

Abstract

When a wrongdoer intentionally commits a crime it is ordinarily the result of a three-stage process. First, the wrongdoer conceives of the criminal idea and thinks about it in order to determine if she should proceed. Second, she fully forms the intention to go forward. Finally, she begins to commit the offense. Normally, the defendant will not be punished unless she completes her action by successfully attaining her criminal end. When conduct is criminalized before it reaches the third or final stage we say that the actor has committed an inchoate offense.

The common law system has given birth to three general offences which is attempt, conspiracy, and incitement. The word “inchoate” means just begun or undeveloped. It is used to indicate that a substantive crime has not been committed, but the defendant has taken steps towards committing one. An attempt fails, a conspiracy comes to nothing, words for incitement are ignored in all these instances, there may be liability for the inchoate crime.

One of the reasons for the existence of inchoate offences is that without them the State officer would often have to choose between preventing an offence being committed, and prosecuting the offender.

There are those law types in Thai law, however, Thai lawyers have never interpret or use them in the inchoate offence aspect. Their inchoate functions, which are able to prevent harms and damage, have been ignored.