

Abstract

The Thai criminal law has not already had any provision which purpose for the dead body protection. There is only provision specifying some actions toward the dead body which governs other issues such as the spirit of the evidence or the spirit of dead body's family protection. However, in Thailand, there is a line of thought that human has legal rights, legal duties and legal protections since he was born. The legal protection given by law is human dignity protection, which is no one can not act against this right or unconcern about human dignity of other persons. Thus, when the protected human has died, any action towards to the dead body should do with respect, in many countries have provisions certifying this concept.

According to the researches about the offences and the matters under the protection of the laws, there are many types of committing an offence against the dead body rely upon each nation's point of view. If one country thinks that kind of acts are not proper and may affect the moral standard of people in its nation, the government of that country would indicate that act as an offence. As the result, the offence against the dead body are similar in some countries, some not. In contrast, the provisions in some countries do not provide details of the offence act clearly but specifying in the result of the act to be liable for the offence against the dead body. The purpose of the provision protecting the body is varied. For examples, some countries ordain the provision by stressing on the protection of the sensibility of dead people's family and their society, some pass it to pay the respect to the dead people and some enact it, according to the philosophy of life in their nations, by emphasizing on the peace of life after dead. From all purposes mentioned above, there is not only dead body, parts of dead body, and ash of dead body protected by law but also including tomb and tombstone in some cases. Moreover, the provision in some countries might include evidence protection in the act that commits against the dead body of the fetus that has not yet the full completion of birth as a living child.

The offence against the dead body could be divided by the matters under the protection of the provision and the cause of the offence as the following;

- (1) The offences against the dead body or parts of the dead body.
- (2) The offences relating to the places that are used to remind to the dead peoples,
- (3) The offences against the evidences,
- (4) The offences relating to religious worship and human dignity

For the offences against the dead body in Thailand, there are solely the provisions that protect the evidences in performing religious worship. Comparing to other countries' the dead body's protection provision, the provision in Thailand still needs to be amended.

In Thailand, there is the belief in the treat to the dead people. The dead body should be treated by the respect manner and the concerning about the human dignity as same as they had protected since they were alive. Moreover, the people should realize about the guarantee of the criminal law that "a person shall be criminally punished only when the act done by such person is provided as an offence and the punishment is defined by the law in force at the time of the doing of such act" To make it more comprehensive and more obvious that Thailand provides the protection to the dead body like other countries, hence, the law shall be amended and added the provision about the offences against the dead body. This provision should fully cover any illegal act to make sure that the government officer could correctly apply the provision and apply it along with its main purpose.

