

THESIS TITLE	LEGAL MEASURES ON THE COLLECTION OF SCIENTIFIC EVIDENCE UNDER THE CRIMINAL PROCEDURE CODE
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ABSTRACT

This research aims to study the background, concepts, and theories relating to legal measures on the collection of scientific evidence under the Criminal Procedure Code under Thai and foreign laws. The objectives are to analyze the legal problems and obstacles in implementing the Criminal Procedure Code on the scientific evidence collection by the police officers and recommend the approach to improve such law to be more effective and consistent with the universal standard.

The research found that the exercise of discretion in collecting the scientific evidence into the inquiry files following the Criminal Procedure Code Section 131/1, which stipulates the authority of the inquiry officials in using discretion on evidence collection, is vague. There is no straightforward approach to implement the law, which may render the evidence collection deficient or unlawful. Furthermore, the law does not specify the procedures on crime scene investigation and the preservation of the crime scene. There are only the police regulations relating to the cases and the Office of Forensic Science orders, which are not primary law and cannot be enforced accordingly. Consequently, the proceedings during the crime scene investigation may cause injustice toward the cases. Thus, there are several discernable problems on the scientific evidence collection by the police officers that needed to be addressed and studied for the improvement approaches.

Therefore, this research's recommendation is to amend the Criminal Procedure Code Section 131/1 on the parts related to the use of discretion by the inquiry officials regarding the collection of scientific evidence and the procedures on the investigation at the crime scene. Since the police regulations on the cases and the Office of Forensic Science orders do not have the legal status as a parent law, there should be the establishment of the legal principles to stipulate which law provisions are the parent law or subordinate legislation. The detailed procedures should be enacted as ministerial regulations to ensure the procedures are accurate and on par with universal standard.