

<b>THESIS TITLE</b>	LEGAL PROBLEMS WITH TEMPORARY RELEASE WITHOUT BAIL OR COLLATERAL DURING THE INQUIRY STAGE
<b>KEYWORDS</b>	TEMPORARY RELEASE/COLLATERAL/INQUIRY SRAGE
<b>STUDENT</b>	THIPPARAT KULABKAEW
<b>THESIS ADVISOR</b>	DR. SIWAPORN SAOWAKON
<b>THESIS CO-ADVISOR</b>	POL.COL. DR. KOMSAN SUKMARG
<b>LEVEL OF STUDY</b>	MASTER OF LAWS CRIMINAL LAW AND CRIMINAL JUSTICE ADMINISTRATION
<b>FACULTY</b>	SCHOOL OF LAW SRIPATUM UNIVERSITY
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### **ABSTRACT**

The objectives of this Research are to study concepts, theories and law relating to temporary release without bail or collateral during the inquiry stage, by studying Thai law in comparison to foreign law, as well as analyzing problems with being denied of opportunities of temporary release of the alleged offenders in comparison to economic status of each individual, for finding approaches to solving the problems, in order that the alleged offenders shall equally enjoy opportunities of temporary release without taking collateral into consideration.

The results of the Research find that, presently, temporary release during the inquiry stage in Thailand usually experiences problems where the alleged offenders, who wishes to enjoy temporary release, must present bail or collateral, resulting in underprivileged people, who have good criminal records but are financially poor and do not have sufficient collateral, being subjected to be in custody during the inquiry stage and denied of opportunities of temporary release, cases which breach the principle of rights and liberties, where economic status of financially rich people and financially poor people is taken into consideration. And even though Ministry of Justice has already established the Justice Fund in order to solve the aforementioned problems, application for assistance from the Justice Fund needs to undergo contemplation of the Justice Fund Committee, resulting in delay, preventing the alleged offenders from being treated fairly as they should be. Moreover, the Justice Fund has not solved roots of the problems, because application for temporary release is still required collateral,

whereby the said condition is prescribed in the Criminal Procedure Code, Section 108/1 (4), that “... the collateral is unreliable”, and the processes of application for temporary release without collateral during the inquiry stage under the Criminal Procedure Code, Section 111, still lack clarity, in terms of rules and methods of application for temporary release without collateral, as to be taken into consideration for exercising discretion in issuing orders on application for temporary release. Apart from this, the State does not have measures or prescribe punishment in a case where the alleged criminal offender has been granted with temporary release without bail or collateral during the inquiry stage, and subsequently escapes the judicial system.

The recommendations of the Research are to amend the Criminal Procedure Code in the point of conditions to be taken into consideration for issuing temporary release during the inquiry stage, and provide with clear processes, rules and methods of application for temporary release without collateral during the inquiry stage, as well as prescribe punishment in a case where the alleged criminal offender has been granted with temporary release without bail or collateral during the inquiry stage, and then escapes the judicial system.