

THEMATIC TITLE	PROBLEMS OF DISCIPLINARY ACTION TO STATE OFFICIAL WHO VACATE OFFICE BEFORE THE NATIONAL COUNTER CORRUPTION COMMISSION EXPRESSES <i>PRIMA FACIE</i> CASE
KEYWORDS	DISCIPLINE/DISCIPLINING/THENATIONAL COUNTER CORRUPTION COMMISSION/OFFICE LEAVING/OFFICE REMOVING
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ABSTRACT

This study was made on the purpose of studying and analyzing on law enforcement and problem on disciplining of government officers who leave from their office before getting indicted by The National Counter Corruption. The relating law is section 57 of the Organic Act on Counter Corruption B.E. 2542 (1999) provides that The National Counter Corruption. has investigating power on former government officer to file him a criminal lawsuit, request to forfeit his property, or discipline him, no matter how he left his office, except by dying.

This independent study, the author aimed at studying and analyzing on the theory about control and examination of the exercise of state power, principle of legality of administrative act, disciplinary procedure against state official. By studying so, the author has considered the problem of disciplinary sanction discretion on former government. Therefore, the author would like to offer the measure to solve such problem.

According to this study, the author found that the problem occurs when The National Counter Corruption. have indicted former officers that they conducted disciplinary offence, and transfer the case to their superior officers to discipline them pursuant to his former department's

regulation. The problem is some department or agency does not have any rule or regulation granting the superior officer to discipline former officer. Therefore, there is a loophole preventing former officer from disciplining by The National Counter Corruption's order. In addition, some guilty officers might willingly leave his office before getting indicted by The National Counter Corruption. to get pension and avoid the disciplining.

In order to solve such problem, the author has an offer from this study. The author believe that the Organic Act on Counter Corruption B.E. 2542 (1999) should be amended that "When The National Counter Corruption. have decided that former officer is guilty of corruption or unreasonable rich, his former superior officer has authority to disciplining him like he is still in the office. Such amendment will make the organic act can be enforced efficiently and can satisfy the organic act's idea. In addition, it would comply with administrative justice. This mentioned amendment is proper than amending each public agency's inner rule and regulation to allow the superior officer to discipline its former officer.