

**FOREIGN TOURIST FRAUDULENT ACTIVITIES IN
THAILAND: CASE STUDY OF JEWELRY BUSINESS**

POL.COL.PUTTIDEJ BUNKRAPUE

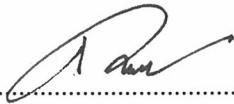
**A THESIS SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR
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(CRIMINOLOGY, JUSTICE ADMINISTRATION AND SOCIETY)
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2015**

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Pol. Col. Puttidej Bunkrapue
Candidate



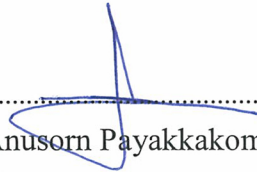
Pol. Maj. Gen. Pornchai Kunttee,
Ph.D.,
Co-advisor



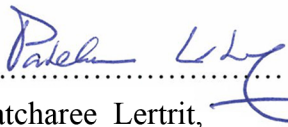
Assoc. Prof. Sunee Kanyajit,
Ph.D.,
Major advisor



Mrs. Sriparinya Toopgrajank,
Ph.D.,
Co-advisor



Mr. Anusorn Payakkakom,
Ph.D.,
Co-advisor



Prof. Patcharee Lertrit,
M.D., Ph.D. (Biochemistry)
Dean
Faculty of Graduate Studies
Mahidol University



Assoc. Prof. Sunee Kanyajit,
Ph.D.,
Program Director
Doctor of Philosophy Program in
Criminology, Justice Administration and
Society
Faculty of Social Sciences
Mahidol University

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on
March 4, 2015



Pol. Col. Puttidej Bunkrapue
Candidate



Pol. Maj. Gen. Pornchai Kunttee,
Ph.D.
Member



Miss Thanyalak Rujipak,
Ph.D.
Chair



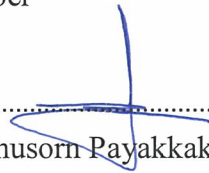
Pol. Col. Naras Savestanan,
Ph.D.
Member



Assoc. Prof. Sunee Kanyajit,
Ph.D.
Member



Mrs. Sriparinya Toopgrajank,
Ph.D.
Member



Mr. Anusorn Payakkakom,
Ph.D.
Member



Prof. Patcharee Lertrit,
M.D., Ph.D. (Biochemistry)
Dean
Faculty of Graduate Studies
Mahidol University



Assoc. Prof. Sombon Sirisunhirun, Ph.D.
Acting Dean
Faculty of Social Sciences and Humanities
Mahidol University

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Pol. Col. Puttidej Bunkrapue

FOREIGN TOURIST FRAUDULENT ACTIVITIES IN THAILAND: CASE STUDY OF JEWELRY BUSINESS

POL. COL. PUTTIDEJ BUNKRAPUE 523795 SHCJ/D

Ph.D. (CRIMINOLOGY, JUSTICE ADMINISTRATION AND SOCIETY)

THESIS ADVISORY COMMITTEE: SUNEE KANYAJIT, Ph.D.,
SRIPRINYA TOOPKRAANG, Ph.D., POL MAJ. GEN. PORNCCHAI KUNTHI, Ph.D.,
ARNUSORN PAYAKKAKOM, Ph.D.

ABSTRACT

The research on foreign tourist fraudulent activities in Thailand that focused on jewelry business is intended to explore problems and swindle schemes relating to tricking foreign tourist into purchasing jewelry, crime patterns, including the prosecution procedures as well as examine guidelines for crime prevention and suppression. The study was conducted by collecting qualitative data and selecting samples through Purpose Sampling. Total 21 samples that had been selected among experienced specialists and quite familiar with foreign tourist fraudulent for at least 5 years were divided into 7 groups, 3 samples for each group.

It was found in this study that problems on tricking foreign tourists into purchasing jewelry tended to increase the severity, but the numbers of Unreported Crime seemed much lower than the factual complaint statistic. Key factors involving committing crimes were (1) Official corruption (2) Limitations and loopholes in enforcing laws and prosecuting cases and (3) commitment to solving problems. Quite often, the stores involving fraudulent were small businesses that had been collaborated with the swindlers. For examples, the public bus drivers, tour guides or tour leaders were those picking victims from foreign tourists who travelled alone. Fraudulent was the whole gang movement, which evolved from the practice of few store operators with the public bus drivers to the sophisticated operation as the network and widespread in different locations. Fraudulent was executed with advance planning and appropriated division of labor and benefits in advance. Furthermore, it was found that the store operators engaged similar approach as the tour company by offering incentives for those who could bring foreign tourist to shop at their stores.

The problems encountered while attempting to prosecute the offenders were the statutory interpretation, collection of evidence as well as time limitation on the tourists' staying whereas they refused to pursue the case, so instead the officer in charge intervened as the mediator. As a result, it opened a channel for corruption between the officer and store operator who wanted to avoid prosecution and refund for merchandise. For crime prevention and suppression, this research recommends cooperation of all sectors to solve problems by disseminating knowledge and providing adequate information for foreign tourists. Meanwhile, surveillance should be set up to prevent crime and prosecute the store entrepreneurs and those in favor of crimes.

KEY WORDS: FRAUDULENT / FOREIGN TOURIST / JEWELRY

134 pages

รูปแบบและวิธีการหลอกลวงนักท่องเที่ยวชาวต่างชาติ: ศึกษากรณีอัญมณีและเครื่องประดับ

FOREIGN TOURIST FRAUDULENT ACTIVITIES IN THAILAND: CASE STUDY OF JEWELRY BUSINESS

พันตำรวจเอก พุฒิเดช บุญกระพือ 523795 SHCJ/D

ปร.ด. (อาชญวิทยา การบริหารงานยุติธรรมและสังคม)

คณะกรรมการที่ปรึกษาวิทยานิพนธ์: สุณีย์ กัลยະจิตร, Ph.D., ศรีปริญญา ฐูปกระจ่าง, Ph.D.,

พล.ต.ดร.พรชัย ขันดี, Ph.D., อนุสรณ์ พยัคฆาคม, Ph.D.

บทคัดย่อ

การวิจัยเรื่องรูปแบบและวิธีการหลอกลวงนักท่องเที่ยวชาวต่างชาติ ศึกษากรณีอัญมณีและเครื่องประดับ มีวัตถุประสงค์เพื่อศึกษาสภาพปัญหาวิธีการหลอกลวงนักท่องเที่ยวชาวต่างชาติให้ซื้ออัญมณีและเครื่องประดับ รูปแบบวิธีการในการกระทำความผิด รวมถึงวิธีการดำเนินคดี ตลอดจนแนวทางในการป้องกันปราบปรามการกระทำความผิด ใช้วิธีการเก็บรวบรวมข้อมูลเชิงคุณภาพ คัดเลือกกลุ่มตัวอย่างแบบเฉพาะเจาะจง (Purposive Sampling) กำหนดกลุ่มตัวอย่างจากผู้ที่มีความรู้ ประสบการณ์ และมีส่วนเกี่ยวข้องกับการหลอกลวงนักท่องเที่ยวชาวต่างชาติให้ซื้ออัญมณีและเครื่องประดับมาแล้วไม่น้อยกว่า 5 ปี จำนวน 7 กลุ่มๆ ละ 3 ราย รวมทั้งสิ้น 21 ราย

ผลการวิจัยพบว่า สภาพปัญหาการหลอกลวงนักท่องเที่ยวชาวต่างชาติให้ซื้ออัญมณีและเครื่องประดับมีแนวโน้มที่จะทวีความรุนแรงเพิ่มสูงขึ้น สถิติการร้องเรียนมีจำนวนต่ำกว่าข้อเท็จจริง (Unreported Crime) ที่เกิดขึ้นมาก ปัจจัยสำคัญที่เป็นสาเหตุให้เกิดการกระทำความผิด ประกอบด้วย (1) การทุจริตของเจ้าหน้าที่ (2) ข้อจำกัดในการบังคับใช้กฎหมายและการดำเนินคดี และ (3) ความจริงจูงใจเนื่องในการแก้ปัญหา โดยร้านค้าที่มีพฤติกรรมหลอกลวงจะเป็นร้านที่มีขนาดเล็ก ได้รับการสนับสนุนจากกลุ่มผู้ร่วมกระทำความผิด ได้แก่ ผู้ซบเซ่โดยสารสาธารณะและมัลคิเทศก์หรือผู้นำเที่ยว คัดเลือกเหยื่อนักท่องเที่ยวชาวต่างชาติที่เดินทางมาด้วยตนเอง มีรูปแบบ วิธีการกระทำความผิดอยู่ในรูปแบบการ จากเดิมมีเพียงผู้ประกอบการร้านค้าและผู้ซบเซ่โดยสารสาธารณะ ปัจจุบันดำเนินการเป็นเครือข่าย กระจายอยู่ตามสถานที่ต่างๆ มีการวางแผน แบ่งงานและผลประโยชน์ก่อนที่จะลงมือ นอกจากนี้ยังพบว่า ผู้ประกอบการร้านค้าได้ใช้รูปแบบวิธีการในลักษณะเดียวกันกับบริษัทจัดนำเที่ยว โดยเสนอคำตอบแทนให้กรณีสามารถนำกลุ่มนักท่องเที่ยวมาที่ร้านค้าได้

การดำเนินคดีกับผู้กระทำความผิด ประสบปัญหาด้านการตีความตามข้อกฎหมาย การรวบรวมพยานหลักฐาน ประกอบกับนักท่องเที่ยวมีระยะเวลาที่จำกัดและไม่ประสงค์ดำเนินคดีกับผู้กระทำความผิด เจ้าหน้าที่จึงเลือกใช้วิธีการไกล่เกลี่ยเพื่อแก้ไขปัญหา ทำให้เกิดช่องทางการทุจริตระหว่างเจ้าหน้าที่และผู้ประกอบการร้านค้า ซึ่งไม่ต้องการให้มีการดำเนินคดีและคืนเงินค่าสินค้า สำหรับการป้องกันและปราบปรามการกระทำความผิดนั้น ต้องอาศัยความร่วมมือจากทุกภาคส่วนบูรณาการในการปฏิบัติ ร่วมแก้ไขปัญหาโดยการให้ความรู้และข้อมูลที่เพียงพอแก่นักท่องเที่ยว ตรวจสอบ เฝ้าระวังการกระทำความผิด และดำเนินคดีอาญากับผู้ประกอบการร้านค้าและผู้สนับสนุนการกระทำความผิด

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CHAPTER I

INTRODUCTION

1.1 Background and significance of the study

Currently, the primary goal of corrections is to restore people's valuable to society. Restoring people here are mean. To make people aware and behave in rules and regulations of the society. And what is valuable is that they must feel that they are able to engage the profession of faith. Not be a burden on society Living a normal life in the right way it should. And not return recidivism (Pornpun Srirapawatthanaporn, 2012), which can not achieve such goals went well. If the inmates are repeat offenders. As Savitri Pritoon (2010) has said that the person who had done it. Next time inmate will have to decide more easily. And most individuals do not realize the importance of the trade-offs that will occur in the future. And is also consistent with the research of the related fixed Prawut Thawornsiri (1988) found that repeat offenders are those with emotional and behavioral problems and suffer temptations, and not infrequently finds that prison is uncommon.

Therefore, the development of human resources Inmates, especially the quality of the behavior through rehabilitation of prison before exoneration and did not return to recidivism is so important. In addition to compliance with the general inmate. Prisoners also have another type that should not be overlooked, the inmates are given the maximum penalty is a prison sentence, which the court ordered in terms of Law and Economics in the area of crime prevention. The death penalty is the highest power The most severe punishment And the people in the society, not offense. (Economics of Law Enforcement crime: imprisonment and the death penalty reduces crime punishable, 2012), which Cesare Beccaria said the death penalty. As punishment for the offender was the fear of other people in society will not make that mistake again. And in the rest of the country. State death sentence when the penalty is death. The only way to stop the perpetrators of other citizens in society (Carlson, Hess, and Orthmann, 1999).

For Thailand A total of 325 executions took place during the year 2478 B.E.[1935] to 2554 B.E.[2011] , although it has been slow to enforce the death penalty during the year 2478 B.E.[1935] – 2493 B.E. [1950] and in 2531 B.E.[1988] – 2538 B.E. [1995] Your use of the death penalty, including the execution is to be varied over time. How to cut the head of the plug abuse (Beheading) in public to the shooting range with a pistol. Up until June 13, 2546 B.E.[2003], as amended by the Criminal Section 19 executions that took to shoot him to death. Change to carry out the death penalty by lethal injection or lethal injection (Sirikanya Thongchai, 2010), which involved the consideration that is how it is to be more human. Present a guilty plea to all 51 counts of the death penalty, including cases relating to national security threats. And drug distribution case.

The statistics of the number of death – row inmates to correctional found a total of 642 people (Department of Corrections, Planning Division), as can be seen from Table 1 - 1 below.

Table 1 – 1 Record Number Of Death – Row Inmates In Thailand.

Types of Prisoners	Male, Types of offenses		Total	Female, Types of offenses		Total
	Narcotics	Common offenses		Narcotics	Common offenses	
Convicted prisoners	90	63	153	9	1	10
Pending appeal prisoners	162	195	357	34	8	42
Petition appeal prisoners	23	57	80	-	-	-
Total	275	315	590	43	9	52

Source : Department of Corrections, Planning Division. (April 18, 2014)

When the court sentenced to death, Those death – row inmates sent to Maximum Security Prison such as Bangkok Central Prison. Nonthaburi, When death – row inmates shall be governed by a sense of justice against. Agenda walked

into prison, that is. The loss of freedom is separated from his family and friends. He hated everything that was opposed to him. This feeling can be disturbing at times. Some inmates can keep these feelings it is. But some people can not keep these feelings which may be expressed by various forms of aggression (Pittaya Sangkanakin, 2002).

However, with the condition of inmates who have lost their freedom is limited by the area and came to live in an environment with many inmates together in the same place, eat together, work together, live in the same place for a long time. Causing relations system, which is known as a sub - culture of inmates. This is a society that is different from the outside. A pattern of behavior or sub - culture that is different from the cultural society of normal people. A social organization, both formally and informally. Including the interaction between inmates together. And to staff in Prison (Clemmer, 1958) sub - cultures which arise from the prison as a place where inmates come in a state submission. The court sentenced him to imprisonment and cut off from the outside world. Make inmates development in the relationship between the rise in the prison. A common understanding of the rules of interpretation only. With common values by the group together, how long it will be isolated from the outside only. And the culture of the group would stand out much more. As maximum prison (Bowker, 1982).

When inmates come bundles with their own sub-culture would make the inmates adjustment to prison in various contexts. And with the idea that they are valuable. The adjustment is used as a mechanism to protect themselves. Reduce stress, anxiety and frustration for drivers. Happened to himself in prison. This is consistent with studies of Jackson and Lassiter (2001) found that when individuals achieve self - esteem, it will have to adjustment itself to the environment.

In addition to the sub-culture adapting to the context and environment of death – row inmates. Pardon is to reduce animosity towards society in the sense of death – row inmates. Contributes to the sense of doing good to go. In support of the policy to return inmates to behave as good citizens. This is consistent with Criminology and Penology (Department of Corrections, 2011), but due to pardon. The king sent his royal power management in a petition to His Majesty the King's decision, or consecration of the advice of the cabinet. The grace bestowed upon prisoners to be

released or reduced by the Statistics Section of the Department of Corrections in the clemency case only the year 2547 B.E. [2004] – 2554 B.E. [2011] revealed that a total of 4,396 inmates who filed the petition presented. can only humbly present the results of 3,506 presented a petition for the release of about 150 to 188 parts to commutation petition raised a total amount of 258, and 596 subjects the King decision came down. (Department of Corrections, 2011)

It can be seen that before taking steps to enforce the death penalty to be taken through the court process. And follow the code of criminal procedure in connection with forgiveness to complete first. The procedure for such (Since the accused arrested by the civil court of appeals and supreme court practice on forgiveness) will take time to implement it. And in each case will take time to consider a different away. Depending on the case itself. The fact much complicated. The example in the manual operation of the practice probation Year 2554 B.E. [2011] About the timing of the trial, the death penalty, found that such cases. The event was held on January 26, 1995 inmates come to justice, on March 6, 1995 bottom Bangkwang Central Prison operations executed prisoners such men on April 18, 2001 for a period of 6 years (Department of Corrections, 2011), make corrections to undertake supervised inmates in a long time. Of such problems prison inmates overflow problem rehabilitations can return their inmates as well. Not return recidivism difficult.

Of such problems The Department of Corrections has attempted to find other methods. Into practice to achieve the mission of the Department of Corrections under the limited resources available. The researchers saw returning to study factors, which are factors of psychology encourages inmates to help improve the quality of oversight and proper editing done quickly inmates effectively. And minimize the use of external resources are limited. The current research study about death. There is not much research because the study of death, no chance to advance. And it really affects a person's feelings. In particular, research on executed prisoners, most attention has been the study of the attitudes of people. Mainly to use the death penalty. Appropriate measures of the use of the death penalty. Or the cancellation of the death penalty (Sumonthip Jitsawang, 2010).

As well as the reasons or factors causing death – row inmates vary. And the researchers realized that. Death – row inmates as a group are important and valuable in the study. Because they have been made aware of the death of their advance. Or can be said that faced with death themselves are approaching. Death – row inmates are executed self - esteem. In order to be ready to adjustment to the context of the whole prison control and rehabilitation. There are many factors that determine. Enabling researchers to study the adjustment. And rehabilitation therapy behavior and corrects those sentenced to death. Order corrections to the data obtained from this study as a guide in planning control. Rehabilitation which makes sense and can be set guidelines or policy of criminology, Penology a group of death – row inmates executed correctly and appropriate.

1.2 Objective of the study

1.2.1 To study life spent in the prison context in treating death-row inmates in Bangkwang Central Prison.

1.2.2 To study death-row inmates' adjustment in Bangkwang Central Prison.

1.2.3 To develop a model of rehabilitation for death-row inmates.

1.3 Problems of the study

1.3.1 The lives of death – row inmates under the context of the Bangkwang Central Prison. Has been implemented in any subject. And how.

1.3.2 Death – row inmates in Bangkwang Central Prison adjustment when required. Living under the context of the prison.

1.3.3 Rehabilitation for death – row inmates should be.

1.4 Scopes of the study

1.4.1 The content of research

1.4.1.1 Information about the context under treat prison inmates, according to the UN Standard Minimum Rules.

1.4.1.2 Studies on the adjustment of inmates.

1.4.1.3 Study on rehabilitation.

1.4.2 Research in the area

Areas used in this study is the Bangkwang Central Prison, Nonthaburi.

1.4.3 Key informants of research

Key informants were among the highest levels of the Department of Corrections. Staff Officials in Bangkwang Central Prison and death – row inmates. These tools were selected using purposive sampling, the group chief executive officer of 5 people, staff prison involved 5 people and 10 death – row inmates, including 20 people who were key informants.

1.5 Definitions of the study

1.5.1 Prison context refers to the operation of the various prisons to treat the inmates, including the custody. Rehabilitation of inmates and inmate health care and welfare.

1.5.2 Rehabilitation for death – row inmates, referring to the context of prison three sides Bangkwang Central Prison, held in a systematic way since the custody like getting a registration, classification, orientation, planning practice. The most individualized treatment, rehabilitation, such as providing education and recreation. Vocational training Moral, religious training Corrections inmates etc. specifically using healthcare and welfare, such as health promotion, medical and dental contact with the outside world. Personal health, etc. This action will help to refine and modify the treatment and sentenced to death to be able to change their whole attitude. Values and behaviors in a good way. And reintegration into normal life after release.

1.5.3 Adjustment refers to the ability of death – row inmates for the right to live in a new environment. In this new environment means the Bangkwang Central Prison. Death – row inmates by the living experience. Occurred around to assist in building the capacity to adjustment to the environment.

1.5.4 Model or method the adjustment of death – row inmates means that death – row inmates to adjustment to the context of prisons.

1.5.5 Death – row inmates refers to death – row inmates has been sentenced to capital punishment to justice. The judgment of the Court of Appeals and the Supreme Court in this means. Those death – row inmates in Bangkok Central Prison, Department of Corrections, Key informants.

1.5.6 Bangkok Central Prison means prison large control authority of the Department of Corrections and the prison is high security (Maximum Security Prison) by the Prison Department of Corrections is to control the inmates, with the penalty of 15 years up to death penalty. It is also a place where death – row inmates to death for the death penalty only in Thailand from the year 2478 B.E. onwards.

1.6 Expected outcome

1.6.1 Results of the study showed that about living under the context of the various prisons. According to the UN Standard Minimum Rules affecting the adjustment process of death – row inmates. To bring to the recommendation policy. As well as its application to the relevant authorities on how to treat death – row inmates, which is an important part of the group. Corrections properly, both physically and mentally later.

1.6.2 The study made a preliminary approach to treatment and rehabilitation. Death - row inmates for the synthesis of the literature. And that from in - depth interviews to benefit the physical, mental, social care prisoners properly.

1.6.3 Results of the study showed that the opinions, feelings, experiences and needs of those death – row inmates to live in high security prisons. This allows the sentence to convey comments, which can be a lesson to society is another way.

1.6.4 The results of the study make Department of Corrections. And agencies involved, especially high security prison, death – row inmates by the data for improving the quality of human resources in such a group, which takes a long time in prison as a guideline for treatment. rehabilitation of death – row inmates according to the need. Characteristics that help to encourage the adjustment and saboteurs lead to self - esteem and are encouraged to be in prison anyway.

1.6.5 The results of the study make society the opportunity to know the information of death – row inmates leading to understanding. The value of life, living with a precaution. Of the general public as well as to the prevention of crime, or other social problems in the society.

CHAPTER II

REVIEWING LITERATURES AND RELATED DOCUMENTS

The research on foreign tourist fraudulent activities in Thailand is intended to explore problems and guidelines to prevent and suppress the delinquency through exploring and reviewing relevant literatures per the following details:

2.1 Relevant Criminal Concepts and Theories

2.1.1 Definitions of Crime

In today society, the conflicts or violation of social norms with immoral behavior or breaking traditions and laws, so called crime. However, if the offender is underage, society would not see it as committing crime, only delinquency. Crime is the wrongdoing which disrupted social well-being. The prosecuted officer is the social representative because not only the injured party considered as the victim, but also society has received similar impact. Therefore, crime is defines as general criminal act, which the law has clearly stated the violation type and fine such as, inflict personal injury, stealing, embezzlement, robbing. Therefore, determining whether such action is a crime depended on judgment of society based on the clarity of existing laws during that time, if the wrongdoing is a crime and the wrongdoer should be legally punished (Pratheng Taniyapol and Suvit Nimnoi , 1990).

Criminologist has categorized crime based on ethical or morale code in the following 2 types:

- 1) “Mala in se” is mainly morale sin such as, murder, plundering robbing, abortion, suicide, firearms illegal trade, and illegal deforestation among others.
- 2) “Mala prohibita” is the violation of laws such as, violation of labor law, piracy, sale of smuggled goods, driving without a license, etc. (Pratheng Taniyapol and Suvit Nimnoi, 1990).

Presently, crime is normally classified into 5 types based on the behavior characteristics as follows:

(1) Victimless crime involves the violation of individual morality. It is so called victimless crime because the offender and the victim are the same person. As for Victimless Crime, it is being named this way because the victim and wrongdoer is the same person. Examples of victimless crime are gambling, prostitution, abortion, having owned or used pornographic materials. According to the criminology principles, victimless crime as compared to other type of crimes imposed only minor threat.

(2) Based crime is the crime against property, inflicted physical injury or threatened individual's existence such as, stealing , snatching, robbing , physical injury and killing. Furthermore, based crime could be considered in two separate angles, non-violence and violence based crime. In other words, based crime had occurred along with mankind and existed in all societies, only noticeable differences in the frequency and intensity. As for the based criminals, they were either professionals or non-professionals.

(3) Corporate crime is the bonding of semi-crimes together based on the organization chain of command with the organized and systematic plan to operate illegal business, which sometimes involved violence and most of times with the support of financial, economic and political clouts so the illegal activities could be carried on conveniently. Examples of corporate crimes are the drug trade, female trafficking, trading arms and smuggled goods, underground lottery dealer. The chief executive of these crimes is often named as "Mafia "or "Godfather".

(4) White-collar crime is committed by the authorized individual working for the public and private sectors or state enterprise misused his position to gain self-interest.

(5) Specific crime is defined as a crime with different natures from the 4 aforementioned types, but because of its significance, it deserves a special attention. For example, Economic and Commercial Crimes, Terrorism Crime and Cyber Crime have elaborated and complex nature that rather difficult to monitor and control as same as the Corporate and White-collar Crimes. In other words, the controlling of these crimes could not be done with only one agency, it needs

cooperation and collaboration of concerned agencies, domestic and overseas (Pratheng Taniyapol and Suvit Nimnoi, 2010).

2.1.2 Crimes and Crime Control Concepts

Jeffrey started his concept (Jeffery, 1976 cited Vutthi Laosoonthorn, 1993) in based crime prevention at the surrounding or the criminal before and after the crime had been committed. In other words, he divided prevention into direct and indirect prevention. The direct prevention involves lessening the channel of wrongdoings at the surrounding, whereas the indirect prevention focuses on vocational training, education, police suppression, and probation and imprisonment.

The concept of Presidential Commission (United States) in law enforcement and judicial process stated that “Crime prevention covers numerous activities that involve the elimination of social conditions as related to crime with the improvement in judicial process competencies in investigation, apprehension, arbitration, punishment as well as focus on rehabilitating the offender so he could reenter society, as well as lessening the chance for crime to occurred.” (Presidential Commission (United States) , 1968 cited in Vutthi Laosoonthorn, 1993). Such concepts paved the way for 3 based crime preventive guidelines as follows:

No 1 is the protection through the elimination of social conditions relevant to based crime as to prevent “criminal” from surfacing. This approach is considered as the criminal behavior as a result from economic, social and political factors, including each individual spiritual abnormality that had been pressured to fight crime. Therefore, this guideline aims to examine those factors that may aid a person to commit crime and attempt to eliminate those factors before starting to impact his well-beings. The frequently citing factors are economic structure (Taylor, Walton & Yong, 1973), Associations (Sutherland, 1966), lacking social opportunity (Cloward & Ohlin, 1961), restrict goal attainment (Merton, 1957). In addition, many relevant studies attempt to explain factors involved family, temptation, employment, education and many more.

No. 2 is the crime prevention that focused on punishment a person who disobeyed laws and recognized its inconsistency.

No. 3 is the crime prevention through the reduction of wrongdoings that could lead to committing “crime” regardless of available social factors contributing to individual wrongdoing. The concentration is on how to avoid being the crime victim or make it more difficult for the criminal to approach the potential victim by inventing the concrete crime barriers as physical obstruction such as door and window installations, installing bars and alarms, learning how to use equipment correctly, including the use of community relations to assist based crime prevention. In other words, this approach looks at based crime not the result of social economic factor; instead it is the unwanted behavior that must be suppressed through concrete and non-

2.1.3 Impacts from Crime Problems

1) Direct impact towards the general public as the crime victim whose lives or properties had been lost, including the impacts on the victim’s family or acquaints.

2) Impact towards the government stability when the government is unable to provide public safety and guard their properties, leading to the government resignation from such position.

3) Impact towards the country development, both in economic and social stability, which usually obstructed the country’s development from achieving the set goal and leaping the benefits of using the nation resources to the fullest capacity. On the contrary, the failure to develop the country as plan could lead to more crime problems.

2.1.4 Cause of Crimes

1) Social Condition comprised of the following incidents:

1) Social conditions such as inappropriate educational system inadequate shelters, temptation outbreak such as gambling, narcotics and prostitution

2) Economic conditions such as unemployment, poverty, unevenly and unjustly income distribution and economic monopoly .

3) Health condition such as food and beverage contamination and drug abuse.

4) Political conditions such as conflicts and political and political struggling for power to benefit oneself and associates.

5) Family conditions such as broken family, parents unsupervised their children and family internal conflicts.

2) Mental and Psychological conditions either through heredity or under pressure of social conditions.

3) Environmental conditions refer to the favorable surroundings for committing crimes such as building business establishments in the secluded places, building shelter with no concern on crime prevention, lacking of proper street lights, understaffed or inadequate number of equipment to prevent crime. One or all 3 incidents could provoke crime.

2.1.5 Crime Control

Crime control through the investigation of appearance of the police officer in accordance with the Law Enforcement Theory relied on the appearance of the police to deter the potential criminal because he may afraid of being arrested. This approach which should reduce the criminal's chance to commit crime depended on the patrol officer in full police uniforms driving by the area in the patrol car equipped with radio band as to intimidate criminal and prevent crime. Besides, regularly patrolling the area creates a community feeling the police presence. Apart from crime prevention, any wrongdoers must be apprehended. Therefore, in patrolling the area, the officer must observe individual behavior and be aware of the irregularities, open to information from the informants as well as practice mass psychology, mass service, build understanding and cooperation with the locals to control crime in the responsible areas.

The purposes of police patrol are involved 4 objectives as follows:

- 1) Crime Prevention and Suppression
- 2) Build the closeness and trust among the general public
- 3) Assist, service and advice the people living in near the patrol neighborhood
- 4) Public relations and seek cooperation from the public.

The crime control through Community Police had been established in the Royal Thai Police Master Plan No. 2 (1992-1996) that focused on the police's effort to build faith, understanding and strong relations between the police and the general public as well as enhance the public participation in crime prevention and suppression, leading to maintaining the national security, including getting involved in protecting their own lives and property. This concept is coincided with the National Economic and Social Development Plan No. 7 (1992-1996) by allowing the public participation in crime prevention and problems-solving that focused on community relations with knowledge training in crime prevention for the public and local leaders as follows:

1) Preventive measures for general and proactive measures have the following similarities and differences

(1) Based preventive measure is the practice using concept that coincided with the contributed factors to crime consisted of the social surroundings, status of potential criminal and opportunity to commit crime that considered the police direct duty to prevent potential criminals or the least closing channel to crime through legally exerting the police' authority in that area within proper timeframe to tackle the crime that may likely to happen during certain hour such as, night time or crime-risk areas.

(2) Normal preventive measure is to identify practical guidelines for the involved police in charge of crime prevention, including the follow-up measures for assessing performance on the regular basis.

(3) Proactive preventive measure is the performing of duties nearly suppressing, but hardly arresting. Somehow, it operates much closer to the villains than using normal preventive measures. This approach focuses on the consistent operation to prevent crime rather than outcomes from arresting.

2) Suppression measures are divided into normal measures and proactive measures such as investigating information on war ammunition, illegal weapon, narcotic, smuggled goods and hit man. As for the proactive measures, they involve the mobilization of manpower to eliminate crimes suitable with the crime nature and scene.

Crimes exist and occur frequently in the society is the violation of social norm that legally stated as criminal wrongdoing and the wrongdoer must be punished. Crime prevention concepts and theories have been developed from the past to present.

This study employs the concept in prevention to analyze foreign tourist fraudulent activities on purchasing jewelry. It is considered as the violation of laws that clearly stated the punishment term as well as being the *Mala in se*, which similar to organize crime, having more than 2 accomplices with division of labor, and return from tourist fraud before committing crime. Furthermore, it may be classified as specific crime that should receive special attention from the officer, rather difficult to study and control. The main concern is the judicial process unable to prevent and suppress crime without cooperation from all involved sectors.

The foreign tourist fraudulent activities on purchasing jewelry had produced tremendous impact to the tourists as the victims whose properties had been damaged as well as threatening their confidence in tourism safety and consumption in Thailand, especially on purchasing jewelry. The measures and approaches for handling such crime problems must be adapted from the involved concepts and theories in crime prevention to match with the current crime situation. Further from the officers' laws enforcement, putting up surveillance and raising tourists' awareness must be done simultaneously.

The collection of meanings, concepts, and crime theories mentioned earlier could be summed up as the foreign tourist fraudulent activities on purchasing higher price jewelry than usual in Bangkok Metropolitan areas.

2.1.6 Related Concepts and Theories on Victims

Victims' definition is vague and victims appeared in many forms of suffering such as being disabled, illnesses, natural disaster, accident, prejudice and crime. In criminology, victims refer to those whose welfare had been disrupted by crime or any situation leading to crime (Allen and others, 1979).

The study on crime victim (Arnu Yamsaeng, 2005) was conducted by Lombroso, Garofalo, Ferri. According to Lombroso, he had pointed out that "criminal wrongdoing is the display of criminal behavior under pressure when being provoked emotionally. In addition, Garofalo mentioned in his study regarding the crime victim that "certain behavior of victim could provoke crime"

However, it has not been revolutionized because each one of them focused only on studying the cause of wrongdoing. Not until 1940-1950, the criminologist

views the injured parties as the main contributor to crime. Subsequently, Hengi, Mendelssohn, Ellenberger, Scafer, Wolfgang attempted to understand the injured parties behavior that may provoke crime so the finding could be implemented for effective crime prevention (Kom and Mc-Cokie, 1959).

Crime Victims refer to the third parties who had been injured by the violation of laws, which could be divided into 2 types based of the victims' characteristics as follows:

1) Direct Victims are those who had been violated and directly injured from the violation of laws.

2) Indirect victims refer to the third parties who have been affected by the violation of laws even though such action is not directly impact their well-being (Karmen, 1984, cited Sudsanguan Suthisorn, 2000).

Many scholars have defined "victims" "injured" and "crime victims" as follows:

Victimology is combing Victim and Logy together. It is the science related to victim which has its root from Latin words, Voctima, meaning wild animals for religious sacrifice.

Benjamin Mendelsohn the pioneer of Victimology defined it as the study of science related to all type of victims, not limited to crime victims (Elias, 1986. Mendelsohn had collected data on victims and proposed that victims are the products of political structure, involving modern technology, and crime problems.

Hana Von Hentig who had been named the Father of Criminology narrowly defined Victimology as crime victims.

Furthermore, Thailand has many technocrats define Victomology as follows:

The Royal Thai Dictionary 1982 defines "victim" as the animal food, bait, and sufferer. Apparently, the given meaning by the Royal Thai Gazette refers to normal victim, excluding crime-related victims or the persons seriously injured by criminal acts.

Sudsangun Sutheesorn (2000) gave the meaning of "victim" as the injures parties due to hardships caused by human actions or natural phenomena such as accident or natural catastrophe or diseases or war victims.

Purachai Piemsomboon et.al.,(1988) defined “ victim” or “ crime victim” as the injured parties from criminal wrongdoings, including the involved parties who have been affected by such action. Victims are classified based on the characteristics of criminals as being described in each individual perspective.

Han Von Hentig (Unnop Choubumrung, 1990) divided injured parties based on knowledge on psychology, sociology and biology to differentiate between them by identifying the injured parties with social environment. Below are 13 types of the injured parties.

- The young possesses weaknesses and lacks of experiences, making them venerable and easily becoming who lacking experiences and easily becoming a prey.
- The female is weaker than the male
- The elderlies are both well-to-do male and female with physical and mental weaknesses, normally becoming the victims of property damage.
- The mentally defective and other mentally deranged are those underprivileged and vulnerable to crime, easily becoming the selected prey.
- The immigrant with weaknesses created hostility from cultural clashes between aliens and indigenous that required lengthy adjusting to new culture.
- The minority is the resemblance of the migrated alien from different places.
- The dull is a born victim.
- The depressed is psychological burden, hopeless with low expectation, which becoming easily prey for criminal.
- The acquisitive is the prime injured party who has the yearning for wrongdoing and becoming the injured party such as, a gambler and a quack.
- The Lonesome and the heartbroken that need attention and happiness easily becoming a prey of evil-minded person.
- The wanton has no respect for others and no self-control.
- The tormentor such as a sot or a psycho who have become burden to society.

- The blocked, exempted, and fighting are those becoming injured from struggling when facing threat.

Theory of Crime Victim

1) Victim Participation Theory

Marvin Wolfgang explained that some victim put himself into the situation that led to injury or death. The victim has the choice to remain silence; he may use threat or challenge or provoke the criminal. This type of crime is called Victim-precipitation Crime or the victim intentionally participated in the crime. Marvin who studied the homicide had concluded that the victim provoked criminal to kill. For example, the killing in Karaoke or when the criminal injured the wife and threatened to kill the husband, the husband also got kill in the end.

Another type of crime, so-called “Hate Crime” occurred frequently is when the victim making the offender feeling unsafe, damaging his reputation or status as well as ruining his well-being. For example when the immigrants came to settle in the community of USA, American people felt insecure as if their jobs, life security and comfortable lifestyle had been changed. At first, it creates resentment and in time it turned to be putting blame on the immigrants until the immigrants are prime target violence such as, a group of white man wearing hoods entered the unacquainted Chinese grocery store and destroyed merchandises in the store.

As for foreign tourist fraudulent activities, particularly purchasing jewelry, some tourists may become the Victim-precipitation themselves from greed or the desire to make profit when the entrepreneur led the way. Their carelessness and voluntarily purchasing jewelry pushed them into such decision regardless of risk of fraud in product quality and price.

2) Routine Activity Theory

Lawrence Cohen & Marcus Felson conducted the research on favorable daily routines to a person becoming the crime victim. Intense crime on individual or property results from each individual doing his daily chores based on the philosophy of Preventive theory and Rational Choice theory with 3 main components as follows:

(1) Motivated Offenders

(2) Suitable Targets

(3) Lack of Capable Guardians

The main assumption of Routine Activity Theory is the increasing crime victim rate when all 3 factors existed (Motivated Offenders, Suitable Targets, and Lack of Capable Guardians). Both researchers had studied individual favorable routine activity, leading him to become a crime victim. Type of violent crime against individual or property is the result from individual daily routine activity.

Routine Activity is individual routine activity often occurred such as leaving home for work with no one guarding the house, wearing expensive jewelry or leaving home and coming back late at night, including the young and weak.

Both technocrats made the assumptions that crime usually occurred from regular habits of the victims. This has led to the routine activity-related theory, for example, when the victim left home to work outside with no one to guard his home so the offenders would seize the opportunity to sneak in and steal his valuables or the victim who often travelled alone at night or wore expensive jewelry would become easily prey for the criminal to attack.

Later in 1995, Fesson proposed updating this theory on the cause leading to criminal act which concluded as follows: Even though many temptations in the society instigate criminal acts, there are many more actions that deviate individual behavior such as, individual weaknesses, situation, seduction, stimulus, association, and apathy. Often, individual under such circumstances is most likely to commit crime. Meantime, society has numerous institutions to impose Self-Control in order to bar individual from committing crime.

The relevant concepts above-mentioned has pointed out that a person would become the crime victim from many reasons, whether or not being specific victim, victim by the surroundings or emerging victim, mostly possess one vulnerable point for the criminal to spot otherwise the criminal would not attack the victim. All of these concepts must be concurrent with the triangle crime consisted of victim, criminal and opportunity. The foreign tourist is the prime victim in himself because he has no awareness, experience in the situation as well as limited communication. A gang of misdemeanors would select the lone traveller without bodyguard to commit fraud.

3) Rational choice

This theory had been developed during the middle of 1970s , which actively involved with Rehabilitation that received the critic comments on the inability to explain crime problem thoroughly and in the time period of Classical School gaining its popularity once more (Siegel, 2000). Specifically, Robert Martinson research found the Rehabilitation Programs and a Number of national surveys fail to fine examples of rehabilitation programs that prevented future criminal activity (1974). Furthermore, the written article of Charles Murray and Louis Cox in 1979 suggested in the punishment program for offenders to focus on suppression in order to prevent future offenses, more effective than using rehabilitation alone. A well-publicized book, *Beyond Probation* by Charles Murray and Louis Cox, went as far as suggesting that punishment-oriented program could suppress future criminality much more effective than those that relied on rehabilitation and treatment efforts, (1979).

In addition, many criminologists began to pay more attention to the classical concepts and theories in order to imply with control in USA, but no avail because there is no reduction in crime rate, apart from improving the surroundings and rehabilitating the offenders. As a matter of fact, these technocrats believe that the offenses occurred as a result from certain social and psychological problem such as poverty. If this believe is actually based on the Positivism concept and theory, solving such problem through good employment and economic opportunity should reduce crime rate. Somehow, in reality, it has not been working the way they expected it to be so the technocrats once again focusing even more on the Classical Theory (Siegel, 2000). In other words, they are relying more on the classical concept to control crime and punish the offenders rather than using Positivism to improve the surroundings or rehabilitate the offenders without substantial research to confirm its (Bayer, 1981).

Besides the aforementioned technocrats, James Q. Wilson, one of the prominent technocrats in Political Science field had made serious comment in his book "Thinking about crime" (1983). From his statement, he claimed that what cause the offender to commit offense in the perspective of Positive school derived only from external factors such as economic factor. Therefore, the approach to this problem is the government building economic solution or eradicating poverty. In

reality, it has not been done as suggested. Then, the real solution to the problem is to reduce criminal opportunity through imprisonment. According to Wilson, the offender is an unrestrained person who had no control of his inappropriate behavior. Through his narrow view, the violation of laws is the fun and excited game.

This theory is based on the moral precept that referred to crime as the outcome of rational alternative that the offender had weighted on the returned benefits and cost (Cornish and Clark, 1986). Therefore, those connected with crime or offense would aim to maximize their benefits, in the same time minimize their costs. Here, benefits represent material or money benefits and non-pecuniary benefits such as, enchantment, excitement, and success in life, honor and fame (Cullen and Agnew, 2003).

Costs represent the loss of property, money, business and trade or material costs and Psychic costs such as feeling guilty or shame when committing Moral and Opportunity costs consisted of losing chance of doing certain thing that could lead to the Expect punishment costs, which matter the most for the offenders.

It is done with free will or acting at one's own discretion. Surely, before committing to wrongdoing, one usually contemplates whether such action would bring pleasure or happiness, pain or harmful based on the outlook of Beccaria and Bentham. Therefore, the offender must receive severe punishment, enough to deter such offense.

The research of Jeffrey Fagan and Alex R. Piquero on Rational Choice and Developmental Influences on Recidivism among Adolescent Felony Offenders in 2007 has hinted that the social rules and factors on rational choice constantly caused the occurrence of crime when risking punishment, the return that worth the risk is the key factor to considered whether or not one should take such action and then crime rate should reduce. This research finding suggests the significant impact in the justice system from decision-making system. However, the individual healthy spirit and reasonable decision could have a strong effect on his crime risk behavior as well.

Regarding the foreign tourist fraudulent on purchasing jewelry in this study, the aforementioned theory could explain explicitly how the foreign tourists became the victims, partly because of limited communication and lack of

knowledge and skills in judging quality of jewelry. As a result, they were tricked into purchasing lower quality merchandise with higher price, so they ended up with damages from the offenders' actions that had been planned in advance. Furthermore, the foreign tourist characteristics and behaviors make them the vulnerable targets for fraud and crime. Perhaps, a group of offenders could easily spot the foreign tourists as those almost defenseless, including limited travelling time. Because the offenders' understanding the foreign tourists' behaviors, they could easily select victims from this group who would be difficult to find witness to the crime. Most offenders negotiated and the injured parties usually gave in to avoid hassle, which undeterred the offenders from committing the offenses because they would not be punished. Therefore, the prevention and suppression of offenses are ineffective.

2.1.7 Related Laws on Crime Victim

“Victim of Crime” is the injured parties who suffered physical, spiritual and property damages as result of law violations whether being violated by an individual or the juristic person. However, there is no definite prescription of “crime victim”, only those connected with the injured parties in the criminal case because they have been affected by others' criminal wrongdoings. The Act for the Granting of Compensation to Aggrieved Parties and the Accused in Criminal cases B.E. 2544 (2001) defined victim as the individual had been injured by the criminal acts without causing such crime that may result in his death, physical or mental injuries (Saravut Benjakul, 2008).

The foreign tourist who has been tricked into purchasing higher price jewelry than normal is considered the injured parties or crime victim because he received direct impact from the offensive actions. Such person is entitled to the protection and legal rights. The crime victim protection measures and relevant laws pertained to the foreign tourist fraudulent on purchasing jewelry are summarized as follows:

1) Crime Victim Protective Measures

Crime victim protection is done in accordance with the principle of laws that allow the injured parties to file the civil law suit directly against the offenders. Somehow, there are many disadvantages associated with such action.

For example, when the injured parties is the plaintiff, he must bear the court and lawyer fees, which could take long time before he can retrieve the compensation since it requires the Criminal Court to pass the judgment before the Civil Court could consider the compensation amount. Therefore, the injured parties might submit his petition to the court regarding the criminal case where the attorney could become the plaintiff, requesting the defendant to pay the damage along with the criminal court judgment.

Related Laws on Crime Victim Right

Victim Right Based on Penal Code

The Penal Code had not prescribed explicitly on the victim's rights, but considering in term of the response to crime victim on case prosecution and compromise, the law refers to it as the personal misconduct that victim could choose to litigate the case on the offender or end the case and pursue no further. This is on Part 1, General Provision, and Type 1 on Normal Offense. Division 4 on Criminal Liability specified the offenses on Section 334 to 336 and Section 341 to 364 between the ascendant, descendant and siblings could be compromised. Sector 2 on the offenses stated in the Penal code that these offenses related to sexual assault, violation of freedom and damaging reputation and property.

Such offenses if the crime victim failed to press charge, the police officer could not charge the offender and if the crime victim decided not to pursue the case, withdrawal the case or petition, he could do that anytime during the litigation.

Victims' rights in accordance with the Criminal Procedure Code

The Criminal Procedure Code identifies numerous victims' rights by giving the victim or injured parties the right to file the complaint, acting as own plaintiff in the criminal and civil cases, withdraw the criminal and civil cases, compromise during the trial on the personal wrongdoing.

Crime victim or the injured party could assign others to act in his place such as in the criminal case, if the injured party married, she could file the lawsuit without the husband's permission, but the husband could file the criminal

lawsuit for his wife only when he received the wife's permission, or legal representative, guardian, ascendant, descendant or husband and wife only, as well as in criminal offenses, representative could be appointed when the injured party was abused to death or incapacitate or underage or without legal representative. In addition, victim crime could become the co-plaintiff before the judgment of Supreme Court. Even after the criminal indictment, the injured parties could still file the civil lawsuit.

Rights of Victim based on Civil and Commercial Code

There are the Civil Code pertained to compensation for criminal victim such as, Section 420 specified that the wrongdoer must pay for compensation and Section 425 required employer responsible together with employee in the outcomes. In addition to that, Section 429 specified that the parents or the guardian responsible for violation of laws by the incompetent, minor or the person with unsound mind. This includes the compensation when they caused others' death such as, funeral cost, medical cost if the victim is still alive or other compensation for victim unable to work. As being seen, the Civil Law legally required to compensate the crime victim on criminal-related case in different circumstances.

Rights of Victim based on Other Laws

The Act for Granting of Compensation to Aggrieved Parties and the Accused in Criminal cases B.E. 2544 summarized the key point for crime victim or the injured parties who has the legal rights to ask for compensation as those who had lost their lives or received physical or emotional injuries from laws breakers without participation in such offense. For the based offenses leading to petition of legal rights are sexual wrongdoing, life threatening, bodily harm, abortion, children and elderlies abandon, which the government is responsible for making the financial compensation. In criminal case, the injured parties would be compensated for medical cost, compensation for the deceased, workmen compensation and other payments suitable for the nature of damage.

2.2 Crime Theory Conceptual Framework on Tourist

2.2.1 Frequent Crimes on Tourists

In each year, more than 10 million tourists entered the country and generated enormous incomes (Srisak Kumpriyarn, 2011). Meantime, Thailand has encountered problems trying to safeguard the tourists' lives and properties as a result from their unfamiliarity with location and carelessness, unfair operations affecting tourism, especially taking advantages of tourists. Number of tourists becoming crime victims seems to increase higher each year. Most of them are tour operators within major tour destinations with tourists' density.

Crimes occurred with tourists as a result from inefficient police crime prevention and suppression. Meantime, the government has focused on the tourism promotion policy for country development. The government is then established an agency whose responsibility including protection, assistance and convenience to the tourist. But facing numerous limitations and being only agency directly handling tourists' problems, the tourist police are unable to solve crime problems due to obstacles such as, inadequate and incompetent manpower, inefficient operation. Meantime, the tourism promotion policy is attracting many tourists to Thailand, which in turn increased burden and more responsibilities for the police. Moreover, the social conditions and surroundings in tour business seem to favor tourists' fraud. In addition, the approach to problems and case persecution is time-consuming and delayed, with the tourist staying in Thailand only short period of time. With them encountered bad experiences, the tourist might develop negative feeling and convey this message to the acquaintances or continue telling the story that could damage the nation's image.

As for language problems, it seems to create miscommunication, misinterpretation of facts, sometimes leaving out key points that may lead to crime with no intention. According to the statistical record, crime often occurred with the lone tourist who travelled independently and in larger number than those engaging tour services. Most of lone tourists arrange tour schedule themselves such as visiting tour destinations, shopping or buying merchandises, finding the eating places without advice from tour guide or assistance. This group of tourists seems to be the crime victim from being in the unfamiliar places and carelessness. This finding is coincided

with the principles of Crime Victim Theory (Felson, 1995) by presenting the concept of criminal choosing victim based on the victims instigate crime behavior, including the tourists reluctant to inform the police of the incident. Findings from the studies of Pirom Boonrodpanich (1988), TAT (1994), and Research and Development Division, Royal Thai Police (2005) indicated that the foreign tourists usually fell into fraudulent victim, especially being tricked into purchasing inferior merchandises or services with higher price than usual.

The return from committing crime is the main incentive in the foreign tourist fraudulent activities on purchasing jewelry. Some fraudulent-related activities had been committed such as, a taxi cab picked up the tourist from the airport, instead of taking him to the original destination, a taxi driver purposely changed the route and instead persuaded the tourist to visit the jewelry store. This way, a taxi driver earned not only the cab fare, but also getting twice compensation from the jewelry store, one for bringing the tourist to the store, whether or not the tourist decided to buy the merchandise. Another part is to be compensated from jewelry sale price if the tourist bought the merchandise. Compensation is still the main incentive for both the taxi driver and the retail jewelry store operator to commit fraud. If the tourist filed the complaint, most of times, the police officer would talk both sides to compromise and find solution rather than making the arrest for prosecution, because of time constraint and the difficulty in proving the fraudulent activities as punishable crime.

2.2.2 Causes of Tourist Crime

Tourists' problems caused by 3 main incidents as follows:

1) Those who planned to attack tourist directly, which may result in loss of life, physical injury and damaging the property. It deems as committing crime that punishable by laws.

2) Business operation with unfair treatment of tourist by aiming to maximize profit regardless of subsequent impacts with no moral consideration and fear of legal repercussions. Such activity is fraud or inferior services

3) Non-standard business establishment such as, weak building structure, defects, no repair and maintenance, without fire escape or fire protection. All of these

could cause accidents and loss of life and property, including lack of awareness to maintain the natural resources that deem to be untidy, dirty and quickly deteriorate.

4) Safety in life and property, including the protection of tourists' interest are the important factors affecting numbers of tourists visiting Thailand. Since the government had foreseen the significance of such problem, The Tourist Police Division, Central Investigation Bureau is given the mission and responsibility to look after the tourist's safety as well as coordinate with other agencies to integrate functions with Ministry of Tourism and Sports and Royal Thai Police so the assignment could be done in accordance with the government's policies. Cases occurred to the tourists consisted of cases against life, body, and property, accident and loss of life without any clue. Most crime cases and threat against life and tourist's property usually hide within 4 tourism cycle as follows;

(1) Travelling and Transportation such as Taxi cab, tricycle, public bus, tour bus, train, passenger boat, speed boat and aircraft.

(2) Accommodations such as hotel, resort, guesthouse and rented room

(3) Products and services such as tour operators, souvenir shops, foods stores, and other merchant stores at tour destinations, spa or body massage, and other services such as car rent, motorcycle and Jet Ski rent.

(4) Entertainment such as tour destinations, both man-made and nature-made for tour and recreation.

(5) Data compilation from the survey of offenses against tourists, tourists' complaints and the research findings of the Tourist Police Division are classified into 4 issues as follows:

1) Crimes related to loss of life, physical injuries and damaging properties.

2) Tourists' fraudulent activities in products quality, price and service standards.

3) All type of accident occurred with the tourists.
Untidy and deteriorated tourist destinations from human actions.

All 4 issues had sent the substantial impact on the tourists' confidence concerning their safety, the country's image and tourists' visiting the county (Central Investigation Bureau, 2012)

2.2.3 Tourist Crime Prevention

Preventing crime from occurring with the tourists is no different from domestic crime prevention, but under different circumstances, foreign tourists must be given extra protection because they are not familiar with the surroundings, unable to communicate with the locals, lack of understanding tradition, culture and customs, stay in the public place and carry lots of valuables, frequent activities and travel daily. All of these movements put them in the vulnerable situation and without extra care; they would become the prime targets for the offender to commit crimes against their lives, bodies and properties.

Suraj Vongsawad (2001) refers to the implementation of 7 measures in crime prevention and suppression plan as related to foreign tourists. These measures are consisted of Crime Prevention, Crime Suppression, Provision for Justice, Crime Prevention Support, Community and Mass Relations, Social Services and Servicing Tourists, and Developing Human Resources Administrative System to coincide with the plan to prevent crime that occurred with foreign tourists by monitoring and assessing the operation as planned.

1) Crime Prevention

(1) Conduct crime prevention through the setup of patrol car, motorcycle patrol and foot patrol in the major tourist destination appropriate with time and location.

(2) Arrange the patrol car to access the scene or assist the tourist as quickly as possible within 5-15 minutes (location) after being informed.

(3) Arrange for each operation unit to equip with at least 70 percent of total manpower.

(4) Patrol the area to find information on the problems occurred with the tourists so the findings could be planned for crime prevention.

(5) Collaborate with the mass and locals, including the tourism industry entrepreneurs as the ally to provide information and collaborate in crime prevention.

(6) Collaborate with the local police and involved private and public agencies to actively prevent crime.

2) Crime Suppression

(1) Increase operation efficiency to speed up investigation and apprehension of horrendous crime offender on serious offense against life and property of tourists, including the proactive operational plan based on the nature of crime.

(2) Increase the magnitude in the apprehension of alien who entered the country illegally and committed crime or set up a gang for fraudulent activities.

(3) Request the operation commander to speed up the investigation by ordering the subordinate to continue follow-up responsible cases to the end.

(4) Support the involved agencies to suppress crime based on the established policy such as, trading weapons, narcotic, prostitution and child beggars.

(5) Arrange training for the tourist police based on the campaign to improve the tourist police manpower in order to educate the officers on their duties, including investigation and pursuing offender, including the strategies so that the police officer could apply the acquired knowledge to function effectively.

(6) Eliminate fraud at jewelry store and souvenir shop by proceeding with active law enforcement and persistent.

3) The Administration of Justice

(1) Speed up on organizing crime investigation regulations for the Tourist Police Division.

(2) Arrange “One Stop Service” for the tourist to notify the police with convenient and quick services.

(3) Arrange for Mobile Unit to the major tourist destination at least twice a week depending on numbers of tourists visiting the area so that they could inform the police on time.

4) Support for crime prevention and suppression

(1) Systematically prepare the list of aliens and illegal tour guides to be distributed to the tourists.

(2) Update the filing system on criminal record so information could be retrieved quickly and advance.

(3) Record crime statistic, provide appropriate services to tourists so they could be the basis for administration functions.

5) Community and Mass Relations

(1) Reorganize the work place and keep it clean, especially where most tourists make the contact for services, especially the police officer in charge of receiving complaint must be friendly and well-dress.

(2) Arrange public relations and broadcast so the tourist and general public could understand the tourist police functions and develop better attitude towards them.

(3) Participate in the available community activities as to encourage hospitality and good feeling among the tourists and general public.

6) Social and Tourist Services

(1) Mobilize manpower to actively eliminate a misdemeanor gang on the continuous basis.

(2) Mobilize operational unit in the area and nearby to put up surveillance to ensure tourists' safety and provide services during the festivity or exhibition within tourist density area.

(3) Eliminate a person or a gang creating nuisance and inconvenience for the tourists to travel normally.

(4) Prepare instruction booklet on the use of language, warnings, information and necessary promotion to be distributed to the tourists or placing at different locations that could communicate with them.

(5) Manage the traffic at the tourist destinations and also the transportation routes for safety and convenience.

(6) Arrange the public relations through various media to ensure that the news and helpful information could reach the tourists.

7) Developing Manpower

(1) Spreading manpower appropriately by matching an individual with their capabilities as well as recruit knowledgeable staffs in various fields, especially staff with knowledge in foreign languages.

(2) Update the discipline and focus on dress code and strictly maintain the set rules.

(3) Encourage staffs to expand their knowledge and regularly educate themselves on Foreign Affairs and Criminal Law Investigation.

(4) Embed moral and ethics among staffs to encourage fairness in the work system and servicing tourists as well as preventing the police's deviant behavior.

(5) Set up clear guidelines that coincided with the Royal Thai Police rules and regulation for Administrative fairness as well as the consideration for good conduct and the appointment of staff must be done according to the Merit System.

(6) Update and develop welfare system of the division, quickly and without discrimination.

(7) Focus on having all levels of commanders' act as the role model with good advice and consistent training subordinates so they all be in line for good behavior and discipline.

(8) Improve the officers' attitude through different trainings and build the campaign within the Division Annual Budget.

From the collection of meanings, concepts, and theories relevant to the aforementioned crime prevention and suppression, crime prevention could be

concluded as the interception of crime before it could happen to the foreign tourists. Setting up the guidelines to prevent fraudulent activities from occurring with foreign tourists on purchasing jewelry must consider the tourist daily activities which usually different from the locals, participation in risky activities, limitations in communication making protection and safety precaution more elaborate. Therefore, these tourists are vulnerable and more likely to be attacked once arriving in Thailand.

2.2.4 Tourist Safeguarding Agencies

Safeguarding the tourists, especially foreign tourists, involves many agencies with different roles. Nonetheless, only 2 main divisions responsible for receiving the tourists' complaints consisted of Bureau of Prevention and Assistance in Tourist Fraud under the Ministry of Tourism and Sports and Tourist Police Division under Royal Thai Police. These two divisions provide assistance, safety, and facility as well as solve fraudulent problems, and relief suffering to the travel victim.

Regarding the foreign tourist fraudulent activities on purchasing jewelry, there are many relevant laws that each one assigned the responsibility and authority for specific division to enforce the law, and each division sets its own measure to solve problem within the legal and division frameworks. They are being presented in the following details:

1) Tourist Police Division, Royal Thai Police (R.T.A.F)

The Tourist Police Division is the main government agency in charge of tourists' life and assets safety. Fraud and accidents should be prevented and avoid because they would produce the environmental impact in the tourist destination, including convenient and safe services on the transportation system and mass transit system, safety operation, eliminate those taking advantages of tourists, assist and facilitate.

Royal Thai Police, order no. 723/2555 December 27th, 2012 had employed the strategies to maintain safety and facilitate tourists from 2012-2015 as well as specified strategies to set up action plan for different levels, aiming for concrete outcomes. The Metropolitan Police Bureau, Provincial Police Region 1-9, Southern Border Provinces Police Operation Center and Central Investigation Bureau, following the Provision Strategy for Tourist Safety and Facilitation from 2012-2015 as well as

using the integrated mechanism to collaborate with the public, private and government networks, aiming for explicit and transparent performance and welcoming the follow-up assessment from Royal Thai Police.

The prevention and suppression of foreign tourist fraudulent activities on purchasing jewelry is the direct responsibility of Tourist Police Division that required collaboration with the involved government agencies such as, Tourism Authority of Thailand, Consumer Protection Board. However, each agency has own set of rules, data and different operational guidelines. Prevention and suppression of wrongdoings must rely on collaboration of all sectors; only the tourist police division alone would not be able to eliminate the problems due to legal limitation and limited police authority.

2) Tourism Authority of Thailand (TAT)

The Tourism Authority of Thailand is an organization with the responsibility assigned by the Tourism Authority of Thailand Act B.E. 2522 (1979) as stated in section 8 as follows:

(1) Promote tourism and tourism industry, including Thai livelihood in tourism industry.

(2) Promote touring of beautiful nature, ancient monuments and artifacts, history, art and culture, sports and technology evolution as well as supporting other businesses that led to the tour promotion.

(3) Provide safety and facility to tourists.

(4) Promote better understanding and hospitality between the people and the countries through tourism.

(5) Initiate tourism to develop basic facilities and provide convenience for tourists.

(6) Later in 2012, Office of the Permanent Secretary had established “Bureau of Prevention and Assistance in Tourist Fraud” with intention to assist, facilitate, solve fraudulent problems, provide safety and relief distress for the tourists and victims of tourism. The responsibilities of all 7 government organizations under the Bureau of Prevention and Assistance in Tourist Fraud in Thailand consisted of Office of Tourism and Sports, Suvarnabhumi Airport, Chiangmai, Choburi, Phuket, Suratthani and Songkla.

To cope with foreign tourist fraudulent activities on purchasing jewelry under the Tourism Authority of Thailand Act B.E. 2522 (1979), TAT has been authorized to find solution to the problem without legal power. Since TAT has only the responsibility to oversee the problem, no legal instrument to enforce the law and the TAT Act is without stating the penalties. In the past, TAT was acting as the liaison between various agencies such as Tourist Police Division, Department of Trade Registration, and Office of the Consumer Protection Board as well as coordinating between the jewelry stores received tourist's complaint and the tourist. However, there were limitations in doing so. For example, the complaint had not met the criteria of crime as required in the Penal Code on Fraud, preventing the tourist police to prosecute the offender. Most operations were performed as to remedy the victim rather than prevention or suppression, TAT has cooperated with Thai Gem Jewelry and Trader Association to establish the Jewel Fest Club to boost the accountability and eliminate foreign tourist fraudulent activities on purchasing Jewelry. Nonetheless, the numbers of club members are small, not enough to solve the problem.

As for the Tour Business and Tour Guide Act B.E. 2551 (2008), it required the tour business operators to obtain permission from the Tour and Tour Guide Business Registrar in order to protect the tourist from fraud and to set up the standard tour operation. Any operator attempts to violate the set of ethics may have his permit temporarily suspended or revoked. In the past, certain group of tour operators and tour guides took part in the foreign tourist fraudulent activities on purchasing jewelry, but TAT failed to seriously enforce this law, which made the fraudulent activities widespread problem (Kritiya Sirikhet, 2001).

Office of the Consumer Protection Board (CPB)

The Consumer Protection Act B.E.2522 (1979) required the appointment of Office of the Consumer Protection Board with the authority to be responsible in the following 7 areas:

- (1) Receive consumers' complaints
- (2) Follow-up and put up surveillance on business entrepreneurs' actions

(3) Encourage or study and analyze consumer-related problems

(4) Enhance education among consumers

(5) Disseminate academic materials and educate consumers

(6) Collaborate with the government and its agencies

(7) Carry on operation assigned by CPB or Ad Hoc Committee

The Office of the Consumer Protection Board (CPB) has few agencies under its wing to oversee the entrepreneurs' operations not to take advantages of consumers such as, Consumer Protection Board against false advertising, labeling and employment contract. The agency collaborates with the public sectors or other agencies to ensure the consumer safety with fair purchasing of standard merchandise such as stop the vendor from over price or use the inaccurate scale to weight merchandise and lower service quality than price charges or false or exaggerated advertisement, including false label.

In order to solve foreign tourist fraudulent on purchasing jewelry, the Consumer Protection Board together with the Tourist Police, Consumer Protection Suppression Police and Thai Gems and Jewelry Trade Association had inspected the jewelry store to see if the operator operated in accordance with the consumer protection Act, especially on labeling. Any entrepreneur caught breaking the Law must be prosecuted.

2.2.5 Relevant Tourist Fraudulent Laws

There are 7 Laws pertained to the Tourist Fraudulent purchasing jewelry.

- 1) The Criminal Code B.E.2499 (1956)
- 2) The Act on the Promulgating the Criminal Procedure Code B.E.2477 (1934)
- 3) The Consumer Protection Act B.E. 2522 (1979)
- 4) The Tour Business and Tour Guide Act B.E.2551(2008)
- 5) The Customs Act B.E. 2469 (1926)
- 6) The Commercial Registration Act B.E. 2499 (1956)
- 7) The Tourism Authority of Thailand Act B.E.2522 (1979)

All 7 Laws are the government instruments to fight crimes and control the activities of those involved the foreign tourist fraudulent activities on purchasing jewelry that evolved into the complex operation with many accomplices in different functions. It is therefore vital to implement the enforceable laws in order to find solutions to the problems. The conclusions from legal analysis and exploring foreign tourist fraudulent problems on purchasing jewelry (Kritiya Sorokhet, 2001) suggested updating the Laws in the following measures: checking background of the commercial registration applicant, revoking retailing license on Jewelry trade, requiring jewelry as the label control or regulated product that needed collaboration between government agencies. Obviously, finding solution to solve foreign tourist fraudulent problems on purchasing jewelry needs concrete legal measures and consistent law enforcement in the prevention and suppression of the offenses.

Offenses Prevention

Prevention is the key measure and more effective than suppression due to the limitations in legal enforcement to prevent foreign tourist fraudulent on purchasing jewelry. There are numerous relevant laws such as, Commercial Registration Act, Thailand Authority of Tourism Act, Tour Business and Tour Act and Customs Act, which assigned specific officers to oversee the operation. Because of its specific nature, each responsible officer in different agencies has different role and authority.

The Customs Act and The Commercial Registration Act are being used for controlling the Jewelry Entrepreneurs as a result from numbers of foreign tourist complaints. Once the jewelry entrepreneurs faced too many complaints, they would closed down their operations and reopened the same type of business under the new names and new locations (Kritiya Sirikhet, 2001), Both set of laws are part of surveillance on the offenders and it became the basis for issuing the commercial permit as well as cancelling of commercial registration and tax measures against the jewelry entrepreneurs. For the Tourism Authority of Thailand Act and the Tour Business and the Tour Guide Act , they are the relevant laws to promote tourism in Thailand as well as foreign tourist fraudulent activities, problems in which threatening the tourists' safety and inconvenient them. TAT is then responsible for finding the solution to such problems. The issued measures focus on controlling and overseeing

the tour operation and its operators, with or without the licenses, including regularly inspection and withdrawal of the business registration or license to operate.

1) Offenses Suppression

The foreign tourist fraudulent activities on purchasing jewelry is the violation of Criminal Act as the fraud or the sale of product involving fraud, which required the proof of fraud from concealing facts or giving false statement or hiding the product origin, condition or quality. The burden is on the officer to proof the existence of fraud by gathering complete evidence to prosecute the case. The Laws required gathering of all possible evidences to learn the facts and events involved the offense so as to give those being accused proving their innocents. The involved offenders, not only the jewelry entrepreneurs, public transportation drivers, tour guides but also hotel staffs are all stakeholders. Collecting evidences for case prosecution based on oral witness is the difficult task as well as the ambiguity in fraud that sometimes deemed to be breaching of civil contract, rather risk purchasing merchandise voluntarily because the buyer is well aware that jewelry has no standard piece, rather depending on price satisfaction between the buyer and seller. Then, legal limitation is still the main obstacle in eliminating offenses.

Constitution of the Kingdom of Thailand B.E. 2540 (1997) prescribed consumer's right as "consumer is entitled to protection within the legal framework", but the Consumer Protection Act B.E. 2522 (1979) as amended by the Act (no. 2) B.E.2541 (1998) stated the consumer entitled the legal protection as follows:

(1) The right to access information, including the ample description of product or service quality that is accurate to the detail advertising or label without posing danger to consumers, including the infallible information of products or services so the consumer would not be misled into buying such products or services.

(2) The right to choose merchandises or services at consumers' free will and without unjust persuasion.

(3) The right to use safe product or acquire reasonable standard services that would not pose a danger to life or property

(4) The right to receive fair contract and fairness in signing contract without being exploited by the entrepreneurs.

(5) The right to be considered and compensated for the damages when consumers' right had been violated and received consumers' protection as stated in section 1,2,3 and 4.

The foreign tourists are the consumers whom by the Consumer Protection Act entitled to the same protection as Thai Citizen. This Act required the entrepreneurs to specify the name and business location or trademark showing jewelry name, weight, cutting, carat and percent of gold using in forming the mold. These requirements must be followed to the exact detail and any violation is subjected to the officer's prosecution, which is considered as one of the significant measure to eradicate wrongdoing, besides being arrested on guilty of fraud or deception according to the Penal Code, section 271 and section 341.

Furthermore, the relevant foreign law on the sale of jewelry comparable to similar law of Thailand (Thailand Business Information Center in China, Trade Strategy and Policy Office, Ministry of Commerce, unknown year.) is the one at Kunming city, People Republic of China on "Jewelry Quality Control Criteria" that still effective to date. This law required both Jewelry manufacturer and seller comply with the following rules:

- 1) Display the product name correctly as being stated by the Department of Primary Industries and Mines on "Jewelry Inspection Standards" and other names widely accepted in the industry.

- 2) Display the origin, manufacturer and product selling price.

- 3) Having equipped with the quality inspection instrument, including the inspection procedures and certification of product quality.

- 4) Any set of jewelry with sale price over 1,000 yuan, but not exceeding 10,000 yuan must be accompanied by quality assurance certificate by the authorized government organization that should be given to the customer.

- 5) Prohibit the jewelry manufacturer or Jewelry distributors produced or sold inferior quality or fake jewelry and claim as authentic jewelry.

- 6) The laws imposed penalties on the violator, but allowing him to alter his behavior within specified period or stopping the operation temporarily with imposing fine 15-10 percent of the sale price or confiscating goods or forcing to pay

fine twice of the sale price or revoke the operating license or proceed with criminal prosecution depending on the nature of each case.

The People's Republic of China has regulated procedures on assessing Jewelry and currently announced by the Valuers Associations of China on "Suggestions on Jewelry Assessment" with the following rules:

- 1) Jewelry assessor must perform the duties independently based on the fact and fairness with deliberation. Jewelry assessor is forbidden to assess jewelry based on the assessed applicant intention.
- 2) Jewelry assessor must perform his duties diligently within the strict ethical framework.
- 3) Jewelry assessor must engage in the diagnosis and analysis to distinguish quality rating of plan jewelry assessment.
- 4) Jewelry assessor must understand and know how to apply assessing methods and technique to sum up reliable assessment.

Jewelry Assessment Procedures

- 1) Thoroughly understanding the assessment list and make jewelry assessment contract with the assessing applicant.
- 2) Set the assessing plan on the diagnosis and analysis of the Jewelry quality ranking
- 3) Collect and analyze data for assessing and calculating the assessment price.
- 4) Once completing the price calculation, prepare the assessing report and deliver the report with the assessing evidence to keep in the database.

Collection of Assessing Data

- 1) Collect data related to the legal rights on the jewelry assessment
- 2) Learn the background and the present condition of the jewelry assessment. If the background of jewelry assessment could increase its value. The assessor must gather data that would support such finding.

3) Know the past assessment value of the jewelry assessment, including the sale conditions in the past as well making comparison with similar set of jewelry or same type of the jewelry assessment.

4) Macroeconomic factor and economic future that may affect the value of jewelry assessment.

5) Specific characteristics that may affected the assessment of jewelry such as , shape , size, physical matter, and the nature-made organic matter, rank of designer, handicraft, origin, source of product , era of identity making, using substitute materials, return to basic, rare characteristic, popularity, appropriate use and distribution.

Jewelry Characteristics

The description of jewelry assessment must include the actual characteristics together with the explanation and details that represents the unique different identity, and deems to add value to jewelry, including the accompanied lecture on the bullet point and unique characteristic of the jewelry assessment as well.

1) The jewelry assessor must thoroughly understand the entire procedures and apply the cost and benefit approach. He is expected to skillfully assess jewelry with the selection of appropriate assessing method.

2) In the case where more than 2 method should be applied in assessing the product, it is done with the analysis in different angles. Then the findings would be compiled and concluded outcomes of the assessment.

Disclosure of Assessment Data

1) Jewelry assessor must submit the assessment report after completing the analysis and assessment

2) Jewelry assessor must accurately disclose the relevant data so that report user could correctly understand the assessing outcomes.

3) The assessing report must include the disclose statement, assumptions and limitation on the conditions that may directly affect outcomes of assessment, including the explanation of impacts on such asset valuation.

4) Jewelry assessor must be able to lecture on legal rights, including the source of information as well as explaining how the assessing outcomes affected the assessment, but the jewelry assessor is prohibited from certifying the asset rights as stated by the law.

2.2.6 Obstacles in Solving Tourist-related Crimes

The Tourist Police Division is the main agency in looking after tourists' welfare and safety in life and asset, including finding solution to tourist problems as to build confidence among tourists and maintain the nation good image. Nonetheless, solving tourist problems had not been succeeded so far due to the obstacles and limitations in the operation as follows:

1) The offense that occurred with the tourists is violation of the laws and Acts that imposed criminal penalties. But the tourist police have no authority to act as stated in such Act.

2) Lacking good collaboration between the responsible officers as well as those officers had no ideas on how to synchronize services, set up facilities, provide safety to the tourists, including weak law enforcement.

3) It is the exploitation of influential group that seek to benefit themselves from tour business operation without observing laws or regulations. This matter is rather difficult to control and suppress.

4) The rapid growth of tourism industry that has no specific laws or regulations to control the operation.

5) Various tourists' limitations such as tour duration, languages, lacking legal knowledge and the difficulty to follow the legal procedures. All of these limitations obstructed the laws to apprehend the offender for prosecution, which made the offender fearless and dare to continue committing the offense.

2.3 Concepts on Jewelry

Jewelry is being called Gemstones or Precious stones (Thai Journal Encyclopedia Project, unknown year.). To date, all three words contain the same meaning, with only slightly differences on the formal use of Jewelry and Gemstones.

As for Precious stones, it is being used in general. Gemstones represent mineral or valuable stones or semi-valuable that after being polished, they would double their values, becoming Jewelry or Jewelry stones and Jewelrys. Therefore, the overall meaning of Jewelry or Gemstones is the natural material, mostly organic matters such as various minerals, whereas some may be organic matters such as Lapis Lasuli, Onyx Marble. However, these materials could be polished and cut and carved into jewelry to bring out the following key figures:

1) Beauty is considered the most important feature in assessing value and prices of jewelry even with flexibility, depending on the examiner's perception and rather difficult to pinpoint exactly. Some may see the jewelry attractiveness in its color, whereas others may judge on the stone clarity and transparency that resulted from excellent and proportionate cutting. Generally, the beauty of jewelry comes from the mixture of qualifications, namely, strength, toughness and chemical stability

2) Rarity is another significant factor to fix values and price of jewelry due to its limited quality. Therefore, only few people could own jewelry because only limited amount available in the market and only small group of people could own jewelry and thus driven the price higher.

2.3.1 Jewelry Type

Jewelry generally divided into 2 major groups, Diamonds, clear and colorless and colored stones.

1) Ruby and Sapphire are highly valuable stones that generated most incomes for the countries from the past to present. Hence, both are classified as corundum or Karun in Thai Language.

2) Ruby is the most valuable and expensive corundum. Red ruby is preferable stone color, especially deep red where the pure stone bear slight shade of deep blue or so-called "pigeon red". Sapphire is only corundum with different colors apart from red. Corundum is available in blue, Blue Sapphire, Yellow Sapphire or Green Sapphire (actually blue in one side and green on the other side), emerald (bright green similar to the color of a certain soft drink) greenish yellowish with 4-6 points of the star. The most beautiful sapphire is in bright blue color with the slight shade of purple.

3) Garnet is found in red color, both Pirob and Almundai, with different shade of red such as, reddish black, reddish brown, reddish purple and reddish orange.

4) Zircon is the popular stone in the past. It is being called “Thai Diamond”.

5) Quartz found Crystalline quartz and Crypto-crystalline quartz as long pointy Hexagona stick

6) Woods had been replaced by Celica found almost everywhere

7) Black Spinel found along with corundum in many sites

8) Black Pyroxene-Augite found along with corundum in many sites

9) Diamond found in the sources of tin, land and sea near Kratue District, Phuket, Takuapa District, Muang District, Pangnga.

10) Sanidinefeldspar-Moonstone

11) Aquamarineberyl mostly in light blue color, dense, unclear with cracks in the stone. It is found in pagmetite.

12) Pearl mainly the cultured pearl found at Koh Naganoi, Phuket, Samui, Suratthani and Sattaheep, Cholburi.

13) Tektite found mostly in the Northeastern region

14) Common Opal

15) Actinolite

16) Peridot found accompanying corumdum

17) Prehnite

2.3.2 Gemstones Quality

Gemstones quality inspection is conducted to understand its value and price depending on individual natural preference. Furthermore, each jewelry type has dissimilar features, some in minor detail more or less.

Generally, the basic criteria for considering jewelry quality are as follows:

1) Color is the first component to consider for assessing gems quality even though many details must be taken into consideration. For example, each individual taste differs in each period and also each race values gems differently as well as individual capability to judge gems color such as, diamond based its value on colorless, whereas other stones may depend on the clarity, light or dark colors and the gem color intensity.

2) Clarity is another key component in assessing quality of diamond beyond other details to consider, especially internal and external flaws, numbers available, spot and type of flaws. Typically, the perfect and flawless diamond and other precious stones are difficult to find.

3) Cutting is the consideration of shape, design, proportion and cutting craft, whereas the latter is extremely crucial because it helps increasing gems' color and spark.

4) Carat weight for standard jewelry trade is equaled to 0.200 gram and within 1 karat, it is subdivided into 100 points or satang. Therefore, 1 point or 1 satang would equal to 0.002 gram in weight. In general, large size gem is rare, so its price per karat would be higher.

2.3.3 Gemstones Inspection

Each type of gem possesses specific light and chemical properties that could be measured accurately and quickly with the scientific instrument. Gemstones inspections are divided into 5 major steps as follows:

1) Gems are being inspected with naked eye, magnifier, or microscope to check color, clarity, cutting, spark, cleavage, fracture and external flaws.

2) Inspecting with high resolution camera 40-200 times to identify type and characteristic if slaws in the Gems.

3) Measure the properties of light with instrument

4) Analysis with advance scientific instrument

The gathering and translating various data from testing, and examining was done to conclude the outcomes, and type of gemstone.

2.3.4 Thai Jewelry and Foreign Tourist

Thailand is well known as one of the world class significant source of gemstones as well as being recognized for elaborate and beautiful cutting, which make Thai jewelry attracting foreign tourists' attention widely. Thai retailing business is then under close surveillances of the government and Industrial Organizations as well as being inspected and certified from worldwide organizations such as, Asian Institute of Geological Science (AIGS), The International Geological Institute (IGI), The Gem

and Jewelry Institute of Thailand (Public Organization). The examination process is done with the strict procedures and issuance of QC in order to boost the tourists' confidence in standard product quality as well as maintain satisfaction in the purchased product that worth the money paid.

Thai Jewelry industry has expanded and improved the exporting manufacture process as another production generating the flow of revenues over billion baht and ranked no.10. Furthermore, this industry creates over million employments. Product quality, attention to details and reasonable price are key components of successive accomplishment of Thai Jewelry Industry. Thai government has given priority to jewelry industry. So just to increase the competitive advantages, the government declared tax exemption for the entrepreneurs' importing raw materials. For foreign tourists purchasing jewelry in Thailand, as long as they have not earned incomes in Thailand, those tourists are being exempted from paying personal income taxes that clearly stated in the Revenue Code. Regarding VAT if the tourists purchased jewelry from the entrepreneur who had been legally registered and received the authorization to sell merchandise to the tourist leaving the country that had the right to request VAT refunded if he paid VAT as announced by the Director General of Revenue Department (Revenue Code No. 90) provided as long as it complied with the criteria, procedures and conditions as announced in Revenue Code (No. 91)

Foreign tourists prefer buying Thai Jewelry due to good quality of raw materials and cutting work, creating unique identity with exquisite design worth the money. However, the serious problems occurred during the transaction is taking advantages of foreign tourists by persuading them into purchasing overprice and inferior quality jewelry. Sometimes, such tourist fraud is operated by a criminal gang operating together with illegal tour guides, tour operators, and TukTuk by tricking tourists to the jewelry store and with the salespersons sales technique, tourists took interest and fell into the trap until they decided to buy the merchandise (Tourist Police Division, 2012).

This study focused on exploring the foreign tourist fraudulent on purchasing jewelry. According to the available data, a group of tourist most subjected to fraud is the Japanese, followed by English, German, Singaporean and American, respectively (Kritiya Sirikhet, 2001). To conclude, these groups of tourists prefer to

purchase more jewelry than other tourist groups. In order to familiar with preventive and suppression approaches to such crime, one must thoroughly understand the details of Thai Jewelry in all dimensions, quality, standard and inspection procedures, including nature of the vulnerable crime targets that could be used to complete analysis on problem conditions from the available facts. The researcher has identify the foreign tourists' characteristics to coincide with the aforementioned data, namely, the tourists who interested in Thai Jewelry, but had no knowledge on jewelry with high purchasing power such as, tourists from Japan, China and USA as well as from the collection of definitions, concepts , theories on Thai Jewelry. The researcher concluded that Jewelry is defined as minerals or precious stones or semi-precious stones after being polished, cutting or carving could be sold to the foreign tourists.

2.4 Relevant Researches

Phutthipong Nuchanat (1998) studied the collaboration of Jewelry entrepreneurs to prevent tourists' fraudulent on purchasing jewelry: A case study of Bangkok Metropolis. The findings indicated that most sample formed moderate opinions on ethic in the workplace, experiences, training, and the official control. Samples also rated the private sector on fraudulent control, and participation to prevent tourist fraudulent at medium level. The researcher suggested in his work to encourage third parties to pay more attention to revenues generating from this area as well as trying to play fair in tour operation . Those who committed tourist fraud must be severely punished because it meant the destruction of nation tourism industry. Therefore, tourist fraudulent on purchasing jewelry should be completely eliminated.

Kritiya Sirikhet (1998) studied the legal measures to solve foreign tourist fraud problems in Thai jewelry retailing business. The research finding suggests tourists' exploitation by selling low quality jewelry at the high price should be remedied through the setup of legal measures and improvement of law enforcement such as, checking background of the applicant of commercial registration, withdrawal license, set up labeling for jewelry sale, contract control and control product list in the receipt, information dissemination, financial reward to those came to aid in

prosecution of offender and liaison between agencies to facilitate the criminal prosecution. These measures require numerous steps to achieve the desired result.

Sitthisak Panpichayanon (2002) studied problems, background and community prevention and solution to crime problems in Muang District, Chiangmai. It has been found that most community problems are crowded community, drugs, illegal gambling and stealing. Drugs problems result from the community locals with different backgrounds, so through trainings and arranging various activities, crimes should be avoided as well as reinforcing relations between the locals and helping to inform the authority of the suspicious characters.

As for problems from community involvement in crime prevention are community mistrust the police operation, lack of unity and understanding in the objectives of community-arranged activities. Overall, community still cooperates with the police in crime protection and suppression. However, extensive activities should be arranged continuously to provide community locals knowledge as well as seek the collaboration and build good consciousness among the locals.

Youthsilp Teyaratkul (2003) studied the consumers' decision-making on purchasing jewelry from September 10-14, 2003 at Muangthongthani. The finding indicated that the domestic jewelry industry is one of the main contributors to the nation's economic wealth. The participant jewelry entrepreneurs are knowledgeable in jewelry business and well aware of the consumers' product desire and their selection behaviors. Majority of consumers prefer real jewelry set that made of platinum and precious gems, mainly diamond, ruby, sapphire and emerald, respectively, with the price ranging from 5,000 – 50,000 baht. The key factors affecting consumers' buying decision are the magnificent design and elaborate handiwork.

Pimporn Srirongrun and **Yaovaluk Promayon** (2007) studied the foreign tourist behavior as contributed factor to the occurrence of crime: A case study Pattaya. The finding indicated that majority of foreign tourist visiting Pattaya had not been aware of crime in the area. Tourists' behaviors leading to tourist crime are carelessness, being gullible, wearing revealed dress and expensive jewelry, walking alone at night in the secluded place, visiting precarious entertainment places at night and uncontrollable drunkenness.

The establishment of Operation Command Center is recommended for prompt performance and receiving complaints in Pattaya with the tourist police on site to oversee tourists' safety. The setup of tourist police mobile unit is recommended to facilitate and provide safety to tourists in the major tourist destinations as well as arrange for investigator unit to collaborate with the tourist police and Pattaya police in the crime sweeping operation during the festivals, traditional celebrations and various international fairs.

Srisak Kumpriyan (2011) studied the measure controlling unfair operation on Thailand tour business that mostly located in the popular tour site with many visitors. There are 6 types of unfair tour-related businesses as follows:

- Over price merchandises and services higher than usual
- Charge foreign tourist higher price on merchandises and services than Thai tourist
- Different tour schedule from advertising
- No standard cleanliness and safety
- No standard cleanliness for accommodations
- Overcharge tourist on the damage higher than actual damages

Samples had proposed developing measures to govern tourism operation that focused on the publicity relations so the tourists could be informed on raising entrepreneurs' consciousness and developing effective prevention and suppression measures. Later, the samples also proposed in the developed prototype for governing unjust tourism operation to increase tourist police authority in investigating tourists' crimes that had fallen into victims of relevant injustice bureaucratic operation, in developing tourism business database as well as building tourism business standards and raising tour operators' consciousness.

Findings from studying relevant researches provide better understanding and more information truly benefit this research, focused mainly on foreign tourist crime prevention, jewelry operators' cooperation to prevent foreign tourist fraudulent crime on purchasing jewelry, including the study on legal measures for solving fraudulent problems in Thai retail jewelry in 2011. This has led to the attempt to press for amending relevant Acts and measures on this issue. Apparently, the intense situation has been accelerated and in 2011, the study on measures to oversee the unfair

operation against tour business in Thailand reflected the intensity of the situation, including the unaccomplished operation of involved officers in the suppression. Results from all relevant research documents are subjected for analysis and updated for future benefits.

CHAPTER III

RESEARCH METHODOLOGY

The research entitled “Foreign Tourist Fraudulent Activities in Thailand: A case Study of Jewelry Business” aims to explore the problems and swindle schemes relating to tricking foreign tourist into purchasing jewelry, crime patterns, including the prosecution procedures as well as examine guidelines for crime prevention and suppression, engaging the following research methodology:

3.1 Research Method

In this study, research procedures or methodology are identified as the Qualitative Methodology that involved studying and analyzing data from the relevant documents or conducting documentary research and in depth Interview.

3.1.1 Documentary Research

The Documentary Research was done by reviewing and updating concepts, theories and relevant theories on foreign tourist fraudulent activities in purchasing jewelry.

3.1.2 In depth Interview

Research methodology was used in the in depth interview by designing the structure of questionnaire that could be used also with a semi-structured interview or Guide Interview. In other words, it is flexible and wide-opened interview, ready to rephrase the questions to match the research participants or each respondent as well as creating the atmosphere for the respondents including those involved with foreign tourist fraudulent activities on purchasing jewelry to feel comfortable answering in depth questions with willingness to complete information in various perspectives.

3.2 Demographics

The selected targets were those involved with foreign tourist fraudulent activities on purchasing jewelry and familiar with the patterns, swindle schemes, including crime prevention and suppression. They were divided into 7 groups as follows:

- 1) Jewelry Stores Operators
- 2) Public Transportation Drivers
- 3) Tour Guide or Tour Leaders
- 4) Tourism Police and Suppression Police of Consumer Protection Unit
- 5) Office of the Consumer Protection Board (OCPB)
- 6) Tourism Authority of Thailand Officers (TAT.)
- 7) Revenue Department Officers

The researcher selected 3 representatives for each group through Purposive Sampling, making total population of 21 samples that are being classified as follows:

(1) A group of Jewelry Stores Operators Samples in this group were 3 jewelry stores operators with at least 5 years experiences operating the jewelry store locating in the complaint area.

(2) A group of Public Transportation Drivers Samples selected for this group were 3 representatives from a group of taxi cab and TukTuk drivers in the complaint area. They had been selected from the Watch List of Tourist Police Division, Royal Thai Police.

(3) A group of or Tour Leaders Samples in this group were 3 persons working as the tour guide or tour leader in the complaint area at the time conducting the interview. They had been selected from the Watch List of Tourist Police Division, Royal Thai Police.

(4) A group of Tourism Police and Suppression Police of Consumer Protection Unit Samples in this group were 3 police officers from Tourism Police Department and Consumer Protection Unit who had been given the responsibility of preventing and suppressing foreign tourist fraudulent activities on purchasing jewelry with at least 5 years experiences in this field.

(5) A group of officers from Office of the Consumer Protection Board Samples in this group comprised of 3 officers from Office of the Consumer Protection Board who were knowledgeable, full of understanding and experiences in foreign tourist fraudulent activities on purchasing jewelry for at least 5 years.

(6) A group of officers from Tourism Authority of Thailand Samples in this group were 3 TAT officers with knowledge, understanding and experiences in foreign tourist fraudulent activities on purchasing jewelry at least 5 years.

(7) A group of Revenue Department Officers Samples in this group consisted of 3 officers from the Revenue Department who had knowledge, understanding and experiences in foreign tourist fraudulent activities on purchasing jewelry at least 5 years.

3.3 Research Instruments

To identify procedures or methodology, the documentary research was used as a tool for compiling data from the academic documents and relevant research findings, data from electric media or data derived from internet to form the fundamental body of knowledge, leading to the formation of sophisticated instrument that could be utilized effectively in the process to collect academic data.

Another instrument for data collection is the in depth interview sheet with the designed questionnaire that could be apply with semi-structured interview or Guide Interview without visible structure. It is the formation of wide open questions or open-ended questions which considered appropriate technique for interviewing both groups enabled the interviewer to monitor data, facts or minor details, containing significance or interesting point in each answer.

3.4 Research Instrument Formation

To identify the process and steps for research design or research instrument formation, the researcher had made the conclusions regarding the following aspects:

3.4.1 The findings from studying academic documents and researches pertained to foreign tourist fraudulent activities on purchasing jewelry.

3.4.2 Data analysis findings gathering from academic documents and researches pertained to foreign tourist fraudulent activities on purchasing jewelry.

3.4.3 Identified process, steps and guidelines for interviewing research participants consisted of those involved with foreign tourist fraudulent activities on purchasing jewelry, and those in charge of prevention and suppression of fraud.

3.4.4 The formation of questionnaires for in depth interview as semi-structured interview or Guide interview that had been gathered from documents, articles and relevant research on patterns and swindle schemes for foreign tourist fraudulent activities on purchasing jewelry, including the prosecution of offender and fraud prevention and suppression policies and measures of the involved parties. Such questionnaires were built from the concepts, theories and research findings from reviewing literatures. However, content verification must be done by the scholars and technocrats to ensure the accuracy of content that should match the problem issues and research objectives. The content was updated afterward to better and complete the questionnaire and tried out with the non-sample respondents whose characteristics resembling the samples before the final revision and further implication in the actual data collection from samples.

3.5 Data Collection

The data collection process emerged from this study has proposed 3 ways of collecting data, namely, from the academic papers, technological media and in depth interview.

3.5.1 Collecting Data from Academic Documents and Media Technology

For the process of collecting data from academic documents and Media Technology, data were collect from the involved public and private sectors, especially data from website on the internet. Data in this level were the Secondary Data that had

been gathered from academic papers, reports on the relevant researches were used as guidelines for the design or formation of in depth interview questionnaire as the components of analysis procedures and compilation of the research data.

3.5.2 Collecting In depth Interview Data

Regarding the guidelines for collecting in depth interview data, the researcher established the guidelines from collaborating with the organization or group representatives to request formal and informal interviews with the officers in charge and those involved with foreign tourist fraudulent activities on purchasing jewelry.

The researcher collected and accessed data with the in depth interview questionnaire together with interview guidelines to ensure accurate study in accordance with the research procedures and produce reliable outcomes . As for readiness in studying research methodology and collecting data, the researcher examined the theory of research phenomena from the documents, texts, relevant research findings and recommendations from the thesis advisors and experts in the qualitative research.

3.6 Data Analysis

The Qualitative analysis was conducted based on the following steps:

3.6.1 Transcribed the collected data from the tape recorder.

3.6.2 Verified content accuracy and complete by distinguishing data from interview issues and research preposition.

3.6.3 Analyzed data based on the established research framework for Typological Analysis. From such analysis, the collected field data were divided into the following 4 categories:

- (1) Situation of foreign tourist fraudulent activities on purchasing jewelry
- (2) Pattern of foreign tourist fraudulent activities on purchasing jewelry
- (3) Prosecution of the offender who committed fraud against foreign tourist on purchasing jewelry

(4) Guidelines for preventing and suppressing foreign tourist fraudulent activities on purchasing jewelry.

CHAPTER IV

RESULTS

The research entitled “Foreign Tourist Fraudulent Activities in Thailand: A case Study of Jewelry Business” is the presentation of the qualitative data findings that derived from the study of documents and interviewing samples selected by Purposive Sampling. The selected samples are divided into 7 groups with 3 participants in each group based on the suitability, voluntarily participated in the interview. These 7 groups are consisted of:

1. Jewelry Store Operators
2. Public Transportation Drivers
3. Tour Guide or Tour Leaders
4. Tourist Police and OCPB Suppression Police
5. OCPB Officers
6. TAT Officers
7. Revenue Department Officers

In order to complete the research content and ensure its clarity, samples are divided into the following 2 groups:

1) Group 1 informants comprised of those involved foreign tourists fraudulent activities in purchasing jewelry, namely, the Jewelry Store Operators, Public Transportation Drivers and Tour Guide or Tour Leaders.

2) Group 2 informants comprised of those in charge of prevention and suppression of foreign tourists fraudulent activities in purchasing jewelry, namely, Tourist Police and OCPB Suppression Police, OCPB Officers, TAT Officers and Revenue Department Officers.

In this study, the researcher had specified the patterns and foreign tourist fraudulent activities on purchasing jewelry, prosecution of offenders, including problems and obstacles in prevention and suppression of the involved officers. The findings are being presented in 4 parts as follows:

Part 1: Foreign Tourists Fraudulent Situation

Part 2: Patterns and Foreign Tourist Fraudulent Activities on Purchasing Jewelry

Part 3: Prosecution of offender committing fraud against tourist on purchasing Jewelry

Part 4: Prevention and Suppression of Foreign Tourist Fraudulent Activities on Purchasing Jewelry

Informants Background

1) Personal Background of Group 1 Informants

Group 1 Informants are mostly males, aged from 33 to 55 years, who involved in foreign tourist fraudulent activities on purchasing jewelry with over 5 years experiences, able to speak and understand English.

2) Personal Background of Group 2 Informants

Group 2 Informants are those enforced the laws, directly responsible for tourists' safety and welfare with over 5 years work experiences in this field, able to speak and understand English.

4.1 Foreign Tourists Fraudulent Situation

4.1.1 Situation Severity and Trend

The findings from interviewing group 1 informants or taxi cab drivers indicated that problems from foreign tourist fraudulent activities on purchasing jewelry resulting from the police weak law enforcement in charge or neglecting to do their jobs. In some case, besides the official conspired with the offender, he had taken part in the foreign tourist fraudulent activities, making the problems very likely to increase higher. To date, tourist fraudulent activities overspread in different areas, so when the tourists are deceived, they had no idea where to file the complaint. Because of limited timeframe, the rate of complain is lower than it should have been. Number of complaint is small compared to the number of tourists subjected to fraud. Usually a lone tourist is most likely to be fallen into deception. The crook would not pick the tourists travelling with a tour group because they could not wander off their schedule.

“...Tourists who had been subjected to fraudulent activities mainly Caucasians, hardly Asian or those from India. Chinese tourists are large in numbers, but they came with the tour company so they’re not easy to be deceived”

“...Once the tourists realized that they had been deceived, it is almost end of their trips or they had left the country. They had no idea where to file the complaint. And only small number of tourists asked for the officers’ assistance, besides, they didn’t bother to press charge; instead they went posting on line about the incident until it damaged our country’s reputation.....”

The tour guide or tour leaders pointed out the problem conditions of foreign tourist fraudulent activities on purchasing Jewelry as a result from the conspiracy and agreement between the jewelry store operators and the accomplices as a planned operation by offering them satisfactory commission.

“...The taxi cab driver, TukTuk driver would bring the tourists to buy Jewelry and earn commission from the jewelry store operators.....”

“...The taxi cab driver or TukTuk driver cooperated with illegal, non-license tour guide to persuade the tourists to purchase jewelry in the store that they had already negotiated the commission if they could bring in the buyer. The agreed commission runs from 10 to 50 percent.....”

Group 2 Informants: The Tourist Police described that most foreign tourist fraudulent activities occurred in Bangkok Metropolitan areas. As for other tour attraction provinces, the fraud and deceptions were done in different patterns such as, tricking tourists to get on the boat, buy tour or doping tourists, almost all type of fraud that could happened to the lone tourist visiting Thailand who had not booked the tour with the tour company, no exact travelling schedule and tour leader to assist him. The respondents stated that it is more difficulty looking after the lone tourist’s well-being and protection than the tourist booked the tour. A lone tourist is the prime target for fraud, but the tourist who booked the tour is also subjected to the fraud as well by

force buying merchandise as planned target. Any earnings less than planned target, the guide or tour leader must buy to meet his quotas. Even the foreign tourist fraudulent activities on buying jewelry resulted from the offenders not telling the truth, the fact is the tourist preferred buying merchandise at the low price regardless of risk, so easy to be persuaded into buying merchandise.

“...Of course, it was similar to force sale because the tour guide usually told the tourist that they themselves had to pay if they could not meet the quota since they paid for the tour privilege out of their own pocket.....”

“...Problems rose from media propaganda or nearly brain-washed the tourist to purchase low price merchandise. It is quite a serious problem, and the most difficult to reedy as long as the tourists are still prefer to consume low price product.....”

“...Over exaggerated advertising statement such as, the buyer could resale the product somewhere else for higher price and earn the profit.....”

The Tourist Police gave additional explanation that such problems had been operated as the criminal ring for quite sometimes, starting from those who purposely tricked the tourist, those claimed to be tour guides or illegal tour guides without the license and the supporter such as the public transportation drivers and the store operators. These groups committed the fraudulent activities, which opened for the government officials to seek strong prosecution ground.

“...Firstly, the jewelry operator is committed tourist fraud even though the jewelry he sold may meet the standard, but the price he charged usually higher than normal. Secondly, the taxi cab driver or TukTuk driver brought the tourist to the store and collect commission from the jewelry store operator. Thirdly, a group leading the way, usually concealed in the tourist destinations and approach the tourists to pursued them to visit the store by telling them about the huge discount to show the store gratitude or refer to the government store that received

the quota to sell limited set of jewelry at the rock bottom price.....”

OCPB Officers mentioned that in the past October, OCPB had ruled on the petition on the Jewelry cases from 2011 to 2014. The ruling concluded that the petitioners were Asian and European people, mostly Singaporean. The suppression in the past was unsuccessful due to lacking definite and harsh punishment. Not until 2008, with the passing of the newly amended and updated Consumer Protection Act, the law has empowered many involved agencies to collaborate with the Association. The officers are required to conduct the field work alongside the TAT officers, Tourist Police and Tour Guide with full cooperation, partly due to strict Act. The scenes frequently received complaints are at the center of the City. According to OCPB statistical record, the number one petition came from the stores at Lanluang Road, followed by stores at Mahanak Road at the Watgate and the intersection of Bank Of Thailand. So far, the association has completely updated information on all jewelry stores throughout the country.

4.1.2 Views on Problems and Consequences

The findings from interviewing Group 1 informants suggested that problems occurred from the conspiracy between the jewelry store operator and the accomplice, by promising high commission, so no one care to inform the officials and police to apprehend the offenders.

“...Only verbal agreement between the driver and passenger on the transportation fees....”

Regarding this issue, group 1 informants agreed that the foreign tourist fraudulent activities on purchasing jewelry had affected Thai tourism reputation and reliability in Thai Gem Product, but they denied having taken part in fraudulent activities. As for the operation of store operators to persuade the tourists to purchase merchandise, they have no idea, but admitting the awareness in the store operators attempt to sell the product because they have already paid tea-money. Persuasion is the normal practice for the store operators or buyer to maximize for profit. As for the tourists, they want to pay the lowest price possible. The police are well aware of the incident. So, when the problem occurred and the store could not settle the dispute, the

police would then intervene and try to reconcile. Somehow, most tourists had no idea that they had bought the merchandise at much higher price until they tried to resale in their own countries, then, it was impossible to file the complaint.

“...Tourist Police are well acquainted with all stores. They turn other cheek. When problem occurred, they would give store operator a call. Most of them by the time the tourist learned that they paid too high price, they already returned to their countries”

“...I know that they have sold the merchandise at high price. Even some merchandise only cost few thousand; it was sold for almost 100,000 baht. What to do? The tourists themselves wanted to resale for huge profit. Where is the different?”

“...We know that it's bad for the country's image, but we have to survive. We are destitute, living month by month. It's hard to make ends meet and the government couldn't care less. If the government turns blind eyes, why should we care about the country's image....”

Group 2 informants: The Tourist Police explained about the problem situation on foreign tourist fraudulent activities on purchasing jewelry that they received international complaints for long time. But the problem existed from lacking standard jewelry price as the same price throughout the country same as other ornaments, such as gold bar, and gold. OCPB could only inspect and identify type of Gem used in each piece of jewelry.

TAT officers had given additional explanation on the problem situation on foreign tourist fraudulent activities on purchasing jewelry that some problems resulted from numbers of government officials were unable to communicate in foreign languages, so they failed to assist or provide clear and accurate information to the foreign tourists, which considered opening up the loophole for the tourist to commit fraud against foreign tourist.

“...Police officers should not see it as criminal offense or fraud because it has incomplete criminal component. Then, it should only be charged as the civil wrongdoing.....”

Revenue Department officers explained about the problem situation on foreign tourist fraudulent activities on purchasing jewelry as a result from the officers' inability to prosecute the offender due to legal limitation. The officers could prosecute on the civil charge as non-reported incomes. For the criminal prosecution, there is insufficient evidence to press charge, so the offender was not afraid for punishment and keep repeating the offenses even more.

“...Most police officers do not like to handle tourist cases because they could not communicate in foreign languages. The difficulty in communication heavily affected their performances. The foreign tourists besides speaking English, many speak different languages such as, tourists from China, Japan, Korea, Russia or Arab countries. These groups are unable to speak English, only communicate in their own languages.....”

The interview findings from 2 main groups on the problem situation on foreign tourist fraudulent activities on purchasing jewelry are concurrent. To conclude, the problems from foreign tourist fraudulent activities on purchasing jewelry had existed for sometimes. But the numbers of tourists' complaints were smaller than those tourists subjected to fraud, partly because they had no ideas where to file complaints and limited time of staying in the country. Majority of tourists who became the victims could not press charge against those crooks. The fraudulent activities was operated as the group process with the conspiracy of jewelry store operator, illegal tour guide or non-certified tour leader and public transportation driver, taxi cab and TukTuk drivers.

Group 1 informants viewed that problems resulted from the weak and corrupt the government officials as well as conspire with the others in the foreign tourist fraudulent activities, which operated as a gang operation. Somehow, the accomplice had no idea whether or not the store operator tricking the tourist, only knew that when he delivered the tourist, the store would pay him “tea-money” and if

the tourist purchased the merchandise, the accomplice would get certain percentage from the profit the store made in the sale. Based in group 2 perspective, the problems still existed and reasons for failure to solve such problems, partly because of legal limitations that obstructed the official from apprehend the offender as well as the implementation of the related laws to control and suppress the violation was not smooth and possible. Consumer Protection Act, Tour Business, Tour Guide Act or Customs Act failed to make the operators and the accomplices fear of the consequences or punishments. This has made foreign tourist fraudulent problems persisting and continuing with increasing numbers of crooks.

To conclude, group 1 informants viewed the problem as originated from the conspiracy of the store operators, the accomplices and the government officials, in which the transportation drivers had no idea how the store operator would trick the tourist. Therefore they thought of having no part in the fraud and should not be punished. Meantime, group 2 informants focused on the legal measures and the law enforcement, containing the limitations that made suppression ineffective, including the obstruction of criminal prosecution from ambiguous situation, only able to prosecute as civil case. Therefore, the foreign tourist fraudulent problems are still serious problems with tendency to increase much higher.

4.2 Patterns and Foreign Tourist Fraudulent Activities on Purchasing Jewelry

The findings suggested both groups of informants had given similar explanation in which the researcher categorized into 2 parts. First part based on personal characteristics and second used group characteristics or association.

4.2.1 Fraud Patterns and Fraudulent Activities Planned on Lone Tourist

The findings from interviewing the taxi cab drivers revealed that majority of them drove to stake out near the hotel area at Kao Sarn Road, Payathai Road and Sukhumvit Road where most foreign tourists staying. Once a taxi driver spotted a tourist, he would approach and try to persuade that tourist to stop at the jewelry store

before sightseeing around Rattanakosin because many places scheduled the time to visit. In other words, some places permitted foreigners to pay homage to sacred objects in the afternoon and the Thais are allowed in the morning only. Then, the taxi driver would take the foreign tourists to the arranged jewelry store that he had negotiated his cut or “tea-money” if he could bring them to the store and the store made a sale.

“...Taxi cab driver earned 200 baht for taking passenger to the business location and extra 30-35 percent of the total sale price if the passenger bought jewelry, payable after the buyer left the country. In case the buyer decided to return the merchandise or problem occurred, payment for extra commission is cancelled....”

The TukTuk Driver mentioned that he had no idea how the store invented the patterns and planned the fraudulent activities on the foreign tourists, his concern was on the number of tourists, the more he brought, the more tea-money he could collect and if the tourist happened to buy the merchandise, he would get extra amount, which considered worthwhile. To date, the operation expanded to involve those who have access to the foreign tourists as cooperating to find customers. When the tour guide or hotel staffs could persuade the tourist, they would make the phone call for the jewelry store to pick up the customers.

‘...I don’t know because the salesperson made the sale, if the sale volume is good, I can earn substantial commission. But if the customer tourist negotiated price, the store would ask me to reduce the commission amount as well, from 35 percent to 15 or 10 percent....’

“...We are responsible for taking the tourist to the stores; we don’t know what kind of swindle plan they have in mind. But we are well aware of much higher price than usual because many times, we have received our cut from the transaction profit better than the month earning. Some earns almost 100,000 baht per month”

Regarding this issue, the tourist police gave the opinions that the crook attempted to create misconceptions on opening and closing hours of the tour attraction such as, morning reserved only for Thai tourists and afternoon opened for services foreign tourists, closed for remodeling or moved to other provinces. This is to fool the tourists and they would follow him to the arranged store so he could collect his cut.

“...It is to deceive the tourist that such tourist attraction closed for remodeling or moved to other places such as, Wat Phra Kaew has recently moved to Chiangmai and after that starting to suggest new destinations, but making short stop at the jewelry store where he had agreed earlier with the operator on the earned commission from bringing customers to the store to buy jewelry usually 10 to 60 percent, which make this type of fraud widespread.....”

TAT officers referred to the patterns and foreign tourist fraudulent activities on purchasing jewelry as the group operation, starting with independent driver talking the tourist into believing that the said jewelry store is government sponsor store selling jewelry at standard price and reliable quality product.

“...Most tourists travelled by TukTuk to jewelry store. When they arrived in the area, store agent approached them to advertise about the government sponsor store that would sell the jewelry to the tourist at special price just for today. When the tourist fall for such deception, the agent would lead the tourist directly to the arranged store and collect the commission from the store operator....”

4.2.2 Fraud Patterns and Fraudulent Activities Planned on Tourist Group

The findings from interviewing Group 1 informants, namely, the public transportation drivers and tour leaders indicated that the competition has increased, whereas the number of tourists subsided, especially European tourists. Only chance meeting the tourists at the tour destination is no longer enough to gather foreign

tourists delivering to the jewelry store for money. So, prior agreement was made for the drivers to stake out the area looking for the lone tourist in certain areas such as hotels or places where the team there. When the tourist was spotted and fallen into the trap, he would make a call to the nearby driver for the pick up and take the tourist to the store. This is the customer selection process, ahead of the competition. The tea-money or compensation from the sale would be divided between the accomplices.

“...Before, anyone could bring tourist to the jewelry store and collect commission. When we are all following the same pattern, the number of customers reduced. So we are grouping together 3-4 per group and spreading in different tourist’s destinations, and accommodations. As the earlier agreement, earnings are to be divided later. Most are acquaintances, such as Taxi cab driver, Tour guide and Hotel Bellboy...”

“...The operation is dissolved at the sight of the police. They prohibited lengthy parking to pick up passenger.....”

“...It is everywhere, hotel, guesthouse, where the staffs always provide advice, sometimes with business card placing at the service counter, meanwhile, certain taxi cabs are allowed to park in the reserve zones where no one permitted, only the ring members.....”

Regarding this issue, the tour group leader explained that the illegal tour guide or non-license tour leader and tour bus drivers parking the bus and waiting to persuade the tourists with misrepresentation information on the tour destinations such as opening hour or stores with standard quality and price.

“...There is a talk trying to persuade the foreign tourists to buy jewelry at that store by saying they could buy jewelry there at much lower price than other stores and the tourists could make huge profit when resale it, perhaps 3-5 times. The tourists finally fell into the trap and bought the jewelry.....”

“...an illegal tour guide attempting to make acquaintance with the tourists who had the plan to tour the temple and he would tell them that it closed to the public for today, but he volunteered to take them other interesting places, instead, the tourists were taken to the jewelry store.....”

“...There is the attempt to persuade the tourist into buying gemstones by claiming the store belongs to the government or parts of government’s project that selling jewelry cheaper than normal and this is the last day for sale.....”

The Tourist Police mentioned that the foreign tourist fraudulent activities on purchasing jewelry operated as the conspiracy between the jewel store operators, tour guides or agents and transportation drivers, perhaps taxi cab or TukTuk drivers who had secretly planned what to do, agreed on percent of their cuts if they could bring the tourists to the store and persuade them to purchase jewelry.

“...usually the agreement was done earlier on the commission before the operator, misdemeanor, agent, and Caucasian decoy comprised of the store operators, agent or English speaking illegal guide and transportation or someone that could lead the tourist to the jewelry store. If the store was able to make a sale for 100,000 baht, profits would run about 70,000 to 80,000 baht and the accomplice usually earned 30 percent unless the tourist paid with credit card, he would earn less approximately 15 to 25 percent.....”

In addition, the police explained further that the tour guide or agent and the tour bus driver usually picked the lone tourist who had not travelled with the tour company that restricted time and place. A lone tourist is the one travelling casually with free time and preferred to choose his own destination. So, this group is the prime target for the crook to spot. The crook would stake out the area, waiting at the popular tour destination such as, the Grand Palace, the Temple of the Emerald Buddha (Wat Phra Kaeo), and Wat Pho.

“...Most crooks could spot a lone tourist at the tour destinations by having TukTuk or taxi cabs parking around the Grand Palace, Wat Pho, the Ananta Samakhom Throne Hall, and Duzit Zoo, which located in the old city boundary and near the jewelry store. The crook then approached the tourist and because he had time to wander around, he could follow him anywhere.....”

The tourist police commented on foreign tourist fraudulent patterns and fraudulent activities on purchasing jewelry that, in their past performances and investigations, they had encountered the gang operation, in other words, the tour company and the store operator negotiated deal on the substantial commission that both sides agreed if the tour company could bring the tourist to purchase jewelry in the store, so-called “tea-money”.

“...The investigation revealed that Tour Company would bring the tourists to the jewelry store where the deal had been arranged earlier, including so-called “tea-money”

“...Starting from the store operator bought smuggled gems from Middle East foreigners or Indian who avoid paying import taxes or VAT on the cut or uncut stones. The jewelry store operator would assess at the low price, but when the stones were made into the complete set of jewelry, the store could sell for much higher price.....”

“...Fraud is when someone brought the tourist to jewelry store and made the claim on higher jewelry quality as compared to inexpensive price because this is the sale clearance and the store was operated under the government campaign in order to persuade the tourist to buy the most jewelry....”

The findings from interviewing both groups of informants are concluded as follows:

The foreign tourist fraudulent activities appeared in 2 patterns: No. 1 is the agreement between the store operators and the public transportation driver or between the store operators and the illegal tour guide or tour leader. For bringing the tourist to

the store, the compensation is between 200-400 baht. This has been done for quite sometimes

To date, the operation has been done as the conspiracy with collaboration between jewelry store owner, illegal guide tour or non-license tour leader, the hotel employee and tour bus driver with the division of labor and agreement on the cut even before the operation started. The store operator or owner offered the commission if they could bring the tourists to the store, regardless of sale. If the tourists bought the merchandise, the tour bus driver would earn additional cut from profit the store made in certain percentage. Earlier, only the taxi cab driver or TukTuk driver participated in the operation with the store operator, but today, there are more and more people participated in the conspiracy as the competition is getting tense and the numbers of European tourists declined.

The informants from both groups agreed that the tourist fraudulent activities were done in similar pattern, that is, the crook would be waiting at the tour destinations such as, the Great Palace, Wat Pho, Wat Phra Kaeo, Ananta Samakhom Throne Hall, and Dusit Zoo. When, the crook spotted the foreign tourists, he would approach make acquaintance and lie to them that the places they wanted to visit closed for services. From there, the crook would persuade the tourists to visit the jewelry store by informing them that the jewelry store operated by the government and since it was the last day for clearance sale, the tourist should go and buy good merchandise for inexpensive price. Then, they could turn around and resale the merchandise at huge profit. When the tourist fell in the trap, the crook phoned the driver for pick up. In the past operation, the real accomplices were only the store operator and tour bus driver. Even illegal tour guide and tour leader helping the store operator, they only earned unspecified amount, quite different from the present where the crook operated as a small team with few members and agreed on the compensation in advance. The store operator is the main culprit working secretly with illegal tour guide or non-license tour leader, tour bus driver and hotel employee to avoid the police investigation and obstruct the others from competing for customers.

Furthermore, the study findings from group 2 informants revealed that the store operator today offers the tea-money and the cut to the tour company if it could bring the tourists to the purchase jewelry at the store. Similar deals were offered to the

tour bus driver and illegal tour guide or non-license tour leader. As being seen, the pattern or fraudulent activities are not differed from previous practice, only forming new network and new accomplices to acquire more tourists, reduce former gang members and the cut as well as not wasting time looking for the tourists in various tour destinations and avoid being apprehended and questioned by the police.

4.3 Prosecution of offender committing fraud against tourists on purchasing Jewelry

4.3.1 Rising Problems and Obstacles to Officers' Performances

The findings from interviewing Group 1 informants indicated that the informants were unable to provide the relevant information on the prosecution of offender from lacking the experiences in this area. Moreover, he had never seen any offenders being prosecuted in the tourist fraudulent activities on purchasing jewelry. There was the prosecution on the illegal guide and non-license tour leader and non-conform store operator who refused to comply with Consumer Protection Act or not displaying label or complete details.

“... I don't see any arrest or prosecution. The most is inspection, only periodic warning.....”

“... I have no idea, no one ever been arrested. The police don't like to get involved with these matters, because they don't know how to press charge on what ground. If the police are seriously pursued the case, these people would not dare to risk doing it.....”

Regarding this issue, the transportation driver hinted that the offenders had not been prosecuted probably because the involved officers' negligence as well as the local police was unable to communication in English or other foreign languages. Anytime when the case involved the foreign tourist, the same team tourist police were called in to solve the same problem and they were store acquaintances because they had been involved with negotiation and solved tourists' problems for many times,

making them ignored the problem. Moreover, it was very likely that the officer may conspire with the tourist fraudulent activities to receive his cut on monthly basis. In the case where both parties still disagreed, the store would call the officers to arrange the reconciliation with the tourist. If succeeded, the store gave him certain sum for management fee, which made most cases hardly entered the judicial process.

“...There is the conspiracy between the store operators and the police officers not to press charge. As a matter of fact, the store operators make their regular payment monthly and pay extra if they request the officer presence.....”

“...There are many petitions on these stores, but couldn't apprehend because the police were unable to communication in English. In the end, the same team tourist police were called in to solve the same problem. They are acquaintances who have been looked after by the store operator on monthly basis. Who would do it for free?

4.3.2 Problems and Obstacles from Legal Limitations

The findings from Group 1 informants indicated that they had no ideas that there was the prosecution of the offender since no one arrested and prosecuted. Furthermore, the public transportation driver saw no harm or violation of law from taking the foreign tourist to the jewelry store to get his cut because he had not participated in tricking the tourist to purchase merchandise at the price higher than usual.

“...Only delivering and picking up the passengers and my cut, I am not doing anything wrong. If you think I was committing a fraud, you should pick on the store that sold overprice products, or tricked the tourists until they ended up buying. At this time, we told the tourist straight out that we were going to take you to the jewelry store to collect our tea money. It's up to you whether or not you buy the merchandise. Where did we break the law?.....”

Regarding the offenses and legal limitations, each group of informants has given different perspectives, especially the public transportation drivers. They saw nothing wrong with what they had done because it was not done to trick the tourist. As for the store operators and tour guide and tour leaders, they were fully aware of fraud with distortion of facts or lie, but the legal limitations made it impossible to prosecute the offender.

The Tourist Police mentioned that there had been the attempt to prosecute the offender who had tricked foreign tourist into purchasing jewelry, but unsuccessful because of lacking definite evidence to proof the fraud. To the offender, he thought of transaction as the honest sale. In the past, only a witness claimed that he bought jewelry from the store introduced by the agent or transportation power and later he could not resale the jewelry. Therefore, it was impossible to link to apprehend the store operator. The government officials could only prosecute the store that display different label from the regulations of Office of the Consumer Protection Board.

“...We have been cooperated with the Economic Police and Local Police to eradicate problem. But once we there, nothing that lead to fraud because the deal is legitimated.....”

“..OCPB came to the store and casually inspect the weight of gold, percent, classification type , weight in gram, which are basic requirements that every store must follow.....”

“...never been apprehended on the fraud charge. All stores are arrested by OCPB officers with the charge of not displaying label, sign or under falsify name or tax evasion the most.....”

Furthermore 2 main groups of informants, Tourist Police and Suppression Police gave additional information that in the current prosecution process, the agreement was made between various government organizations to cooperate in tangible solution of problem as another approach to look after the tourists well-beings.

“...before March 2014, there was the MOU between many government organizations to establish specific division to handle the case, but not until March 2014, the very first time that four Municipal Courts have been fully opened to handle tourist cases in Thailand. They are Dusit Municipal Court, Tourist Department, Patumwan Municipal Court, Tourist Department, Pattaya Municipal Court, Tourist Department and Phuket Municipal Court, Tourist Department with the plan to establish more courts in the near future.....”

The Revenue Department officers explained that the Revenue Department could press both criminal and civil charges on those who tricked the foreign tourist into purchasing jewelry. But in earlier fraudulent cases, the Revenue Department could only charge them with civil offense due to inadequate evidence to proof tax evasion. Therefore, the civil offense is on the failure to report true income.

As for the civil offense, the Revenue Department would prosecute them as failure to report real income. Some stores ran credit card transaction through the scanner owned by other stores in order to avoid reporting real income and evade tax. If this is personal transaction, there would not be any evidence for the officers to audit and prosecute the offender.

“...the prosecution of offender on foreign tourist fraudulent activities could be done by the Revenue Department as the criminal case for tax invasion, tax avoidance, and giving false statement. Somehow, to prosecute the jewelry store operator as the tax evasion required the evidence of intention whether or not to avoid paying tax, which is rather difficult to proof.....”

“... Take a case sample that we went to inspect the diamond, we found that the diamond real price reaches 10 million or 100 million, contrary to the formal price declaration certificate that only list the price under 1 million baht. The process started when a person bought diamond without the confirmed document or receipt as the formal accounting paper because they wanted

hide the transaction. Some stores ran credit card transaction through the scanner owned by other stores in order to avoid reporting real income and evade tax.....”

“...To prosecute the jewelry store operator on tax evasion required the proof of evidence and this intention, which rather difficult to do. So what we can do is to prosecute mainly in the civil case, namely, failure to report true income.....”

The findings from interviewing TAT officers suggested the reason for not be able to seriously prosecute the offenders because the law is only allowed for civil charge, not criminal charge, obviously, not nearly enough to the store operators and their accomplices afraid of the punishment.

Regarding this issue, TAT officers explained further that the law could not press for criminal trial, only the civil trial. However, the evidence received from the injured tourists was small in number, not enough to bring the case to the court, at the same time the legal procedures took a long time. Therefore, the injured tourists do not think it's worth time to press charge.

“...as for the prosecution, the police looked at it as non-criminal case, not one of the fraudulent activities because of incomplete component to be prosecuted as criminal case. This is such a hassle if the tourist decided to press charge because he could stay only short period of time and the tourist only wanted his money back.....”

Furthermore, the findings also revealed that the investigation for other violation beyond fraudulent activities such as failure to display complete product labels as required or operating without the license was unable to suppress the wrongdoings or make the offenders fear of the law because they had well prepared for the inspection, so only small numbers them were arrested and prosecuted.

“...in the past illegal guides causing nuisances for the tourists, including illegal taxi cab used for picking up the tourists were apprehended, fine, some were sentenced to prison, but only small number of offenders.....”

“...The officers came to inspect occasionally, both from the Revenue Department and OCPB, but found nothing

wrong. Most stores knew when the officer arrived, what they wanted to inspect and they would prepare complete documents with tax payment and explanation, so that the officers could not find any wrongdoings.....”

The findings from interviewing OCPB officers revealed that in order to prosecute the store operators, OCPB would submit the case to the Reconciliation Sub-committee first. In the case where the Reconciliation Sub-committee could not settle the case, and the store operator and the tourist disagreed, the Reconciliation Sub-committee would call both parties in to inform them the cost of gem inspection by HKD GIA IGI, all 3 are the reputable institutions certified by The Gem and Jewelry Institute of Thailand so the court could also base the judgment on the inspection results if both parties still decided to pursue the case.

“...When there is the petition in accordance with the laws of OCPB, the incident would be delivered to the Reconciliation Sub-committee comprised of the police representative, attorney, Lawyers Council of Thailand under the Royal Patronage and officers from OCPB to judge the case together. If they could not reach the agreement and the Sub-committee saw it as the tourist fraudulent case that required the prosecution. Up to now, not even one case has been prosecuted. The Sub-committee tried to end every case through the reconciliation because the tourist had no desired to press charge and there was not enough evidence to prosecute these crooks....”

Regarding prosecution the offender, OCPB officers gave additional explanation that most tourists preferred purchasing cut diamond that had been fitted into the necklace or ring, which required the label to declare numbers of Karat. Product price besides based on the gem weight (Karat), it required the examination of color, brightness and clarity. It is difficult to set standard price for Jewelry because sale of jewelry is depended on the satisfaction of buyer and seller and they set the price where both agreed. The prosecution is much difficult if one should take higher price of jewelry into consideration.

“...when the OCPB couldn’t settle the case, it would be turn to the sub-committee for the reconciliation by requesting the gem testing be certified by The Gem and Jewelry Institute of Thailand. All three institutions are responsible for examining gem quality, color, clarity and weight or Karat. Most cases ended at this stage, hardly went to court because the court would judge in accordance with the Gem Certificate.....”

Conclusion was made from interviewing both informants groups. Group 1 informants mentioned inadequate information to prosecute the offenders and mainly the process is under the officers’ responsibility. So far, there is no arrest and prosecution of those tricked foreign tourists into purchasing jewelry because the officials themselves corrupted and received the kickback from the crook. Besides, the tour bus driver saw nothing wrong with what they did. Moreover, the officers were unable to apprehend the store operators, even though they were fully aware of such activity, the store operator must make a sale because he was already paid the tea-money to the one who brought the tourists, regardless of the sale. The tour bus driver denied that he has had no part in the store operator sold product at higher price than usual, instead he thought the officials must have known and taken part in the gang operation or fraud, which was the reason why the offender had never been prosecuted.

Group 2 informants saw that prosecution process on offenders continued to be the main problem for all government officials, Royal Thai Police, Office of Consumer Protection Board, Revenue Department and Tourism Authority of Thailand. In the past, the officials were unable to prosecute the offender due to legal limitation and difficult procedures in collecting evidence to proof offender’s guilt. The store operator and the accomplices knew about these obstructions, so they were not afraid of the law and officers. As for the case prosecution in order to suppress the offense, it encountered the legal problems as well, the offender had knowledge and experiences and known how to avoid the officer’s inspection, which made it difficult to find. For example, the offender knew that the Consumer Protect Act required the store operator to display label indicated price, weight, and other details as specified by law or the Customs Act prohibited the store operator to run customer credit card through other company scanner in order to avoid reporting income and paying taxes. But if it was the

personal sale, there would not be any evidence for sale transaction. As for the prosecution of the store owner, the Office of Consumer Protection Board would deliver the case to Reconciliation Sub-committee by inviting all involved parties for discussion and inspection of the property in dispute to find the solution to the problem. If both parties still disagreed, the findings from property inspection would constitute the evidence in the court trial. So far, not even one case has been presented in the court, partly because the tourist had no time and only wanted the store to return his money as well as the Sub-committee lacked sufficient evidence to prosecute the offenders. So the best they can do is to reconcile the different and end the case.

4.4 Prevention and Suppression of Foreign Tourist Fraudulent Activities on Purchasing Jewelry

Findings from study regarding the prevention and suppression of foreign tourist fraudulent activities on purchasing jewelry, both groups of informants suggested the guidelines by categorized into 2 parts, firstly, the preventive measures and secondly, suppression measures (law enforcement), having explained in the following details:

4.4.1 Preventive Measures

The findings from interviewing group 1 informants or the tour bus driver indicated that the police and the government officials should set up the concrete system or measures for the foreign tourists' protection, starting from providing accurate, clear and adequate information on the tour attractions, places to shop for merchandises and entertainment center, including the phone numbers of important places such as, police station, hospital, TAT, tourist Police and Tourist Assistance Center as well as educate the tourist and warn them not to trust any strangers who tried to offer help or volunteer to take them places, including performance indicator to measure the officials' performances, especially corruption and kickback from the jewelry store operator.

“...Instruct the Tourist Police to warn the tourists at the Airport of certain activities such as, buying meals, visiting jewelry shop and Tele shop.....”

“..The government should assign the officer to advise the tourists, starting at the Airport, what to do before checking in the hotel with clear-cut and explicit broadcast....”

“...Set up the performance indicator for the police to detect their unethical performance, especially on bribery in order to prevent the officer repeating the offenses, including the jewelry store operators.....”

“...Control the officer’s bribery and the jewelry store operator on giving tea money...”

Regarding this issue, the TukTuk drivers had proposed the prevention and suppression guidelines for Foreign Tourism Fraudulent Activities on Purchasing Jewelry through the establishment of hotline for the informants without revealing the identity, for their safety and not losing incomes and livelihood as well as installing CCTV in the risk areas such as, in front of the Jewelry stores and major tour destinations that the foreign tourists preferred to visit.

“...If the store operators or the fraudulent accomplices knew who was the police informant, the bus driver would be in danger and unable to bring the tourists to the jewelry stores even though that bus driver had no idea whether or not that store sold low quality jewelry....”

“..CCTV should be installed around the major tourist destinations in order to put up surveillance for any sign of fraud as one way to prevent and suppress foreign tourist fraudulent activities.....”

“..Install many CCTV in the surrounding areas of the tourist destinations as serious warning to the tourist masquerader or retrieving evidence in the case where a retroactive arrest warrant had been issued.....”

Tour leaders recommended the prevention and suppression guidelines for Foreign Tourism Fraudulent Activities on Purchasing Jewelry by assigning the officers to disseminate accurate information, especially to the foreign tourist. Meantime, the government organization should prepare the explicit list of jewelry store under the government campaign in order to set standard price and quality and allow the tour companies to take the tourists to those stores.

“...There should be the recommended list of jewelry store so the tourists would know which store is in good standing and the government could boost the tourist confidence and feeling secure by specifying which store is included in the government campaign”

Regarding this issue, the Tourist Police suggested that fraud prevention must begin with providing the accurate information on the tour destinations. For example, inform the tourists on the opening and closing hours and set up concrete measures to apprehend the jewelry store that charge higher price than the set standard as the avenue for the most effective fraud prevention and suppression.

“...The mass relations were done through the distribution of leaflets as well as educate the tourist to watch out for the crook who may look for the chance to trick them into purchasing Jewelry. The advertisement should be done not only in the tourist attractions, but also in the metro and BTS.....”

“...The Tourist Police Department arranged for the volunteer warning police campaign that intend for the people to inform the police on the suspected fraudulent activities, as well as creating hospitality between TukTuk driver and the Tourist Police”

“...Educate TukTuk drivers and ask them to watch out for sign of tourists’ fraudulent activities and report such incident to the tourist police. The Tourist Police Division focused on TukTuk drivers because TukTuk itself is the selling point of Thailand, just like opening the door to welcome tourist

to Thailand as being the way to enhance the country unique identity.....”

TAT officers suggested additional guidelines to prevent and suppress foreign tourist fraudulent activities on purchasing jewelry by disseminating correct information among the tourists in different languages besides English such as, Chinese, Japanese, Korean, and Malaysian as well as showing contact details so the tourists who needed additional information could access immediately through hotline or website.

“...Tourism Authority of Thailand (TAT) had put up the surveillance and publicized information by publishing the documents in different languages, Thai, English and Chinese to be distributed to the tourists at the airport or email or 1155 (Tourist Police).....”

4.4.2 Suppression Measures and Law Enforcement

The Revenue Department officers recommended the guidelines to prevent and suppress the foreign tourist fraudulent activities by applying strict measures in the inspection of store operators and tour companies, including the integration of all personnel in every sector to cooperate in the systemic and concrete prevention and suppression of foreign tourist fraudulent activities.

“...Integration of all sectors in collaborating to establish the specific unit for auditing jewelry account.....”

“...the Complaint Center should be set up as a division operated under Revenue Department, allow auditing and assessing additional taxes with the report sent to the police.....”

TAT officers recommended the guidelines to prevent and suppress the foreign tourist fraudulent activities on purchasing jewelry. They agreed with the establishment of tourist court specifically for handling the tourists’ complaints and facilitating the court trial or concrete prosecution procedures.

“...since March 2014, the tourist court has been established to handle and speed up specific tourist cases such

as, when the tourist from France bought the jewelry and found dissatisfaction with the product because of much higher price paid for the product than usual, he proceeded with the refund, but the jewelry store operator refused to return the money. The French tourist then filed a petition with the police so the regular court could initiate the reconciliation between both parties that it usually ended with a deadlock. With the establishment of tourist court to handle specific case free of court expenses, the police could take the French tourist to this court for justice through urgent court procedures, filing and calling witnesses and submitting the power of attorney to proceed with the trial to the responsible officers. In this case, the trial went on quickly, which considered as the good start for prosecution, unlike normal civil trial.....”

TAT officers had given additional suggestions to integrate works between the officials in order to form unique Thai image. Solving problems in the past failed because lacking cooperation, causing the delay. As a result, many tourists returned to their countries without reconciliation or received satisfaction treatment.

“...TAT has integrated its operation together with the police and officers from DSI to access the foreign tourist fraud ring operation. The establishment of specific center required the meeting of many sectors and the inspection of Center to ensure the tourist speed trial since earlier problems involved the delay in solving problems. Therefore, the police must be able to reach the tourist in the timeliness manner in order to gain the maximum tourist satisfaction, leading to good image of Thailand.....”

The conclusions from interviewing both groups suggested they were unanimously agreed on the inadequate measures for prevention and suppression of foreign tourist fraudulent activities in purchasing jewelry, especially in the dissemination of information. Group 1 informants have expressed their views that giving accurate and definite information when entering the country or even through

online media at their countries is the key to improvement. The disseminated information must be adequate and appropriate for consumers to be aware of problem conditions, patterns, schemes and helpful information for those who wanted to purchase jewelry in Thailand such as, hotline, list of jewelry stores under the government campaign or Thai Gem and Jewelry Traders as well as recommendation the installation of CCTV to suppress the offense with the official performance indicators, including measures to control jewelry store operators.

Group 2 informants: The official involved in solving foreign tourists fraudulent problems on purchasing jewelry agreed that the accurate and adequate dissemination of information in foreign languages would educate the tourists as well as not becoming the victim of crook. The protection and suppression of offenses required integration and cooperation of all sectors to facilitate the process. They suggested the establishment of Operational Center or Ad Hoc Unit to increase the officials' competent and speed up their performances because the foreign tourist had limited time of staying in the country. Then, the government should set up strict measures in controlling and inspecting the operation of jewelry stores, tour companies, tour guides and public transportation drivers as the precautionary measures and controlling behavior of those involved in the offenses.

Group 1 informants focused on the preventive measures for the offenses with the distribution of appropriate information such as, leaflets, flyer, hotlines, including the installation of CCTV surrounding the tourist attractions and risk areas. Meantime, group 2 informants emphasized on law enforcement and suppression. In their opinions, there should be integration of operation, the establishment of Ad Hoc Unit or Operational Center, together with proactive operation, inspection and oversee the jewelry store operation whether or not they had followed the rules or legal regulations in order to prevent wrongdoings because the officials knew problems real well that prosecution of the offender was difficult due to legal limitation and complicate procedures in collecting evidence.

CHAPTER V

DISCUSSION

The research aims to explore the problems, patterns and fraudulent activities planned on foreign tourists on purchasing jewelry, prosecution of offenders, including guidelines to prevent and suppresses the fraud . The study was conducted as the Qualitative Research, engaging the in depth interview among 7 sample groups with 3 participants in each group, having the total 21 samples comprised of : Jewelry Store Operators, accomplices on fraud, Tour group leaders, OCPB officers, TAT officers and Revenue Department Officers. The collection of data started in January 2014 and ended in July 2014. Samples were knowledgeable with experiences dealing with the foreign tourist fraudulent activities on purchasing jewelry at least 5 years. The findings are subjected to the content analysis and being presented as follows:

5.1 Foreign Tourist Fraudulent Problems on Purchasing Jewelry

Problems associated with the foreign tourist fraudulent problems on purchasing jewelry have sent negative impact on the image of Thai tourism industry which is number one generating revenue of Thailand. The findings revealed only small number of complaints from foreign tourists as compared to total number of foreign tourist victims of fraud, partly because the tourists had limited time and by the time they knew that they had bought low quality merchandise at very high price, they already left the country. In such case, it was impossible to pursue the case, which turned out to be a loophole and crucial factor contributed to this type of offense. Its predicament and severity are still visible and frequently seen. The findings suggested the tendency for increasing problem severity due to the existing of fraud patterns and fraudulent activities planned on foreign tourists on purchasing jewelry which evolved into different activities and new tricks.

The finding had located the places frequently committed fraud in the major tour attractions. This finding is coincided with the study result of Srisak Kumpeeyan (2011), which indicated that most unfair business practices occurred in the major tourist attractions with many visitors, especially the sale of merchandise at higher price than usual or conduct different fraudulent activities. It was found many tourists subjected to fraud came from Jan, England, Germany, Singapore and USA, respectively (Kritiya Sirikhet, 2001). At present, the numbers of the victims, besides the European tourists, tourists from Singapore and Asian countries have been higher. According to the government statistical records at the Royal Thai Police and Bureau of Prevention and Assistance in Tourist Fraud, the available data were only small portion, and large number of tourists failed to file the complaint from the reasons above-mentioned.

The foreign tourists travelling alone is the prime target that the villains most likely to spot because they were unfamiliar with the surroundings as well as free to travel out of designated schedule at all times without the tour leader or tour company to lead the way or protecting his well-being. This discovered fact is concurrent with the Routine Activity Theory that mentioned the presence of 3 components that contributed to the increased rate of crime victims, namely, Motivated Offenders, Suitable Targets and Lack of Capable Guardians. When a foreign tourist chooses to travel alone without a tour leader, he had no capable guardian to protect his welfare and safety. The villain would seek the lone traveler who eventually becoming the prime victim from not being able to protect himself.

The findings from the study of foreign tourist fraudulent problems on purchasing jewelry indicated that both public and private sectors collaborated in preventing and suppressing the offenses. Somehow, the fraud situations are still practicing widely. Data analysis of both group informants summarized fraud problems resulting from many factors in the following categories:

1) Officers' Corruption

The officers who had been assigned directly to prevent or suppress the offenses accepted the kickback as the compensation or pocket monthly (monthly/occasionally) from the jewelry store operators. It was agreed that the officer would not inspect the place if no one complaint. And even with the complaint, they were in just to reconcile so the injured party refrained from filing complaints, or pressing charges. As for returning merchandise or refunding, it depended on the situation, if the tourist understood and agreed not to return the merchandise, he would be entitled to special compensation.

2) Limitation in Law Enforcement and Prosecution

The fraudulent activity of selling the foreign tourist low quality jewelry in extremely high price is still the critical problem for the officers because they need ample evidence to proof that the offense had violated the Criminal Code by committing fraud or making the sale through deception, and fraud occurred from concealing or misrepresenting the truth or not telling origin of product or product quality. So the officer must proceed with precision and caution and spend time collecting evidences. Unfortunately, the foreign tourists had limited time of staying and they wanted the refund without filing any charges. If the officer failed to gain support, enforcing laws could not be done effectively.

3) Enthusiastic and Coherent Problem-solving

Different measures and campaigns were employed under the collaboration between the private and public sectors in various operations such as, the establishment of the Operation Center of Crime Suppression in Tourist and Consumer Fraud, refund procedures for foreign tourist subjected to fraud committed by jewelry store operators together with the villain, publicity campaign to ensure Thai and foreign consumers buying with confidence. As a result, fraud problems seems to subside and situation improve, unfortunately, such activity lack of true commitment because each agency only collaborated and operated the campaign together in a short period of time. Once, they finished the campaign, the villains were back doing the same thing.

The finding from both groups of informants' perspectives on fraud situation.

According to group 1 informants or the accomplices, they were aware of the existence of problems that remained unresolved owing to the involved officials' negligence, corruption and receiving kickback from the store operators as well as light-minded and discontinuous problems-solving. Meantime, group 2 informants or those in charge of crime prevention and suppression regarded the legal limitation as the key factor obstructing problems-solving whether or not being the responsibility of authority, enforcing relevant laws and offending behavior were unclear, making it rather time consuming for the officers to collect enough evidences to prosecute the offenders. The opinions of group 2 informants are concurrent with the study of Kritiya Sirikhet (2001) who proposed updating the legal measures to better law enforcement in order to control foreign tourist fraudulent problems on purchasing jewelry such as mandate jewelry as the control merchandise for required label, control contract and display list product in the receipt, disseminate information, reward those assisting in the prosecution of offenders and collaborate between agencies to facilitate the trial.

5.2 Patterns and Fraudulent Activities Planned on Foreign Tourists Purchasing Jewelry

The findings from interviewing the jewelry store operators, the accomplices and the tour bus drivers revealed that the fraud was planned as a gang operation with details and division of labor distinctly before the operation. The offenders are the jewelry store operators, namely, the jewelry store owners and the accomplices comprised of tour driver, taxi driver, TukTuk driver and tour leader.

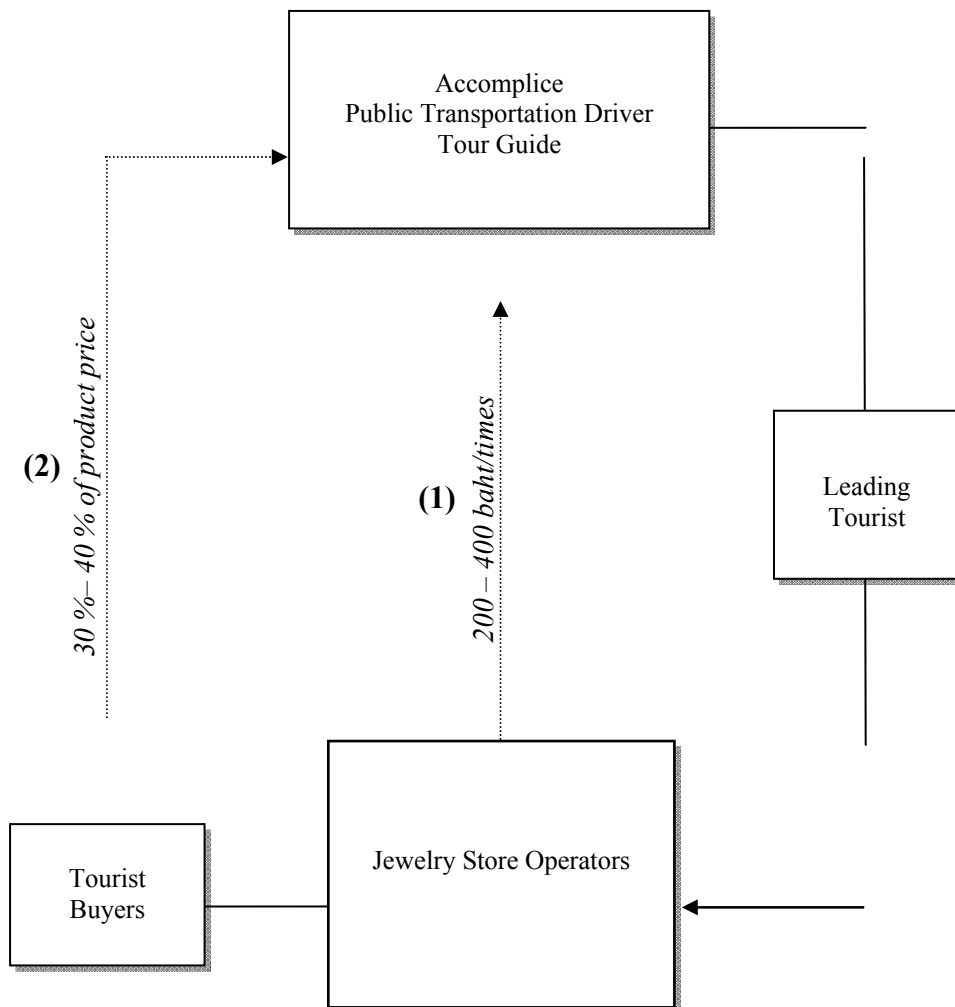


Figure 5-1 Percentage of share from Fraudulent Activities Planned on Foreign Tourists Purchasing Jewelry

Figure 5.1 indicated that the foreign tourist fraudulent activities operated as a gang operation, starting from the store operator proposed compensation or a share depended on the transaction. Generally, the tour bus driver, taxi cab driver, TukTuk driver and tour leader received 2 parts of compensations. First, soon after delivering the tourists to the store, regardless of tourist numbers and sale of merchandise, he would receive the “tea-money” for 200 – 400 baht per trip depended on the agreement between the store operator and the accomplices. The second income is the part that the accomplices focused on, which considered as the main incentive for delivering the tourists. This is the share of profit or so-called “percent or commission” that the store

operator would yield 30 to 40 percent of profit from sale to the accomplices soon after the tourists left the country. As being seen, the incentives as the compensation or commission from the sale of merchandise in extremely high price of the store operator, or even the tea-money for delivering the tourists at the store are the main motivated factors for the store operator and the accomplices to arrange tourist fraudulent activities even though they have realized that it against the professional moral and ethics as well as becoming the legal violation. This finding is coincided with the Rational Choice Theory indicated that the offender had weighted between benefits and losses. Therefore, whoever involved with the crime or offense must optimize maximum profit and minimize loss. Then, the benefit received from foreign tourist fraudulent activities is the tea-money and huge share of profit from the sale of merchandise. Besides, the drawbacks from the tourists' complaints were minimal because of their limited time in staying, and they only wanted their refunds without wasting time with legal process. In addition, most officers solved the problem by reconciling between both parties because they were fully aware that this particular case required ample evidence to prosecute the offender. Once the gains weighted more than the losses, the decision would be to committee the offense.

The foreign tourist fraudulent activities by the jewelry store is the existed problems for long time, but the fraud patterns and activities evolved though time to match the situation and avoid the authority watchful eyes. The offenders are divided into 2 groups, namely, the jewelry store operators, and the accomplices who delivered the tourists to the store in exchange for the compensation such as, tour bus driver, hotel employee and tour leader.

The research findings revealed 2 types of foreign tourist fraudulent activities: first, by individual and second, by a group of individual or gang operation.

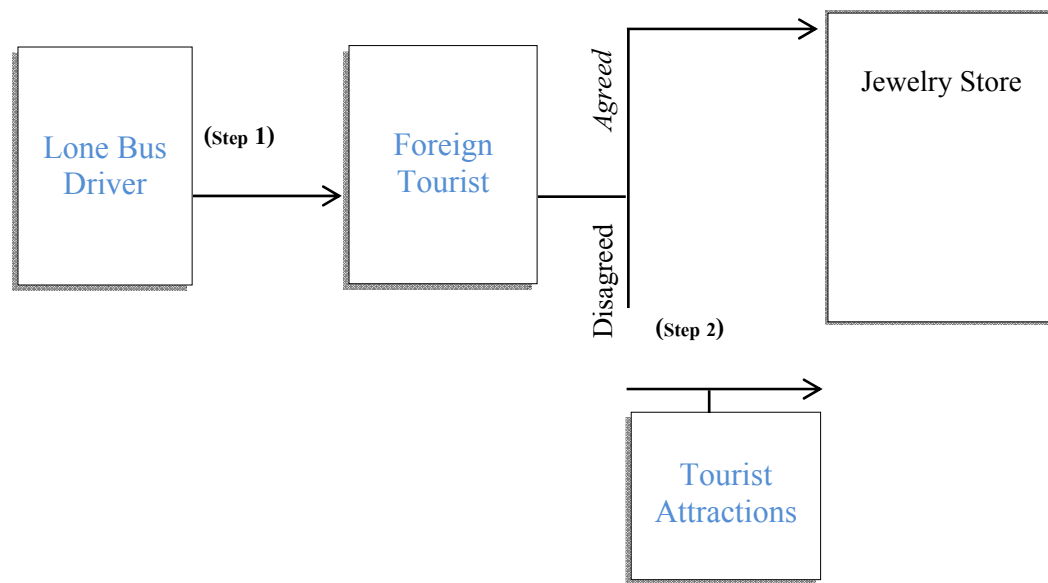


Figure 5-2 Patterns and Fraudulent Activities Planned on Foreign Tourists to purchase jewelry by individual offender

Judging from figure 5.2, the fraudulent activities planned on foreign tourists to purchase jewelry by individual offender was done with the accomplices, namely, the tour bus driver, taxi cab driver and TukTuk driver who would stakeout the tourist attractions alone to capture attention of the foreign tourists such as, the Temple of the Emerald Buddha (Wat Phra Kaeo), Wat Pho, The Grand Palace, and Dusit Zoo by engaging the following steps:

First Step: The offender would approach the targeted tourists to make acquaintance and persuade them to the jewelry store that had been arranged for tea money and share of profit earlier. The tourists were told false information that the store operated under the government with quality merchandise, since that day was the last day for clearance sale, the tourists could purchase the merchandise at much cheaper price. So the tourists believed the story and follow the offender the store.

Second Step: If the tourists still reluctant to visit the jewelry, the tour bus driver would take them to the tourist destination, but once they arrived there, the tour bus driver lied to them that the place closed for business or between remodeling or open for servicing foreign tourists in certain hour, so the tourists had no alternatives, but to go with the offender at the jewelry store.

The patterns and fraudulent activities planned on foreign tourist to purchase jewelry by individual offender is conventional and simple method. Only one person operated alone such as a tour bus driver and without telling other drivers about the compensation to avoid competition that may lessen his chance to find the customers. The findings revealed that a tour bus driver would pick a tourist who travelled alone because no one to give him advice, different from a group of tourists booking a tour with the tour company. This type of fraud had been practiced for sometimes. Presently, TAT officers and Tourist Police keep the watchful eyes over this particular group to obstruct them from waiting for the tourists at different tourist attractions, which made them unable to deliver tourists to the jewelry store and collect his tea-money.

Therefore, the operators and the accomplices decided to convert the method in order to avoid the officers' inspection by operating as a group of individual with systemic plan, division of responsibility and clear-cut compensation before committing crime.

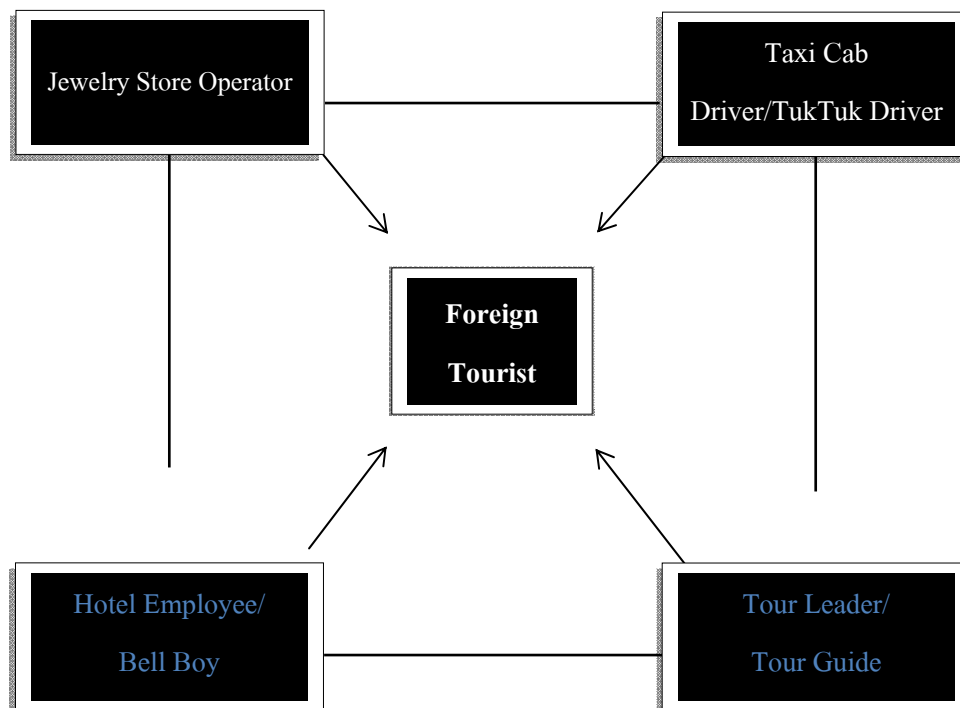


Figure 5-3 Figure 5.2 Patterns and Fraudulent Activities Planned on Foreign Tourist to purchase jewelry by a group of individual or gang operation

Judging from figure 5.3, the patterns and fraudulent activities planned on foreign tourist to purchase jewelry were done by a group of individual forming into a network of accomplices consisted of the jewelry store operator, public transportation driver, hotel employee, and tour leader, which operated as a gang operation to branch out as well as avoid the officers' investigation and easily access more tourists. The findings revealed that the officer closely observed on the activities of the accomplices, but the intense competition led to the updated and evolved pattern as the systemic plan with the network of accomplices embedded in the major tourist attractions and well-known places. For example, the villain would disguise as the tour leader conversed with the tourists in the accommodations or the hotels areas or working as the hotel employee or bellboy to make acquaintance with the guests. Once the tourists fell into the trap and agreed to see merchandise at the jewelry store, the villain contact the tour bus driver for the pickup and collect the share to be divided later.

To conclude, the foreign tourist fraudulent activities either by an individual or a group of individual or gang systemic operation that was built or operated discreetly because they just wanted to conceal the operation, eliminate the competition and avoid the officers' investigation. The current operation started with giving false information on the tourist destinations and details of jewelry store such as the operation by an individual. Furthermore, the research findings indicate the recent operation where the store operator proposed business benefit to the tour company as the tea-money and profit similar to the tour bus and tour leader received. It is the other way to create accomplices network in order to capture more tourists, less collaborator and share less as well as more secure, without stake out the tourist destinations. The tour company has arranged the travel schedule for the tourists to stop at the jewelry store as agreed with the operator in advance. This type of arrangement could bring more tourists and the same time lessens the share because the store operator only pays commission to the tour company employee.

5.2 Action against foreign tourist fraudulent activities of offenders on Purchasing Jewelry

Many government agencies were assigned different roles in the prevention and suppression of foreign tourist fraudulent activities on purchasing jewelry as well as handling problems and obstacles, including different law enforcement for each group of offender. The findings revealed that law enforcement of the officers in the past encountered many problems, partly as a result from true finding on the ambiguous nature of offense that could not be clearly identified whether or not the actions of store operators or the accomplices actually violated criminal law because it required the crucial evidences to proof the crime, namely, individual eyewitness. Furthermore, the investigation is time consuming until the officers were incapacitated in bringing the trial against the offenders before the victims leaving the country. This limitation is well acknowledged by all parties involved. The research findings indicated that the involved officers often saw the problem as non-violation of the law because of insufficient evidence to press charge and the tourist bought high price jewelry that had no standard price, so the price fluctuated depending on the seller price and buyer satisfaction. To judge whether or not the store charging suitable price for the merchandise is rather difficult to proof and the available fact barred the officers from persecuting the offender or the accomplices on tourist fraudulent charges by selling merchandise at extremely high price even with the store operator claimed that if the tourist bought high quality merchandise at the store, he could resale at his country for twice or five times of the original price. In the end, it is difficult to proof as mentioned earlier that jewelry has no standard price and the tourists are fully aware of the risk. Although high risk, the tourists were insisted of purchasing the jewelry because they wanted to make profit. This finding is coincided with the concept of Victim Precipitation specified that some victim put themselves in the risk situation. According to Han Von Hentig (Arnope Chubumrung, 1991) Victimology Theory, the foreign tourist could be classified as the acquisitive, or having the desire to resale the merchandise at their own country for profit, so they were willing to take risk of quality and price as being advertised by the tour leader and jewelry store operator.

Further from having problem gathering the evidence, time constraint on the tourist's schedule is another factor barring the officer from prosecuting the

offenders. The tourist is only staying in Thailand for brief period and already reserving ticket for the return flight. The prosecution involves many processes which could disrupt the tourist's traveling schedule and departure time. Currently, even with advance hearing of the case to facilitate the court procedure for the tourist. Most of them preferred not to enter the judicial process. They only wanted the refund before the departure. The problems and obstacles that the officers of each unit encountered during the prosecution of offenders are summarized as follows:

1) Tourist Police was unable to proof that the store operator and the accomplices had committed the tourist fraudulent activities because the transaction occurred out of willingness of both sides. The tourists would like to purchase merchandise at low price as well as there has never been any standard price setting for jewelry, and the gathering of evidence is a time consuming process.

2) OCPB officer often asked both parties to negotiate to find the solution because to proof the fraud without merchandise quality inspection was rather difficult. If solution was unfounded, the case must be delivered to the Reconciliation Committee who ordered the examination of the jewelry so that the official findings could be accompanied the court trial. However, in the past, almost every case had been settling without the court intervention because the tourists had limited time of staying.

3) TAT officer was unable to gather the evidence to prosecute the offender and the injured party wished not to press charge, so the best he could do was to proceed with civil charge. As for the illegal tour guide who was caught breaking the law would be sent to the police for legal violation.

4) Revenue Department officer would prosecute only the store operator who failed to report all earnings because there was not enough evidence to pursue criminal charge. The problems that barricaded prosecution of the offenders had encouraged them to continue the offense. Moreover, they knew that the officers aimed more at reconciliation than prosecution based on the laws. The Criminal Code, Section 131 clearly specified that all possible evidence must be found to reveal the truth and involved situations on the offense so as to proof the guilt or innocence of the accused. Because of the legal requirement and limitations, including the tourists refused to cooperate, the prosecution of offenders is a key obstacle to solving problem.

The officers had been consistently facing problems of enforcing laws, especially the laws involved foreign tourist fraudulent activities on purchasing jewelry, which only the Criminal Code and Criminal Code Procedure and Consumer Protection Act could be applied directly to such case in accordance with section 271 and 341 of the Criminal Code. However, the gathering of supporting evidences as required by section 131 is rather difficult process because jewelry has no standard price as gold. Moreover, the witnesses who could make the statement beneficial to the case were those involved in the offense. As for other laws such as, the Customs Act, Tour Business and Tour Guide Act, Tourism Authority of Thailand Act is intended for controlling, monitoring and suppressive actions only. The authorized officers are known only responsible section. The findings revealed that the offenders knew what to expect and already prepared to cope with the situation by arranging documents, and evidences for the officers' inquiry, making the officer failed to resolve or reduce the problems.

5.3 Guidelines for Preventing and Suppressing Foreign Tourist Fraudulent Activities on Purchasing Jewelry

In the study of guidelines for preventing and suppressing foreign tourist fraudulent activities on purchasing jewelry, one needs to understand the motives and relevant factors first. The research findings indicated that the foreign tourist fraudulent activities on purchasing jewelry has its similarity and could be explained by Routine Activity Theory of Cohen & Felson (1979) through the key principles of crime comprised of Motivated Offenders, Suitable Targets and Lack of Capable Guardians.

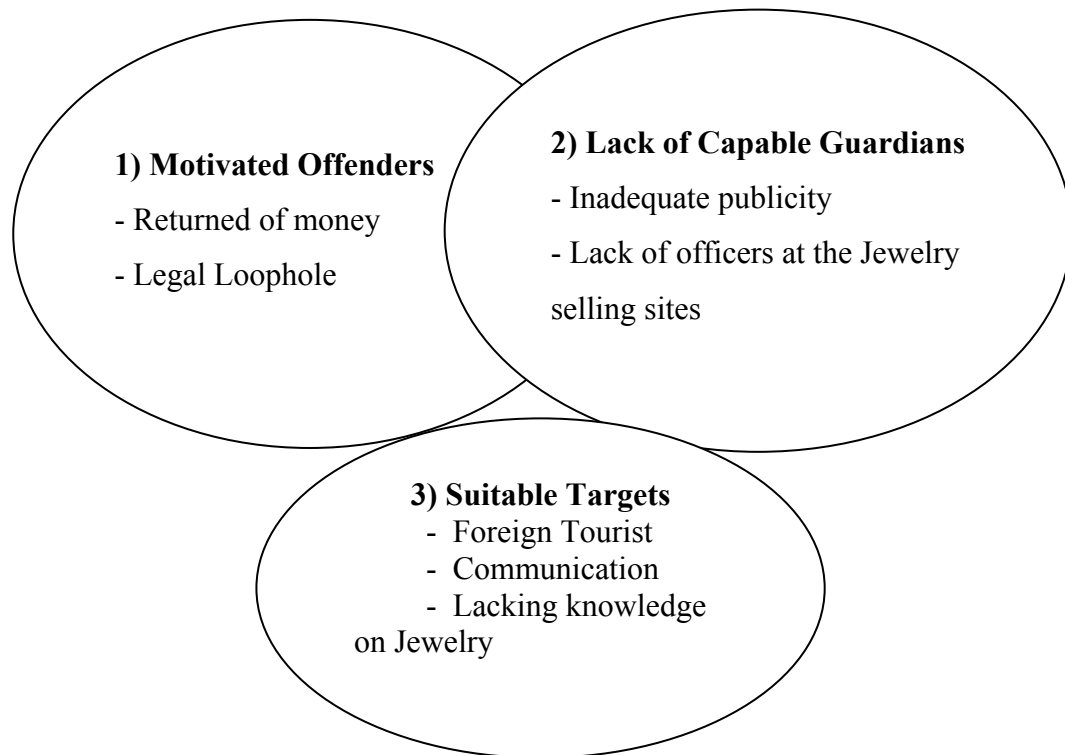


Figure 5-4 Correlations between Routine Activity Theory and Fraudulent Activities Planned on Foreign Tourist to purchase jewelry

1) Motivated Offenders are financial compensations, which divided into 2 parts: first is the tea-money that the store operator paid to the guide about 200-400 baht each trip, regardless of the sale. And second part is the commission from profit of sale amounted to 10 to 60 percent. Such activities encourage more fraudulent networks because the accomplices could earn quick and substantial commission from the sale of high price jewelry.

2) Suitable Targets: The villain would pick only foreign tourists who had visited Thailand for the first time. With experiences and familiarity in selecting the victims, the villain usually selects the tourist travelling alone, without specific travelling designation. Then, he would attempt to persuade the tourist to go visit the store or purchase merchandise by creating misconception on the product price and quality as well as telling the tourist that the store owned by the government to build more creditability. With additional propaganda, the villain told the victim to buy and

resale the merchandise at the higher price, usually creating greed and finally the tourist decided to buy the merchandise. The tourist who fell in the trap usually allowing himself to be in that risky situation with the network or the disguised villain such as parking area for tour bus, taxi cab, TukTuk, near the BTS exit, in front of the Hotel, Shopping Center, and major tourist attractions most preferred by the tourists. In each location, there is always a group of villain concealed to capture the victims and signal each other depending on where they found the victim such as in the hotel or tourists destinations, the bell boy or the illegal tour guide would approach the tourist and persuade him to visit the jewelry store. When the tourist agreed to go along, he made a call to the driver for pickup.

3) Lack of Capable Guardians: Most victims were tourist visiting Thailand for the first time. The tourists had not been informed about the foreign tourist fraudulent activities, only knew that Thailand is one of the world popular tourist destinations because they could get their money worth and besides Thailand never have bad reputation on fraud, so when the stranger approached and started to befriend with them and persuade them to see good quality jewelry at the store at low price, no force sale, no commitment, they soon fell for the trick and fully believed every villain word. Victims usually careless and unaware that he was about to be tricked into purchasing low price quality at extremely high price, but due to lack of information on fraudulent problems on purchasing jewelry that should be disseminated by the government officials, especially on knowledge and understanding of how to choose jewelry carefully because of its risky price and quality as a result from rather high price and without the standard scale to fix the fair price.

The analysis of Routine Activity Theory and foreign tourist fraudulent activities indicated that all the factors, namely, Motivated Offenders, Suitable Targets, Lack of Capable Guardians are enough to give rise to crime. To solve the problem with setting up preventive and suppressive measures, all 3 factors must be restrained; especially the financial compensation, tea-money and a share for the sale that motivated offenders still had direct effect on decisions-making whether or not to commit the offense.

Reducing motivated offenders could be done in 2 ways: stop the store operators from paying tea-money to those who could bring the tourists to the store.

First part is the direct responsibility of the officer to examine or use the technical equipment such as CCTV installing in the area with frequent complaint to prevent such offense. Second part is to build conscious among the accomplices, namely, the tour bus driver, tour leader or hotel employee so they could be aware of the impact from the tourist fraudulent activities. As for the additional components, suitable targets and lack of capable guardians, providing adequate information should boost the foreign tourist awareness of self-protection even more, including increasing manpower or officers capable of communicating in foreign languages. Both groups of key informants proposed the dissemination of information, allowing the tourists to access the vital information since the time of their arrivals, besides installing CCTV around the jewelry store, increasing manpower or assistants capable of communication with the tourists at the tourist attractions. These suggestions are coincided with the study of Phutthipong Nuchnat (1998) who stated that having the workplace ethics, experiences, trainings and control from the government officials and officers working for private companies could reduce fraudulent problems on jewelry sale. At the same time, he recommended harsh punishment for those committed fraud against the tourist, which considered the critical factor to discourage the offender from committing the offense.

Even with the collaboration of the public and private sectors in the prevention and suppression of the foreign tourist fraudulent activities on purchasing jewelry, the officers were unable to prevent fraud or advise the tourists thoroughly due to large tourist numbers visiting the country and the increasing numbers of the villains in the major tourist attractions.

As for the publicity, the direct warning to the tourists on fraudulent activities may inevitably impact Thailand image and tourism industry. Therefore, the officers' attempt to solve the problem in the past ran into many obstacles, which had been informed by those involved and experienced in prevention and suppression of foreign tourist fraudulent activities on purchasing jewelry. The researcher has introduced problem issues as the measures to identify 2 clear-cut guidelines to control and eliminate fraudulent problems consisted of the prevention and suppression measures and problems-solving problems. These measures are concluded as follows:

5.3.1 Preventive and Suppressive Measures for Foreign Tourist Fraudulent Activities on Purchasing Jewelry

1) Preventive Measures

Conduct publicity regularly through leaflets, posters, advertise, media, radio, television and internet, starting from the tourists entered the Immigration Checkpoint by providing them with helpful information, situation, current fraud patterns and fraudulent activities on purchasing jewelry since many foreign tourists had no awareness of the officials' roles and responsibilities in early warnings of the involved agencies in the tourist attractions and risk areas. Moreover, the Public Relations Mobile should be arranged to access all the risk areas in order to disseminate helpful information, especially knowledge in selecting merchandises, list of the standard stores that had been certified by the government organizations or Thai Gem and Jewelry Traders Association.

The officers from Royal Thai Department, OCPB, TAT and Revenue Department are being assigned to inspect and monitor the operation of store operators and the accomplices as authorized by laws. For the store operators, the inspection includes requesting the evidence for tax payments and the proof for product label in accordance with the Consumer Protection Act. Importantly, checking the background of the applicant for retail commercial registration if the applicant had violated the law in the past because often once the store operator was charged with violation, he would close down his operation and open at the new location. To deal with the accomplices such as the tour bus driver, tour leader and hotel employee, the officers must be actively inspected inspect every document pertained to their occupations thoroughly such as Public Automobile Driver License, Tour Operating License as well as recording their backgrounds to prevent the wrongdoings. This finding is coincided with the study of Kritiya Sirikhet (2001) who found that checking background of the applicant for commercial registration, record of revoking license, controlling label on jewelry, controlling contract, distribution of information, including reward for those assisting the prosecution of offenders and liaison between government organization that involved in complex operation helped solving fraudulent problems successfully.

2) Suppressive Measures

The active and effective law enforcement starts with consideration of the incident carefully whether or not the impending offender intended to commit fraud. Evidence must be collected as much as possible to prosecute every offender, regardless of success or failure to impose the punishment, but at least set up the norm to handle tourist fraudulent activities. Earlier, the officers set up the norm for fraudulent operation by trying to reconcile between parties since most injured parties requested such practice. As a result, the villains were not afraid of the laws and punishment. In order to prosecute the fraudulent operation, the authorized officers must take other offenses found into consideration, even without the direct connection with the tourist fraudulent activities such as, tax payment records of the store operators, driver license and Tour License. These are other approaches to restraint these individual from committing the offenses and comply with Law Enforcement Theory that the appearance of authority could inhibit the potential offenders from fear of being arrested if he committed crime as well as reducing the chance of criminals committing crimes.

5.3.2 Measures for solving problems from Foreign Tourist Fraudulent Activities on Purchasing Jewelry

1) The Ad Hoc Committee should be established to solve the foreign tourist fraudulent problem on purchasing jewelry because the government officials works are overloaded and they have encountered problems and obstruction while trying to control fraud such as interpretation of laws, collecting evidences for prosecution, including the foreign tourists' limitations. These are issues that required priority in solving problems, but not doing it themselves. The Ad Hoc Committee would be the center to distribute information and liaise between various agencies to ensure the law enforcement as well as integrated practice and arrange for public monitoring, including the follow-up and assess the officers' performance and investigate officers' corruption or receive kickback from the store operator, which considered as a crucial factor directly affecting the attempt to solve problems. In addition, the Ad Hoc Committee would establish the control measure, monitor those involved fraud, as well as gathering problems and making proposal for legal solution,

update rules and regulations obstructing the operation, including harsh punishment for those cheating on tourist as the warning not to repeat fraudulent activities.

2) There should be the campaign to boost the morals and ethics of tourism personnel in all levels as well as raise their conscious and professional ethics, performing duties without the conflict of interest, including the awareness of potential impact on tourism industry, the country main source of income, especially raising consciousness among the store operators. They should be urged to obtain the trade permit with TAT and post inside the store. The foreign tourist must be told to buy jewelry at the designated stores only. This way, problems could be solved with the assistance from the public. The finding is coincided with the study of (1998) who found the awareness of ethics in the operation, experiences, trainings and collaboration in prevention of fraud at moderate level. The researcher recommends for those involved with tourism to focus on tourism with fair and transparent operation because of tourism is the vital industry that its reputation should not be damaged by the unjust practice, especially fraudulent activities on selling jewelry.

3) It should be mandatory rules for the jewelry store operators to guarantee merchandise bought from their stores by buying back at reasonable price depended on the merchandise conditions and duration. Product warranty must be in similar standard form in throughout the country. For high price merchandise, the formal contract is required with the guarantee buying back the merchandise. For example, gemstones or jewelry sold higher than 50,000 baht needs the certificate, contract and product warranty. Meantime, Kunming, People Republic of China (PRC) has established similar system to control jewelry quality. Furthermore, the officers should be authorized to exercise their duties. Not only that, the officers should be allowed to proceed in every direction to eradicate the kickback even the store had no intention to cheat the tourists. Somehow, such practice deems to encourage the offense because the store operator incurred expenses from paying the villain that eventually pushed the operation cost higher. As a result, the store operator must increase price and do whatever it takes to make a sale, leading to over exaggerated advertise by concealing facts on price and quality. As soon as the tourists checked or compared prices, they would find out immediately that they had been led into buying low quality product at

extremely high price. These incidents eventually became part of foreign tourist fraudulent activities on purchasing jewelry.

CHAPTER VI

CONCLUSIONS AND RECOMMENDATIONS

The research entitled “Foreign Tourist Fraudulent Activities in Thailand: A case Study of Jewelry Business” aims to explore the problems, patterns and fraudulent activities planned on foreign tourists on purchasing jewelry, prosecution of offenders, including guidelines to prevent and suppresses the fraud . The study was conducted as the Qualitative Research, engaging the in depth interview with 2 groups of key informants comprised of group 1 key informants, namely, those involved in the fraud and group 2 key informants or those authorized in the prevention and suppression of the offense, having the total 21 samples. The findings are being concluded as follows:

6.1 Conclusions

6.1.1 Problems Situation, Patterns and Fraudulent activities planned on foreign tourists on purchasing jewelry

Fraudulent activities planned on foreign tourists on purchasing jewelry have been heavily complaint for a very long time with the tendency to become more severe and increasing higher. The government has attempted to define the measures to tackle the problems, but with restrictions on Law Enforcement and lacking continuation, this problem still remained in Thai society. Majority of store committed fraud are small operation, starting the fraudulent activities with the proposed compensation if the accomplices, namely, tour bus driver, tour guide or tour leader could deliver the tourist to the store. In addition, the accomplices are entitles to a share of profit once the tourist purchased the merchandise.

The accomplices usually selected the tourist who travelled alone without booking the tour due to limited time and unable to follow the tour schedule. Then, they

would approach the tourist to make acquainted and give the false statement in order to fool the tourist to visit the jewelry store. They often told the tourist the tourist attraction was not opened for services and the tourist should stop at the jewelry store first. When the tourist arrived at the jewelry store, the store owner would try to persuade the tourist to purchase jewelry by telling the tourist that the jewelry was high standard merchandise, but because of the clearance sale, the tourist could buy it at the inexpensive price. Importantly, the tourist could resale the jewelry at higher price and make substantial profit. Most tourists fell for these tricks and eventually bought the product.

6.1.2 Patterns and Fraudulent activities planned on foreign tourists on purchasing jewelry

Fraudulent activities planned on foreign tourists on purchasing jewelry are classified into 2 categories, namely, fraudulent activities committed by individual and by a group of individual or gang operation. Both categories hold identical pattern by first approaching the tourists and trying to convince the tourist with false statements. For example, lying to the tourist that the jewelry store was operated under the government project, having good quality inexpensive merchandise for sale. Since it was the last day for clearance, the tourist could purchase jewelry at the real low price. If the tourist was still reluctant to go to the jewelry store, he would try second step by informing the tourist that the place he planned to visit is closing or remodeling or servicing tourist only certain hour. For fraudulent activities committed by individual, it is traditional practice by the tour bus driver working alone without the accomplices. For the fraudulent activities committed by individual and by a group of individual with planning, division of labor and agreed compensation before the actual work. Group members are consisted of the jewelry store operator, tour bus driver, tour leader and hotel employee.

6.1.3 Prosecution procedures of offenders planned fraudulent activities on foreign tourists to purchase jewelry

The prosecution of offender planned fraudulent activities on foreign tourists to purchase jewelry has encountered the legal problems and time limitation

during the collection of evidence to proof the offense in order to proof the alleged offender's guilt. Therefore, the officials choose to reconcile to avoid these problems and minimize the process. Moreover, most foreign tourists had no desire to press charge, only wish to return the merchandise and receive the refund. So, without the prosecution, there was no punishment, which resulted in the spreading of foreign tourist fraudulent activities with extended full operation fraudulent network.

Under unavoidable circumstances, the officer must enforce other relevant laws to suppress the foreign tourist fraudulent activities on purchasing jewelry such as, failure to label merchandise properly, tax evasion or operate without tour license.

6.1.4 Guidelines for Prevention and Suppression of fraudulent activities planned on foreign tourists on purchasing jewelry

In order to find solutions for eliminating fraudulent activities planned on foreign tourists on purchasing jewelry, all public and private organizations must collaborate to integrate their operation techniques actively and continuously through serious campaign and publicity among the foreign tourists in different languages besides English such as, Chinese, Japanese, Korean, starting from the time of their arrival. They must be informed, educated to aware of the fraudulent situation, patterns, activities and other helpful information such as, the list of jewelry stores certified by the government organizations or Thai Gem and Jewelry Trader Association. In the same time, the officers should set up the surveillance together with the strict law enforcement on all charges and offenses found. The private organizations must be encouraged to follow up on outcomes of complaint cases to ensure the officials' effective problems-solving and transparent operation.

6.2 Recommendations

This study of foreign tourist fraudulent activities on purchasing jewelry and exploring problems and obstacles in the prosecution considered as the key mechanisms for bringing the offenders and their accomplices into the judicial process. In addition to the above mentioned study, the guidelines for preventing and suppressing the offenses in various was studied concurrently with various dimensions

and perspectives of the field experts and those with the direct experiences as well as examining the rules, mandate and relevant laws on the offenses. As a result, the following recommendations are being proposed for guidelines to effectively solve foreign tourist fraudulent activities on purchasing jewelry.

6.2.1 Practical Recommendations

1) The Tourism Authority of Thailand should arrange the campaign on trainings, enhance moral ethics for tourism-related personnel in order to raise their consciousness and professional ethics and disregard the earnings from corruption, especially, among the jewelry store operators and tour guides as well as training adequate number of volunteer or tourist assistant to be stationed in the tourist destinations. The content must be explicitly explained the preventive and suppressive measures in foreign tourist fraudulent activities on purchasing jewelry.

2) The Royal Thai Police should assign the Tourist Police Division and Office of Legal Affairs and Litigation Office the responsibility of gathering data, problem natures and limitations in prosecuting the offenders and the accomplices as to propose updating guidelines on the relevant laws for collecting evidence to prosecute the offenders, including the legal control specifically for tourism industry personnel directly in charge of providing services and protect the tourists' well-beings such as, tour leader, tour guide, and tour business. The study outcomes are analyzed to accompany the proposal for further drafting the new enforceable laws.

3) Tourism Authority of Thailand should arrange for Public Relations Campaign through the publication, published articles in foreign languages in order to educate the foreign tourists on how to purchase good jewelry in Thailand. The emphasis is on convincing the tourists to conduct the transaction with the certified store under the official merchandise standard only. The store lists under the government organization or Thai Gem and Jewelry Traders Association should be available for the tourists as well as warning them to exercise with extra precautions by thoroughly inspecting the merchandise. Additionally, arranging the hotline with the officers who are able to communicate with the tourists in their own languages as well as providing services or advice when they ran into problems or having difficulty choosing real jewelry.

4) The Tourism Authority of Thailand should prepare the survey form for the foreign tourists to make comments or complaints before their departures, due to the low number of unreported crime than actual offense by arranging the leaflets requesting their comments. This leaflet should be given to the Immigration Officer to be distributed to the tourists at the time of their arrivals and when they are about to depart, attached with the departure card (Immigration Card 6) in order to acquire the completed information as accurate to actual situation.

6.2.2 Policies and Structural Recommendations

1) The Ad Hoc Committee should be appointed for solving problems on foreign tourist fraudulent activities on purchasing jewelry, including the establishment of the Coordination Center for enforcing relevant laws as well as setting up the control measures for those committed foreign tourist fraudulent activities. The investigation, follow-up and assessment of the outcomes should be conducted to collect and learn the cause of problems from each agency on monthly basis in order to propose solutions for problems obstructing their performances.

2) The Tourism Authority of Thailand should consult with the Thai Gem and Jewelry Traders Association on setting up the measures for product price guarantee and buy back policies. Such plan was carried out at one time, but lack of commitment and consistency. There should be the standardized form with identical format throughout the country. In case the merchandise price is too high, the store should make the sale contract to guarantee the buyback policy.

3) Royal Thai Police should propose setting up the budget for suppression and prosecute the offender so the involved agencies could handle the foreign tourist fraudulent problems on purchasing jewelry effectively. Furthermore, the fund for crime prevention and suppression should be establish with the public involvement, perhaps from offering the reward for the informant or those who could help with criminal apprehension since successful prosecution required completed evidence, especially this type of offense where individual witness, material witness and surrounding witness are needed to prosecute the offender.

4) Tourist Police Department should arrange the meeting between involved agencies, namely, OCPB police, OCPB, Revenue Department as well as

inviting the tour and jewelry store operators, association representatives/ tour bus operators to find solutions for foreign tourist fraudulent problems on purchasing jewelry, including the investigation, sharing information and comments, leading to work integration between the government agencies and private sector to facilitate and expedite problems-solving process more effective.

5) The Ministry of Tourism and Sports should assign the Tourism Authority of Thailand together with the Tourist Police Division arranged the tour company registrations, jewelry store operators, including the issue of merchandise guarantee with hotline number to the tourist on each sale. Moreover, there should be the collaboration between the Sub-district Organization, installing CCTV in the tour risky areas such as major tourist attractions where the jewelry stores received complaints located or in front of those stores to prevent the offense from occurring. In addition, the devised plan between the jewelry store operator and the accomplices could be used as the prosecution evidence.

6) The Royal Thai Police should assign the Tourism Police Division main responsibility in suppressing illegal guide and collaborating with the agencies involved in criminal prosecution of those conducted foreign tourist fraudulent activities. This is done to speed up the case and uninterrupted the foreign tourist travel and departure schedule. Even with the establishment of Tourist Court to handle tourist problems, it still needs more qualified and experienced officers to coordinate work. Therefore, the involved officers should be trained to improve their skills and arranged in sufficient numbers to provide services.

7) Office of Consumer Protection Board with the Revenue Department and the Local Police Station should conduct the investigation on the jewelry stores that received the complaints as well as recording background of the applicant for commercial registration, monthly tax payment in order to prevent the store that broke the law from recruiting agent and building the fraudulent network, which considered as the start of the offense process.

8) The Royal Thai Police should rotate personnel, namely, the Tourist Police and OCPB officers on the annual basis in order to avoid officers' corruption and receiving kickback from the jewelry store. Meantime, engage the service of Thai Gem and Jewelry Traders Association in monitoring the police's performance to

prevent the conspiracy in fraudulent activities. Often, when the offense happened, the local police called the Tourist to handle this specific case create the relationship between the police and store operator that may lead to officers' corruption. Besides, other agencies such as the Department of Special Investigation should be allowed to get involved with the police operation as well.

9) There should be the remedial measures to assist the foreign tourist victims of fraudulent activities on the jewelry sale when they had not received justice, unable to return the merchandise and obtain refund before the departure. For example, the Sub District Administration is allowed to earn revenue from tourism allocating own budget and hiring workforce as well as recommending the establishment of the Center for Problems-solving to handle own situation and problem at the Municipality or the Police Station with the officers to provide assistance in the case where both parties could not reach the settlement, or the store refused to return the money, perhaps reserve some money for initial refund to maintain the country tourism image, and later settled with the store operator at reasonable amount.

10) In order to find solutions to suppress foreign tourist fraudulent activities on purchasing jewelry, it is essential to allocate adequate budget for operation as well as acquiring sufficient number of knowledgeable officers in foreign languages to assist crime prevention and ensure effective and tangible solutions. The Tourism Police Division should be transferred under Ministry of Tourism and Sports that has ample budget, equipment, materials and manpower to support appropriate performance

6.2.3 Recommendations for Further Researches

1) This research collected data from those involved with fraudulent activities planned on foreign tourists on purchasing jewelry, but limited to the Thais only. Certainly, when Thailand is becoming a part of ASEAN Economic Community at the end of 2015, the influx of many nationalities entrepreneur soon come to the country even though the sale of jewelry would be reserved professional for the Thais. In reality, some foreigners have already secretly operated this type of business.

2) The research should be continued to investigate and follow-up problems and obstacles if there is any transformation of patterns and fraudulent activities

planned on foreign tourists on purchasing jewelry to avoid being apprehended by the officer.

3) The next research should be conducted in both qualitative and quantitative study by collecting data from diversified population, the offenders and the law enforcers to cover all prospective dimensions, so only qualitative study would not be enough to gather data.

4) In the next research, factors affecting the prevention and suppression if any factors promoting or obstructing the legal process and law enforcement of the officers that may assist in developing guidelines for effective and efficient problems solution.

BIBLIOGRAPHY

Thai Literatures

- Karuna Boonmaruen (2003). **Factors Affecting Foreign Tourist Travelling to Thailand**, ChiangMai University Tourism Department, Ministry of Tourism and Sports (2014) **Summary of Tourist**.
- Tourism Authority of Thailand (1994) **Annual Report 1994**, Bangkok Metropolis: 1994.
- Research and Development Division, Royal Thai Police (2005) Crimes against Foreign Tourists in Thailand, Bangkok Metropolis, Royal Thai Police
- Tourist Police (2012). **Security Plan for Tourists in Safety Zone, Bangkok**: Tourist Police Division.
- Central Police Bureau (2012) **Strategic Plan for Tourists Safety 2012-2015**.
- Kritiya Sirikhet (2001) Project “**Legal Measures to control Foreign Tourist Fraudulent Activities in Thai Retail Jewelry Business**, Sukhothai Thammathirat Open University.
- Jukpun Rattanakul (2012) **Factors Negatively Impact on Domestic Travel of Thai Tourists**, Faculty of Economics, Chiang Mai University.
- Jaruwan Chaisuwan et., al. (1999) **The In depth Study on the Behavior of Foreign Tourist towards the use of Thai Jewelry**, Chiang Mai University.
- Chanyod Chunarrun (1998) **Jewelry, Product and Market Research Division**, Department of Business Economics, Bangkok Metropolis.
- Chutima Jomputtha. (2001) **Gemstones Industry**, Bank of Thailand, Bangkok Metropolis.
- Tawee Sirmpongpan et., al. (1999). **Research report on the Shopping Street Development for tourist “A case study at Ratdumri Rd., Bangkok Metropolis**, : National Institute of Development Administration.

- Tanavan Saengsuwan (2000). **Observation on foreign and Thai working age tourists buying jewelry habit**, Sasin Graduate Institute of Business Administration, Chulalongkorn University.
- Narasee Vaivanichakul (2002). **Increasing potential and Marketing Capability of SME Jewelry Business**, Sasin Graduate Institute of Business Administration, Chulalongkorn University.
- Tourist: A case study on opinion of third party involved with tourists at Pattaya**, Faculty of Social Science and Humanities, Mahidol University.
- Pratheng Taniyapol and Suvit Nimnoi (1990) **Criminology and Penology**. Bangkok Metropolis: Faculty of Law, Ramkhamhaeng University
- Pajaree Polprasert et., al. (2006). **Confidence towards Tourist Police providing safety surveillance and their desirable qualities**, Faculty of Management, Kampaengpetch Rajabhat.
- Purachai Piemsomboon et., al. (1988) **Basic Crime and Judicial Process, Problems and Obstacles and Control Guidelines**, Bangkok Metropolis, Phranakorn Printing Partnership Ltd., Royal Thai Police, Bangkok Metropolis.
- Pongpun Nunthachai (2010). **Customer satisfaction towards jewelry buying selection at Border Market of Mae Sai District, Chiangrai**, M.S Business Administration, Chiangrai **Safety and Facility Plans for tourists in Safety Zone**.
- Phuttipong Nuchanat (1998). Cooperation of Gemstones Business Entrepreneurs to prevent tourist fraudulent activities: A case study at Bangkok Metropolitan areas, Faculty of Social Sciences and Humanities.
- Pirom Boonrodpanich (1988) **Impacts of Crime Problems upon Tourism Industry in Thailand (A Case Study: International Tourist Notion)** M.A Thesis Criminology and Justice, Faculty of Social Sciences and Humanities, Mahidol University.
- Mingsun Kaewsaard (2002) **Blueprint of Jewelry Industry, Social Research Institute**, Chiang Mai University.
- Yudsilp Taeratkul (2003) **The Study of Consumer Decisions-making to Purchase Jewelry in the Jewelry Exhibition on 10-14 September, 2003, at**

- Muangthong,thani**, Faculty of Management, Sukhothai Thammathirat Open University.
- Rungsum Tanapornpun (2006), **The study of Thai Jewelry Industrial Structure**, Faculty of Business Economics, Thammasart University.
- Wattanchai Chumak (2001) **Thai Travelers Motivation in traveling aboard: A case study of Rotary Members of Muang District, Chiang Mai**. Independent Study, M.A, Faculty of Humanities, Tourism Industry Management, Chiang Mai University.
- Vathit Ittisirivet (2008) **Foreign tourists travelling habits in Thailand**, Silpakorn University.
- Vorapoj Srivongkol(2005) **The study of situation and problems in Jewelry Exporting Business Operation**, M.A Faculty of Technology and Management, King Mongkut's University of Technology North Bangkok.
- Vutthi Laosoonthorn (1993) **Crime, Drug Trade (Study Basic Data, Drug Trafficking by the dealer**, Bangkok Metropolis: Office of the Narcotics Control Board.
- Vorapong Paemsiri (2010). **Influenced factors on consumer purchasing pink tourmaline in Muang District**, Chiang Mai Province, Chiang Mai University.
- Srisum Kumpriyarn (2011). **Controlling and monitoring measures for unfair tourism business in Thailand**, Suan Dusit Rajabhat University.
- Somyod Pumpunmuang (2009) **Compensation for Crime Victims in Thai Judicial Process**, College of Justice, Institute of Judicial Officer Development, Office of the Commission for Judicial Service.
- Salavut Benjakul (2008) **Roles of Justice Court on Consumer Protection**, Matichon: 2nd Issue. 2008.
- Sunthud Chaeputtan (1998). **People Participation in Tourist Crime Prevention: A case study of comments from Third party involved with tourist at Pattaya**, Mahidol University.
- Sudsanguan Suthisorn. (2000). **Crime Victims**, Bangkok Metropolis: Pimdee.
- Supanna Hassapak (2002) **Factors attracting Foreign Tourists to visit Chiang Mai**, Independent Study, M.A. Economics, Chiang Mai University.

- Suraj Vongsawad (2001). **Problems from implementing tourist crime prevention and suppression policy**, M.A, Policy and Social Plan.
- Surapong Paimuang (2007) **Tourist Purchasing Habits at Border Market, MaeSai District**, Chiangrai Provonce,. Chiangrai Rajabhat University.
- Sichol Intharasattyapong (2009) **Factors influencing foreign tourists decision to choose adventure tour in Chiang Mai**, Faculty of Economic, Chiang Mai University.
- Sitthisak Punpichyanon (2002) **Community Crime Situations and Preventive Measures, Muang District, Chiang Mai**, Independent Study, M.A, Local Research and Development, Chiang Mai Rajabhat University.
- Royal Thai Police (2013) **Operational Plan: Tourists Safety and Service for 2013**, Bangkok Metropolis, Royal Thai Police.
- Anu Yaemsang (2005) **Treatment Guidelines for injured party or human trafficking victims** M.A. Thematic Paper, Thammasat University, Faculty of Social Administration.
- Annop Chubumrung (1990) **Comparison in controlling Officials Corruption between Thai and Sweden**, Bangkok Metropolis: Faculty of Social Science, Kasetsart University.
- Annop Chubumrung and Srisombat Chockprajukchud (1995), **Victimology**, Mahidol University.
- Assavin Saengpikul (2008) **Research Report on Tourist Travelling Motivation : A Case Study of Korean Tourists Visiting Thailand** , Faculty of Arts and Science, Dhurakij Pundit University.
- Arporn Jongritthiporn (2005). **Factors affecting Thai tourist decisions-making in buying Jewelry**, Kanchanburi Province, Chiang Mai University.
- Status January 2012**, Bangkok: Tourism Department, Ministry of Tourism and Sports.
- Order Of Royal Thai Police No. 320/2555 dated June 6, 2012 on Appointment of Practical Meeting Preparation Committee to solve tourist problems **in accordance to the government policy to generate tourism revenue 2 billion by 2015**, Bangkok Metropolis: Royal Thai Police.

English Literatures

- Allen and others. (1979). **Criminal Justice Legal Value and Rehabilitative Idea**. 50 J Crim. L.C. & P.S.
- Bangkok Gems & Jewelry Magazine (1993), **A New Addition to the Crown Jewel of Thailand**. BGJ Bangkok.
- Bang-ornrat Rojwannasin. (1982). **Determinants of International Tourist Flows to Thailand**. Master's thesis. Economics. Thammasat University.
- Barker, M. and Page, S.J. (2002). **Visitor Safety in Urban Tourism Environments: The Case of Auckland, New Zealand**. Cities, 19 (4), 273–282.
- Barker, M., Page, S.J. and Meyer, D. (2002). **Modeling Tourism Crime: The 2000 America's Cup**. Annals of Tourism Research, 29(3), 762–782.
- Bayer, R. (1981). **Crime, Punishment and The Decline of Liberal Optimism**. Crime and Delinquency, 27.
- Brunt, P., Mawby, R. and Hambly, Z. (2000). **Tourist Victimization and the Fear of Crime on Holiday**. Tourism Management, 21(4), 417–424.
- Chesney-Lind, M. & Lind, I.Y. (1986). **Visitors as Victims: Crimes against Tourists in Hawaii**. Annals of Tourism Research, 13(2).
- Chris, R. (1993). **Crime, violence, terrorism and tourism: An accidental or intrinsic relationship?** Tourism Management, 14(3).
- Cloward, Richard A. and Ohlin, Lloyd E. (1961) **The Mask of Sanity**. St Louis, Mo: V Mosby.
- Cohen and Marcus Felson, (1979). **Social Change and Crime rate trends: A routine activities approach**. American Sociological Review.
- Cornish and Ronald V. Clark, (1986). **The Reasoning Criminal :Rational Choice Perspectives on Offending**. New York : Springer.
- Cullen, Francis T., & Agnew, Robert. (2003). **Criminological Theory: Past to Present Essential Readings**. Second Edition., Los Angeles: Roxbury Press.
- Euro monitor International's top city destinations ranking**. (2011). Retrieved 23 March 2013, From <http://blog.euromonitor.com/2011/01/euromonitor-internationals-top-city-destinations-ranking.html>.

- Felson, Marcus.(1995). **Crime in Everyday Life. Thousand Oaks, CA.:** Pine Forge
Gemological Institute of America. (1995). Gem reference guide. U.S.A.
270 p.
- Ferreira, S., and A. Harmse (2000). **Crime and Tourism in South Africa:
International Tourists' Perception and Risk.** South African
Geographical Journal 82(2).
- George,R. (2003). **Tourists' Perceptions of Safety and Security while Visiting
Cape Town. Tourism Management, 24.**
- George,R. (2003a). **Tourists' Fear of Crime While on Holiday in Cape Town.
Crime Prevention and Community Safety, 5 (1).**
- Hodkinson, S. & Tilley, N. (2007). **Travel to Crime: Homing in on the Victim,**
International Review of Victimology, 14(3).
- Institute for Economics and Peace. (2013). **Global Peace Index 2013.** Research
Institute in Australia
- Kom and Mc-Cokie. (1959). **Some Recent Theoretical Developments in
Victimology.** Victimology, 4, 2.
- Liddicoat, R.T. (1990). **Handbook of Gem Identification.** Gemological Institute of
America, U.S.A.
- Magi, L.M. (2000): **Tourism Safety and Security in Kwazulu – Natal: Perception,
Reality and Prospects. Paper presented at the International
Geographic Union's Commission Conference, held in Cheju, Korea.**
- McIntosh, Robert W., and Charles R. Goeldner. (1990). **Tourist: Principles, Practice,
Philosophies.** 6th ed. New York : Wiley Press,
- Merton, R. K. (1957). **Social Theory and Social Structure.** Glencoe : The Free Press.
Paul B., Rob M., Zoe H.,(2000). **Tourist victimisation and the fear of
crime on holiday.** Tourism Management, 21(4).
- Richard S.Brown (2008), **Ancient Astrological Gemstones & talismans 2nd Edition
pages 33 and 51.** Hrisikesh Ltd. ISBN 978-974-8102-29-0.
- Siegle, Larry J. (2000). **Criminology.** (7th ed.). California, USA: Wadsworth
Thomason Learning.

- South Asian Journal of Tourism and Heritage (2010), Vol. 3, **South Asian Journal of Tourism and Heritage The Impact of Crime on Tourism in the City of uMhlathuze**, KwaZulu-Natal.
- Sutherland, E. H., & Cressey, D. R. (1966). **Principles of Criminology**. New York: J. B. Lippincott.
- Swarbrooke, J. and Hurner, S.(1999). **Consumer Behavior in Tourism**. Oxford: Butterworth-Heinemann.
- Swarbrooke, J., and S Honour. (1999). **Consumer Behavior in Tourist**. Oxford: Butterworth – Heinemann.
- Taylor, I., Walton, P., & Yong, J. (1973). **The new Criminology**. New York: Harper & Row.
- Tourist Police Department. **Tourist Police. Greek Police Force**. (online). (2006). Available: <http://www.gnto.gr/pages.php>.
- United Nations Education, Scientific and Cultural Organization. (1988). **Statistical Yearbook**. Paris: UNESCO Press.
- Weaver, D., and M. Oppermann.(2000). **Tourist Management**. Brisbane : Wiley.

Website

- Pawat Songsaeng (Year unknown). **Nature of industry and Tourism Business**, April 10, 2014 from <http://praveetelearning.com>
- Thai Gem and Jewelry Traders Association (2013),. **Campaign Buy with Confidence**, March 20, 2014 from www.thaigemjewelry.or.th
- Thai Junior Encyclopedia Campaign (Year Unknown.), **Gemstones**, March 28, 2014. From <http://kanchanapisek.or.th>
- Thailand Business Information Center in China, Trade Policy and Strategy Office, Ministry of Commerce (Year unknown), Relevant Laws on Jewelry March 15, 2014 from <http://www.chineselawclinic.moc.go.th/>
- Tourist Assistant Center, Ministry of Tourism and Sports (2013), Tourist Complaint Statistic in 2012, March 15 2014 from <http://secretary.mots.go.th/>

APPENDICES

2.1 Patterns and Foreign Tourist Fraudulent Activities on Purchasing Jewelry

1) Please state the known patterns and foreign tourist fraudulent activities on purchasing jewelry

.....

.....

.....

2) Please provide details involved the offenders and the scene of crime

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.....

2.2 Prosecution of the involved offenders in foreign tourist fraudulent activities on purchasing jewelry

1) Have you ever seen or been aware of the offenders involvement in foreign tourist fraudulent activities on purchasing jewelry ? Please explain.

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.....

2) In your opinion, what are the real problems and obstacles in the prosecution of offenders?

.....

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.....

3) Please comment on the current pattern of prosecuting offenders
(Could it be considered as the appropriate measures, and how?)

.....

.....

2.3 Prevention and Suppression of foreign tourist fraudulent activities on purchasing jewelry

1) Do the current preventive and suppressive measures of foreign tourist fraudulent activities on purchasing jewelry conduct with sufficient manpower, appropriate with the situation and capable of solving problems?

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If the preventive and suppressive measures are insufficient, what changes would you recommend and how to implement?

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APPENDIX B

**Interview form for involved samples in prevention and suppression of foreign
tourist fraudulent activities on purchasing jewelry
(For a group of police, a group of OCPB officers, TAT officers and Revenue
Department officers)**

Part 1 Personal Data

Instruction: Please put ✓ in front of the chosen statement

1.1 Sex () 1.Male () 2.Female

1.2 Age..... Year

1.3 Occupation (please specify)

.....
.....

1.4 Length of involvement in foreign tourist fraudulent activities on
purchasing jewelry

.....

1.5 Operation Pattern.....

1.6 Preventing and suppressing patterns for foreign tourist fraudulent
activities on purchasing Jewelry.....

Part 2 Research data

2.1 Problem situation in foreign tourist fraudulent activities on purchasing jewelry

1) In your opinion, what cause the problems in foreign tourist fraudulent activities in purchasing jewelry?

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2) Please comment on the offense situation intensity and tendency to commit the offense

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.....
.....

2.2 Patterns and Foreign Tourist Fraudulent Activities in Purchasing Jewelry

1) Please provide the details on the patterns and foreign fraudulent activities in purchasing jewelry

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2) Please provide the details on the offenders' actions and the scene of offense

.....
.....
.....

2.3 Prosecution of the involved offenders in foreign tourist fraudulent activities on purchasing jewelry

1) In your opinion, what cause the problems in prosecution of the offenders involved in foreign tourist fraudulent activities in purchasing jewelry?

.....
.....

2) Please comment on the current pattern of prosecuting the offenders (Is it appeared to be the appropriate guideline for problems-solving and how?)

.....
.....
.....

2.4 Preventing and suppressing patterns for foreign tourist fraudulent activities on purchasing jewelry

1) Are the current preventive and suppressive measures sufficient and actually solve problems?

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2) If the preventive and suppressive measures are inadequate, what do you think should be done or improved in which area and how?

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3) In your opinion, do you think the foreign tourist fraudulent activities could be reduced or eliminated? If so, which pattern works best and how?

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APPENDIX C

Table 2.1 Relevant Laws on foreign tourist fraudulent activities on purchasing jewelry

Relevant Laws	Summarized Content
1. Criminal Code	<p>Section 271</p> <p>Whoever selling the goods to buyer with any fraudulent activities and means to deceive the buyer of the origin, source, nature, quality or quantity of good even such action not constitute fraud, such person shall be considered committing the offense and subjected to fine or imprisonment or both.</p> <p>Section 341</p> <p>Anyone intentionally deceived others by passing false statement or concealing fact that should be revealed in the first place., caused the deceived person or third party to loss his valuables, revoke or destroy a certificate of ownership , such person is considered committing fraud/.</p>
2. Criminal Procedure Code	<p>Section 131</p> <p>Collect all evidence available for fact-findings and leaning all activities related to the alleged offense so the real offender could be apprehended and at the same time the judicial process may lead to proof the alleged offender guilt or innocent.</p>
3. Consumer Protection Act	<p>Section 20</p> <p>Authorize OCPB to oversee the following duties:</p> <p>(1) Handle the complaints from consumers who have been treated wrongly by the business operators so that the complaints could be gathered and presented to the</p>

Relevant Laws	Summarized Content
	<p>Committee.</p> <p>(2) Monitor and put up surveillance on the business operators suspicious activities. Any sign of consumer violation must be investigate and proof the wrongdoings whether being the merchandise inspection or examination of services as sees fit just to guarantee consumer's right.</p> <p>(3) Enhance the research and study of problems on consumer protection by collaborating with other Educational Institutes and Agencies.</p> <p>(4) Educate consumers in all educational levels to focus their attention on the safety and danger that may have risen from using the products or services.</p> <p>(5) Disseminate academic knowledge among consumers to raise their consumption habits, consume healthy and economical foods, including the use of national resources wisely to gain maximum benefits.</p> <p>(6) Collaborate with the government or their organizations authorized to control, promote or set up the standard price for merchandise and service.</p> <p>(7) Conduct other functions as required or assigned by the Ad Hoc Committee.</p> <p>Section 25</p> <p>In case where the Advertising Committee agreed to advertising on the conditions and details of the merchandise, including the fact on the business operators, The Advertising Committee is empowered to ask such business to comply with the adverting regulations.</p> <p>Section 26</p> <p>In case where the Advertising Committee agreed to the appropriate statement of advertising and media channel, they should inform the consumer that such statement is</p>

Relevant Laws	Summarized Content
	<p>intended for advertising. The Advertising Committee is authorized to specify type of advertise and the media channel employed with the written explanation to notify the public. However, Advertising Committee must comply to the specified condition.</p> <p style="text-align: center;">Section 47</p> <p>Any person who intends to cause misconception in the origin, condition, quality or quantity or essential essence as related to the merchandise or service, regardless of ownership. By passing false advertising or using fake label, the public could be led to misunderstanding.</p> <p style="text-align: center;">Section 52</p> <p>Any person who intends to sell control-label product as specified on Section 30, distribute without label or incorrect label or label that had been expired and the Label Committee order him not to use it as being stated in Section 33. With this, he is fully aware of the violation of law.</p>
<p>4. Tourism Authority of Thailand Act</p>	<p style="text-align: center;">Section 4</p> <p>“Tourism Industry ” refers to the businesses providing tourism-related services, inside and outside the Kingdom of Thailand by collecting compensation in return, including (๔) selling souvenirs or merchandises for the tourists</p> <p style="text-align: center;">Section 8</p> <p>Tourism Authority of Thailand clearly states the following purposes:</p> <p>(1) To promote tourism, and tourism industry, including the livelihood of Thai people in tourism-related industry</p> <p>(2) To advertise Thailand beautiful scenery ,</p>

Relevant Laws	Summarized Content
	<p>ancient monument, ancient artifact, history, cultures, sports and advance technology, including other areas that may be intrigued to the tourists</p> <p>(3) Provide convenience and safety for the tourists</p> <p>(4) Enhance understanding and hospitality among Thai people and between countries through tourism</p> <p>(5) Initiate tourism promotion in order to improve basic facilities and provide convenience for tourists Section 9</p> <p>Authorize TAT to act within the scope of objective in Section 8, including the power to (7) arrange tourism as needed and investment or joint-venture, just to better tourism or improve basic facilities and provide convenience for the tourists.</p>
<p>5. Act of Tourism and Guide Registration</p>	<p>Section 24</p> <p>The tour operators shall not conduct any activity that may cause the damages to the tourism industry, tourist attractions or tourists themselves.</p> <p>Section 26</p> <p>In order to advertise the tour schedule, the tour operator shall be required to publish the brochure contains the following details</p> <p>(1) Name of the tour operator, business and tour license registration number.</p> <p>(2) Duration of the tour</p> <p>(3) Fees and method of payment</p> <p>(4) Type and features of vehicle used for travelling</p> <p>(5) Tour destination, resting areas and major tourists attraction</p> <p>(6) Type and features of accommodations, including numbers of arranged meals</p>

Relevant Laws	Summarized Content
	<p>(7) Identify number of tour guide or tour leader where the tour activity required the assistance of tour guide or tour leader.</p> <p>(8) Minimum numbers of tourists shall not be less than the specified tourist's numbers.</p> <p>Section 80</p> <p>Anyone caught conducting tour business without the tour license based on Section 15 or operating tour business while his tour license has been revoked.</p> <p>Section 86</p> <p>Whoever operated as the tour guide without official license in accordance to Section 49 or continue working during the revocation of his tour guide license.</p> <p>Section 88</p> <p>Any tour guide fails to comply with the Committee regulations or pin Tour Identification Card is classified as the tour guide in Section 57.</p> <p>Section 58</p> <p>In order to obtain the tour guide position, the tour guide is forbidden to pay for bribe or kickback or agreed to bear all costs or portion of bribe to get the tourists.</p> <p>Section 60</p> <p>The tour guide shall not allow any non-license tour guide to work as a license tour guide in his place.</p> <p>Section 90</p> <p>Prohibit whoever without official registration as the tour leader to conduct the tour.</p> <p>Section 92</p> <p>Prohibit any tour leader from violating the order of the registrar</p> <p>Section 95</p> <p>In case where the offender receive the punishment</p>

Relevant Laws	Summarized Content
	based on this Act and he is one of the Juristic Person Committee members, or assigned to represent Juristic person , he shall be fined or face the imprisonment as well.
6. Customs Act	<p>Section 27</p> <p>Whoever imports or bring merchandise into the Kingdom of Thailand without paying custom tax or removing or assisting the removal of goods from any ship, dock or warehouse without permission, or provide the place to keep or conceal such goods in any manner to avoid or attempt to avoid paying custom tax or any duties and provisions of laws and restriction relating to importing and exporting, landing, transportation of goods, warehousing and delivery of goods with obvious intention for tax evasion. The offender shall be fined of four times the amount of price of goods, including the duty or facing the imprisonment for a term not exceeding 10 years, or both.</p> <p>Section 27 (Bis)</p> <p>Whoever assists in concealing, distrusting, disposing, purchasing, pawn or accepting the goods with the awareness of such good has not paid tax or such good is forbidden to enter the Kingdom of Thailand illegally without the custom inspection. Such person shall be liable to imprisonment for a term not exceeding 5 years or subject to a fine equal to quadruple price of goods, which is included the duty , or both fine and imprisonment.</p> <p>Section 35</p> <p>All importing goods or exporting via the post office shall be duly declare and of contents and record correctly. Failure to comply, the importer and recipient shall face identical punishments as those sent goods through vessel, except the liability and penalties shall be fallen on the</p>

Relevant Laws	Summarized Content
	<p>recipient of the import goods whereas the sender or export goods or the recipient of the export goods or the one take such goods to the post office may be fined, depending on the case by case.</p> <p style="text-align: center;">Section 37</p> <p>The officer may inspect the package entering or leaving the Kingdom. If the inspector is still having any doubt, he may hold on to the package until satisfied with inspection, and all duty had been paid. The custom officer may inspect the package at the Post Office or Custom Checkpoint.</p> <p style="text-align: center;">Section 114</p> <p>Any officer may request for invoice, manifest, Bill of Lading, receipt book, record or other related documents to the goods passing inspection or passed the Custom in order to inspect or verify against the shipment entry, certificate, or list of goods summited to the Customs Department earlier . If a person intentionally hold the information or fail to comply with the officer' request, he is violated the law.</p> <p style="text-align: center;">Section 115</p> <p>Any one refuses to submit the certificate, declaration, record or any statement in accordance with the Customs Act or neglecting to deliver all required document within the reasonable time frame or as specified time in the Act. It is considered such person has violated the law.</p>

Relevant Laws	Summarized Content
<p>7. Commercial Registration Act</p>	<p>Section 4</p> <p>Authorize the Minister of Commerce to Act under this Act and shall have the power to appoint the officer and issue Ministry regulation requiring fees not exceeding the specified rate in the annexation of law, exempt other fees listed to ensure the operation in according to this Ministry regulation that had been declared in the Government Gazette</p> <p>Section 6</p> <p>The following operations are considered as the commercial businesses based on the definition in this Act:</p> <ul style="list-style-type: none"> (1) Buying/Selling / Auction/ Barter (2) Rent or Hire-purchase (3) Agent or Trade Representative (4) Transportation (5) Handcraft/ Industry (6) Contract (7) Lending/ Pawn/Mortgaging (8) Warehousing (9) Money exchange or foreign currency trade/ Buying or selling Bill of Exchange/ Banking/ Credit Foncier/ Underground money trading (10) Insurance (11) Other operations as specified by the Act <p>Section 16</p> <p>Allow the Cabinet to appoint a group of Committee comprised of at least 5 members, but not exceeding 7 members. The Cabinet is to advise and consider revoking the commercial registration of the business operator who committed fraud intentionally by mixing the fake merchandises or seriously violating the</p>

Relevant Laws	Summarized Content
	<p>commercial law. They shall have the power to advice and issue the new registration certificate, provided that they must be consulting with the Committee first as stated in the first paragraph. The revoking of old certificate or issuing new one depends on the Cabinet's decision and usually on case by case basis.</p> <p>Prohibit those that had their commercial registration revoked continued operating, unless the Cabinet allow them to reregister.</p> <p>Section 18</p> <p>Any commercial operator fails to comply with the following regulations:</p> <p>(1) Fail to register as required by Section 10 and Section 12 of this Act or</p> <p>(2) Display falsify statement</p> <p>(3) Whoever fails to appear in front for the Central Registrar, or commercial registrar to testify or answer the inquiry as stated in Section 16 shall be fined not exceeding 2,000 Baht. Moreover, if it falls into (1) being successive offenses shall be subjected to additional 100 Baht per day until the offender complies with this Act.</p>

APPENDIX D



COA.No. 2014/088.2003

Documentary Proof of The Committee for Research Ethics (Social Sciences)

Title of Project:	Foreign Tourist Fraudulent Activities in Thailand: Case Study of Jewelry Business
Principal Investigator:	Pol.Col.Puttidej Bunkrapue
Name of Institution:	Faculty of Social Sciences and Humanities, Mahidol University
Approval includes:	1) MU-SSIRB Submission form version received date 18 March 2014 2) Participant Information sheet version date 13 February 2014 3) Informed Consent form version received date 13 February 2014 4) Interview Guideline received date 13 February 2014

The Committee for Research Ethics (Social Sciences) is in full compliance with International Guidelines of Human Research Protection such as Declaration of Helsinki, The Belmont Report, CIOMS Guidelines and the International Conference on Harmonization in Good Clinical Practice (ICH-GCP)

Date of Approval:	20 March 2014
Date of Expiration:	19 March 2015

Signature of Chairman:.....
(Emeritus Professor Santhat Sermisri)

Signature of Head of the Institute:.....
(Assoc.Prof.Dr.Wariya Chinwarin)
Dean of Faculty of Social Sciences and Humanities

BIOGRAPHY

NAME	Pol. Col. Puttidej Bunkrapue
DATE OF BIRTH	17 December, 1974
PLACE OF BIRTH	Bangkok, Thailand
INSTITUTION ATTENDED	Royal Police Cadet Academy 1992 -1996 Public Administration (B.S.) Chulalongkorn University 1999 - 2000 Social Sciences (M.A.)
HOME ADDRESS	8/69 Laddarom Village Vachrapol-Rattanakosin Vachrapol Rd. Kwaeng Klongtoey Khet Saimai, Bangkok 10220 Tel 08-1533-5444 Email: put49@hotmail.com
EMPLOYMENT ADDRESS	Superintendent, Marine Police Division 9 Marine Police Division 9 103 Ratsa Rd. Tumbon Kuntang, Amphur Kuntang Trang Province