

THEMATIC TITLE	PROBLEMS RELATING TO PENALTY IN CASE OF DENIAL OF ALCOHOL TEST UNDER THAI LAW IN COMPARISON TO FOREIGN LAW
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ABSTRACT

Tremendous increase of traffic accidents in Thailand, nowadays, is arisen by a significant cause i.e. the drivers who are in drunkenness by alcoholic beverages. Such behavior coming from prior drinking are apparently negligent while driving. Although state agencies and non-state actors continuously carry out campaign and seek several solutions of drunk driving under Land Traffic Act B.E. 2522, its penalty in force has still been unable to solve and make drunk driving better. Thus, the researcher provides this thematic paper which is aimed at studying and analyzing nature of problems and legal measures relating to penalty in case of denial of alcohol test.

The research finds some problems of Land Traffic Act B.E. 2522 of Thailand i.e. notification of right to the drunk driver before confinement, too lighted penalty in comparison to studied laws of foreign country. As a result, acts against the law have surged in every year. Such less penalty is not proportionate to offending; therefore, the drivers do not observe strictly the law and utilize gap of law for denial alcohol test. Besides, some sections of the statute of Land Traffic Act B.E. 2522 is lack of precision and certainty and defective on its law enforcement.

The researcher suggests an amendment to Land Traffic Act B.E. 2522 in respect of notification of right under Section 142 and penalty under Section 157/1, as modeled by foreign

laws. In addition, deserving harsher penalty should pursue level of alcohol in blood by test at the time of offending and frequency of offending in compliance with principle of foreign laws.