

THESIS TITLE	PROBLEMS RELATED TO RIGHTS OF THE INJURED PERSON TO FILE A LAWSUIT AT THE SUPREME COURT OF JUSTICES CRIMINAL DIVISION FOR THE PERSONS HOLDING POLITICAL POSITIONS
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ABSTRACT

This thesis focuses on the background and the need to observe the problem derived from the concept of criminal procedure for political office holders and legal measures affecting the right of the injured person to bring the case to the Supreme Court's Criminal Division for Political Office Holders.

The study finds that the barrier in exercising the right of the injured person to bring the criminal case against political office holders at the Supreme Court's Criminal Division for Political Office Holders rests on the Organic Act on Criminal Procedure for Political Office Holders B.E. 2560 (2017) Section 23 which authorizes only the Attorney General and the National Anti-Corruption Commission to become a plaintiff.

As a result, the injured person is unable to become a plaintiff to file a criminal complaint or to start court proceedings under the Act. Such provision could deprive the right of the injured person to become a plaintiff under the Act since the injured person is directly affected by the offenses and he/she remains the best witness of the criminal investigation process leading to the offender's punishment.

Since the injured person has the important role under the criminal justice system, the entire exclusion of the injured person to bring the criminal case under the Act could have a negative impact in practice and to the justice system as a whole. Moreover, recognizing the right of the injured person to file the criminal case will allow the direct injured person to examine government agencies' conducts and will help broaden the injured person's opportunity of access to justice in order to protect and guarantee the right of the injured person in accordance with the Legal State Principle.

Therefore, it is necessary to focus on the injured person's right to file a criminal case against political office holders as well as the right to become a co-plaintiff in the case submitted by Attorney General or the National Anti-Corruption Commission in order to raise the spirit of the Constitution of the Kingdom of Thailand B.E. 2560 (2017) which guarantees rights and liberties of the Thai people. Particularly, Section 41 of the Constitution stipulates that a person and a community shall have the right to take legal action against a State agency as a result of an act or omission of a government official, official or employee of the State agency and Section 78 stipulates that State should promote public and communities' participation in the inspection of the exercise of State power and in combating against corruption and wrongful conduct.

For the purpose of finding solutions to the problem, the author has proposed some solutions received from analytical studies by suggesting the amendment of the Organic Act on Criminal Procedure for Political Office Holders B.E. 2560 (2017) to allow the injured person to file the criminal case under the Act or to be able to become a co-plaintiff with the Attorney General or the National Anti-Corruption Commission