ABSTRACT

Public Assembly Act B.E. 2558 (2015) provides a public assembly to be in peace and does not affect national security, public safety, public order or good moral as well as public sanitation or the convenience of people, who use in public facilities. Also, it must not affect rights of liberty and dignity of others. Even though, the State has enacted the Public Assembly Act B.E. 2558 (2015) to enforce rules, regulations, conditions, and practices in public gatherings of the participants to be in accordance with the conventional regulations towards the same direction and for enforcement and not against the Constitution.

According to the study, it has been found that the provisions relating to the determination of penalties under the Public Assembly Act B.E. 2558 (2015) have problems in the case that public gatherings are the rights and liberties of people that should have and should be protected under the Constitution. However, there is a criminal penalty for people, who commit the crimes in public gatherings. In addition, the commandment for the congregation to be punished for the guilty that they have not committed directly. It may also be contrary to the principle of the criminal law, including measures and methods for the dissolution of the assembly that are unclear, which the State does not enact as clear provisions. Any offences caused by public gatherings
constitutes a violation of social regulations that do not have serious characteristics. Therefore, it can be used with the administrative penalty method (administrative sanction), which is a punishment, such as penalty fora violator. If a violator does not pay the fine, he must be detained instead of a fine because the criminal fine has a different perspective from administrative penalties, which if there is a violation of administrative penalty, it may be enforced by administrative measures (administrative enforcement measure). However, the use of administrative penalties will be enforced instead of criminal penalties against public gatherings. It is also considered to be a rule that is a legal development, where the violators of public gatherings can have the opportunities to improve and correct themselves, which is considered a better way than enforcing criminal penalty methods. The administrative penalties to be imposed on penalties instead of criminal penalties in public assembly laws, with the amendment of the Public Assembly Act B.E. 2558 (2015) may be more appropriate than the punishment of criminal penalties. It is also a method of enforcing laws that allow people to accept and respect the law better than using criminal penalties. In addition, it may result in law enforcement being more flexible and softer in treating people more.

Therefore, the author would like to propose that there should be the amendment of the Public Assembly Act B.E. 2558 (2015) by using administrative penalties instead of criminal penalties and require the authorities to have the authority to act and enforce directly with discretion in administrative adjustment. This would allow law enforcement officers to operate at many levels along with the addition of an enactment, regarding the method of dissolution of the assembly that has not yet been clearly established in order for the operation to be appropriate according to the situation as well as helping to reduce disputes in criminal proceedings.