

Abstract

Cyberstalking means an act in a manner of threatening against any specific person repeatedly and continuously by means of internet on a period of time which may be in a short while or on a long period for a year or several years where the objective of the doer is a threat to cause the person falling in as his/her victim and having the feeling of fear and frightening. Such cyberstalking, even though there has been no commencement on an act of such threatening to the extent causing an unfavorable consequence or damage to the person having been under threat, however, when he has been threatened against body, life or to cause damage to the property or has believed that there will be an act as threatened, the person under threat will definitely fall into the nest of fear, feel insecure in his life and property to the extent adversely affecting mind, body and the leading of the life. Therefore, if there should be no intervention to stop or stay an act of cyberstalking, such acts will definitely result in the excessively undesirable effects on persons under threats.

In the United States of America, there are legislations of Cyberstalking Laws defining a cyberstalking as a criminal offence which are variedly different dependable on the legislation of each State. However, the Cyberstalking Laws of each State consists of various acts being the cyberstalking against any persons and the objective of the threats is to cause the persons under threats to have the feeling of fears that a danger may contingently occur to their bodies, lives and properties or members of their families. The objective in legislating the Cyberstalking Law is to protect the victims and stop or stay the doers from furthering the acts to the extent causing unfavorable consequences to the victims.

This Thesis is focally aimed at the study of the Cyberstalking Law of the United States of America, specifically, in the State of Illinois, Washington, Louisiana, Mississippi, North Carolina and Rhode Island by considering the matter on the elements of the offence on cyberstalking, penalties, other legal measures applicable for use against offenders and because of the reason that, presently, the Thai Criminal Law has not yet

stipulated any provisions with regard to offence on cyberstalking for enforcement, the existing Thai Criminal Law should, therefore, be considered on the matter of its suitability and coverage and to what extent it can be applied in the enforcement on cyberstalking and that the Cyberstalking Law of such States shall be used as a guideline in the modifications on or legislations of the offence relating to cyberstalking for application in the Thai Criminal Code.

Result of the study revealed that the Cyberstalking Law of the State of Illinois, Washington, Louisiana, Mississippi, North Carolina and Rhode Island consist of the elements being the general principle which are external elements such as, a threat via electronic mail (e-mail) or electronic communications that bodily harm will be committed against any person or a threat to cause damage to the property of any person or members of such person's family while the internal elements are the acts willfully intended to threaten a person to be fearful or frightened. In addition, there are other legal measures applicable for use against the offenders on charge of internet threats, as well.

For Thai law, when considering the nature of a cyberstalking, it has come to knowledge that the law which can be applied in the enforcement is Section 392 of the Criminal Code. The offence under said Section 392 shall be an act committed to cause the other person to be fearful or frightened by way of threatening, however, the offence under Section 392 stipulates the rate of penalty to be inflicted on the offender is light, thus, it is unsuitable to apply against an offender committing a repeated offence whereas the other measures to be applied to the doers have still been insufficient.

Therefore, this Thesis offers the matter on the restrictions, unsuitability and insufficiency of Thai law including the other legal measures to be adopted for use in the enforcement in relation to cyberstalking, thus, it is recommended that the offence of cyberstalking be provided and security procedures be revised for suitable application against any acts of cyberstalking.