

THESIS TITLE	PROBLEMS OF LAW ENFORCEMENT ON SETTING UP CHECKPOINT ON HIGHWAY UNDER THE HIGHWAY ACT B.E. 2535: A CASE STUDY OF LEGAL ACTION AGAINST OVERLOADED VEHICLES
KEYWORDS	HIGHWAY/CHECKPOINT
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ABSTRACT

This research aims at studying concept and principle pertaining to interpretation of law, exercise of power under public law, theory of crime prevention and other related theories as well as legal measure of the Highway Act B.E. 2535, the Criminal Procedure Code and the National Police B. E. 2547 for seeking means of appropriate solution to some limitations of enforcement of the aforementioned laws in Thailand.

The study finds that the problems of setting up checkpoint on highway, arresting driver of overloaded vehicle and confiscating vehicle used in committing an offense pursuant to the Highway Act B.E. 2535, existing contents of the law do not provide penalty being appropriate or proportionated to offending especially fine penalty being not so severe that deter or make the driver scared of offending. The study including a comparative study on laws of United States of America, Commonwealth of Australia and Federal Republic of Germany finds these countries' laws are quite definite and suitable to be a blueprint for further revision of Thai law.

The study suggests, as to the problems of setting up checkpoint on highway by the police officials pursuant to the Highway Act B.E. 2535, adding a statement in provision of law i.e. neither applied to the state official's acts pursuant to duties as prescribed specifically by other laws. As to a

control of vehicle's loading and weigh, such law's penalty in case of overloaded vehicle should be revised to be more severe since it causes huge damage to highway and frequent road accident. Lastly, on the issue of confiscation of property in dispute, the Highway Act B.E. 2535 should contain a specific and definite provision of confiscation of overloaded vehicle for effectivity of law and protection of the most public interests.