

Abstract

The objective of this thesis is to research the criminal measures and the prosecution of illegal dumpers of hazardous waste from industrial factory, the problems, the obstacles and the efficiency of the law enforcement including the guidelines which increase the efficiency in prosecuting the illegal dumpers of industrial hazardous waste. In order to deter the people from committing a crime and to decrease the rate of committing a crime concerning the illegal dumping of hazardous waste, the result of the research found that the measure of punishment pursuant to Factory Act B.E. 2535 is the principle which is applied with the industrial factory. The juristic person who operates the factory can be fined in the rate not exceeding than 200,000 baht. By the reason that there is the limitation of the law, other penalties are not applicable with the juristic person. The researcher is opinion that the present fine penalty is in the low rate so the penalty can not deter the juristic person and the juristic person is not afraid to commit a crime again. Therefore, it cannot prevent, deter and solve the environmental problems. The criminal punishment measure for the illegal dumpers of industrial hazardous waste pursuant to Thai law is not sufficient to enforce the law efficiently.

In the foreign countries, criminal measure are developed to be suitable for juristic persons for examples amended the rate of punishment or used other measures which are not imprisonment such as Probation, Community service, forbidden a juristic person to write a cheque, publicized an illegal action of the juristic person. The community service is one of the many ways that juristic persons can redeem themselves from causing the damages to the community. The probation measure should deter juristic persons from committing a crime because juristic persons will lose several benefits such as property or times in operating their business. On the contrary, juristic persons will have opportunity in doing their business which is very useful because juristic person's business still continue and develop. The punishment does not affect the national economics. The juristic person will realize and be more careful in continuing

their businesses. By not returning to commit a crime, the society will gain benefits from community service.

To improve effectiveness of prosecuting the criminal cases by using the scientific evident in analyzing the qualification of the hazardous waste, the department of industrial hazardous waste management, department of industrial factory by the cooperation of pollution control department and the regulations of the prime minister concerning the cooperation in enforcement of the environmental law B.E. 2550. The law plays important roles in enhancing the efficiency of the cooperation between related agencies and the investigated officials.

In additions, expert witnesses play important roles in filtering the facts to the court of law in the matter of indicating the value of the pollution and this has made legal procedure faster and more accurate. In France, the court can select the expert witnesses from the list of the institutes or professional associations in the field that they are specialized. It is another way which improves the efficiency of the trial by using scientific analysis.