

Abstract

Act Amending Criminal Procedure Code (No.22). B.E. 2548 has defined in a criminal case that an injured person has the right to protection, proper treatment and necessary and appropriate remuneration from the State, as provided by law in order to obtain compensation for any person who has sustained damage or loss as the result of a criminal offence by lodging an official complaint before the criminal court where the prosecution has been instigated by the public prosecutor without fees in a simple procedure for the victim's right to compensation and to provide victims of crime with a convenient and rapid means of avoiding the expense of resorting to civil litigating.

This independent research is aimed to study an Injured Person's Civil Claim in Criminal Charge of Public Prosecutor, to investigate whether the protection of victims' right in criminal justice is appropriate or should be amended for efficient law enforcement. It was found that filing for civil claim is formerly done through an attorney representative restricted to offences against property and to restore assets or the value of lost goods according to code of criminal procedure article section 43, making the victim have to file for compensation themselves. Even though the concept of social welfare announced the victim's rights to Remuneration for Victim and Recompense for defendant in Criminal Case Act, the victim has the right to request state's compensation but recently has received partially from the government. However, Constitution of The Kingdom of Thailand B.E. 2540 (1997) Section 245 states that in a criminal case, an injured person has the right to protection, proper treatment and necessary and appropriate remuneration from the State, as provided by law. This is according to Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1985 where the government is to define measures to enable the victims to receive fees and compensation. The victims also have the rights to advice concerning compensation through the organization. All should be should be established and strengthened where necessary to enable victims to obtain redress through formal or informal procedures that

are expeditious, fair, inexpensive and accessible. Victims should be informed of their rights in seeking redress through such mechanisms.

In addition, the rights of the victim to claim the compensation in the criminal prosecution as provided in Article 44/1 is a new proceeding. Therefore, to fully enforce the law, state's officials should inform the victims of their rights in order for them to be able to require the compensation within the limit time. Furthermore, there is misinterpretation of Article 44/1. Then legal victims must be only persons who have personally and directly suffered loss. In the case of injury to the health, there's still a question of various concepts amongst scholars. Thus, there should have the verdict from the Supreme Court to approve the issue for clear interpretation law enforcement.