

Abstract

This thesis aims to study legal, provision and problem of individuals' civil prosecution regarding natural resources belonging to the state or public domains according to the Civil Procedure Code and the Enhancement and Conservation of Natural Environment Quality Act B.E. 2535. It also aims to study the prosecution of individuals in requesting damages about natural resources under foreign legal systems. Moreover, it aims to study a possibility of adaptation of the prosecution of foreign legal systems.

The study found that Thai laws involving with the prosecution of individuals in relation to environments are the Civil and Commercial Code and the Enhancement and Conservation of National Environment Quality Act B.E. 2535. An important principle is that a person who has the right to sue the environmental case must be a suffered person. If the damage occurs without any persons suffering, the law provides that only the state has the right of prosecution.

Most countries have increasingly accepted an individual's right to prosecute the environmental case. In the United States, the law has expanded an individual's role and recognised the importance of an individual's participation about the civil prosecution of the environmental case. Moreover, most US environmental laws allow individuals to sue the case by themselves if there is no prosecution by the state, called the parallel prosecution between individuals and the state. This causes the prosecution system more complete and recover natural resources and environment better.

Thai law has not allowed individuals to litigate the environmental case yet. This shows the law has no enough guarantee for individual that the state will carry out its duty to observe natural resources and environment for public interests. As a result, the writer suggested the guidance allowing individuals to have the role in parallel litigation with the state. This can be found in the chapter of conclusion and proposal of the thesis.