

**THE LAW ENFORCEMENT OFFICERS DELAYED  
IN THE PROMOTION AND PROTECTION OF  
THE RIGHT TO THE JUSTICE PROCESS**

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Thesis  
entitled

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**THE LAW ENFORCEMENT OFFICERS DELAYED IN THE PROMOTION AND PROTECTION OF THE RIGHT TO THE JUSTICE PROCESS**

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**ABSTRACT**

The objectives of this research were to analyze (1) the problems of law enforcement concerning the promotion and protection of human rights in the criminal justice process among police officers (2) knowledge and comprehension about the promotion and protection of human rights in the criminal justice process of the police officers and (3) law enforcement guidelines concerning the promotion and protection of human rights in the criminal justice process for police officers. Two parts of research methodology were done. Part I was a qualitative study. Key informants were totally 20 government personnel and people in Provincial Police Region 1 who were involved and had direct experience with the promotion and protection of human rights. Those included 9 commanders or deputy commanders were purposively selected from Provincial Police Division 1-9, 3 attorneys were randomly selected from Provincial Offices of the Prosecutor, 3 chief judges were randomly selected from the Provincial Courts, and 5 people were purposely selected from those who had experience in notifying to the police or who got direct impact from law enforcement performance of the police officer. In-depth interview was used for data collection. Part 2 was a quantitative study. Samples were 286 inquiry officials from Provincial Police Region 1. Questionnaires were used for data collection.

It was found that (1) problems related to law enforcement concerning the promotion and protection of human rights in the criminal justice process came from laws that did not facilitate to the police officers' performance, lacking of knowledge and comprehension about law and their own duty among people, and an organizational management problems, (2) knowledge and comprehension about the promotion and protection of human rights in the criminal justice process among police officers was in the moderate level, and (3) law enforcement guidelines concerning the promotion and protection of human rights in the criminal justice process for police officers included knowledge development and knowledge management, awareness creation for better performance, and an increase of legal punishments and measures to investigate law enforcement performance.

Recommendations from the study are (1) laws related to the promotion and protection of human rights in the criminal justice process should be reviewed and improved for better performance, (2) knowledge development and knowledge management about the promotion and protection of human rights in the criminal justice process should be a major concern and (3) research study concerning law enforcement in other multidisciplinary fields should be conducted.

**KEY WORDS : LAW ENFORCEMENT / THE PROMOTION AND PROTECTION OF THE RIGHT TO THE JUSTICE PROCESS**

104 pages

การบังคับใช้กฎหมายของเจ้าหน้าที่ตำรวจที่เกี่ยวข้องในการส่งเสริมและคุ้มครองสิทธิในกระบวนการยุติธรรม  
THE LAW ENFORCEMENT OFFICERS DELAYED IN THE PROMOTION AND PROTECTION OF THE RIGHT TO THE JUSTICE PROCESS

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#### บทคัดย่อ

การวิจัยนี้มีวัตถุประสงค์เพื่อ (1) วิเคราะห์สภาพปัญหาที่เกิดจากการบังคับใช้กฎหมายของเจ้าหน้าที่ตำรวจที่เกี่ยวข้องในการส่งเสริมและคุ้มครองสิทธิในกระบวนการยุติธรรม (2) วิเคราะห์ระดับความรู้ ความเข้าใจของเจ้าหน้าที่ตำรวจเกี่ยวกับการส่งเสริมและคุ้มครองสิทธิในกระบวนการยุติธรรม (3) วิเคราะห์แนวทางการบังคับใช้กฎหมายของเจ้าหน้าที่ตำรวจที่เกี่ยวข้องในการส่งเสริมและคุ้มครองสิทธิในกระบวนการยุติธรรม วิธีวิจัยแบ่งเป็น 2 ส่วน ส่วนที่ 1 เป็นการศึกษาเชิงคุณภาพ ผู้ให้ข้อมูลเป็นผู้เกี่ยวข้องและมีประสบการณ์ตรงในการส่งเสริมและคุ้มครองสิทธิในกระบวนการยุติธรรม คือบุคลากรและประชาชนในพื้นที่ความรับผิดชอบของกองบัญชาการตำรวจภูธรภาค 1 รวมทั้งสิ้น 20 คน ได้แก่ เจ้าหน้าที่ตำรวจระดับผู้บังคับการหรือรองผู้บังคับการภูธรจังหวัด คัดเลือกแบบเจาะจง จากกองบังคับการตำรวจภูธรจังหวัดละ 1 คน รวม 9 คน อัยการจังหวัดจากสำนักงานอัยการ คัดเลือกโดยการจับสลาก จำนวน 3 คน จากสำนักงานอัยการทั้งหมด 9 จังหวัด ผู้พิพากษาหัวหน้าศาลจังหวัด คัดเลือกโดยการจับสลากจำนวน 3 คน จากศาลจังหวัดทั้งหมด 9 จังหวัด และประชาชน ที่เข้ารับการแจ้งความต่อเจ้าหน้าที่ตำรวจหรือได้รับผลกระทบโดยตรงจากการการบังคับใช้กฎหมายของเจ้าหน้าที่ตำรวจ คัดเลือกแบบเจาะจง จำนวน 5 คน รวบรวมข้อมูลโดยใช้การสัมภาษณ์เชิงลึก ส่วนที่ 2 เป็นการศึกษาเชิงปริมาณ กลุ่มตัวอย่างได้แก่เจ้าหน้าที่ตำรวจสายงานสืบสวนในสังกัดกองบัญชาการตำรวจภูธรภาค 1 จำนวน 286 คน เก็บข้อมูลด้วยแบบสอบถาม

ผลการวิจัยพบว่า (1) สภาพปัญหาที่เกิดจากการบังคับใช้กฎหมายของเจ้าหน้าที่ตำรวจที่เกี่ยวข้องในการส่งเสริมและคุ้มครองสิทธิในกระบวนการยุติธรรม เกิดจากกฎหมายไม่เอื้ออำนวยต่อการปฏิบัติหน้าที่ของเจ้าหน้าที่เท่าที่ควร ประชาชนไม่มีความรู้ความเข้าใจในกฎหมายและหน้าที่ของตนเองอย่างแท้จริง และปัญหาการบริหารจัดการภายในหน่วยงาน (2) ระดับความรู้ ความเข้าใจของเจ้าหน้าที่ตำรวจเกี่ยวกับการส่งเสริมและคุ้มครองสิทธิในกระบวนการยุติธรรมอยู่ในระดับปานกลาง และ (3) แนวทางการบังคับใช้กฎหมายของเจ้าหน้าที่ตำรวจที่เกี่ยวข้องในการส่งเสริมและคุ้มครองสิทธิในกระบวนการยุติธรรม ได้แก่การพัฒนาองค์ความรู้และให้ความรู้แก่เจ้าหน้าที่ตำรวจ การสร้างจิตสำนึกในการปฏิบัติงานของเจ้าหน้าที่ตำรวจและ เพิ่มบทลงโทษและเพิ่มมาตรการการตรวจสอบการบังคับใช้กฎหมายของเจ้าหน้าที่ตำรวจที่เกี่ยวข้องในการส่งเสริมและคุ้มครองสิทธิในกระบวนการยุติธรรม

ข้อเสนอแนะจากการวิจัยได้แก่ (1) ควรมีการทบทวนและปรับปรุงกฎหมายที่เกี่ยวข้องในการส่งเสริมและคุ้มครองสิทธิในกระบวนการยุติธรรมเพื่อให้ปฏิบัติได้จริง (2) ควรสร้างองค์ความรู้และส่งเสริมความรู้ที่เกี่ยวข้องในการส่งเสริมและคุ้มครองสิทธิในกระบวนการยุติธรรมให้กับเจ้าหน้าที่ตำรวจ และ (3) ควรมีการวิจัยเกี่ยวกับแนวทางการบังคับใช้กฎหมายของ สหวิชาชีพอื่น ๆ ที่เกี่ยวข้องในการส่งเสริมและคุ้มครองสิทธิในกระบวนการยุติธรรม

## CONTENTS

	<b>Page</b>
<b>ACKNOWLEDGEMENTS</b>	<b>iii</b>
<b>ABSTRACT (ENGLISH)</b>	<b>iv</b>
<b>ABSTRACT (THAI)</b>	<b>v</b>
<b>LIST OF TABLES</b>	<b>viii</b>
<b>LITS OF FIGURES</b>	<b>x</b>
<b>LIST OF CHARTS</b>	<b>xi</b>
<b>CHAPTER I INTRODUCTION</b>	<b>1</b>
1.1 Background and Significance of the Problem	1
1.2 Research Problems	5
1.3 Research Objectives	5
1.4 Scope of the Study	5
1.5 Definition of the Terms	6
1.6 Expected Benefits	7
<b>CHAPTER II LITERATURE REVIEWS</b>	<b>8</b>
2.1 Knowledge and the Principles of Law Related to Protecting the Human Rights	9
2.2 Standards of the International Human Rights for the Police	18
2.3 The Basic Concept of Law Enforcement	26
2.4 Related Researches	29
2.5 Conceptual Framework	33
<b>CHAPTER III RESEARCH METHODOLOGY</b>	<b>34</b>
3.1 The quantitative methodology	35
3.2 The qualitative methodology	39
3.3 Ethical Concerns	40

## **CONTENTS (cont.)**

	<b>Page</b>
<b>CHAPTER IV RESULTS</b>	<b>41</b>
4.1 Problems Arisen from the Law Enforcement Taken by the Police about Protecting the Human Rights in the Justice Administration	
4.2 The Levels of the Knowledge and the Understanding of the Police about Protecting the Human Rights in the Justice Administration	55
4.3 The Approaches of the Law Enforcement Taken by the Police in Protecting the Human Rights in the Justice Administration	66
<b>CHAPTER V DISCUSSIONS</b>	<b>72</b>
5.1 Problems Arisen from the Law Enforcement taken by the Police in Promoting and Protecting the rights in the Justice Administration	72
5.2 The Levels of Knowledge and Understanding of the Police Equipped on Promoting and Protecting the Human Rights in the Justice Administration	76
5.3 Recommendations about the Approaches of the Law Enforcement Taken by the Police in Promoting and Protecting the Human Rights in the Justice Administration	78
<b>CHAPTER VI CONCLUSIONS AND RECOMMENDATIONS</b>	<b>84</b>
<b>BIBLIOGRAPHY</b>	<b>89</b>
<b>APPENDICES</b>	<b>91</b>
<b>BIOGRAPHY</b>	<b>104</b>

## LIST OF TABLES

<b>Table</b>	<b>Page</b>
3.1 The targeted population and samples	35
4.1 Personal backgrounds	42
4.2 The problems and barriers of the police in the law enforcement and the protection of the human rights of people in the justice administration on the Management	47
4.3 The problems and barriers of the police in the law enforcement and the protection of the human rights of people in the justice administration on the Personnel	50
4.4 The overview of the means and standard deviation of the problems and barriers for the police in the law enforcement to protect the human rights of people in the justice administration	52
4.5 The difference comparison between sex with the opinions of the problems and barriers for the police in the law enforcement to protect the human rights of people in the justice administration	53
4.6 The difference comparison between marital status with the opinions of the problems and barriers for the police in the law enforcement to protect the human rights of people in the justice administration	53
4.7 The difference comparison between training experiences with the opinions of the problems and barriers for the police in the law enforcement to protect the human rights of people in the justice administration	56

**LIST OF TABLES (cont.)**

<b>Table</b>		<b>Page</b>
4.8	The levels of the knowledge and the understanding of the police about protecting the human rights in the justice administration	59
4.9	Frequency and percentage of samples distributed by score level	67

## LIST OF FIGURES

<b>Figure</b>		<b>Page</b>
2.1	Conceptual Framework	33
5.1	The problems arisen from the law enforcement taken by the police in protecting the human rights in the justice administration	75
5.2	The knowledge and understanding of the police about the human rights and the rights in the justice administration	77
5.3	pproaches of the law enforcement taken by the police in promoting and protecting the rights of people in the justice administration	83

## LIST OF CHARTS

<b>Chart</b>		<b>Page</b>
1.1	The percentage of human rights complained being infringed and the issues raised by the NHRC for consideration in the Fical Year of 2009	3

## **CHAPTER I**

### **INTRODUCTION**

#### **1.1 Background and Significance of the Problem**

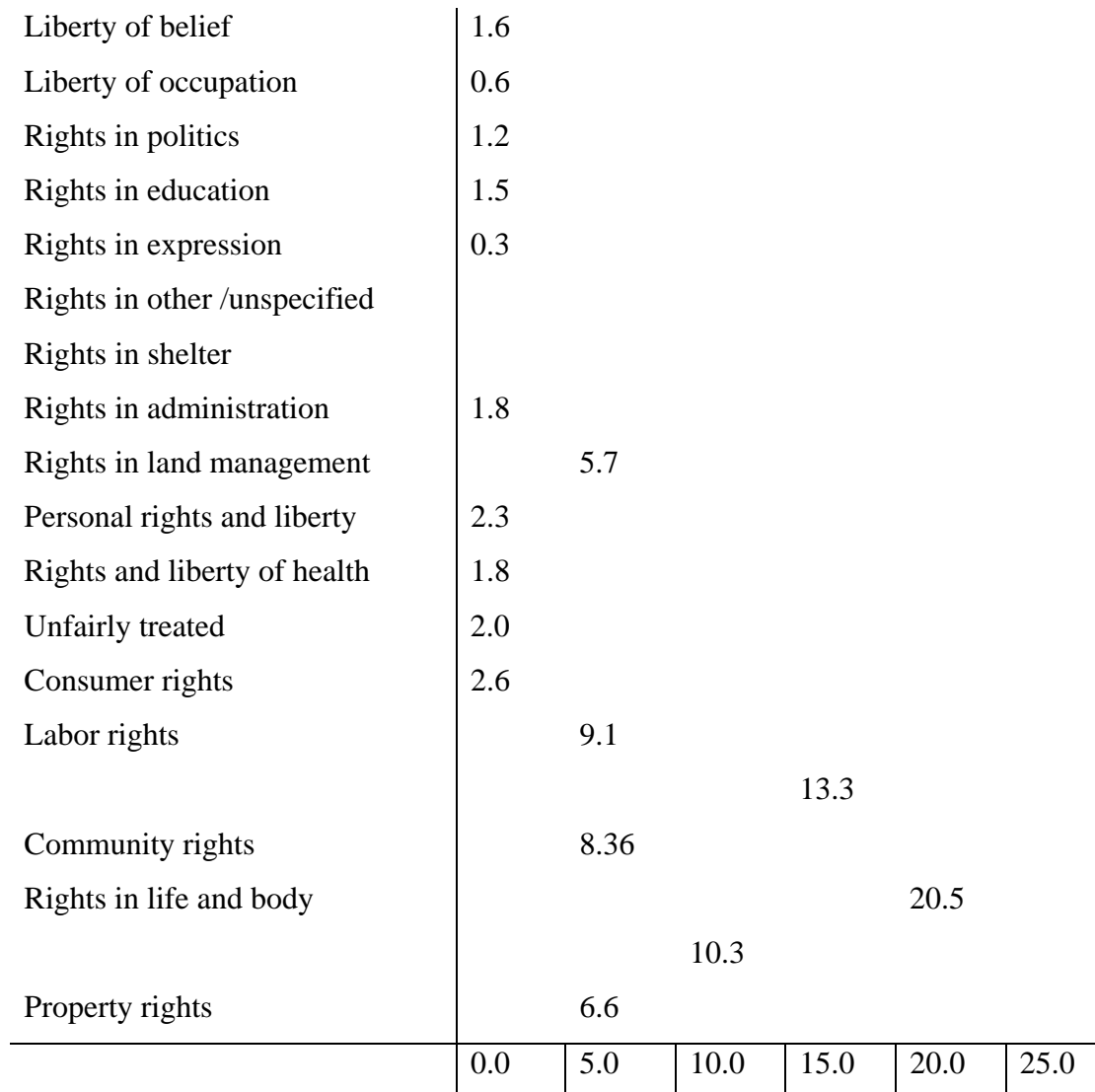
The Human Rights Principles stipulates that (1) it is the natural rights inherited to humans since birth and all hold personal dignity. This human dignity is given by none. (2) It is universal and cannot be transferred. (3) It cannot be segregated whether a rights is more important than the other. (4) It is equal and cannot be discriminated as being born a human and all have to be treated equally. (5) It is verifiable and under the rule of law alike the Constitutions of the Kingdom B.E. 2540 (1997), B.E. 2550 (2007) and the drafted Constitution of the Kingdom B.E. 2559 (2016) all enact the human dignity, rights, liberty. The individual equality has to be protected.

All the Thai people have to be equally protected by the Constitution. The summary of rights and liberty of the Thai people is synopsisized in Section 3 (Articles 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49) as follows: First, every steps of the procedures of justice administration must be stipulated and apparent so that the people will gain justice and without delay while having a mechanism to help the people who lack capital to access the justice administration including mechanization for strict law enforcement in order to reduce disparity and unfairness in societies. Second, it needs to improve criminal inquires with substantial check and balance between the interrogation officers and the public prosecutors, clear deadline of all parties involved to avoid expiry date of the case while building confidence in fulfilling the duties of the interrogation officers and the public prosecutors in the criminal investigations. This includes the investigation has to exploit the forensics and providing the forensic services of more than one independent agencies so that the people are optimized the fact-finding. Third, it needs to promote and develop the organizational culture of various agencies related to justice administration to aim at facilitating justice for people with convenience and speed.

Fourth, it needs efficient enforcement through substantial amendment of the related laws on duty, authority and mission of the police and the amendment of the laws related to the effective personnel administration of the police.

The infringement of the human rights is critically growing witnessed from the statistics of complaint to the National Human Rights Commission (NHRC) on the action or negligence to the act of discriminating human rights in the issue of the justice administration including the rights and liberty against the life and body during 2002-2010. It is found that there are 885 cases and most are related to the rights in the justice administration. There are 695 cases during the discrimination of human right in 2008. In the rights classification complained on the infringement of the human rights and it is found that there are 133 cases in infringement of human rights against life and body or 20.57% followed by 116 cases or 17.96% of infringement of rights in the justice administration. It is found that there are 2 lowest rates or 0.31% in infringement of rights on communication as in the following Chart.1.1

**Chart 1.1** The percentage of human rights complained being infringed and the issues raised by the NHRC for consideration in the Fiscal Year of 2009



**Source:** NHRC and Network Institution, 1999.

In addition, the police the legal personnel authorized in the justice administration have similarly to follow the principle of the human rights. In conclusion, the police works related to the human rights as follows: investigation, interrogation, arrest, search, detention, confinement, trail, indiscrimination, and protecting rights as being enacted in the Procedural Criminal Code.

However, the inspection of the NHRC shows that the state agents of justice administration mostly violating human rights in the issue as above to 179 cases.

Meaning, the police authorized on enforcement on many laws related to the responsible missions to protect the people's rights in the justice administration. Its exercising the power especially in discretion of investigation. Interrogation, search, arrest, detention, proposals of lawsuit or declining lawsuit and others may affect the action or negligence against the infringement of human rights in the case of the rights of justice administration, rights and liberty of life and body. A research on 2010 on the cause of violating human rights in the justice administration by police revealed that the commissioned police infringed most on human rights at 72.48% and Bangkok was the leading areas of the violation or 19 cases.

Nevertheless, in estimating the violation of human rights in Thailand during 2010-2011, the NHRC distinguishes the issues as follows. The conditions of human rights in the views of politics, economy, social and culture, rights in justice administration, rights of community and involvement to handle resources and environments, and the human rights in the three southern provinces (Reports of Evaluating Human Rights in Thailand during 2010-2011 in 2014) including complaints on the exercising power of the state agents using the legal authorization. The NHRC found that during 2003-2013, and found that there were 71 complaints (Report of the Consideration on Policy Proposal or Law Amendment, 2014).

Had the rights on justice administration been considered, it was found that most were the law enforcement, detention management, and the announcement of special law authorizing the officers in operation, which affected the human rights of the people. Building the understanding and the attitude of the officers is critical in order to leverage the situation of the human rights.

Besides the statistics and researches related to the situation of the human rights in Thailand as above; there were social phenomenon recurred during 2010: the case of the lawful homicide of Mr. Charnchai Prasongnil or Joke Phaikiew found in clip and the releasing sound posted in YouTube demanding the police to repeat a shot while the alleged was still breathing. Such incident directly affected the officers on mission and the protection of rights on justice administration because people thought that the police took excessive action leading to the death of the alleged (The Route of Joke-Jib Phaikiew "The Narcotics Bandit"). The researcher being a police under supervision of The Provincial Police Division Region 1 the responsible area of the

lawful homicide incident views it critical to investigate the issues of law enforcement taken by the police. This s to study the levels of knowledge and understanding of the police while probing the approaches in the law enforcement taken by the police in order to promote and to protect the rights on justice administration of the people for more efficiency.

## **1.2 Research Problems**

1.2.1 To what extent and how do the problems happen in the law enforcement taken by the police related to promoting and protecting the human rights on justice administration?

1.2.2 To what levels are the police equipped with knowledge and understanding of promoting and protecting the human rights on justice administration?

1.2.3 Are there approaches in the law enforcement taken by the police related to promoting and protecting the human rights on justice administration, and how?

## **1.3 Research Objectives**

1.3.1 To analyze the problems created by the law enforcement taken by the police related to promoting and protecting the human rights on justice administration;

1.3.2 To analyze the levels of knowledge and understanding the police equipped on promoting and protecting the human rights on justice administration; and

1.3.3 To analyze the approaches in the law enforcement taken by the police related to promoting and protecting the human rights on justice administration.

## **1.4 Scope of the Study**

1.4.1 Scope of the Content – it was to analyze the problems created, the levels of knowledge and understanding the police equipped, and the approaches about

the law enforcement taken by the police related to promoting and protecting the rights on justice administration.

1.4.2 Scope of the Population – this research was focused on the officers on mission and the direct experience persons on promoting and protecting the rights on justice administration, who were the immediate supervisors, the investigators of the Provincial Police Division Region 1, the provincial prosecutors in the Office of the Prosecutor, the Provincial Chief Judge, and people notifying to the police.

1.4.3 Scope of Duration – the studies took twelve months.

1.4.4 Scope of the Site - they were the responsible areas of the Provincial Police Division Region 1, which engulfed the provinces of Ayudhya, Angthong, Singhburi, Chainat, Lopburi, Saraburi. Pathumthani, Nonthaburi and Samuthprakan.

## **1.5 Definition of the Terms**

1.5.1 Justice Administration is referred to the procedures taken against the lawbreakers by an organization and individuals authorized by laws who are the police of the criminal justice administration.

1.5.2 Criminal Justice Administration is referred to the criminal proceedings when criminal act has done and the police sue the culprit to punishment through investigations, interrogations, arrest, search, detention, trial and protection of rights enacted in the criminal proceedings in the Criminal Code.

1.5.3 Criminal Case is referred to the violation of laws enacted as wrongdoing and the damages for the act (offense by the Criminal Code and the Criminal Punish Act) counted destructive to the State. The law stipulates the responsible individuals and the state agency for the criminal act who are the police and they are the principal to the responsibility in imposing the arrestment of the criminal enacted in the criminal proceedings in the Criminal Code through an arrestment warranted by the court.

## **1.6 Expected Benefits**

1.6.1 To recognize the problems arisen from the law enforcement taken by the police related to protecting the human rights on justice administration.

1.6.2 To recognize the levels of knowledge and understanding the police equipped on protecting the human rights on justice administration.

1.6.3 To recognize the approaches in the law enforcement taken by the police related to promoting and protecting the human rights on justice administration.

1.6.4 To be as guides for further studies in order to top-up knowledge in developing the works of the police in relation to promoting and protecting the human rights on justice administration.

1.6.5 To be the database in crafting the policy of the Office of the Royal Police Bureau on police missions in relation to promoting and protecting the human rights on justice administration.

1.6.6 To disseminate the findings for the benefits to public and social at large.

## **CHAPTER II**

### **LITERATURE REVIEWS**

In the investigation of the “Law Enforcement Taken by the Police in Promoting and Protecting the Human Rights in the Justice Administration”, the researcher has explored, collected and processed the academic works of researches, academic papers, concepts and theories related to be as guides for the studies and reviews literatures in different topics as below.

2.1 Knowledge and the principles of law related to protecting the human rights

2.1.1 Meaning and definition of the human rights

2.1.2 The international human rights principles

2.1.3 The Declaration of the human rights

2.1.4 Constitution of the Kingdom of Thailand and laws related to protecting the human rights

2.2 Standards of the International human rights for the police

2.2.1 Codes of law and ethics

2.2.2 Peace and order keeping under democracy

2.2.3 Non-discrimination in the law enforcement

2.2.4 Police investigation

2.2.5 Police investigation for arrestment

2.2.6 Detention

2.2.7 Enforcement and weapons

2.2.8 Routing, emergency and conflict with armed forces

2.2.9 Protection of children and youth

2.2.10 The human rights for women, refugees and the stateless persons, the human rights of victims

2.2.11 The police line of command and management

2.2.12 Peace and order keeping for community

- 2.2.13 Preventing the violation of human rights from the police
- 2.3 The basic concept of law enforcement
- 2.4 Related researches
- 2.5 Conceptual framework

## **2.1 Knowledge and the Principles of Law Related to Protecting the Human Rights**

### **2.1.1 Meaning and definition of the human rights**

Human rights are referred to the natural rights inherited with humans from birth with the universality and endorsed in the Declaration of the Human rights or in any international rules, convention and agreements about the human rights worldwide.

As of the meaning in the National Human Rights Commission Act BE 2542 (1999), it is referred to the human dignity, rights, liberty and equality of individuals endorsed or protected by the Constitution of the Kingdom of Thailand or according to the Thai Laws or the treaty Thailand has to commit to.

### **2.1.2 International human rights principles**

(1) It is the natural rights since birth and a human own his/her human dignity conferred by none.

- Human dignity is a value of being a human
- Human values are divided into two types, which is the social status (different) and humanness (equal).
- Specifying different values leads to devaluing the humanness.

(2) It is international and non-transferable.

(3) It cannot be separated on which one is more important than the other rights.

(4) There is equality and it is prohibited on discrimination as being born human and must be equally treated.

An involvement and being a part of the rights is everyone is enabled to access and gain benefits from every rights.

(5) It is auditable and under the rule of law where the State or an organization holding duties to create human rights must abide with the international principle and people is eased to access the justice administration according to the principles of law and equality and none is above laws.

### **2.1.3 The Declaration of the Human Rights (in brief)**

No.1: All equally own dignity, rights and liberty and are fraternally treated.

No.2: All own equal rights and liberty without disparity.

No.3: All own the rights of existence and security.

No.4: Prohibition to coerce human into slavery and all types of slavery trade

No.5: Prohibition of torture or inhuman punishment

No.6: The rights to be accepted as a person by law

No.7: The rights to be equally protected by law

No.8: The rights to be ameliorated by the court

No.9: Prohibition of arbitrary arrestment, detention or exile

No.10: The rights of fair and opened trial

No.11: The rights of assuming innocent before judgment and legitimacy of enactment that the act is the wrongdoing

No.12: Prohibition of disturbing privacy, family, residence, communication, defaming and dishonoring

No.13: Liberty of travel and choice of domestic settlement including freedom of leaving and entering a country

No.14: The rights to take refuge in other countries to be save from execution

No.15: The rights to earn nationality and naturalization

No.16: The rights to choose a spouse and the build a family

No.17: The rights to own property

No.18: Liberty in thinking, conscience, belief and religion

No.19: Liberty in opinion and expression including receiving information

No.20: The rights of peaceful protest and grouping and prohibition to coerce to become an association member

No.21: The rights to directly and indirectly involve with the government affairs freely through representatives and the rights to equally access the public services

No.22: The rights to earn social security and economic, social and cultural rights through regulating rules and one's own natural resources

No.23: The right to work as want and guarantee of unemployment including earning equal remuneration in the same work and earning adequate income for oneself and one's family including the rights to establish and to join the labor union

No.24: The rights of rest and time-given for rest from working

No.25: The rights to earn adequate standard of living with the four means of living, social welfare to guarantee unemployment, sickness, widowhood, elderly, and special protection for mother and child.

No.26: The rights of equal education

No.27: The right of involvement in community culture and lifestyle and protection of intellectual property

No.28: Social needs national and international regulations that individuals gain the rights and liberty by this Declaration

No.29: Individual hold duties for community and the rights and liberty given must respect the rights and liberty of others

No.30: Prohibiting the State, a community or any individuals destroy the given rights and liberty endorse in this Declaration.

#### **2.1.4 Constitution of the Kingdom of Thailand and laws related to protecting the human rights**

##### **Section 1: Generalities**

Article 4: the dignity of humanness, rights, liberty and equality must be protected.

Article 5: Regardless of ancestry, sex or religion, the Thai people are equally protected by this Constitution....

### Section 3: The Rights and Liberty of the Thai People

#### **Part 1: Generalities**

Article 26: the power exercised by every state organization must dwell on human dignity, rights and liberty under this Constitution.

Article 27: the rights and liberty evidently and tacitly endorsed by the Constitution, or by the discretion of the Constitutional Court must be directly protected and bound upon the parliament, the Cabinet, the courts, constitutional organizations, and the state agencies in their enactment, their enforcement and all their interpretations.

Article 28: Individuals deserve to refer to their human dignity or using their rights and liberty in so far as they do not violate others' rights and liberty, non-contradictory to the Constitution and the morality of the people.

Individuals violated on rights and liberty endorsed by the Constitution can refer this constitutional provision to deploy their judicial rights or to defend their cases in the court.

Individuals can deploy their judicial rights to directly demand the state to follow the provisions in this Section. If the rights and liberty are deployed in any cases endorsed by details enacted on using rights and liberty endorsed by this Constitution, the uses of rights and liberty are legitimate as in the enactment.

Individual deserve promotion, supports and assistance from the state in using their rights under statements in this Section.

Article 29: restrictions of the individual rights and liberty endorsed by the Constitution are disproved except by the power of a special act provision stipulated by this Constitution and by necessity and must not affect the essence of the rights and liberty.

The law by Paragraph 1 must be effective in general and non-specifically aimed to be enforced to any cases or to anyone and it is also imperative to identify the constitutional provisions authorizing the enactment.

The provisions in Paragraphs 1 and 2 must be enforced with the rules issued under the power of the legal provision by analogy.

### **Part 2: Equality**

Article 30: Individuals are equal by law and equally protected by law and man and woman are equal in their rights.

Discrimination by unfairness against individuals under the reason of different birth place, race, language, sex, age, disability, physical or health conditions, status, economic and social status, belief, education and political opinion, which does not contradict to this constitutional provisions, is disproved.

Measures drawn by the state either to eliminate barriers or to enable individuals to use their rights and liberty as others are not counted discrimination by unfairness as stated in Paragraph 3.

Article 31: individuals who are soldiers, police, officials, state agents, state staff or state employees deserve the rights and liberty by the Constitution as common people except restrictions by law or rules issued under the power of the legal provision specifically related to politics, efficiency, disciplines and ethics.

### **Part 3: Private rights and liberty**

Article 32: Individuals deserve the rights and liberty of life and body

Fatal and inhuman torture, maltreatment and punishment cannot be imposed but the punishment form the court verdict or by law is not counted as fatal or inhuman punishment according to this Paragraph.

Arrestment and detention is disproved except by court warrant or by other causes enacted by law.

Personal searches or any deeds affecting the rights and liberty as in Paragraph 1 are disproved except by other causes enacted by law.

In the case of an act affecting the rights and liberty as in Paragraph 1, for the victim's benefits, the victim or the public prosecutor or anyone claims the rights to plead the court to end or to suspend such act while possibly stipulating the reasonable ways or ameliorating the victim upon the damages arisen.

Article 33: Individuals deserve the residential liberty

Individuals deserve protection of dwelling and owning residence with peacefulness.

Entry the residence without the owner's consent or search the residence or the private place is disproved except having the court order or warrant or other causes enacted by law.

Article 34: Individuals deserve the liberty of travels and the liberty to select shelters within the Kingdom

Restricting the liberty as in Paragraph 1 is disproved except under the power of specific provisions of the state security, peace and order or public welfare, city plan and the underage welfare.

Either exiling or prohibiting entry of a person owning the Thai nationality is disproved.

Article 35: The rights, honor, fame and private life of individuals in the family deserve protection

Expression or disclosure of news either in statements or in pictures to public by any means which infringe or affect the rights, honor, fame and private life of individuals in the family is disproved except what is useful to public.

Individuals deserve the rights of protection against the malpractices for gains from personal information as enacted in the laws.

Article 36: Individuals deserve the liberty of legitimately mutual communication

Checking and blocking, disclosing mutual communication and any actions to know the message people communicate is disproved except under the power of specific provisions of the state security, peace and order or public morals.

Article 37: Individuals deserve complete liberty of belief, sects or religionism and deserve attend religious practices, religious canons and rites by their beliefs in so far as compliance to citizenship duties and non-contradictory to the public peace, order and morals.

Using the liberty as in Paragraph 1, individuals deserve protection disproving any acts of the state to deteriorate their rights and deserved benefits because of their beliefs, sects, religionism or practicing religious dogmas, religious canons and religious rites are different from other people.

Article 38: the impressments of work force are disproved except under the specific provisions for the benefits of prevent public disasters during emergency or under the power of the law provisions during the wartime or battles or during the announcement of emergency or during the announcement of the martial law.

#### **Part 4: The rights in the justice administration**

Article 39: Individuals are free of criminal punishment except the act by the time of committing is enacted as an offense and specifying the punishment and the punishment imposed cannot be more severe as stipulated at the time of offending.

In the criminal case, it is assumed that the alleged or the defendant is innocent until the final judgment verdicts the wrongdoing. Until then, it is disproved to treat the individuals as the wrongdoers.

Article 40: Individuals deserve the rights in justice administration as follows.

1) The rights to access the justice administration with ease, convenience, speed and availing

2) The fundamental rights the proceedings, which at least having the basic guarantee or explicit trials by knowing the facts, adequately examining the documents, presenting facts, defense, one's evidences, objection against the judge or the arbitrator, given the hearing with full court of the judges or the arbitrators and acknowledging the reasons complement to the discretion or the order.

3) The individuals hold the rights to plead their cases be tried with accuracy, speed and fairness.

4) The victims, the alleged, the plaintiffs, the defendants, the litigated parties, the stakeholders and the witnesses of the cases hold the rights to be treated appropriately during the proceedings including the rights to be investigated with accuracy, speed, fairness and reserving to give testimony against oneself.

5) The victims, the alleged, the defendants and the witness in the criminal cases hold the rights of protection and necessary and appropriate assistances form the state whereas the remuneration, the compensation and necessary expenses are subject to the enactment of the law.

6) Children, youth, women, elders, the disable or the infirm deserve the rights of appropriate protection during the proceedings and being appropriately treated in the cases of sexual violence.

7) In the criminal cases, the alleged or the defendants hold the rights of being investigated and hearing with accuracy, speed, fairness, adequate opportunity for defense, inspection, reasonably knowing the evidence, assistance on the cases from the lawyers and temporary release.

8) In the civil cases, individuals hold the rights of appropriate legal assistance from the state.....

### **Part 11: The liberty of assembly and association**

Article 63: individuals hold the rights of peaceful rally and without weapons.

Restriction as in Paragraph 1 is disproved except under the power of the provision specifically for public meeting and to protect public facilitation to use public place or to keep peace and order during the country is under war or during the announcement of emergency or martial law.

Article 64: Individuals hold the right for association, union, league, agricultural corporative, private organization, private development organization and other bodies.

The state officials and agents hold the rights to assemble as other common people but it must not affect the efficiency of administrating the motherland and the continuity in providing public services but under the enactment of the law.

Restrictions to Paragraphs 1 and 2 is disproved except under the power of the specific provisions to protect the common good of people in order to keep peace and order or the public morals or to prevent economic monopolies.

### **Section 2: Other Laws**

Regardless being the criminal laws, the code of criminal procedures, the civil laws, the code of civil procedures, the Youth and Family Act, and so on; they must be principally adhere to the constitutional laws. No laws enacted in Thailand can

contradict to the Constitution. Therefore, any acts given rights and liberty by the Constitution for the Thais, none can violate or restrict the rights.

The Criminal Code is enacted on any acts of criminal offense are counted violating the rights of others, too. Therefore, every Article being the offense according to the Criminal Code deserves punishment too, and it is counted as the protection the human rights endorsed by the Constitution.

The Procedural Criminal Code is the law empowering the officer to violate the rights of others in order to keep the common peace and order such as arrestment, searches, and detention and so on. However, the officers cannot take action beyond the legal empowerment.

The Youth and Family Act and the proceedings of the Youth and Family Court BE 2553 (2010) are specifically enacted to protect the rights of children and youth. These laws attempt to amend the deficiency and least violates the rights of children and youth.

The Children Protection Act BE 2546 (2003) is a law prioritizing the amelioration, welfare promotion, behavioral enhancement and pursuance to systematically evaluate the performance of the above affairs.

The Protection of the Victims by the Family Violence BE 2550 (2007) is a law directed to prevent the family violence including the dangers against the body, mental and health or any intent acts endangering the body, mental and health of the family individuals. It includes also the coercion or immoral dominion for the family members to act or not to act or subduing to any illegal acting.

The Anti-Human Trafficking Act Be 2551 (2008) is a law enacted to prevent discriminating the human rights regardless being the Thais or the foreigners being sought for illegal gains such as prostitution, pornographic media, other forms of sexual gains, slavery, beggary, and so on including the coercion of labor and services, too.

Other Acts or Ministerial Rules with being detail for specific matter are all congruent to the direction stipulated in the Constitution.

## **2.2 Standards of the International Human Rights for the Police**

The human rights standards are the minimum standards each country should take action or may specify higher standards. Such standards deserve commitment with the national representatives and the officers who enforce law around the country. Therefore, the officer who enforce laws need to know and use the human rights standards with fairness.

### **2.2.1 The Codes of Law and Ethics**

The human rights are the dignity inherit with humans since birth and the officer enforcing law must respect and always follow the laws in order to protect the dignity of the human rights

Practical approaches:

1) “*Obeying and following the command of the immediate supervisor*” cannot create legitimacy to violate the human rights.

2) The officers enforcing laws must have knowledge and understanding the power by law and its restrictions too.

### **2.2.2 Peace and order keeping under democracy**

2.2.2.1 The police must protect and safeguard the safety of life and property of people and protect all individual rights under the restrictions of the provision.

2.2.2.2 Restrictions of using the rights and liberty are necessarily possible to foster acceptance and respect in the rights of others with rationality.

Practical approaches:

It is to secure the political neutrality, fairly doing duties without discrimination and to secure the social peace and order.

### **2.2.3 Non-discrimination in the law enforcement**

All humans were born with freedom and equality of rights and dignity. All are equal in law and own the rights of being equally protected by law except in some cases, which need some special measures for individuals who must have special

treatments different from others such as women, children and youth, the sick, the elder and other needed special treatments under the human rights standards, which is not counted discrimination.

Practical approaches:

1) Familiarize with communities such as involvement with community activities, listening to their needs, complaints and community suggestions.

2) Earn good sense to perceive the importance of good relationship with people, who need justice and legal enforcement without discrimination.

#### **2.2.4 Police investigation**

In investigating the cases besides considering the results, it is necessary to prioritize the rights of the witnesses, the victims and the alleged such as the rights of individual security and safety, never interfering privacy by force, and never take action to ravage the dignity and so on.

Therefore the actions taken by the investigation officers on the victims or the witnesses must be legitimate, kind, without prejudice but empathy with the good sense of individuals are innocent until proved guilty after fair trials.

Practical approaches:

Before investigating any cases, self-questioning must be made as “*legal or not?*”; “*useable in court?*”; “*necessary or not?*” and “*any over-acted or not?*”.

The immediate supervisors must have rigid punishment in violating regulations and obligations or the laws related in the investigations.

#### **2.2.5 Police investigation for arrestment**

Individuals deserve the rights of personal liberty and security and liberty of emigration, free from arrestment or detention with force except under the laws.

Upon arrestment, the individual should be informed on the reason of arrestment, allegation and every right immediately. During the arrestment, there must not be coercion for admit guilty and the officers have to inform their families immediately on the arrestment and the place of detention.

**Practical approaches:**

The police arresting must abide mainly on law and politeness with gentleness but being serious when it is necessary only. It is advised that the police should have records to inform the rights of the arrested in order to immediately inform the arrested. If the arrested needs to use the rights, the police have to take actions for them.

**2.2.6 Detention**

All individuals derogated the rights need to be treated with humanness and respects of human dignity by assuming that the alleged of criminal deeds are innocent until proved guilty in the court proceedings.

1. Detainees must be reported on the reasons of their detention, must not be tortured or brutally and inhumanely treated and must be detained in the place formally acknowledged while their families or their formal representatives must be fully informed.

2. The detained places for children and youth must be separated from adults, the women from men and the alleged from the convicts. The detained place must have the environment and hygiene facilitating humanness, feeding, and water, sleeping kids, clothes, medication, physical exercises and utilities for adequate health.

3. The religious belief and the principle of morality must be respected.

4. The detainees must have rights to contact the outside world such as visits, one-on-one meeting and counseled with the legal representatives.

**Practical approaches:**

- 1) Facilitate and provide visit area and properly meet the legal representatives including to facilitate to use equipments for entertainment, books and stationeries.

- 2) Timely checking the detainees for security and safety and prohibit to carry weapons into the detention area and prohibit to use equipments to stop punishment but useable upon necessity to prevent the breach of prison.

3) There should be officers on duty all time for psychological treatment and consultation to prevent suicide

### **2.2.7 Enforcement and weapons**

Individuals deserve the rights on life, security, safety and liberty from not being tortured or any brutal actions, inhumanness or dignity of deprivation.

Force is useable when it is critically necessary and used with aiming at legitimate law enforcement and it must be appropriate and proportionate to the legitimate purposes.

Practical approaches:

1) Weapons are useable under the only top-emergent situation and self-protection or others from death or from injuries with the coming threat in order for arrestment or protection from the breach of prison plotted by the special murderous criminals who might lead deadly danger to life.

2) Steps of weapons used demand appearing being the police and clear cautionary statement with adequate time to follow the notice. If steps taken may delay and may affect the life and death or severe injuries of the officers and other people; it is not necessary to follow the steps of using weapons.

3) After weapons uses, it is imperative to provide medical assistance with all the injured persons and report their relatives or persons affected by such incidents.

4) Well and safely secure the weapon distributed and pre-assumed that all weapons were loaded with ammunition.

5) Endlessly drill and explore knowledge about the weapon including techniques of motivation, conciliation and negotiation to avoid enforcement or weapon used.

### **2.2.8 Routing, emergency and conflict with armed forces**

All measures of keeping peace and order demand respect of human rights, non-discrimination, and a good sense on any restriction of any rights must be subject to the legal provision only. This is the purpose to maintain the respect of human rights

and individual liberty of the others. It is to respect morality, public peace, order, and general welfare of the people.

Non-violent method is primarily used before force. The force may be used if critical necessary only but appropriately used and proportionate to the legitimate objective in the law enforcement. If there were injured persons, they had to be medicated without delay.

There must not be any coercion in any restrictions on liberty of opinion, speech, assembly, association and movement.

Practical approaches:

1) When there is routing or protest, the police need to be tolerant, never threatening or appearing to be contradictory of the protesters and avoiding provocation to prevent aggressive escalation.

2) Coordination should be made for negotiation with the representative of the protesters in order to find collaborative solutions.

3) When crackdown is necessary, it must begin with soft to hard measures and the flight-routes must be obviously disclosed.

4) There must be continuous and serious training on addressing protest such as equipments, first aids, and process model and negotiation psychology.

5) Enforcement and weapons uses must be prepared and strictly imposed the practical regulations with clarity.

6) The best efficient mob control demands peace and order, public safety and non-violation of the human rights.

In the case of emergency, there must be official announcement before using special measure but the principle of human right must exist.

### **2.2.9 Protection of children and youth**

Children must receive the benefits from the principle of human rights and other special measures.

1. Child detention or imprisonment should be the last violent measure only and the term of detention should be as the shortest period as possible.

2. The child detention area must be separated from the adults'. Children must be visited, contacted from the family members and the youngest age should be stipulated for admitting criminal guilty.

3. Never inhibit by acts against the body and force on children; it could be sued only when all control measures fail and as shortest period as possible.

4. Weapon must not be carried in the child detention area.

5. Parents must be informed on arrestment, detention, transfer, sickness and injuries or death

Practical approaches:

1) If negligence, child torture and seeking gains from children are found; they must be immediately investigated.

2) Children and their parents must be reasonably acquainted with historical records for these delinquents involving individual identity, reason delinquency, date and time of admission, transfer and release and file as data by separating from the adults and they must be confidential.

#### **2.2.10 The human rights for women, refugees and the stateless persons, the human rights of victims**

The police must be cautious in protection, investigation, searches (must be female officers) and woman arrestment because violence against women in any forms is violating the basic human rights and liberty. It is also the duty to protect women form violence or seeking gains in all illegal forms. The pregnant women or with infants must have special facilities in the detention areas.

Practical approaches:

1) Upon reported on domestic violence or sexual abuses, it needs speedily rescue and immediate investigation.

2) Separate the woman detainees form the male and female officers should be the regulators and search them.

3) If the criminal victims are women, the female officers should take action.

4) Avoid talks and expression characterized as dishonor women.

5) Provide additional special facilities for the pregnant of with infant in the detention area.

### **Refugees and the Stateless persons**

All deserve the right to seek and receive asylums in other countries for escaping oppressions.

1. The refugees (people fearing oppressions because of the differences on race, religion, nationality and political opinion) deserve all basic human rights except some political rights. Moreover, illegal residence must be restricted in some movements for the public peace and order and the public health.

2. The stateless persons (foreigners or the stateless persons) legally residing, must be protected by every principle of human rights except some political rights.

Practical approaches:

1) Treating the refugees or the stateless persons should be closely coordinated with the Immigration bureau and the Social Organizations related but adhering to the principle of human rights.

2) The police responsible for border controls and the Immigration Bureau should explore the knowledge on the rights of the refugees and the stateless persons.

### **The human rights of the victims**

All victims of crimes and power mal practices or human rights abuses must be treated with kindness and respects on their human dignity with speed, justice, safety and appropriateness.

Practical approaches:

It is needs to inform the victims on their rights and roles in the cases including assistance on law, medical, materials, psychology and social, if they need.

### **2.2.11 The police line of command and management**

1. The police must all the time fulfill the mission by law at full potentials through servicing communities and protecting people from illegal acts.

2. Distant from corrupted acts against the duty
3. Respect and safeguard the human dignity including to maintain and to support the human rights of every individual.
4. Organize training for every police operation affecting the human rights.
5. The police must develop the law enforcement strategies for their effectiveness, legitimacy and respect of the human rights principle.
6. There should be random check working or office without notice in advance to ensure that the police missions are under rules and laws.

#### **2.2.12 Peace and order keeping for community**

1. Apply action plan and community relation policy to create intimacy with the community through participate in the community activities which do not involve the law enforcement.
2. Establish the community relation centers and public information project allowing the community to involve pointing out problems and the community concerns.
3. Coordinate with other organization related both public and private sectors to involve the activities with the communities.

#### **2.2.13 Preventing the violation of human rights from the police**

1. The police must respect and protect the dignity of human rights and having the good sense of the human rights dignity in everyone.
2. The investigation on violence must be immediately taken with full potentials, details, justice and without prejudice.
3. Obedience and following the order of the immediate supervisor cannot be referred as defense in the case of violence taken by the police.

## **2.3 The Basic Concept of Law Enforcement**

The law enforcement is a way to formally control human behavior to ensure that the social rules will be followed and allow societies save and secure.

### **2.3.1 The law enforcement and policing**

The concept of law enforcement has been implemented in public administration in all levels from the national levels until the local levels in all issues, e.g., environment, health, security, narcotics, human trafficking, and crimes and so on. It is the matter of the state officers to strictly follow. At the same time, policing is a sub-set of the law enforcement to be applied in controlling the process of the affairs related to the criminal behavior and the police officials work on this duty.

The process of law enforcement is another model in controlling social through socialization and it teaches people in societies on what is right, what is wrong, what can be done, and what cannot be done. It is the process of the cultural teaching and social values.

**2.3.2 The four perspective of law enforcement** (Jones & Bartle Learning, LLC. [http://samples.jbpub.com/9780763799380/99380\\_CH01\\_PASS01.pdf](http://samples.jbpub.com/9780763799380/99380_CH01_PASS01.pdf))

#### **(1) Legal perspective**

The general principle of control is “Law is the law”. The legal perspective is a principle to view behavior from the law-based philosophy. Meaning, law is the supreme rule, which all must follow. Most criminal control and punishing the offenders are adhered to this perspective. However, rigid law enforcement needs caution in estimating the law objectives and it must be estimated whether it is too rigid or not. Although, law is the supreme rules in controlling human behavior, but many questions are raised: is the law appropriate? For example, some believe that all kinds of gambling are illegal but the government lottery should have been another type of gambling and it is legal. Alternatively, some believe that crimes about sexual abuses such as prostitution should be legal. Some believe that the law must be enforce with sexual behavior affecting morality adhered for generations. Such disputable belief

raises problems with the policymakers and the officers who fulfill the duty of law enforcement.

With this perspective, the police are positioned in uneasiness because they hold their duties of law enforcement. They know that if they rigidly enforce law, many will be under arrest or summon warrant. Therefore, they have to estimate that what is the letter of the law and what is the spirit of the law. Adhering to the spirit of the law, the level of rigidity and context will be raised for consideration because some wrongdoing might need no law but just enough a remark.

Such the estimating process leads to the discretion enforcement and selective enforcement. The former is the choice to enforce law to meet the behavior while the latter is the law enforcement worth to the situation or relationship and the level of prioritizing the doers or the protesters. On the contrary, the selective enforcement is the full law enforcement – enforcing law all the time and it is impossible. Looking back to the legal perspective, a belief is if law is enforced, it can solve the social problem. The full law enforcement with problems such as narcotics, traffic breakers, and mal-assembly; it is characterized of legal enforcement called “Zero Tolerance”. It is mostly enforced when the situation is distrustful or hot spot crime (Mazerolle et al. 2000).

## **(2) The public policy perspective**

The definition of public policy is regulating where the legal office or the state agencies set such as Ministry of Public Health may regulate prohibition to use some kind of drugs or the state may enact law about domestic violence or drug trafficking and so on. Reregulating laws or rules is the example of a public policy to address social. Such principle is similar to the principle of law but its principle is focused on the administrative process based on the principle of public policy.

Using the principle of law to investigate law enforcement is based on major reasons, i.e. (1) when the law enforcement happens and it become the aggressive approach to solve the problem; social and departmental offices set more policies. (2) The executive of the law enforcement might need legal assistant to apply the policy because of the restriction of law at that moment or because of there is an absence of appropriate commander. Therefore, it is necessary to understand the nature

of administration in the policymaking process and the necessity of defense or rationalization on the policy with the substantial term.

Policy making at the level of the state delegate is the duty of the executive. The chief of the office is empowered to enforce law. For example, The Commander of the National Police Bureau is empowered to control the courses adhering to the policies of the Office of National Police Bureau. Alternatively, the governor is empowered to adhere to the provincial policies. Policies cannot be made if there is no consideration on the process and internal management, legal influence, politics and the community's expectations. A policymaking involves three steps. First, it is to identify the necessity of a policy and mostly it becomes evident when social problems are critical which will be followed by the policy with control measures. Second, it is the application of the policy. The statement in the policy will be modified into action. Therefore, the implementers have to know and understand the policy well to correctly specify and enforce law. Third, it is the policy assessment whether the law enforcement under the policy can make societies better as being expected. Applying policy is a complex interaction between the organizational factors and the environmental factors.

### **(3) The system perspective**

The law enforcement is possible to apply the system theory. It views the context in overview where issue arises with analyzing the drive or the influence affecting the law enforcement. The system theory links various means, which each of them plays its own duty. Looking at the law enforcement by using various social control system theories and the model of social, economic and political influences are relating and influencing each other.

Viewing the law enforcement through the system perspective is important because it ensures that we have the good sense of the environmental influences and impacts with prudence.

### **(4) The global perspective**

It elaborates the system perspective. Besides having the good sense of the environmental influences and impacts with prudence in society, it looks beyond the

global and international impacts. The instability of a government can create problems and insecurities of other countries. Therefore, the external influences affect the law enforcement such as rigid check arms for the domestic security and rigid law enforcement with the foreign drug traffickers and so on.

## **2.4 Related Researches**

### **2.4.1 The Domestic Researches**

Narong Bamroongrat (1992) explains the application of the law enforcement by focusing on the police under the immediate supervisory to be aware of criminal prevention is the major work of the police. Police are so critical to investigation, interrogation, arrestment and punishment against the wrongdoers. To this view, it focuses on patrol the areas believing that police appearance deters the persons from committing crimes because of arrestment fear. To this point, the patrol police must be in their uniform and the patrol car must be so evident and easy to see in order to threaten and restraint the criminals.

Sanya Buajaroen (2011) investigates the causes of violating the human rights in the justice administration by the police. He aims to study and synthesize the problems, causes and factors related to violating the transgression of the human right dine by the police in order to find solutions and the preventive measures against the transgressions. He finds that 72.48% commissioned police violate the human rights while Bangkok is where the human rights violations are found most at 19 cases. There are six causes leading to the transgressions. First, they are the intention to excessively use power, and disobedience to related laws and regulations. Second, there is an absence of good sense to find facts and evidence collections. Third, there is the absence of adequate knowledge and understanding the principle of related laws and regulations. Fourth, there is the absence of morality of mission and continuous training. Fifth, there is the absence of prudence in the mission and malpractices. Finally, there is illegal gain seeking from the mission.

Siddhiphong Srilerjan (2011) investigates the accurate, speedy and fair interrogations under the Constitution of the Kingdom of Thailand BE 2550 (2007)

Article 40(7) and explains that the interrogations are crucial in the proceedings and they are the conditions to charge for trial of the public prosecutor. The criminal interrogation of the officers much affects the criminal justice administration. If the interrogation completed accurately, speedily and fairly under the Constitution of the Kingdom of Thailand BE 2550 (2007) Article 40(7), it would be useful for goodwill for the criminal justice administration in general. However, the study shows that there are many limitations, i.e. laws and other problems distorting the interrogation from the constitutional provisions.

In the case of mal-interrogation, it leads to legal problem, i.e. bias understanding on the roles and duties of the officers. Interrogating by oneself alone causes lacks of inspection and unaligned with other organization, lacks of involvement and the police performance appraisal by public. In the case of delaying interrogation, it might come from the legal problems, i.e., repeated interrogation, filing complaints in the very remote areas and the evidence collections are unlikely complete. In the case of unfair interrogation, it might come from the problems of law similar to the inaccurate investigation, repeated interrogation or filing complaints in the very remote areas as in the delaying interrogation. It also includes the remuneration of the interrogation officers unmet the interrogation burdens.

Therefore, to gain the accurate, speedy and fair interrogation according to the constitutional provisions; the solutions recommended are amendments of the provision of the Criminal Procedural Code by involvement of the public prosecutor in the interrogation in some cases. It needs to stipulate regulations or orders of the National Police Bureau to set the course of practices for the interrogation to expedite with more accuracy, speed and fairness. It needs to amend the regulations or the orders of the National Police Bureau to become more accurate, speedy and modern. It needs transparency under the moral system to enter the position of the interrogation officers or other positions in the National Police Bureau. It includes specifying the measures to promote rights, welfare and career advancement of the interrogation officers, which are aimed to gain efficient, transparent and auditable interrogations. The interrogation would be the legal measure facilitating justice for people and to further create fairness for societies.

Sunee Kanyajit (2011) investigates the police attitudes on the law enforcement and the protection of rights in the justice administration of people. Phase 1- its objectives are to study the knowledge of the police about the human rights and the rights of the justice administration for people under the Constitution of the Kingdom of Thailand BE 2550 (2007). Phase 1 includes studying laws, regulations, and announcements, international treaty on human rights, the international standards principle and other related. It is also to know the attitudes against the law enforcement and the protection of rights in the justice and the administration for people. The police behaviors and recommendations of law enforcement are to promote and protect and secure the rights in the justice administration.

In conclusion, it is found that the police executives are mostly equipped with knowledge and understanding on the human rights and the rights in the justice administration at the very good level because their work experiences are 25-30 years. The police inspectors and deputy inspectors are the non-commissioned police group are similar and mostly equipped with knowledge and understanding on the human rights and the rights in the justice administration at a good level because each one regularly applies their principles during their working.

The attitude of the law enforcement in protecting the rights in the justice administration of people, it is concluded that the police executives most think that it allows people more alert and see the importance of their right in the justice administration. This is the good sign. On the other hand, the police inspectors and deputy inspectors mostly find that it currently provokes the Thai police to work more within the scope of law. Most non-commissioned police view it a good affair because it is he rights people deserve by law. However, the claims of the people's rights interfere the police works too.

The law enforcement approaches of the police in promoting and protecting the rights of people in the justice administration are the plain and simple manual for reading should be prepared. An amendment of protecting the rights of people in the justice administration where it is impossible to access should be made. Training to raise knowledge and skills of enforcing rights of people in the justice administration should be organized for the police. Finally, budgets should be allocated for action taken in every police station.

### **2.4.2 The Foreign Researches**

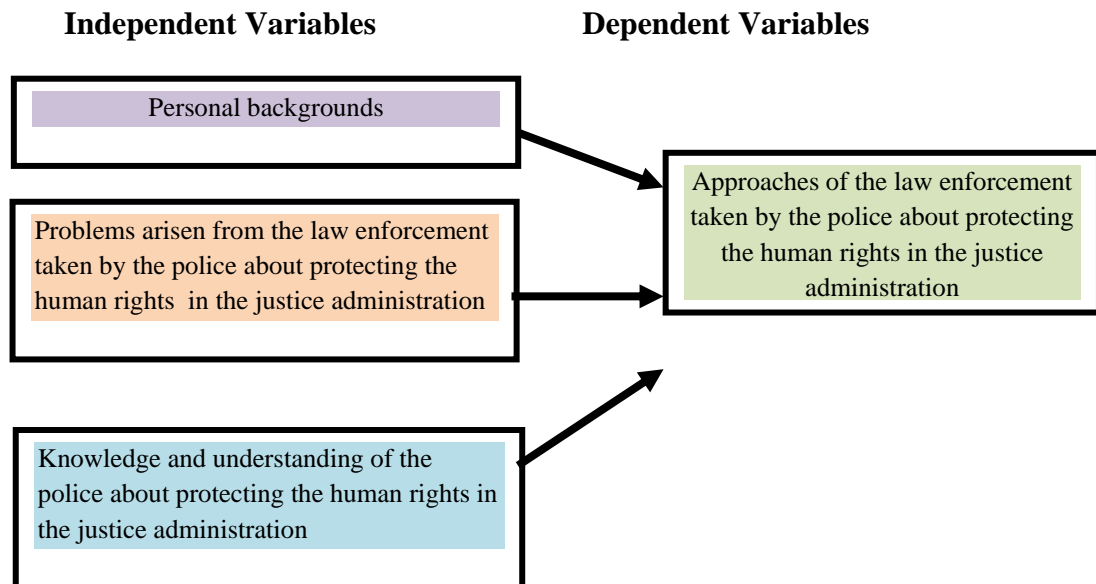
Office of Community Oriented Policing Services studies “Building Trust between the Police and People: a case of the internal affairs on work contract manual in the local law enforcement”. It finds that every local administration members and staff enforcing law is imperative to promote higher ethical standards and responsibility for the communities where they provide services and protection. The executives need to foster the culture of honesty and trust all the time. Regarding the approaches to secure the rights of the people, it is necessary to re-standardize the transparent working for the staff. There should be training for knowledge and understanding in the approaches to build trust. There should be regular assessment and channel for complaints for people to really solve the problems.

From collecting researches, academic papers, concepts and theories related to the law enforcement of the police in promoting and protecting the rights in the justice administration; it is explicable that promoting and protecting the rights in the justice administration are very indispensable. Particularly, about the Constitution of the Kingdom and laws related to protecting the human rights, they clearly specify the rights and liberty of people according to the Constitution of the Kingdom of Thailand BE 2550 (2007). Today, there are many channels for people to complain about being infringed on their human rights and there are central offices to directly protect the rights, liberty and the human rights for people.

Beside studying and collecting the related researches, it is found that police is a profession, which is so much complained on infringing the rights in the justice administration. Therefore, the state should have approaches in the law enforcement of the police in protecting the rights of people in the justice administration. This is to alleviate the complaints from people through the concepts, theories and researches collected. They would be the way to respond and to solve problems of law enforcement and in better promoting and protecting the rights of people in the justice administration.

## 2.5 Conceptual Framework

In this research, the conceptual framework is about the law enforcement taken by the police about protecting the human rights in the justice administration.



**Figure 2.1** Conceptual Framework

In summary, the preliminary conceptual framework reveals that the study of the law enforcement taken by the police about protecting the human rights in the justice administration would investigate the personal backgrounds of the samples. Then it is to explore the problems arisen from the law enforcement taken by the police as well as the police knowledge and understanding about protecting the human rights in the justice administration. The researcher has analyzed and synthesized from the literature reviews in Chapter 2, particularly, in the researches related, which are the knowledge. The researcher finds that they have relationship with the approaches of the law enforcement taken by the police about protecting the human rights in the justice administration.

## **CHAPTER III**

### **RESEARCH METHODOLOGY**

The investigation of the “Law Enforcement Taken by the Police in Promoting and Protecting the Human Rights in the Justice Administration”, was first, to analyze the problems created by the law enforcement taken by the police related to promoting and protecting the human rights on justice administration. Second it was to analyze the levels of knowledge and understanding the police equipped on promoting and protecting the human rights on justice administration; and finally, to analyze the approaches in the law enforcement taken by the police related to promoting and protecting the human rights on justice administration.

The mix methods between Quantitative Research and Qualitative Research are selected by using questionnaire and in-depth interview with the following methodology.

#### 3.1 The quantitative methodology involved:

3.1.1 The targeted population and samples

3.1.2 Questionnaire as the quantitative instrument

3.1.3 Validation check of the instrument

3.1.4 The data collection

3.1.5 The statistical application for the data analysis

#### 3.2 The qualitative methodology involved:

3.2.1 Locating the key informants

3.2.2 In-depth interview as the qualitative instrument

3.2.3 The interview process

3.2.4 The data analysis

### 3.1 The quantitative methodology

#### 3.1.1 The targeted population and samples

The populations were the investigation police under the Provincial Police Division Region 1. The sample size was based on Taro Yamane’s model (1973). The police personnel in the Provincial Police Division Region 1 were 1,192 police and allocated to nine provinces as the Table below.

**Table 3.1** The targeted population and samples

Provinces	Police personnel(persons)	Samples
Phranakhon Sri Adydhya	186	68
Angthong	83	20
Singhบุรี	62	23
Chainat	85	19
Lopburi	128	17
Saraburi	145	30
Pathumthani	169	37
Nonthaburi	151	34
Samutprakan	183	38
Total	1,192	286

The Yamane-based sampling formula was:

$$n = \frac{N}{1 + N(e)^2}$$

Where as

e = sampling error tolerated (the confidence level is 95%; therefore the value of error in sampling is 0.05)

N = the population size

n = the sample size

### Solution

$$n = \frac{1,192}{1 + 1,192(0.05)^2}$$

$$= 286$$

A simple random sampling is applied through balloting conducted with the targeted population in each province and the samples were shown in Table 3.1 above.

### 3.1.2 Questionnaire as the quantitative instrument

The questionnaire was modified from the attitude questions to be implemented with the samples with regards to the law enforcement in protecting the rights of the people in the justice administration Phase 1 advocated by Sunee Kalyajit (2011) to meet the this research objectives. I was divided in to four parts, i.e.

Part 1: There were 8 items to question about the personal background involving sex, age, educational levels, status, position, affiliation, current tenure, and experiences of training on the human rights and the rights of people in the justice administration.

Part 2: Twenty seven (27) questions were about the problems arisen from the law enforcement taken by the police regarding the protection of human rights in the justice administration. This part was divided into two aspects, i.e. 17 questions asking about the management and 10 questions asking about the personnel. The measurement was based on Likert Scale to evaluate the five levels of thought.

<b>Problems and Barriers</b>	<b>Scoring/marks</b>
Strongly agree	5
Agree	4
Moderately agree	3
Disagree	2
Strongly disagree	1

The criteria of interpretation of the means about the problems arisen from the law enforcement taken by the police regarding the protection of human rights in the justice administration was based on Ferguos (1977) as below.

<b>Means</b>	<b>Interpretations</b>
1.00-1.49	Least problems and barriers
1.50-2.49	Little problems and barriers
2.50-3.49	Moderate problems and barriers
3.50-4.49	Much problems and barriers
4.50-5.00	Most problems and barriers

Part 3: Forty (40) questions of the levels of knowledge and understanding of the police equipped in relation to the protection of human rights in the justice administration. The specific responses were “Know” or “Not Know”.

Part 4: the open-ended questions for respondents to provide opinions and recommendations for the law enforcement taken by the police in promoting and protecting the human rights of the people in the justice administration.

### **3.1.3 Validation check of the instrument**

The content validity and the reliability of the questionnaire were checked as follows:

The content validity was checked by experts before the real data collection and it has been improved according to the recommendations of the experts.

Its reliability was through Pretest with 30 samples analogous to the targeted populations who were the police not selected to be the sample group allocated in the Provincial Police Division Region 1. This was to improve and correct the drawbacks of the questionnaire. The reliability was tested by using Cronbach’s Alpha Coefficient after they were returned. The values of the reliability in each part were shown as below.

The part of problems arisen from the law enforcement taken by the police in promoting and protecting the human rights of the people in the justice administration earned the reliability of .765.

The part of the levels of knowledge and understanding of the police equipped in relation to the protection of human rights in the justice administration earned .841.

The reliability met the criteria for the real data collection.

The reliability of the interview format was checked by 3 experts.

### **3.1.4 The data collection**

The researcher has collected the data by himself with the following procedures.

3.1.4.1 The recommendation letter for data collection was requested from the Faculty of Social Science and Humanity to seek cooperation in data collection to the Provincial Police Division Region 1, where the targeted populations were allocated for responses to the questions.

3.1.4.2 The researcher disseminated the questionnaire to their immediate supervisors in association with explaining the research objectives and how to respond to the questions.

3.1.4.3 The researcher pleaded cooperation from the immediate supervisors to distribute the questionnaire to the police and requested them to be return within two weeks. The data collection was spent for weeks.

3.1.4.4 All completion of the questions was checked thoroughly by the researcher.

### **3.1.5 The statistical application for the data analysis**

Upon completely collecting the data, and their completion check, the questionnaire sets were numbered for further data analysis.

3.1.5.1 Encoding and specifying the variables with their code in each item for computerized analysis.

3.1.5.2 All codes were keyed-in the computer for analysis through SPSS. The statistical application was descriptive statistics to explain general information of the variables through frequencies, percentages, standard deviation (SD) and t-test to compare the difference between the variables with the statistical significance at 0.05 levels.

## **3.2 The qualitative methodology**

### **3.2.1 Locating the key informants**

Key informants were 20 persons who involved and had direct experiences in promoting and protecting the human rights in the justice administration and they were the personnel and people in the responsible areas of the Provincial Police Division Region 1, as below.

- The nine superintendents or the deputy superintendents of the Provincial Police Division were selected through purposive sampling from each responsible province.

- Three public prosecutors were from the Offices of the Provincial Attorney General through balloting from the nine provinces.

- Three Provincial Chief Judges from the provincial courts through balloting from the nine provinces.

- Five people were selected through purposive sampling who have notified against the police or being affected directly from the law enforcement taken by the police.

### **3.2.2 In-depth interview as the qualitative instrument**

The interview format was applied to gain in-depth data of this research, which included three issues, i.e.

3.2.2.1 The problem situations arose from the law enforcement taken by the police about protecting the human rights of the people in the justice administration.

3.2.2.2 The knowledge and understanding about protecting the human rights in the justice administration had been acquired by the police.

3.2.2.3 The approaches of law enforcement had been taken by the police in protecting the human rights of the people in the justice administration.

### **3.2.3 The interview process**

3.2.3.1 The recommendation letter for data collection was requested from the Faculty of Social Science and Humanity to seek cooperation in

data collection to the Provincial Police Division Region 1, where the targeted populations were allocated for the in-depth interviews.

3.2.3.2 The researcher had made appointment of date, time and places for the interviews.

3.2.3.3 After informing the research objectives and explanation and request of cooperation from the key respondents; the researcher conducted the in-depth interviews by himself by spending 60-90 minutes per case.

### **3.2.4 The data analysis**

This qualitative research using in-depth interviews as the instrument was using content analysis by the formulation of the interview after the data had been collected. The descriptive approach was applied for the understanding and synopsis for further summary.

## **3.3 Ethical Concerns**

This research was proposed to the MU-SSIRB after its proposal defense before the data collection. The approval was conferred with the No. MU-SSIRB 2013/286.2908 (B2).

## **CHAPTER IV**

### **RESULTS**

The research of the law enforcement taken by the police on protecting the human rights of people in the justice administration was through a mixed method between the quantitative research and the qualitative research to respond to the research objectives. The studies revealed that:

#### **The personal backgrounds**

They explored the general nature of the samples about sex, age, educational levels, status, positions, affiliation, current tenure and experiences of training on the human rights and the rights of people in the justice administration as in the Table 4.1 below.

**Table 4.1** Personal backgrounds

<b>Personal data</b>	<b>Freq. (n=229)</b>	<b>Percent (100.0)</b>
<b>1. Sex</b>		
Male	<b>271</b>	<b>94.8</b>
Female	15	5,2
<b>2. Age</b>		
Younger than 30 years	5	1.7
31-40 years	38	13.3
41-50 years	<b>123</b>	<b>43.0</b>
Older than 51 years	120	42.0
<b>3. Educational levels</b>		
Lower than bachelor degree	113	39.5
Bachelor degree	<b>155</b>	<b>54.2</b>
Master degree	18	6.3
<b>4. Status</b>		
Single	<b>13</b>	4.5
Married	<b>273</b>	<b>95.5</b>
<b>5. Position</b>		
Squad leader	<b>247</b>	<b>86.4</b>
Sub- inspector	31	10.8
Inspector	7	2.4
Superintendent	1	0.3

**Table 4.1** Personal backgrounds (cont.)

<b>Personal data</b>	<b>Freq. (n=229)</b>	<b>Percent (100.0)</b>
<b>6. Affiliation/ Provincial Police of:</b>		
Phranakhon Si Adyudhya	<b>68</b>	<b>23.8</b>
Angtong	20	7.0
Singhบุรี	23	8.0
Chainat	19	6.6
Lopburi	17	5.9
Saraburi	30	10.5
Pathumthani	37	12.9
Nonthaburi	34	11.9
Samutprakarn	38	13.3
<b>7. current tenure</b>		
Less than 10 years	29	10.1
11-20 years	<b>108</b>	<b>37.8</b>
21-30 years	107	37.4
Above 31	42	14.7
<b>8. experiences of training on the human rights and the rights of people in the justice administration</b>		
Ever	<b>270</b>	<b>94.4</b>
Never		

From Table 4.1 the 286 investigation police's personal backgrounds under supervision of the Provincial Police Division Region 1 were mostly 271 male (94.8%) while 15 were female (5.2%). Only 5 police (1.7%) were younger than 30 years old; 38 police (13.3%) were 31-40 years old; 123 police (43.0%) were 41-50 years old; and 120 police (42%) were older than 51 years old. 113 police (39.5%) earned lower than bachelor degree; 155 police (54.2%) earned bachelor degree; and 18 police

(6.3%) earned master degree. 273 police (95.5%) were married and 13 police (4.5%) were single. 247 police (86.4%) were squad leaders; 31 police (10.8) were sub-inspectors; 7 police (2.4) were inspectors; and 1 police (0.3%) was the superintendent. 68 police (23.8%) were from the provincial police of Phranakhon Si Ayudya; 20 police (7.0) were from Anghong; 23 police (8.0%) were from Singhburi; 19 police (6.6%) were from Chainat; 17 police (5.9) were from Lopburi; 30 police (10.5) were from Saraburi; 37 police (12.9%) were from Pathumthani; 34 police (11.9%) were from Nonthaburi; and 38 police (13.3%) were from Samutprakarn. 29 police (10.1%) had less than 10 year-tenure; 108 police (37.8%) had 11-20 year tenure; 107 police (37.4%) had 21-30 year tenure; and 42 police (14.7%) had more than 31 year tenure. 16 police (5.6%) had never experienced training on the human rights and the rights of people in the justice administration while 270 police (94.4%) did.

#### **4.1 Problems Arisen from the Law Enforcement Taken by the Police about Protecting the Human Rights in the Justice Administration**

All respondents congruently responded that the problems arisen from the law enforcement taken by the police about protecting the human rights in the justice administration came from the law unlikely facilitated the works of the police especially in taking lawsuit with children and youth where there were many procedures and more troubled the police works.

*“...A part of the problems is the law likely facilitates the police works. It is witnessed from protecting the rights of children and youth but they have growing violent behavior. If the laws much protect them, it troubles the police works – before arrest, the police have to see a warrant from the court’s investigation. Until warrant approved, they flight far away....”*

(a police : May, 2015)

Another interview saying that currently the offenders growing younger and each case of the children and youth were growing wild, e.g., homicide, and gang robbery. Therefore, having laws protecting children and youth allowed them fearless to laws. Some adults would exploit the legal gaps to use them to offend. It grew delinquencies continuously.

*“...Children and youth commit delinquency more younger age and each case creates violence not different from the adults. For example, youth aged 16 years commit delinquencies for more than 20 times and ever committed homicide. By principle, children and youth should be protected by law because the ages of this group are unable to make well judgment as adults. However, sometimes, it seems the law over protects children and youth until they do not fear laws thinking that laws cannot do anything to them since they are youth. In addition, some adult groups exploit these gaps to use them to offend more because knowing that they are likely protected strongly. This allows the delinquencies are growing...”*

A Judge: August, 2015

In addition, the problems arisen from the law enforcement taken by the police about the human rights of people in the justice administration came from the misunderstanding about the laws and the very duties of the police. It raised misunderstanding and the police did not have cooperation from the people.

*“...Tuning the understanding between the police and the people about the law enforcement, the human rights and the duties of a good citizen is inevitable. To allow the law enforcement taken by the police capable to secure peace for people without any barriers; it requires cooperation and understanding for the public sectors. They are the key force to make people correct understanding about their rights and duties as a citizen under the scope of laws. It also enables to promote and complain the works of the police without any problems or without*

*any misunderstandings. Then, it demands from enhancing from schooling where knowledge of a good citizen and basic laws should be conveyed...”*

A Public Prosecutor: August, 2015

*“...Major problems are about the ambiguous laws, which affect interpretations. With these causes, they distort the objectives of laws and create misunderstanding between the people and the police while distorting the police’s understanding too...”*

A police : May, 2015

It was corresponded with data from other groups that:

*“...the law is unclear, distorting the understanding between the police and the people. Therefore, the law enforcement to promote and to protect the rights of people in the justice administration becomes problematic....”*

A Citizen: September, 2015

It included the problems arisen from the internal management of the government agencies in order to promote the works in securing the human rights in the justice administration to truly meet efficiency and effectiveness.

*“...the problem of budget for the mission in each station is restricted, which critically hinders the police mission especially the lawsuit of delinquency since in such lawsuits, they are likely expensive. Inadequate budget much bar the work...”*

A Police: May, 2015

*“...There are few police in the supervision and inadequate for the responsible mission. It affects to send them to acquire more knowledge of the law enforcement and to protect the rights in the justice administration...”*

A Police: May, 2015

Similarity was found in the study of the problems and barriers of the police in the law enforcement and the protection of the human rights of people in the justice administration as in Table 4.2

**Table 4.2** The problems and barriers of the police in the law enforcement and the protection of the human rights of people in the justice administration on the Management

<b>Management</b>	<b><math>\bar{x}</math></b>	<b>S.D.</b>	<b>Meaning</b>
1. The police station applies the principle of the human rights to constructively set policy and /or the approaches.	4.00	0.17	High
2. The police station standardizes the police work aiming to protect private rights and human rights.	3.05	0.22	Moderate
3. The police station organizes training to support its police for training and developing the mission process related to the protection of the human rights.	3.64	1.46	High

**Table 4.2** The problems and barriers of the police in the law enforcement and the protection of the human rights of people in the justice administration on the Management (cont.)

Management	$\bar{x}$	S.D.	Meaning
4. The office cooperates with the organizations involved with the mission of protecting the human rights domestically and internationally.	3.17	1.94	Moderate
5. the police station has set the policy sensing the basic needs of the children and youth such as the environmental conditions related to development, poverty, homeless, criminal risk and so on.	4.91	1.94	Highest
6. The police station organizes networks for the mission with the office involved with solving the delinquents.	3.95	0.33	High
7. The police station provides the approaches or the channels of complaints for the delinquent to be proposed to the immediate supervisors of the office, directly.	3.51	0.9356	High
8. The police station promotes too adequately and appropriately store database of the delinquents for analyses to find the right solutions of assistance.	3.08	1.00	Moderate
9. The police station promotes variety approaches to handle delinquents such as care and treatment, counseling and other necessary measures.	3.96	0.22	High

**Table 4.2** The problems and barriers of the police in the law enforcement and the protection of the human rights of people in the justice administration on the Management

Management	$\bar{x}$	S.D.	Meaning
10. The police station assigns the police to directly check and handle the delinquents.	4.91	0.39	Highest
11. The police station environmentalizes appropriate to specifically detain delinquents.	3.40	1.46	Moderate
12. The police station develops a process to check the limitations of the laws related to arresting the alleged.	3.45	0.51	Moderate
13. The police station builds understanding for the police primarily to arrestment for efficient and prudent mission taken.	3.53	0.51	High
14. The police station prioritizes arrestment plans in advance with diverse approaches and maximum efficient choices.	2.45	1.49	Low
15. The police station develops the standard data forms and arrestment records by laws and justice administration.	2.15	1.04	Low
16. The police station promotes training and developing arrestment efficiency of the alleged for the police.	3.54	0.55	High
17. The police station builds clear understanding about the arrestment of the alleged.	3.54	0.54	High
<b><math>\bar{x} = 3.54</math> S.D. = 0.75</b>			<b>Much</b>

Table 4.2 revealed that the management was at high level ( $\bar{x} = 3.54$ ) in creating the problems and barriers of the law enforcement to protect the human rights of people in the justice administration.

**Table 4.3** The problems and barriers of the police in the law enforcement and the protection of the human rights of people in the justice administration on the Personnel

<b>Personnel</b>	$\bar{x}$	<b>S.D.</b>	<b>Meaning</b>
1. need to attend training to acquire knowledge and understanding about the correct law enforcement and the limitations of the law enforcement	3.08	1.00	Moderate
2. Immediate report to the immediate supervisor; if violation of human right has been made.	4.39	0.61	High
3. Review laws and mission principles with clear and correct understanding particularly about power and the arrestment process of the alleged.	4.40	0.59	High
4. Use peace, politeness and friendliness for searches, arrestment and austere authority upon necessity.	3.41	1.46	Moderate
5. Always diligently train and develop strategies of arrestment with efficiency such as cuffing, or other arrest devices and so on.	2.97	0.99	Moderate
6. Carry notes to inform the rights of the detainees in order to notify them immediately upon detention and if the detainees want use their rights; it will be followed as in the stipulation of the laws.	3.02	0.17	Moderate

**Table 4.3** The problems and barriers of the police in the law enforcement and the protection of the human rights of people in the justice administration on the Personnel

<b>Personnel</b>	<b><math>\bar{x}</math></b>	<b>S.D.</b>	<b>Meaning</b>
7. Review and access records of testimonies about the cases including laws and regulations related.	3.09	0.99	Moderate
8. Diligently study and develop the mission from experiences or good role model.	2.65	1.48	Moderate
9. Being adequately trained and developed about good service and human rights	3.02	0.20	Moderate
10. Carry out the mission based on respect of human values and dignity and human rights.	3.48	0.53	Moderate
<b><math>\bar{x} = 3.35</math> S.D. = 0.80</b>			<b>Moderate</b>

Table 4.3 revealed that the personnel was at moderate level ( $\bar{x}=3.35$ ) in creating the problems and barriers of the law enforcement to protect the human rights of people in the justice administration.

**Table 4.4** The overview of the means and standard deviation of the problems and barriers for the police in the law enforcement to protect the human rights of people in the justice administration

<b>The problems and barriers for the police of the law enforcement to protect the human rights of people in the justice administration</b>	$\bar{x}$	<b>S.D.</b>	<b>Levels</b>
Management	3.54	0.75	High
Personnel	3.35	0.80	Moderate
<b>Total</b>	<b>3.45</b>	<b>0.78</b>	<b>Moderate</b>

Reflecting the overview of the problems and barriers for the police in the law enforcement to protect the human rights of people in the justice administration, the studies revealed that the management was strongly critical problems and barriers ( $\bar{x} = 3.54$ ), whereas the personnel was moderately critical ( $\bar{x} = 3.35$ ). However, by overview both police management and the police themselves were moderately critical problems and barrier for the law enforcement taken by the police to protect the human rights of people in the justice administration ( $\bar{x} = 3.45$ ).

In the difference analyses by using t-test on statistical significance at 0.05 levels between variables about sex, marital status, and experiences of training in the human rights and the rights of people in the justice administration with the problems and barriers for the police in the law enforcement to protect the human rights of people in the justice administration; it could be concluded as follows:

**Table 4.5** The difference comparison between sex with the opinions of the problems and barriers for the police in the law enforcement to protect the human rights of people in the justice administration

<b>The problems and barriers for the police of the law enforcement to protect the human rights of people in the justice administration</b>						
	<b>Sex</b>	<b>N</b>	$\bar{x}$	<b>S.D.</b>	<b>t-value</b>	<b>p</b>
Management	Male	271	3.57	1.07	1.37	0.17
	Female	15	3.32	0.42		
Personnel	Male	271	3.34	0.79	0.42	0.06
	Female	15	3.42	0.40		

In the Table 4.5, the results of t-test disclosed that the male and the female differently thought about the problems and barriers for the police in the law enforcement to protect the human rights of people in the justice administration with regards to the management and the personnel by statistical significance at 0.05 levels.

**Table 4.6** The difference comparison between marital status with the opinions of the problems and barriers for the police in the law enforcement to protect the human rights of people in the justice administration

<b>The problems and barriers for the police of the law enforcement to protect the human rights of people in the justice administration</b>						
	<b>Marital status</b>	<b>N</b>	$\bar{x}$	<b>S.D.</b>	<b>t-value</b>	<b>p</b>
Management	Single	13	3.49	0.87	0.81	0.08
	Married	273	3.55	0.74		
Personnel	Single	13	3.37	0.91	0.34	<b>0.00*</b>
	Married	273	3.34	0.77		

P < .05

In the Table 4.6, the results of t-test disclosed that the single police and the married police differently thought about the problems and barriers for the police in the law enforcement to protect the human rights of people in the justice administration with regards to the management by statistical insignificance at 0.05 levels. On the other hand, the single police and the married police differently thought about the problems and barriers for the police in the law enforcement to protect the human rights of people in the justice administration with regards to the personnel by statistical significance at 0.00 levels.

**Table 4.7** The difference comparison between training experiences with the opinions of the problems and barriers for the police in the law enforcement to protect the human rights of people in the justice administration

<b>The problems and barriers for the police of the law enforcement to protect the human rights of people in the justice administration</b>	<b>Training experience</b>	<b>N</b>	$\bar{x}$	<b>S.D.</b>	<b>t-value</b>	<b>p</b>
Management	Ever	16	3.42	0.78	1.30	<b>0.01*</b>
	Never	270	3.54	0.76		
Personnel	Ever	16	3.45	0.81	1.13	<b>0.04*</b>
	Never	270	3.34	0.79		

P < .05

In the Table 4.7, the results of t-test disclosed that the police with training experiences differently thought about the problems and barriers for the police in the law enforcement to protect the human rights of people in the justice administration with regards to the management by statistical significance at 0.01 levels. On the other hand, the police with training experiences differently thought about the problems and barriers for the police in the law enforcement to protect the human rights of people in the justice administration with regards to the personnel by statistical significance at 0.04 levels.

## **4.2 The Levels of the Knowledge and the Understanding of the Police about Protecting the Human Rights in the Justice Administration**

From the in-depth interviews on the knowledge and the understanding of the police about protecting the human rights in the justice administration, it was found that majority were well equipped with them. Rationally, each police applied the principle of promoting and protecting the human rights in the justice administration during their routine works. This included, the majority of the key informants were graduated in Bachelor of Laws and also routinely explored knowledge from various media such as television, books, radio and internet. They had sound background in this subject matter.

*“...thinking that one owns knowledge and understanding about promoting and protecting the human rights in the justice administration since some is graduated from laws and some explore the knowledge from various media and working experience as the police. One thinks if it were such matter, one knows and understands it well...”*

A Police : May, 2015

Similarly, a police executive mentioned:

*“... Thinking that I have sound knowledge and understanding about promoting and protecting the human rights in the justice administration. If taking self-assessment on this matter, I score myself 9marks from 10marks because the Office of National Police has ever organized training about promoting and protecting the human rights in the justice administration for the police. Being a Superintendent, I have to attend the training regularly. After the training, I have applied the knowledge such as the knowledge of laws on the rights of people to be conveyed to the commissioned police in the local. Also, I have regularly explored the knowledge from various media such as television, radio, and newspaper*

*because the news provides many case studies...”*

A Police : May, 2015

Another police executive mentioned:

*“...I think that I own the knowledge and understanding about the law enforcement in every issue well because I have attended training in the country and from abroad. Being a police, I have my duty to enforce laws with people. The police profession has to be much amid and close to people. If I have no sound knowledge and understanding of the law enforcement, I cannot look after the local people and supervise the police under my supervision to efficiency work on their duties...”*

A Police : May, 2015

At the meantime, from interviewing 286 respondents on the levels of knowledge and understanding about promoting and protecting the human rights in the justice administration, it was found that the all (100.00%) correctly responded to the questions in evaluating their knowledge and understanding on the questions of “The human right is the basic rights necessary for living with dignity and value of humans; it is the owing minimum standards and if being infringed to such rights, it must be endorsed and protected by law.” “Arrestment and detention of a person is not possible except under order or the court warrant or by other causes as enacted in the Laws.” “The victim, the alleged, the defendant and witness of a criminal case hold the rights of necessary protection and assistance appropriately from the state in the justice administration beginning from the procedures of inquiries, lawsuit and trial.” (100%)

In the part of responses to the questions evaluating knowledge and understanding about promoting and protecting the human rights in the justice administration, 271 respondents (94.8%) were mostly incorrect about “ An alleged of criminal case without finalization; the alleged is still innocent.” And “youth are walking in a public walkway, one is an alleged being notified the wrongdoing on

reasonable suspicion of offense and carries a weapon to commit offense and the police have searched and found.”Details were in Table 4.8 below.

**Table 4.8** The levels of the knowledge and the understanding of the police about protecting the human rights in the justice administration

<b>Levels of knowledge and understanding</b>	<b>Know</b>	<b>Not Know</b>	<b>Meaning</b>
1. The human rights is the endorsement and protection by laws only.	161 (56.3)	125 (43.7)	Know
2. The human right is the basic rights necessary for living with dignity and value of humans; it is the owing minimum standards and if being infringed to such rights, it must be endorsed and protected by laws	286 (100.0)	0 (0.0)	Know
3. The human rights is referred to the rights inherited since birth and cannot be distributed, and transferred to anyone and such rights is universal and eternity	142 (49.7)	144 (50.3)	Not Know
4. Human dignity cannot be violated but respected and protected by the state.	142 (49.7)	144 (50.3)	Not Know
5. Restricting liberty is possible if maintaining the state security or the national economy or prevention of monopoly or eradication of the unfair competition.	17 (5.9)	269 (94.1)	Not Know

**Table 4.8** The levels of the knowledge and the understanding of the police about protecting the human rights in the justice administration (cont.)

<b>Levels of knowledge and understanding</b>	<b>Know</b>	<b>Not Know</b>	<b>Meaning</b>
6. Individuals deserve to receive information, clarification and reasons from the government agencies, state agencies, state enterprises, and local agencies.	285 (99.7)	1 (0.3)	Know
7. Following the human rights principle in Thailand, we adhere to the current Constitution and related laws.	160 (55.9)	126 (44.1)	Know
8. The Declaration of Human Rights is the agreement between the state and the people.	160 (55.9)	126 (44.1)	Know
9. The NACC (National Ant-corruption Commission) is a mechanism to protect the rights not established by the Constitution.	160 (55.9)	126 (44.1)	Know
10. People violated on human rights can notify the Office of National Human Rights Commission.	162 (56.6)	124 (43.4)	Know
11. Violating Human Rights by private sectors / public is an assault against the body, health, property and unfair advantages taken from those with social or economic status.	284 (99.3)	2 (0.7)	Know

**Table 4.8** The levels of the knowledge and the understanding of the police about protecting the human rights in the justice administration (cont.)

<b>Levels of knowledge and understanding</b>	<b>Know</b>	<b>Not Know</b>	<b>Meaning</b>
12. Violation from the government sector such as unfair power exercise or power exercise with authoritarian attitude as either being the state policy violation, enactment or public administration affecting the rights, liberty and the community lifestyle.	285 (99.7)	1 (0.3)	Know
13. Individuals assembling as a community, a local community, and a traditional local community deserve the rights to conserve or rehabilitate their customs and traditions, the local intellectual property, the distinct local and national cultural arts and the involvement in the management and maintenance and utilizing the natural resources, environments, and bio-diversity with equilibrium and sustainability.	161 (56.3)	125 (43.7)	Know
14. Resistance against election without contradicting the laws is counted the private liberty.	17 (5.9)	269 (94.1)	Not know
15. Volunteering migration is counted the private liberty.	139 (48.6)	147 (51.4)	Not know
16. Protest with weapons is counted the private liberty.	131 (45.8)	155 (54.2)	Not know

**Table 4.8** The levels of the knowledge and the understanding of the police about protecting the human rights in the justice administration (cont.)

<b>Levels of knowledge and understanding</b>	<b>Know</b>	<b>Not Know</b>	<b>Meaning</b>
17. Legal execution of a prisoner does not violate the Constitutional Provisions that individuals deserve their rights and liberty of life and body.	285 (99.7)	1 (0.3)	Know
18. Arresting and detaining an individual is impossible except the court order or the court warrant or by other reasons enacted by laws.	286 (100.0)	0 (0.0)	Know
19. In the criminal case, the alleged or the defendant deserve the rightful inquiries or trial with speed and with fairness, opportunity for defense, check and balance or considerably knowing the evidences, assistance of the case from lawyer and temporal release.	285 (99.7)	1 (0.3)	Know
20. The victim, the alleged and the criminal witness deserve the rights of protection and the necessary and appropriate assistance from the state in the justice administration since the process of investigation, lawsuit and proceeding .	286 (100.0)	0 (0.0)	Know
21. Residence entry without consent of the owner or searching the residence or private place is impossible except the court order or the court warrant or by other reasons enacted by laws.	283 (99.0)	3 (1.0)	Know

**Table 4.8** The levels of the knowledge and the understanding of the police about protecting the human rights in the justice administration (cont.)

<b>Levels of knowledge and understanding</b>	<b>Know</b>	<b>Not Know</b>	<b>Meaning</b>
22. Delivering speech or disseminating news regardless of methods to public, all are violating or affecting private rights in the family, honor, fame, privacy, which are impossible except being the case of public benefits. Therefore, a press release on arrestment with the detainee but without his/her consent is impossible.	161 (56.3)	125 (43.7)	Know
23. Checking, confinement or disclosure of the messages the individuals contact each other and act by other means to know the messages of mutual contact are impossible except by the power of the legal provisions specifically to keep the state security or to keep peace	159 (55.6)	127 (44.4)	127 (44.4)
24. Children, youth, women, elder, the disable and the infirm deserve the rights of protection in the appropriate proceeding and deserve appropriately treatment in the case of sexual abuse.	160 (55.9)	126 (44.1)	Know
25. In the criminal case, the alleged or the defendant deserve the speedy and fair inquiries or trial and adequate opportunity for defense, response or considerably knowing the evidences, assistance of the case from lawyer and temporal release.	160 (55.9)	126 (44.1)	Know

**Table 4.8** The levels of the knowledge and the understanding of the police about protecting the human rights in the justice administration (cont.)

<b>Levels of knowledge and understanding</b>	<b>Know</b>	<b>Not Know</b>	<b>Meaning</b>
26. The administrative personnel or the police is empowered to unnecessarily arrest anyone except having the court warrant or the court order.	161 (56.3)	125 (43.7)	Know
27. The police can search the private place without warrant if being consent by the owner.	160 (55.9)	126 (44.1)	Know
28. Though having evidence to ascertain wrongdoing but the alleged declines the charge and the alleged is assaulted to admit guilty; it is counted a violation of human rights.	282 (98.6)	4 (1.4)	Know
29. A criminal alleged without finalization; the alleged is still innocent.	15 (5.2)	271 (94.8)	Not know
30. Body search with Jane Cherg and associates during gossiping in the back of a railway station and the police are pursuing a gang robbery fled from other area. Moreover, with the cooperation with the local police for the hunt while having a reasonable doubt for searches –suspicion of carrying arms and illegal goods, a body search without warrant is possible.	141 (49.3)	145 (50.7)	Not know

**Table 4.8** The levels of the knowledge and the understanding of the police about protecting the human rights in the justice administration (cont.)

<b>Levels of knowledge and understanding</b>	<b>Know</b>	<b>Not Know</b>	<b>Meaning</b>
31. Youth are walking in a public walkway. One of them is an alleged notified by an informant that he will commit an offense. It is a reasonable doubt he will commit offense with arms. The police can then search.	15 (5.2)	271 (94.8)	Know
32. Mr. Suia, a Tambol Chief sees Mr. Khiew and associates are distilling illegal liquor at home during night time; Mr. Suia, a Tambol Chief and the inhabitants are empowered to arrest Mr. Khiew	283 (99.0)	3 (1.0)	Know
33. Anont openly commit contravention during night-time and flee to his own home and the pursuing police knows him well and there is no sign that Anont will further flee; the pursuing police is empowered to break entry into the private place.	284 (99.3)	2 (0.7)	Know
34. Mr. Gai is an accomplice with Mr. Khai in selling methamphetamine and Mr. Khai sells the methamphetamine to Pol. Sgt. Somsak. It is a contravention. When Mr. Khai has been arrested, Pol. Sgt. Somsak led the arrestment in Mr. Khai's residence, where it is a private place. Pol. Sgt. Somsak is empowered to arrest Mr. Khai	284 (99.3)	2 (0.7)	Know

**Table 4.8** The levels of the knowledge and the understanding of the police about protecting the human rights in the justice administration (cont.)

<b>Levels of knowledge and understanding</b>	<b>Know</b>	<b>Not Know</b>	<b>Meaning</b>
35. Mr. Ngern and Mr. Thong live attached to each other and the parties are often taken with loud noise. One day, a nearby neighbor notifies the police for checking. Both claim, it is their rights because the loud noise is in their homes. The action of Mr. Ngern and Mr. Thong violates violate the human rights.	285 (99.7)	1 (0.3)	Know
36. The police tapping telephone of an alleged violate the human rights.	285 (99.7)	1 (0.3)	Know
37. Leave-behind imprisonment of the police violates private rights.	280 (97.9)	6 (2.1)	Know
38. Mr. Preecha dissatisfies the government performance thus he induces people of similar opinion for peaceful protest in front of the Government House; such action of Mr. Preecha is legally wrong.	157 (54.9)	129 (45.1)	Know
39. Inquiries of the juveniles, it is the discretion of the interrogation officers whether to interrogate alone or with the interdisciplinary professionals	159 (55.6)	127 (44.4)	Know

**Table 4.8** The levels of the knowledge and the understanding of the police about protecting the human rights in the justice administration (cont.)

<b>Levels of knowledge and understanding</b>	<b>Know</b>	<b>Not Know</b>	<b>Meaning</b>
40. Mr. Dam is drunk and misbehaves by assaulting others. When he is escorted to the police station, he creates chaos and attempts to damage the government properties. He is then detained in the police station. After his recovery of drunkenness, he is fined and released. Such practice is possible for the police because it is under the power and duty of the police.	285 (99.7)	1 (0.3)	Know

By overview from analyses of the levels of the knowledge and the understanding of the police about protecting the human rights in the justice administration, they revealed that 146 police (51.2%) scored at the range of 24-31 marks or had moderate knowledge and understanding. Another 126 police (44.1%) scored at the range of 32-40 marks or had sound knowledge and understanding. Finally, only 14 police (4.8%) scored at the range of 1-23 marks or had unsound knowledge and understanding as shown in Table 4.9

**Table 4.9** Frequency and percentage of samples distributed by score level

<b>Score levels</b>	<b>Frequency</b>	<b>Percentage</b>	<b>Criteria</b>
32-40	126	44.1	Sound
24-31	146	51.2	Moderate
1-23	14	4.8	Unsound
<b>Total</b>	<b>286</b>	<b>100.0</b>	

### **4.3 The Approaches of the Law Enforcement Taken by the Police in Protecting the Human Rights in the Justice Administration**

The key informant recommended five dimensions. The First Dimension is:

*“... The Office of National Police should organize additional training on law enforcement in promoting and protecting the rights of people in the justice administration directly for the police involved in order to acquire the knowledge and understanding for the police missions and to leverage clear understanding, legitimacy and strictness-driven adherence...”*

A Police : May, 2015

*“...The Office of National Police should launch PR about the knowledge of the rights and duty of people by laws for them to realize and to acknowledge....”*

A Police : May, 2015

*“...The Head Quarters should emphasize to promote and to leverage the knowledge and experiences for the involved under-supervisory officials and staff...”*

A Public Prosecutor: August, 2015

Another group of key informants recommended that

*“...Offices involved should prepare manuals about the rights of people in the justice administration for learning and to be as guides in working with the same direction. It includes, the government sector officers should inform the rights of the alleged upon police arrestment in order to know the legal procedures...”*

A Citizen: September, 2015

The Second Dimension is to build conscious mind and the key informants recommend that:

*“...Being the law enforcer must be parity, free from prejudice, free from disparity, and non-discrimination or non-avoidance of doing duties because under the same laws, their intent must be strictly adhered with and because laws are enacted to keep peace and order for societies...”*

A Judge: August, 2015

*“...the police must use the principle of morality and ethics to help in their missions with generosity as the main motto, adhere to the statute as the principle of working with the good sense of strict law enforcement and human rights which allows people to understand the police roles and duties and the collaboration from people will certainly follow...”*

A Police : May, 2015

*“...the officers enforcing laws should use their knowledge and capacity enabling to keep laws their sacredness for the honest people will live peacefully and are not in troubles from persecution. Therefore, the officers must maintain the standards of laws so that societies are peaceful. People respect laws and under the protection of the same laws by receiving fairness and justice...”*

A Public Prosecutor: August, 2015

*“... The police have to treat people fairly and in line with the laws under their scopes of power and duty without contradicting with humanity where people deserve their rights...”*

A Citizen: September, 2015

*“...The police must follow methods and legal procedures strictly beginning from arrestment, searches, detention and inquiries sensing the principles of human rights and neutrality...”*

A Police : May, 2015

Beside the law enforcement taken by the police who involved with promoting and protecting the rights in the justice administration, should leverage skills and continuously develop the knowledge for the field police associated with knowledge and consciousness creation as the key informants advised, as follows:

*“...The field work police must have knowledge and understanding on the principles of human rights, the rights’ of people and laws and are able to give rightful advice for people...”*

A Police : May, 2015

*“....Regularly review the rightful knowledge and building the understanding for the field work police to be aware of the rights in the procedures...”*

A Public Prosecutor: August, 2015

*“...Develop the managerial process within the organization to meet the protection of rights in the justice administration...”*

A Judge: August, 2015

It included to increase punishment and to add measures in checking the laws enforcement taken by the police. It would enhance positive effect in promoting and protecting the rights in the justice administration. Most key informants congruently advise that:

*“...Rigid punishment should be imposed on the police who corrupt in enforcing laws and damage the organization while de-imaging the organization in the eyes of the people...”*

A Citizen: September, 2015

*“...Set the course of law enforcement for the police explicitly through preparing the model, procedures, and clear practical steps in working for people...”*

A Public Prosecutor: August, 2015

*“ ... Increase measures of inspection and evaluation the performance of the law enforcement taken by the police...”*

A Judge: August, 2015

*“...Inspection should be imposed on power exercise of the police related to the law enforcements which affect the justice administration for people continuously and constructively...”*

A Citizen: September, 2015

*“...The police have to clarify the cause of the criminal problems for people to acknowledge and seek preventive approaches disallowing criminals to commit crime again while creating confidence to have faith and collaboration from people more...”*

A Police : May, 2015

*“...The police operation must be transparent and checkable in their law enforcement and easing people to access them...”*

A Police : May, 2015

However, all the key informants similarly advised that the law enforcements taken by the police in promoting and protecting the rights in the justice administration, should be developed in aligned with international standards for the same direction of working including to create transparency to gain confidence from people and truly checkable.

*“...To fulfill the police duties in every procedure, they must be endorsed by laws and correctly follow the procedures because all steps by laws regardless the search, arrestment, and detention; had they been by laws; it promotes and protects the rights of people in the justice administration, too...”*

A Police : May, 2015

*“...Aligning to the intent of the current Thai Constitution, the human rights by laws and international in every case especially the rights to access and to perceive information and services from the state under the Administration Act BE2546 (2003), positively and internationally...”*

A Judge: August, 2015

*“...To be the approach in developing into the international standards, the police agency is imperative to be prompt with its personnel, speakers equipped with academic knowledge, and good service, which it is inadequate today. Training should be more while operation should be carried out with sincerity and seriousness in order to step into the development associated with progress in all aspects...”*

A Police : May, 2015

**In summary**, it was found that the key informants provided similar information the problems from the law enforcement taken by the police in protecting the human rights in the justice administration came from likely ill-facilitating laws for the police missions especially the juvenile proceedings which involved many procedures. This included the people did not really know and understand the laws and their own duties, which affected them to misunderstand and did not cooperate with the police. In addition, such problems came also from the management within the government agencies. For example, they were the police force and supporting budgets for the mission, which turned the mission of protecting the human rights in the justice administration unlikely efficient and effective.

Such information above, they were congruent with the quantitative analyses and found that the problems of the law enforcement taken by the police came from two issues. First, it was the office management, which was the policy, police regulations, sending the police to attend the strategic drills and laws related to protecting the human rights in the justice administration. Second, it was the personnel issue, which met some limitations of inadequate police force affecting to send them to attend training along with the personnel did not review the correct and updated principles of operations.

The levels of the knowledge and the understanding of the police about promoting protecting the human rights in the justice administration showed that the key-informants who were police executives and experts congruently informed that the police had sound knowledge and the understanding of the police about protecting the human rights in the justice administration. However, from the qualitative analyses, the results were differed that most police had moderate knowledge and the understanding of the police about promoting protecting the human rights in the justice, only.

The key-informants recommended that the approaches of the law enforcement taken by the police about protecting the human rights in the justice administration were divided in 5 dimensions. First, it was direct knowledge creation for the police who were on operation. Second, after knowledge had been created, their skills and knowledge development should be upgraded and updated in order to top-up their prior knowledge so as to meet the speedy volatility of societies. Third, the consciousness creation should be provide for the police and for those involved who had to promote and to secure the rights in the justice administration. Forth, punishment and measures of inspections should be added to the law enforcement in this subject matter. Finally, it needed development of the police regulation in order to promote and protect the rights to be aligned with the international standards so that the people would be really protected while enabling to inspect the government agents' performance with justice.

## **CHAPTER V**

### **DISCUSSIONS**

The investigation of the “Law Enforcement Taken by the Police in Promoting and Protecting the Human Rights in the Justice Administration”, was first, to analyze the problems created by the law enforcement taken by the police related to promoting and protecting the human rights on justice administration. Second it was to analyze the levels of knowledge and understanding the police equipped on promoting and protecting the human rights on justice administration; and finally, to analyze the approaches in the law enforcement taken by the police related to promoting and protecting the human rights on justice administration. The mix methods between Quantitative Research and Qualitative Research are selected by using questionnaire and in-depth interview conducted with 20 persons involved and experts of direct experiences with promoting and protecting the rights on the justice administration in the responsible area of the Provincial Police Division Region 1. The quantitative research has been conducted with 286 police under the same supervision. The discussion is based on the research objectives and results are shown below.

#### **5.1 Problems Arisen from the Law Enforcement taken by the Police in Promoting and Protecting the rights in the Justice Administration**

The law enforcement taken by the police in promoting and protecting the rights in the justice administration must follow the Criminal Procedural Code, which is empowered the police to violate others’ rights in order to keep peace and order of the common, e.g. arrestment, searches, and detention and so on. However, the police cannot take action beyond the law enactment. In addition, the Criminal Procedural Code enacts the deeds of crime, which are counted a violation of private rights, too.

Therefore, every Article enacted as the offense by the Criminal Code deserves punishment, too. It is counted protecting the human right endorsed by the Constitution.

The Declaration of Human Rights (In Brief) indicates that all own equal dignity, rights and equality and fraternally treating each other (No.1). All own equal rights and liberty without disparity (No.2). The rights and liberty deserve equally protected by law (No.7). It is prohibited from arbitrary arrestment, detention or expulsion (No.9); the rights deserving fair and opened trail (No.10); the rights assuming before court judgment and the law enacting that such deed is wrongdoing (No.11). There is a prohibition of annoying privacy, family, residence and communication including defaming and dishonoring (No.12). It is prohibited the state or any individuals to destroy these endorsed rights and liberty in this Declaration (No.30).

However, the studies still reveal that there are problems of law enforcement taken by the police in protecting the human rights in the justice administration, which are likely coming from ill facilitation of laws for the police works especially with the proceeding of the juveniles. It has many procedures and processes to sue juveniles as in the intent of the Juvenile and Family Court and the Proceeding Act BE 2553 (2010), which is the law to specifically protect the juvenile rights. This law attempts to amend the drawbacks and least found of the juvenile rights abuses. The intent of Child Protection Act BE 2546 (2003) is the law prioritizing amelioration, welfare and behavioral promotion for children including the systematic evaluation of the performance as such.

In addition, the studies also disclose that some people do not really know and understand the law of their own duties. It leads to their misunderstanding and non-cooperation to the police including the problems of the internal management of the government offices, for example, in adequate police forces and budgets to support the mission. All these allow the missions of promoting and protecting the rights in the justice administration likely inefficient and ineffective.

The quantitative results revealed that the problems arisen from the law enforcement taken by the police in protecting the human rights in the justice administration are divided into two (2) issues. First, it is the office management – policymaking, police regulations and sending police to attend strategic drills and

related laws in protecting the human rights in the justice administration. Second, it is the personnel problems – inadequacy of police force, which harden to send them for training while they do not review the correct and updated principle of practices.

The difference analysis by t-test at 0.05 levels has been conduct between sex, status and training experiences of the human rights and the rights of people in the justice administration with problems and barriers to the police in the law enforcement on protecting the rights in the justice administration. It is found in the status that the single status and the married status meet different problems and barriers (police personnel) to the police in the law enforcement on protecting the rights in the justice administration by statistical significance at 0.05 levels. It is also found in the training experiences promoting and protecting the rights in the justice administration that the personnel with experience and the personnel with non-experience meet different problems and barriers (police personnel) to the police in the law enforcement on protecting the rights in the justice administration by statistical significance at 0.05 levels.

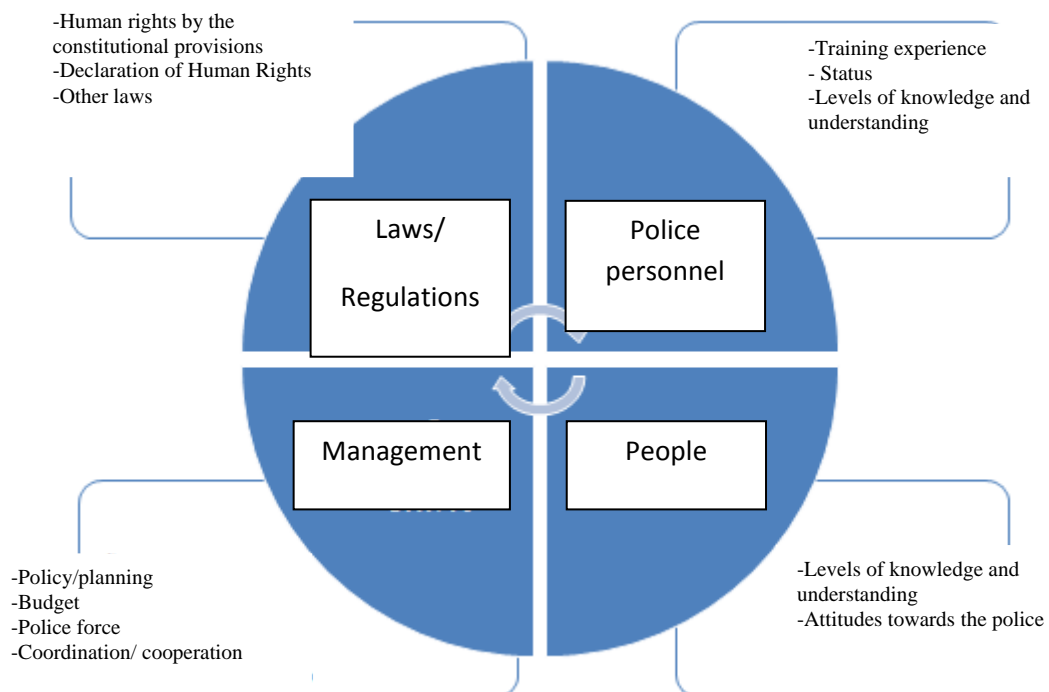
The findings of this study are corresponded with the works of Sanya Buajaroen (2011) that the commissioned police violate the human rights most at 72.48%. Bangkok is the top violation areas at 179 cases. There are six(6) causes and methods of violation: first, it is the intention or willfulness of over exercising power and disobedience to law and regulations related. Second, it is the absence of conscience of fact-findings and inquiries to collect evidences. Third, it is the absence of adequate knowledge and understanding law and regulations related. Forth, it is the absence of professional morality and inadequate persistent training. Fifth, it is the absence of professional prejudice and professional optimality or appropriateness. Finally, it is illegitimate seeking gains from professionalism.

Similarly, Siddhiphong Sriluerjan (2011) revealed that in overview, the criminal justice administration meets many limitations of both laws and others drawbacks, which allow the interrogation distorted from the constitutional provisions. Meaning, distorted inquiries might come from laws such as erroneous understanding of roles and duties among the interrogation officers, interrogation alone of the officer might miss check and balance from other organization and absence of involvement and performance checked from the police and public sectors. In the case of delayed

inquiry process, it might come from laws - repetitive inquiries, complaints notified to the too remote stations and incomplete inquiries for evidence collection. In the case of unfair inquiries, they might come from many laws as in the erroneous inquiries - repetitive inquiries, complaints notified to the too remote stations as in the delayed inquiries. It includes also the remunerations contradict the interrogation missions.

Sunee Kanyajit (2011) finds that most police view that the law enforcement alerts people to sense the importance of their rights in the justice administration more and it is a good sign. On the contrary, some people over exercise their rights until breaching others' rights. Moreover, the police have to be more prudent in working in order to prevent the rise of lawsuits from people and being later subjected to the Inspection Commission.

This research concludes a model of the law enforcement taken by the police in protecting the human rights in the justice administration as blow.



**Figure 5.1** The problems arisen from the law enforcement taken by the police in protecting the human rights in the justice administration

## **5.2 The Levels of Knowledge and Understanding of the Police Equipped on Promoting and Protecting the Human Rights in the Justice Administration**

Interviewing the key informants who are mostly the superintendent police or the deputies of the provincial police and the specialists of promoting and protecting the rights in the justice administration, their information are persistent on the police on the mission have high level of knowledge and understanding the police on promoting and protecting the human rights in the justice administration. However, the quantitative analysis from mostly non-commissioned police revealed that the level was just a moderate one.

The promotion and the protection of the rights in the justice administration are high to very high levels. However, the quantitative analysis conducted from the non-commissioned police without training experience of training on human rights and rights in the justice administration, reveals that it is just in the moderate level only.

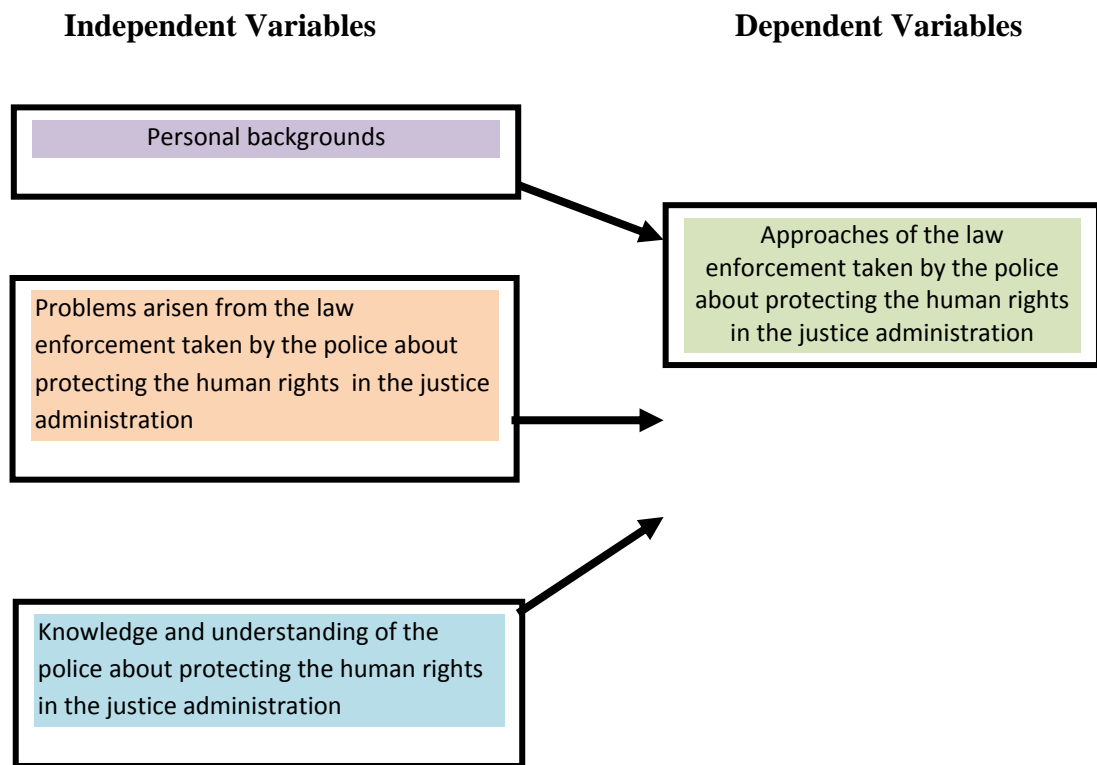
The previous literature reviews show shows that personal data of training experience, tenure, position and the knowledge and understanding the police on promoting and protecting the human rights in the justice administration affect the police works on the human rights of people in the justice administration according to the Constitution of the Kingdom of Thailand, BE 2550 (2007). It also includes laws, regulations, announcements, the international treaty of human rights and other related principles of the international standards. Anyhow, the theories of law enforcement are focused on the police personnel under command with the sense of criminal prevention. That is the main work of the police is prioritizing investigation, interrogation, arrestment, and punishing the wrongdoers. Reflecting these concepts, they emphasize on patrolling believing that the police appearance can deter disposition of crime because of fear on arrestment. With this rationale, the patrol police must be in the uniform and the patrol vehicles must be distinctive for seeing and to threaten and to deter criminals (Narong Bamroongrat, 1992).

In addition, Sunee Kalyajit (2011) finds that the commissioned police violate human rights most; work experience and tenure affect the knowledge and understanding the human rights and the rights in the justice administration. Rationally,

they have to use the principles and the matters of law related to the public human rights and the rights in the justice administration during their duties taken.

Moreover, the police executives mostly know and understand the human rights and the rights in the justice administration at the highest level. Anyhow, each one has work experience for 25-30 years and each one regularly applies the principles of the human rights and the rights in the justice administration (Sunee Kalyajit, 2011).

In summary, the literature reviews and the result of the exploration is explicable similar to this research conceptual framework as in Chart 5.2.



**Figure 5.2** The knowledge and understanding of the police about the human rights and the rights in the justice administration

### **5.3 Recommendations about the Approaches of the Law Enforcement Taken by the Police in Promoting and Protecting the Human Rights in the Justice Administration**

From this research, the key-informants recommend five (5) dimensions. First, it is the knowledge creation for the field police on protecting the human rights in the justice administration through additional training on the law enforcement on the rights of people in the justice administration to acquire knowledge and understanding for working in order to emerge clarity, legitimacy and rigid adherence.

The Second Dimension, it is consciousness creation in protecting the human rights in the justice administration, which associates with the first dimension because the law enforcers must be impartial, free from prejudice, disparity and discrimination or never avoidance of duty. By reason, under the same law, it is necessary to strictly follow the intent because the laws are enacted to keep peace and order of the societies.

The Third Dimension, it needs to cumulate the previous knowledge earned and it is the knowledge development to meet the modern societies, which are speedily changed.

The Fourth Dimension, it is to amend regulations by increasing punishment and measures of inspecting the law enforcement taken by the police in protecting the human rights in the justice administration.

The fifth dimension, it is to develop the approaches in protecting the human rights in the justice administration of the police to meet the international standards so that people will be truly protected and subject to inspection of the police performance with justice.

The approaches recommended for the law enforcement taken by the police above are aligned with the international human rights standards for the police and the law enforcers. It specifies that the police must know and apply fair human rights standards. The essence is as followed: The Code of Laws and Ethics – the police who enforce laws must earn knowledge and understanding about legal power and power limitations. Keeping Peace and Order under Democracy – the police must protect and safeguard life and property of people while protecting the rights of all under the

restriction of the provisions. Non- disparity of the Law Enforcement – there must be the sense of perceiving the importance of good relationship with people, justice claims and non-discriminated law enforcement. Police Investigation – the immediate supervisor must have rigid punishment for breaking the regulations or laws related to the investigation. Police Command and Management – the police have to always rigidly fulfill their duties by law with full efforts with servicing communities and preventing people from illegal acts while respecting and protecting the human dignity and to retain, to support and to promote the human rights of all.

In addition, the police have to abide in the Ethical Code and the Police Ethics BE 2553 (2010) Affidavit of the Police Commission on Ethical Code and Police Morality (No. 2) BE 2553 (2010) stated in No.16 and No. 21 as follows:

No.16: The police have to be conscious of servicing people regarding the justice administration, safety of life and property to meet the Constitution and the Human rights so that people will admire, trust and faith, which relies on the following approaches.

(1) Facilitate people in filing complaints, charge, approval, information or other official contact with willingness, friendliness, non-discrimination and speed so that people will not lose their rights or liberty by law.

(2) Be polite, respectful and honoring people to create reverence and never use words, expressions or gestures charactering rudeness, contempt or insult against people.

(3) During on duty, be prompt and appropriate to work with confidence and trustfulness.

(4) Carry weapons by formality, never carry or hold weapons or point weapons to anyone without reasonable cause.

(5) Carry the documents or the personal plate and exhibit it upon request.

No.17: Upon charge to arrest or freeze wrongdoing, the police must rigidly adhere and abide by the Constitution and laws and must follow as below:

(1) Dedicate oneself and spirit to work with bravery and with intelligence.

(2) Militate the intention to protect law until the end and abide by law against the wrongdoers by always reflect that law enforcement demand consciousness of humanitarianism

(3) Using violent measures only after using normal measures but inadequate to freeze the wrongdoer or the suspected.

No. 18. The police must be aware that using arms, force or violence is most violent measure. The police may use arms, force or violence upon necessity under the scope of laws and formality or use arms when the wrongdoer or the suspected uses arms to resist arrestment or use arms to secure the other person is in life endangering.

Upon using arms, force or violence and regardless having injured or dead person, the police must immediately report in written to the immediate supervisor as I the formality.

No. 19: Collecting evidences, investigation, interrogation or inquiring the wrongdoer, the alleged, the legal detainee, the victim, the eyewitness and the other people; the police must be professional by using their police savvy, sharp-wittedness, and intelligence to gain facts and to maintain justice and they have to follow:

(1) Never torture individual or other individual related to the person

(2) Never deploy, employ, request, provoke, neglect or allow torturing individual or other individual related to the person.

(3) Never threaten or beleaguer or illegitimate power exercise or instruct individual to give false words or to incriminate others.

(4) Never detain or delay anyone yet being arrested by law for testimony

(5) Never exercise illegal power to gain evidence.

No.20: The police must rigidly control and supervise the detainee by law with humanitarianism and must follow:

(1) Never ease the individual the illegal rights or the illegal advantage and formality.

(2) Never interfere mutual communication between the individual and the lawyer under the legal rights.

(3) Provide reasonable nursing or medication by case for upon ailment or request.

(4) Never detain child and youth with adult wrongdoer or never detain women with men except the case permitted by law and formality

No.21: Information gained from No.19 or from other performances, the police must strictly and confidentially secure them because they may endanger the individual benefits or fame or may become either beneficial or hazardous to the victim or to the wrongdoer. The police may disclose the information upon necessity for duty or legally for the police benefits or for the justice administration only (Education Command: Office of the National Police, 2011).

This includes the practices the ethical police should follow morality indicated that the police must be moderate in the body, speech, mind to fulfill their rightful duty, legitimize in principles and moral at heart. The must be conscious about laws, formality, obligation, custom, tradition and heavenly morality by expressing fairly friendliness. However, sometimes, the police must militate, be serious for the benefit to secure laws, peace and order of society and for the common good.

Similarly, Siddhiphong Sriluerjan (2011) finds that the criminal justice administration for correct, speedy and fair interrogation under the constitutional provisions might have remedy for such limitations through the amendment of the Criminal Procedural Code by adding the roles of the public prosecutor to involve in some criminal cases. Regulating or ordering from the Office of National Police is allowing the interrogation officers to pursue more correct, speedy and fair inquiries. Amending and improving regulations or orders of the Office of National Police is for rightfulness, appropriateness and updatedness. Allocated into the interrogation position or other police positions by the Office of National Police should be transparent under good governance and reset new measures to promote the rights, the welfares and the interrogation career advancement. This is to aim at efficient, transparent, and checkable interrogation where the interrogation becomes the legal measure to help the justice administration for people and to further provide fairness for societies.

Sunee Kanyajit (2011) recommends preparing simple and plain manuals in the approaches for the law enforcement taken by the police in promoting and

protecting the right of people in justice administration. It is necessary to amend the impractical laws of protecting the rights of people in justice administration. Training to leverage knowledge and skills of law enforcement in the rights of people in justice administration for the police should be organized. Moreover, budget for the mission should be encouraged and allocated to every police station.

Office of Community Oriented Policing Services studies “Confidence Creation between Police and People: a specific case under the contract of following the manual of laws enforcement in the locality” and explains that the members enforcing laws are necessarily promoted to leverage ethics and responsibility for the communities they are servicing and also protecting the personnel on duty too. The executives must secure the cultures of honesty and trust all the time. At the meantime, the approach to secure the rights of people demands work transparency for the new officers. There should be training for leveraging knowledge and understanding on missions and confidence creation. Regular evaluation should be imposed and there should be channels for people to file complaints, which will enable to really solve the dilemmas.

This research can analyze and synthesize that the approaches of the law enforcement taken by the police in protecting the human rights in the justice administration should be in all dimensions integrated. It begins with knowledge and consciousness creations in charged by specialists or experts of promoting and protecting the rights in the justice administration to be conveyed to the police or the law enforcers. Later, there should be experiment on law enforcement. If there were problems and barriers or updating data or involved law amendments; there should be the leverage of skills and knowledge development for the police or the law enforcers again. This is to develop and to revise knowledge for the field police. If people are in trouble or violated on their rights, it is necessary to increase punishment and adding measures of inspecting the law enforcement. However, the law enforcement related to efficiently promoting and protecting the rights in the justice administration should acquire appropriate elements, i.e. police personnel, management and network. They can lead to developing as in the course of the international standards and enable to announce as the approach of the real law enforcement taken by the police in promoting and protecting the rights of people in the justice administration as shown in Figure 5.3.



## **CHAPTER VI**

### **CONCLUSIONS AND RECOMMENDATIONS**

The investigation of the “Law Enforcement Taken by the Police in Promoting and Protecting the Human Rights in the Justice Administration”, was to analyze the problems created by the law enforcement taken by the police, the levels of knowledge and understanding the police and the approaches in the law enforcement taken by the police related to promoting and protecting the human rights on justice administration.

The mix methods between Quantitative Research and Qualitative Research were selected by using questionnaire and in-depth interview conducted with 20 persons involved and experts of direct experiences with promoting and protecting the rights on the justice administration in the responsible area of the Provincial Police Division Region 1. They were the judges, the public prosecutors, and the police. The quantitative research has been conducted with 286 police under the same supervision.

The content Analysis was applied with the qualitative research as in the modified issues whereas the analysis in quantitative research was frequency, percentage, mean, standard deviation and the difference comparison was tested by t-test with the statistical significance at 0.05 levels.

#### **6.1 Conclusions**

##### **6.1.1 Problems Arisen from the Law Enforcement taken by the Police in Promoting and Protecting the Rights in the Justice Administration**

The problems arisen likely come from the ill-facilitated laws for the police especially in the proceedings of the juveniles, which are met with multiple procedures an process in the proceedings.

In addition, it is also found that some people do not really know and understand the laws and their own duties. It leads to misunderstanding and non-cooperative to the police. Moreover, it comes also from the internal management of the government offices. For example, there are the problems of the police force and budget to support the missions, which allow inefficiency and ineffectiveness in the missions of promoting and protecting the rights of people in the justice administration.

The quantitative data show that the problems of the law enforcement taken by the police in promoting and protecting the rights in the justice administration are divided into two (2) issues. First, the office management, which involves in policymaking and formalities including sending the police to attend strategic training and laws related to protecting the rights in the justice administration. Second, it is the issue of the personnel, which is restricted and few. It disables to send them for available training including they do not review the rightful and updated formalities.

The difference analysis was through t-test and the statistical significance at 0.05 levels between the variables of sex, status, training experiences and the rights in the justice administration with the problems and barriers of the law enforcement taken by the police in promoting and protecting the rights in the justice administration. It revealed that in **the police status**, the single police and the married police (Issue of Personnel) have met different problems and barriers in the law enforcement taken by the police in promoting and protecting the rights in the justice administration by statistical significance at 0.05 levels. In **the training experiences on human rights and rights in the justice administration**, the experienced police and the inexperienced police (Issue of Management and Personnel) have met different problems and barriers in the law enforcement taken by the police in promoting and protecting the rights in the justice administration by statistical significance at 0.05 levels (0.01, and 0.04 respectively).

### **6.1.2 The Levels of Knowledge and Understanding of the Police Equipped on Promoting and Protecting the Human Rights in the Justice Administration**

Most key informants at the levels of superintendent and deputy superintendent, the specialists or experts in promoting and protecting the rights in the justice administration persistently informed that they had high to very high level of knowledge and understanding on promoting and protecting the human rights in the justice administration. However, according to the quantitative data, it was found that the police had moderate level of knowledge and understanding only.

### **6.1.3 Recommendations about the Approaches of the Law Enforcement Taken by the Police in Promoting and Protecting the Human Right in the Justice Administration**

The key informants recommend five dimensional approaches to address the law enforcement taken by the police in promoting and protecting the human rights in the justice administration. First, it is the knowledge creation for the field police on protecting the human rights in the justice administration through additional training on the law enforcement on the rights of people in the justice administration to acquire knowledge and understanding for working in order to emerge clarity, legitimacy and rigid adherence.

The Second Dimension, it is consciousness creation in protecting the human rights in the justice administration, which associates with the first dimension because the law enforcers must be impartial, free from prejudice, disparity and discrimination or never avoidance of duty. By reason, under the same law, it is necessary to strictly follow the intent because the laws are enacted to keep peace and order of the societies.

The Third Dimension, it needs to cumulate the previous knowledge earned and it is the knowledge development to meet the modern societies, which are speedily changed.

The Fourth Dimension, it is to amend regulations by increasing punishment and measures of inspecting the law enforcement taken by the police in protecting the human rights in the justice administration.

The fifth dimension, it is to develop the approaches in protecting the human rights in the justice administration of the police to meet the international standards so that people will be truly protected and subject to inspection of the police performance with justice.

## **6.2 Recommendations from the Research**

### **6.2.1 Policy**

6.2.1.1 The Office of the National Police should integrate its strategic plans by modifying the annual reports to project activities and persistent budgets for expedition and speed in the law enforcement taken by the police in promoting and protecting the human rights in the justice administration.

6.2.1.2 The Office of the National Police and the Office of the Judicial Council should collaboratively coordinate to revise, improve and amend the impractical laws of protecting the rights of people in the justice administration. The police have to involve in providing the opinions during the amendment so that the law-enforcement-to-be can maximize its enforcement.

6.2.1.3 The government offices should support the budget for the mission to every police station so that they will have adequate budget for action taken.

### **6.2.2 Academics**

In the study on the levels knowledge and understanding on promoting and protecting the human rights in the justice administration, it discovers that the police have no knowledge and understanding with the following issues. First, the meaning of human rights – it is the human privilege by birth, which cannot be distributed, transferred or conveyed to anyone. This rights is universal and infinity. Second, the human dignity – it cannot be abused rather it must respected and protected by the state. Third, liberty can be restricted only if it is meant for the state security or economy or to prevent monopoly or to eradicate unfair competition. Fourth, the criminal alleged is still innocent until being judged. Finally, the searches on the suspected with the

reasonable cause should be done only with suspects of owning arms and illegal goods and it is unnecessary to have a warrant.

Therefore, the Office of the National Police and the involved offices should thoroughly organize intensive and persistent training or seminars for the police. Such training should emphasize the contents, which the police are incompetent of knowledge and understanding. Nature of the training should provide real experience for in the work as the case study where discussion could be organized after the training. This is to allow the police learn and understand in the subject matter from the real work experience.

### **6.3 Recommendations for Further Studies**

This is just an investigation of the law enforcement taken by the police in promoting and protecting the human rights in the justice administration because the inspection of the National Human rights Commission finds that the state agents or the police involved with the justice administration abuse the human rights for 179 cases. However, the future researches should be conducted on the law enforcement for other interdisciplinary professionals who are involved with the law enforcement in promoting and protecting the rights in the justice administration for future international standardization.

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## **APPENDIX**

**QUESTIONNAIRE**  
**THE LAW ENFORCEMENT OFFICERS BELATED IN THE PROMOTION**  
**AND PROTECITON OF THE RIGHT TO THE JUSTICE PROCESS**

∞ ..... ∞

**INSTRUCTIONS**

This questionnaire is to analyze the problems created by the law enforcement taken by the police, the levels of knowledge and understanding the police and the approaches in the law enforcement taken by the police related to promoting and protecting the human rights on justice administration. The researcher pleads your consideration to respond every question form your authentic thoughts.

Your answers deserve confidential and are meant for the research only. It is divided into 4 parts, i.e.

Part 1: Personal data

Part 2: Problems Arisen from the Law Enforcement taken by the Police in Promoting and Protecting the Rights in the Justice Administration

Part 3: Questions about the Levels of Knowledge and Understanding of the Police Equipped on Promoting and Protecting the Human Rights in the Justice Administration

Part 4: Opinions or Recommendations about the Approaches of the Law Enforcement Taken by the Police in Promoting and Protecting the Human Rights in the Justice Administration

## **Part 1: Personal data**

### **INSTRUCTIONS**

*Please mark ✓ in  or indicate other statements by your fact*

#### 1.1 Sex

- Male
- Female

#### 1.2 Age

- Younger than 30 years
- 31-40 years
- 41-50 years
- Older than 50 years

#### 1.3 Educational Level

- Lower than Bachelor Degree
- Bachelor Degree
- Master Degree
- Doctoral Degree

#### 1.4 Status

- Single
- Married
- Divorce /Widow

#### 1.5 Position

- Squad Leader
- Sub-inspector
- Inspector
- Deputy superintendant
- Superintendant

1.6 Affiliation of the Provincial Police of :

- Phranakon Si Ayudhya
- Angthong
- Singburi
- Chainat
- Lopburi
- Saraburi
- Pathumthani
- Nonthaburi
- Samutprakarn

1.7 Current tenure

- Less than 10 years
- 11-20 years
- 21-30 years
- More than 31 years

1.8 Training experiences on the human rights and the right of the people in the justice

- Ever
- Never

**Part 2: Problems Arisen from the Law Enforcement taken by the Police in Promoting and Protecting the Rights in the Justice Administration.**

**INSTRUCTIONS**

*Please mark √ in the right blank to scale your levels of opinions on problems arisen from the law enforcement taken by the police in promoting and protecting the rights in the justice administration.*

5= highest; 4=high, 3=moderate; 2=low; 1=lowest

No	Problems arisen from the law enforcement taken by the police in promoting and protecting the rights in the justice administration	Levels of Opinion				
		5	4	3	2	1
<b>Management</b>						
1.	The police station applies the principle of the human rights to constructively set policy and /or the approaches.					
2.	The police station standardizes the police work aiming to protect private rights and human rights.					
3.	The police station organizes training to support its police for training and developing the mission process related to the protection of the human rights.					
4.	The office cooperates with the organizations involved with the mission of protecting the human rights domestically and internationally.					
5.	The police station has set the policy sensing the basic needs of the children and youth such as the environmental conditions related to development, poverty, homeless, criminal risk and so on.					
6.	The police station organizes networks for the mission with the office involved with solving the delinquents.					
7.	The police station provides the approaches or the channels of complaints for the delinquent to be					

No	Problems arisen from the law enforcement taken by the police in promoting and protecting the rights in the justice administration	Levels of Opinion				
		5	4	3	2	1
	proposed to the immediate supervisors of the office, directly.					
8.	The police station promotes too adequately and appropriately store database of the delinquents for analyses to find the right solutions of assistance.					
9.	The police station promotes variety approaches to handle delinquents such as care and treatment, counseling and other necessary measures.					
10.	The police station assigns the police to directly check and handle the delinquents.					
11.	The police station environmentalizes appropriate to specifically detain delinquents.					
12.	The police station develops a process to check the limitations of the laws related to arresting the alleged.					
13.	The police station builds understanding for the police primarily to arrestment for efficient and prudent mission taken.					
14.	The police station prioritizes arrestment plans in advance with diverse approaches and maximum efficient choices.					
15.	The police station develops the standard data forms and arrestment records by laws and justice administration.					
16.	The police station promotes training and developing arrestment efficiency of the alleged for the police.					
17.	The police station builds clear understanding about the arrestment of the alleged.					

No	Problems arisen from the law enforcement taken by the police in promoting and protecting the rights in the justice administration	Levels of Opinion				
		5	4	3	2	1
<b>Personnel</b>						
18.1	Need to attend training to acquire knowledge and understanding about the correct law enforcement and the limitations of the law enforcement.					
19.	Immediate report to the immediate supervisor; if violation of human right has been made.					
20.	Review laws and mission principles with clear and correct understanding particularly about power and the arrestment process of the alleged.					
21.	Use peace, politeness and friendliness for searches, arrestment and austere authority upon necessity.					
22.	Always diligently train and develop strategies of arrestment with efficiency such as cuffing, or other arrest devices and so on.					
23.	Carry notes to inform the rights of the detainees in order to notify them immediately upon detention and if the detainees want use their rights; it will be followed as in the stipulation of the laws.					
24.	Review and access records of testimonies about the cases including laws and regulations related.					
25.	Diligently study and develop the mission from experiences or good role model.					
26.	Being adequately trained and developed about good service and human rights.					
27.	Carry out the mission based on respect of human values and dignity and human rights.					

**Part 3: Questions about the Levels of Knowledge and Understanding  
of the Police Equipped on Promoting and Protecting the  
Human Rights in the Justice Administration.**

**INSTRUCTIONS:**

*Please mark √ in the right blank to illustrate your knowledge and understanding of the  
Human Rights in the Justice Administration*

No	<i>Knowledge and understanding of the Human Rights in the Justice Administration</i>	Know	Not know
1.	The human rights are the endorsement and protection by laws only.		
2.	The human right is the basic rights necessary for living with dignity and value of humans; it is the owing minimum standards and if being infringed to such rights, it must be endorsed and protected by laws.		
3.	The human rights is referred to the rights inherited since birth and cannot be distributed, and transferred to anyone and such rights is universal and eternity.		
4.	Human dignity cannot be violated but respected and protected by the state.		
5.	Restricting liberty is possible if maintaining the state security or the national economy or prevention of monopoly or eradication of the unfair competition.		
6.	Individuals deserve to receive information, clarification and reasons from the government agencies, state agencies, state enterprises, and local agencies.		
7.	Following the human rights principle in Thailand, we adhere to the current Constitution and related laws.		
8.	The Declaration of Human Rights is the agreement between the state and the people.		
9.	The NACC (National Ant-corruption Commission) is a mechanism to protect the rights not established by the Constitution.		

<b>No</b>	<b><i>Knowledge and understanding of the Human Rights in the Justice Administration</i></b>	<b>Know</b>	<b>Not know</b>
10.	People violated on human rights can notify the Office of National Human Rights Commission.		
11.	Violating Human Rights by private sectors / public is an assault against the body, health, property and unfair advantages taken from those with social or economic status.		
12.	Violation from the government sector such as unfair power exercise or power exercise with authoritarian attitude as either being the state policy violation, enactment or public administration affecting the rights, liberty and the community lifestyle.		
13.	Individuals assembling as a community, a local community, and a traditional local community deserve the rights to conserve or rehabilitate their customs and traditions, the local intellectual property, the distinct local and national cultural arts and the involvement in the management and maintenance and utilizing the natural resources, environments, and bio-diversity with equilibrium and sustainability.		
14.	Resistance against election without contradicting the laws is counted the private liberty.		
15.	Volunteering migration is counted the private liberty.		
16.	Protest with weapons is counted the private liberty.		
17.	Legal execution of a prisoner does not violate the Constitutional Provisions that individuals deserve their rights and liberty of life and body.		
18.	Arresting and detaining an individual is impossible except the court order or the court warrant or by other reasons enacted by laws.		
19.	In the criminal case, the alleged or the defendant deserve the rightful inquiries or trial with speed and with fairness,		

No	<i>Knowledge and understanding of the Human Rights in the Justice Administration</i>	Know	Not know
	opportunity for defense, check and balance or considerably knowing the evidences, assistance of the case from lawyer and temporal release.		
20.	The victim, the alleged and the criminal witness deserve the rights of protection and the necessary and appropriate assistance from the state in the justice administration since the process of investigation, lawsuit and proceeding.		
21.	Residence entry without consent of the owner or searching the residence or private place is impossible except the court order or the court warrant or by other reasons enacted by laws.		
22.	Delivering speech or disseminating news regardless of methods to public, all are violating or affecting private rights in the family, honor, fame, privacy, which are impossible except being the case of public benefits. Therefore, a press release on arrestment with the detainee but without his/her consent is impossible.		
23.	Checking, confinement or disclosure of the messages the individuals contact each other and act by other means to know the messages of mutual contact are impossible except by the power of the legal provisions specifically to keep the state security or to keep peace and order or the morality of the people.		
24.	Children, youth, women, elder, the disable and the infirm deserve the rights of protection in the appropriate proceeding and deserve appropriately treatment in the case of sexual abuse.		
25.	In the criminal case, the alleged or the defendant deserve the speedy and fair inquiries or trial and adequate opportunity for defense, response or considerably knowing the evidences, assistance of the case from lawyer and temporal release.		

No	<i>Knowledge and understanding of the Human Rights in the Justice Administration</i>	Know	Not know
26.	The administrative personnel or the police is empowered to unnecessarily arrest anyone except having the court warrant or the court order.		
27.	The police can search the private place without warrant if being consent by the owner.		
28.	Though having evidence to ascertain wrongdoing but the alleged declines the charge and the alleged is assaulted to admit guilty; it is counted a violation of human rights.		
29.	A criminal alleged without finalization; the alleged is still innocent.		
30.	Body search with Jane Cherg and associates during gossiping in the back of a railway station and the police are pursuing a gang robbery fled from other area. Moreover, with the cooperation with the local police for the hunt while having a reasonable doubt for searches –suspicion of carrying arms and illegal goods, a body search without warrant is possible.		
31.	Youth are walking in a public walkway. One of them is an alleged notified by an informant that he will commit an offense. It is a reasonable doubt he will commit offense with arms. The police can then search.		
32.	Mr. Suia, a Tambol Chief sees Mr. Khiew and associates are distilling illegal liquor at home during night time; Mr. Suia, a Tambol Chief and the inhabitants are empowered to arrest Mr. Khiew .		
33.	Anont openly commit contravention during night-time and flee to his own home and the pursuing police knows him well and there is no sign that Anont will further flee; the pursuing police is empowered to break entry into the private place.		

No	<i>Knowledge and understanding of the Human Rights in the Justice Administration</i>	Know	Not know
34.	Mr. Gai is an accomplice with Mr. Khai in selling methamphetamine and Mr. Khai sells the methamphetamine to Pol. Sgt. Somsak. It is a contravention. When Mr. Khai has been arrested, Pol. Sgt. Somsak led the arrestment in Mr. Khai's residence, where it is a private place. Pol. Sgt. Somsak is empowered to arrest Mr. Khai.		
35.	Mr. Ngern and Mr. Thong live attached to each other and the parties are often taken with loud noise. One day, a nearby neighbor notifies the police for checking. Both claim, it is their rights because the loud noise is in their homes. The action of Mr. Ngern and Mr. Thong violates violate the human rights.		
36.	The police tapping telephone of an alleged violate the human rights.		
37.	Leave-behind imprisonment of the police violates private rights.		
38.	Mr. Preecha dissatisfies the government performance thus he induces people of similar opinion for peaceful protest in front of the Government House; such action of Mr. Preecha is legally wrong.		
39.	Inquiries of the juveniles, it is the discretion of the interrogation officers whether to interrogate alone or with the interdisciplinary professionals.		
40.	Mr. Dam is drunk and misbehaves by assaulting others. When he is escorted to the police station, he creates chaos and attempts to damage the government properties. He is then detained in the police station. After his recovery of drunkenness, he is fined and released. Such practice is possible for the police because it is under the power and duty of the police.		



## **BIO GRAPHY**

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