

Thesis Title	The Principle of Proportionality and Appropriate Penalties for Drug - Related Offences : Study on Amphetamine
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ABSTRACT

Thailand is one of many countries around the world which confronts with the drug problem, which is the circumstance needed to be urgently resolved. This leads to the international cooperation to control the drug problem, especially the key wrongdoer who is behind the source of problem. The legal measures provided for enforcement in the domestic criminal proceed of judgment shall be for the purpose to prevent, control, suppress, and recover the wrongdoer in the drug related offences on effective and efficient way without any impact on the people's fundamental rights and liberty which may lead to the infringement of human rights, as governed and assured by the supreme law of such country.

According to the study, the enactment of laws applied in Thailand to control the drug problem has the problem, which affects the prescription of inappropriate proportionality of penalties for the key wrongdoer in these cases. In case of notification of the ministry to amend the drug types, which is the exclusive authority of the management and only one ministry, the consequence thereafter still fails to reduce the drug problems. To increase the number of offenders or prisoners who are not the key wrongdoers whom the law aims to suppress, but becoming the wrongdoers who have the second role by legal effect, causes the problem on the legitimacy of penalties for the wrongdoers in the minor drug related offences. It is found that the notification of the ministry is resulted by incomplete knowledge, leading to the social trend and political sense. Moreover, the lawmaker has not concerned the principle of the criminal law or "No crime, no punishment without a previous penal law". This has resulted on the laws and penalties depending on the lawmaker's senses and desires, which definitely should not be under the criminal proceed of judgment in the drug related offences.

The researcher has studied the problems and proposed the resolutions based on the principle of proportionality, which is the principle under the rule of law in compliance with the Constitution in which the people's rights and liberty are assured and protected, by determining the appropriate penalties for the wrongdoer in the drug related offences as in the case study of Amphetamine.

The researcher disagrees that many wrongdoers who have bargaining power or those who commit minor drug related offences shall enter into the proceed of judgment, and becoming the problems more than resolving those under the directions. The penalties shall be considered on the basis of principle of proportionality in all dimensions, and should be started from the law enactment proceed to the legal enforcement, especially when the wrongdoer' roles and facts are more concerned. In this regards, the author is of the opinion that it will be in compliance with the spirit of law prescribed for suppressing and controlling the key wrongdoer in the effective and efficient way under the direction of criminal proceed of judgment.