

## Abstract

Nowadays, criminals step forward to modern information and technology era. They develop process and method of crimes to more complicated step for concealing neatly their conspiracy. Those are what are difficult of law enforcement officers to investigate and inquiry the evidence

However, in order to preserve public order and reduce the criminal before it becomes to transnational crime, many countries develop laws for their law enforcement officer. The laws permit them use benefit technology to investigate and inquiry the evidence such as eavesdropping, wiretapping. Obtained Information during wiretap such as planning adjuring and committing between defendants are key evidence in the Court.

Wiretapping and information acquisition through electronic is a mean of investigate and inquiry defendants for evidence in the Court. These is permitted by law that administrative power get from legislative power. This measure seriously impacts rights and freedom of citizen communication because offers are wire tapers while those do not acknowledged and permit

Therefore, legislative release law with check and balance mechanism and asking for permission to wiretap and information acquisition through electronic. The organize that authorize should be impartial and faithful. That organize should be the Court or judge these are a method to balance authorize between administrative and legislative according to divide sovereignty for Law State.

According to right and freedom of citizen is an authorized organization to check and balance power of administrative sector to wiretap and information acquisition through electronic. It is screen measure to prevent infringe on rights and freedom of citizen. All seem like law states the Court empower to issue the search warrant, arrest warrant and a warrant within cognizable. Because the Court is impartial organization and keeps society justice so court-permitted wiretap and information acquisition through electronic during wiretap can be evidence procedure in the Court.

The Special Case Investigation Act B.E. 2547 (2004) Section 25. In cases where there is a reasonable ground to believe that any document or information sent by post, telegram, telephone, facsimile, computer, communication device or equipment or any information technology media has been or may be used to commit a Special Case offence, the Special Case Inquiry Official approved by the Director-General in writing may submit an ex parte application to the Chief Judge of the Criminal Court asking for his/her order to permit the Special Case Inquiry Official to obtain such information. All information can be evidence in procedure in the Court.

However wiretap measure and information acquisition through electronic have to be checked and balanced by the judge. It is better the organization should check and balance clearly for guarantee the people do not infringe on rights and freedom from officer.

Permitted Wiretap and information acquisition through electronic Act in many countries such as USA, Germany, and French states seriously check and balance in every step of process such kind of crime, period of time and perform the evidence in The Court. The officer have to be checked every step of process and variety of law-enforcement organization. Due to guarantee rights and freedom of people are protected by laws

Thailand law states that wiretap and information acquisition through electronic for special case according to The Special Case Investigation Act B.E. 2547 (2004) Section 25. But rule for check and balance the permission under the Act have not legislate. Probability obtained electronic device information can not be evidence in procedure in the Court.

So the solution concern to regulation and duty of officer to wiretap and information acquisition through electronic is clear and checkable, because it impacts rights and freedom. Moreover a officer uses this law mechanism efficiently and use as evidence in procedure in the Court. So regulation concern to The Special Case Investigation Act B.E. 2547 (2004) Section 25 should be legislate in every step such as permission, check and balance by special case inquiry committee, bureau commander

or general-director of department of special investigation and keep and destroy information.

It should be edited the meaning of electronic media, other information technology media, mean to obtain and wiretap in urgent case like other country law. It will complete the objects protect not only suppress serious crime but also rights and freedom of private life are impact at least.