

PIMPEN PATTANO : LEGAL MECHANISMS FOR THE PROTECTION OF
 LEGAL RIGHTS UNDER THE CONSTITUTION OF KINGDOM OF THAILAND
 1997 ; A STUDY OF ARRESTING . THESIS ADVISOR : ASSOC. PROF.
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“Arrest” is the process that has enormous effect to right and liberty of human being. Not only does it affect the reputation, occupation, freedom and right of living of an individual who has been arrested, but it also directly affects to a government’s budget because the government has to spend a lot of money in controlling and looking after all accused during trial procedure. Nonetheless, for the completion of the criminal procedure, an accused or a defendant has to be in the court during the trial. Therefore, the officer needs to arrest and control the suspect until the case has been decided. In addition to this procedure, the rights to arrest and to control should be provided by the law such as in the Constitution and in the Criminal Procedure Code.

According to the Constitution of Kingdom of Thailand 1997, a criminal justice administration is a change from a “Crime Control” system to a “Due Process” system. This change has influenced the right of an arrested person and it also raises a number of problems in enforcing the law. It has been agreed that the prevalent Criminal Procedure Code is either contradict or not consistent with the Constitution. For instance, Thai Criminal Procedure Code provides that only administrative officer or superior police officer has right to issue an arrest warrant.

With regard to the thesis proposal , the mechanism that comes up from a study is the Criminal Procedure Code of Thailand and the Constitution of Kingdom of Thailand 1997 should be more compatible to each other, together with the law enforcement officer has a duty to protect and maintain a right and liberty of an arrested person in our society.

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