

THEMATIC TITLE	CRIMINAL DETERMINATION FOR OFFENSE OF TRESPASSING ON RESIDENTIAL PREMISES
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ABSTRACT

The objective of this independent study is to study on measures of criminal determination for offense of trespassing on residential premises which aimed to study the importance of legal measures in the trespassing on residential premises offense that offender invasion or hiding in the residential premises including of privacy which means privacy in home, right to be alone and right that owners are able to control their own personal space or personal right to live in solitude without interference from other people which is not an ordinary real estate invasion.

Meanwhile, the current Thai law provisions regarding offenses related to trespassing appeared in the Criminal Code only determined about the offenses of general home invasion under section 364; however, the trespassing on residential premises has not been legislated separately. This resulted to cases in which the provisions and punishments of the law in such cases are not truly proportional to the commission of an offence. According to the comparison study between Thai law provisions and foreign laws, it was found that foreign laws had provisions that the criminal determination for offense of trespassing on residential premises separated from the offenses of general home invasion appeared only in the law provisions of some countries such as India, Singapore and France, etc.

Therefore, it was suggested that Thai criminal law should have the amendment of appropriate criminal provisions and penalties that the determination for offense of trespassing on residential premises should be categorized as the offense under the Thai Criminal Code, and appropriate punishment

measures for such offense should be specified in order to increase efficiency and be more comprehensive that will be applied effectively with arising problems.