

THESIS TITLE	LEGAL PROBLEMS ON ELECTRONIC EVIDENCE COLLECTION IN CRIMINAL CASES
KEYWORDS	ELECTRONIC EVIDENCE/ EVIDENCE COLLECTION/ AUTHORITY OF INQUIRY OFFICER/ CRIMINAL PROCEDURE
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ABSTRACT

This thesis aims to study the problem of electronic evidence collection for a criminal case following the Criminal Procedure Code. The thesis also explores the concepts, principles, and foreign legislations relating to the problem, i.e., the legislation from the United States, England, and Commonwealth of Australia, to analyze then recommend the law amendments on the electronic evidence collection in Thailand.

The results of the study find that the finding of the electronic evidence in a criminal case by the inquiry official is very crucial. Electronic evidence has different characteristics from general evidence and may also be personal data that is protected under the Constitutional Law. However, the relevant provisions on the electronic evidence collection only stipulate the authority and the scope of the authority of the inquiry official generally. Despite the other specific laws that provide the authority for the officials under such laws to collect electronic evidence, they are nonetheless incomprehensive and ineffective. Additionally, there is no verification measure to prove the accuracy of the acquired evidence, nor are there procedures to process the electronic evidence collection, which may lead to the insufficient standard of the electronic evidence collection proceedings and the credibility of such evidence.

From the study, Thailand should introduce specific provisions on electronic evidence collection under the Criminal Procedure Code. There should be provisions on the authority of the inquiry official and the scope of the authority of the inquiry official. Moreover, there should be ministerial regulation prescribing the guidelines and procedures for the collection of electronic evidence by the inquiry official explicitly. So, collecting the electronic evidence and discovering the truth in criminal justice would proceed more suitably.