

THEMATIC TITLE	LEGAL ISSUES RELATED TO THE EXERCISE OF POWER AND DUTIES OF THE COURT MARSHAL ACCORDING TO THE COURT MARSHAL ACT B.E. 2562 (2019)
KEYWORDS	EXERCISE OF POWER AND DUTIES/ARREST/CONTROL/ COURT MARSHALS
STUDENT	KIATTISAK YAICHIT
THEMATIC ADVISOR	DR. SIWAPORN SAOWAKON
LEVEL OF STUDY	MASTER OF LAWS, CRIMINAL LAW AND CRIMINAL JUSTICE ADMINISTRATION
FACULTY	SCHOOL OF LAW SRIPATUM UNIVERSITY
YEAR	2023

ABSTRACT

This independent study on the legal issues related to the exercise of power and duties of the court marshal according to the Court Marshal Act B.E. 2562 (2019) aims to investigate (1) concepts and theories on the exercise of power and duties of the court marshal, (2) legal measures on the exercise of power and duties of the court marshal in Thailand and the foreign countries, (3) legal issues on the exercise of power and duties of the court marshal, and (4) approaches to solve the problems on the exercise of power and duties of the court marshal.

The findings were as follows: (1) Regarding the problems on the arrest of the accused or the defendant released by court to escape the arrest warrant, that the court marshals arrest the fugitives released by court shall be an urgent case which cannot ask for help from administrative officials or police in time. This impacts the court standard of upholding justice leading to the problem as a whole and fails to arrest the fugitives from provisional release immediately. As a result, the court marshals cannot bring the offender to be punished and enforced by the court verdict; (2) Regarding the problems on arresting the offender in the court area and escaping from the court area, the court marshals have authority to arrest the offender only in the court area although it is an escape from the court area to the outside area. This causes the court marshals unable to bring the offenders to be punished by law and fails to fulfil the legal intent in protecting the process of

judgement, as well as suppressing and maintaining order around the court; and (3) Regarding the supervision and control of the accused, defendant, or detainee among the court marshal, the Court Marshal Act B.E. 2562 (2019) does not empower the court marshal in controlling the accused, defendant, or detainee although Section 5 shall legislate the empowerment of maintaining order and safety of people and possessions, as well as suppressing offences around the court area. Nevertheless, the law which is unclear and not inclusive impacts on the administration. As a result, it leads the accused, defendant, or detainee to escape from the court area.

he Therefore, the researcher would like to propose the solution of the law by amending the Court Marshal Act B.E. 2562 (2019) as follows: (1) empowering the court marshal in arresting the accused or defendant of provisional release by court and escaping and having intention to escape; (2) specifying empowerment of the court marshal in arresting the offenders according to Section 5 (1) (2) who commit offences in the court area and outside the court; and (3) specifying empowerment of the court marshal in supervising and controlling the accused, defendant, or detainee in the court area as well as controlling and transferring the persons for the prosecution in other courts.