

<b>THESIS TITLE</b>	THE LEGAL PROBLEMS OF PUBLIC PROSECUTOR'S CRIMINAL PROCEEDINGS IN CRIMINAL PROCEDURE CODE
<b>KEYWORDS</b>	CRIMINAL PROSECUTING/CRIMINAL PROSECUTING OF PUBLIC PROSECUTOR/ THE DISCRETION OF PUBLIC PROSECTORS
<b>STUDENT</b>	RASA POONNOTOK
<b>THESIS ADVISOR</b>	DR. RUNGSAENG KITTAYAPONG
<b>LEVEL OF STUDY</b>	MASTER OF LAWS, CRIMINAL LAW AND CRIMINAL JUSTICE ADMINISTRATION
<b>FACULTY</b>	SCHOOL OF LAW SRIPATUM UNIVERSITY
<b>YEAR</b>	2021

### **ABSTRACT**

This research aims to study the legal problems of public prosecutor's criminal proceedings in Criminal Procedure Code, in the use of the public prosecutor's discretion in criminal proceedings. The research examines the regulations and authority in the use of public prosecutor's discretion in criminal proceedings from foreign countries to analyze the possibility to adapt their approaches that suitable to resolve the issues on the exercise of the public prosecutor's discretion in criminal proceedings within the context of Thailand.

From the result of education, the public prosecutor possesses the authority to use the discretion to issue a non-prosecution order and has the authority to withdraw a prosecution order, and also use the discretion to not authorize a provisional release order during a pre-prosecution stage, which cannot be appealed. If the public prosecutor exercises the discretion improperly, it may affect the justice and social order. The Criminal Procedure Code, Section 143, Section 35 do not stipulate the criteria for the use of the public prosecutor's discretion. And Section 108/1 the discretion of the prosecutor is absolute and cannot be appealed.

From the educated issues, Section 143, Section 35, and Section 108/1 should be stipulate the explicit principles regarding the authority of the public prosecutor to exercise discretion in the

criminal proceedings in legal provision under the criminal law, and for the standard and conforms to international standards.