

THEMATIC TITLE	ENFORCEMENT OF PROBATION ACT B.E. 2559 ON PROBATION CONDITION VIOLATORS: A STUDY ON AUTHORITIES OF PROBATION OFFICERS TO ARREST, CARRY FIREARM, SEARCH AND SEIZE ILLEGAL ARTICLES
KEYWORDS	PROBATION/PROBATION CONDITION VIOLATORS/ AUTHORITIES OF PROBATION OFFICERS/ARREST/ CARRY FIREARM/SEARCH/SEIZE ILLEGAL ARTICLES
STUDENT	SOMMAI JAISUE
THEMATIC ADVISOR	DR.NISIT INTAMANO
LEVEL OF STUDY	MASTER OF LAWS PUBLIC LAW
FACULTY	SCHOOL OF LAW SRIPATUM UNIVERSITY
YEAR	2017

ABSTRACT

This minor thesis intends to study authorities of probation officers pursuant to Probation Act B.E. 2559 by compare to authorities of probation officers in the United States of America (USA) and Japan concerning on the arrest of probation condition violators, criteria in the USA concerning on carrying firearms, searching, and seizing illegal articles. The purpose of the study is to help probation officers effectively enforce Probation Act B.E. 2559.

From the study, it is found that Probation Act B.E. 2559 has no provision authorising probation officers to arrest probation condition violators. Moreover, probation officers have no authority to carry firearm during performing their duties, search, and seize prohibited articles. These lead to the lack of law enforcement, and the law bears no value in reality. Moreover, lack of cooperation of probationers may occur as they have no fear to the punishment. Contrastingly, probation officers in Japan are authorised to arrest probation condition violators according to the warrant from the court, and probation officers in several states in the USA are authorised to arrest without warrant. Moreover, they are empowered to search with or without warrant from the court

because this is regarded as performing their duties as prescribed. Furthermore, they can also seize articles where possession is prohibited by the probation condition.

As a result, it is recommended that certain provisions shall be added to the Probation Act B.E. 2559 - authorising probation officers to arrest probation condition violators according to the court warrant, search and seize illegal articles according to search warrant, as well as carry firearm in case where performing duties in risky situation and during the arrest. By performing these duties, probation officers shall be trained in advance. Moreover, rules and regulations about the criteria in such issues shall also be made in order to help probation officers appropriately enforce the law to probation condition violators according to changeable social context and circumstances. These will serve the spirit of the law and root the more effective enforcement of the Probation Act B.E. 2559.