

THEMATIC TITLE	THE MEASURE OF PUNISHMENT IN CASE OF RECIDIVISM OF JUVENILE DELINQUENT IN DRUG TRAFFICKING
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ABSTRACT

At present, problems of juvenile delinquency are increasing. According to the statistic in the Annual Report of the Department of Juvenile Observation and Protection, during B.E. 2552-2557, there were 129,844 cases that the youths were on trial for drug crime. From these figures, 14,738 cases are recidivism. This can be estimated that among all juvenile offences, the drug offence show the highest recidivism rates. In this study, it is found that the juveniles are often convinced or forced, whether by the fraudulent or the threat, to be involved in the drug trafficking procedure-manufacturing, sale, importation or exportation-because they can easily avoid the police surveillance. Additionally, although they are arrested, the specific justice procedure or penalties for the juvenile, which do not aim to punish but to rehabilitate and release them back to the community instead, will be applied.

The use of the juvenile detention and rehabilitation measures instead of the incarceration is suitable for the first-time juvenile offenders as they may perpetrate the offence, including the drug trafficking, with no malicious intention. Moreover, it is also believed that their criminal behaviors tend to be able to change and improve. On the contrary, in case that the juvenile offenders - who have already had an experience of detention-repeated the crime, especially the drug trafficking which has a negative effect on the national development and whose punishment is severe, the specific juvenile measures may be considered inappropriate because the crime may be re-perpetrated on

condition that the interests gained is high whereas the punishment will be only the detention and rehabilitation. However, this does not mean that the young offenders should not be protected by the specific criminal procedures and specific penalty measures. Unlike the adults, the young culprit may perpetrate a crime because of a lack of experiences, or a lack of mature conscience. Therefore, the youth offenders should be protected but the protection must be limited, in other words, proper punitive measures for the young offenders of drug trafficking should be indicated to prevent the recidivism.