

THEMATIC TITLE	PROBLEM ON JUVENILE JUSTICE DIVERSION IN RELATION TO PRE-TRIAL DIVERSION
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ABSTRACT

Nowadays, criminal procedure against with children and juvenile offender shall emphasize on principle of utmost benefit of children and juvenile first. The state then regulates procedure by using special measure instead of criminal procedure with children and juvenile under concept of correction, treat, rehabilitate, adjust behavior of each children and juvenile who commit an offense by ascertain true cause of an offense which is different concept from criminal procedure with an adult. However, criminal procedure even person who commit an offense is juvenile or adult still has the same link which is to turn an offense to be a good person and living in society without creation of problem to social including reduce a crime or new offense by laws of Thailand in the matter of process of judgment for children or juvenile being an offender or suspect in accordance with Juvenile and Family Court and Juvenile and Family Procedure Act B.E. 2553. At present, measure of treatment to children and juvenile who commit an offense emphasizes to rehabilitate more than punishment by process of judgment. Currently, there is necessity to bring other special measure under concept of Restorative Justice to support special

measure instead of criminal procedure against children and juvenile by divert children and juvenile from process of judgment, the important purpose is prevent children and juvenile from sin or disreputable and living in society without disdain that such children and juvenile has enter into the court procedure. So that, there is a problem of bringing special measure instead of criminal procedure by diversion which is an interpretation provision of laws in relation to the victim in case of children and juvenile commit a crime in the case that there is no victim, shall bring special measure to enforce or not. And in the case that has maximum rate of penalty to imprison not more than 5 years. Practically, regard as principal condition to bring special measure to use instead of criminal procedure, that bringing special measure to use instead of criminal procedure is rehabilitation children and juvenile to be a good person which could be benefit for children and juvenile and conform to concept of Convention on the Rights of the Child of United Nation which it intention is utmost benefit of children and juvenile.