

<b>THEMATIC TITLE</b>	USING ALTERNATIVE TO IMPRISONMENT IN THE CASE OF NARCOTIC RELATED OFFENSE: A CASE STUDY FOR THE ADDICT UNDER PAROLE
<b>KEYWORDS</b>	ALTERNATIVE TO IMPRISONMENT/PAROLE
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### **ABSTRACT**

The objectives of this independent study were to study the way to divert the addict, which is essentially ‘a patient’, away from the main stream justice process, and to avoid short term imprisonment by using other alternative to imprisonment for the narcotic related cases; in order to improve the management’s efficiency and better restore and rehabilitate the offender, as well as to reduce the number of inmates where half of the inmates from narcotic related cases were addicts.

This research has revealed that the Single Convention on Narcotic Drugs 1961, 1972 Protocol amending the Single Convention on Narcotic Drugs, Convention on Psychotropic Substances 1971, and United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988 require associated countries to pass on their domestic law accordingly, and specified ‘narcotic trafficking’ as a crime and punishable offense if committed intentionally. However, these conventions have not focused on the addict nor suggested the associated countries to change their penalty of the addict to other alternative measures, in order to provide treatment, education, post-treatment care, rehabilitation and re-socialization to the addict which is essentially ‘a patient.’ However, Thailand had instead used parole as an alternative for imprisonment for

petty crimes, including narcotic related offences in order to be in compliance with those three conventions. However, it was found that parole measure was undertaking inappropriate criteria and in a way that does not comply to the current circumstance of the problem. This is because enforcing too strict law has put so many addicts under imprisonment, especially those who have been punished by imprisonment before. This is because the criterion for parole focuses on those first offender or those whose crimes were caused by negligence, or those whose crimes were petty crime, and those whose punishment was less than six months of imprisonment. Modification the criterion or condition for parole to be more suitable for the nature and circumstance of narcotic related crime, especially consumption based offences. For example, requiring offender to report himself to the officer, taking rehabilitation course, and house arrest by using electronic monitoring device, are eligible alternatives to imprisonment, in the case of consumption related offence. Therefore, in order to enforce Thai narcotic law, in accordance with the three aforementioned international conventions, using parole measure, which is being used for other criminal offences and for narcotic related offences, as an alternative to imprisonment for the addict offender, will be another viable option to solve the problem of enforcing narcotic related law in Thailand especially for the case of the addict.

It can be concluded from the result that alternative measures for the addict in Thailand are not appropriate and efficient. The author hence proposed further amendment of the narcotic law, by using parole measure, which is being used widely for other criminal cases, as an alternative to imprisonment for only the addict in order to allow the court to use its discretion to determine the punishment for the addict appropriately.