his/her family members to suffer from trouble and the government must have burden to take care and support inmates increasingly.

Even though presently there is modifying of the Criminal Code, determining that persons paying fine who do not have money to pay for the fine can request to the court in order for them to do social service work or to work for public benefit instead of paying fine, measures for persons paying fine who do not have money to do social service work instead of paying fine, are used to solve problems of poor people only. For any person who has rich economic status

who can pay fine, measures for working for social service instead of fine do not have role for controlling, improving or modifying such person. Thai measures for working in social service instead of fine cannot be used effectively, cannot be consistent with principles of fairness and cannot achieve the objectives of working in social service instead of fine, which aim to modify, rehabilitate and create good consciousness to offenders. Another problem is that the court cannot use the measures for social service work instead of fine for offender freely, because there is legal limitation determining for person committing offence having no money for paying fine only to be able to submit application to the court of law for working instead of fine, under the condition that the amount that court of law judges for getting fine must be not more than eighty thousand Baht. This is different from orders for social service work in foreign countries where law opens widely for court of law to be able to use discretion to adjust for using measures for social service work with offender freely, by realizing the principles of proper punishment. In foreign countries, there is also determining that social service work has enforcing condition to be punishment according to the laws. This is different from Thailand where there is determining for social service work instead of fine to be only measure instead of punishment to detention instead of fine. There is no enforcing condition to be punishment according to the laws.

Therefore, to develop work to serve society instead of fine in Thailand, in order to be able to enforce appropriately to offenders and respond to objectives of punishment, as well as aim to rehabilitate and correct behavior of offenders, it is strongly worthy to modify social service work instead of fine to be imposed on offenders equally and fairly, by determining for social service work to enforce as criminal punishment, or determining for social service work to be ancillary punishment of penalty, or determining for social service work to be replacement punishment or supplemental measure for fine punishment.