

## Abstract

In the information age, the information technology plays an important role in everyday life. Because of the advanced technology, all activities are convenient and comfortable. On the other hand, this technology becomes a new way or tool for the computer crime which causes serious social and economic damage. Many countries realize the problem and lay down the measures to resolve the problem. The criminal measure is a important resolution because it is the key of the criminal justice to control social and crime. This thesis is intended to study the criminal measure which needed for the unauthorized access to a protected computer committers.

In this thesis, studies from researches about computer crime, causes and motivations of the offenders which unauthorized access to a protected computer, including the legislation and criminal sanction in both Thailand and other countries with the purpose to compare and lay down the measures for the offenders in Thailand.

Result of the study, there are several types of criminal measure in other countries which may be imposed for the computer criminals such as capital punishment, imprisonment, fine or restitution, forfeiture, restricted access to computers, monitoring computer usage, home confinement and electronic monitoring, community service and special sanction. The criminal measure of Thailand and other countries have several types in common such as imprisonment, fine, forfeiture and conditions of probation.

However, the criminal measure which needed for the unauthorized access to a protected computer committers shall consider the objective of punishment, the nature and circumstances of the offense and the history and characteristics of the defendant. This study has the suggestions as followed: First, the imprisonment in the case of computer criminals should restricted access to the computers and internet in the prison because prison has sometimes allowed them to use prison computers. Secondly, forfeiture of a personal computer and modem is unlikely to stop the offender from using any one of a number of computers that are readily available to members of the public in libraries and other public places such as internet café. Forfeiture is, therefore, unlikely to have an incapacitating effect. Thirdly, conditions of probation, court could adopt the alternative approach of requiring offenders to use their computers skills or knowledge

for rehabilitation purposes. Finally, court shall lay down both the special measures and the general criminal measures together. For example, in the case of juvenile offenders, The court shall provide, as an explicit condition of a sentence of probation that the parents and teachers of offenders shall supervised the use of computer and internet, or offenders who commit an offence against the employer agreed to new employer disclosure of information about his/her cases, and prohibited against association with others who have engaged in illegal hacking activities via physical and electronic.