

<b>THEMATIC TITLE</b>	LEGAL ISSUES REGARDING HUMAN ORGAN TRAFFICKING: A CASE STUDY OF BEING GRANTED BY LIVING OWNERS
<b>KEYWORDS</b>	ORGAN TRAFFICKING/BEING GRANTED BY OWNERS
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### **ABSTRACT**

This independent study on the legal issues regarding human organ trafficking in case of being granted by living owners aims to (1) investigate the concepts and theories on human organ trafficking in case of being granted by living owners; (2) explore the legal measures of Thailand and the foreign countries on human organ trafficking in case of being granted by living owners; (3) analyze the problems on human organ trafficking in case of being granted by living owners; and (4) find out the approaches to correct the law on human organ trafficking in case of being granted by living owners.

The findings were as follows: (1) Regarding the problem of defining human organ trafficking, Thailand does not provide the specific law relating to human organ trafficking. Therefore, it is important to define human organ trafficking in order to make it clear and useful for people to abide by the law; (2) Regarding to the legal issues on controlling human organ trafficking, the Anti-Human Trafficking Act, B.E. 2551 is only to determine the offences on human trafficking in general. However, it does not specifically stipulate wrongdoing on human organ trafficking, which leads no clarity of the legal measures in controlling human organ trafficking; (3) Regarding the legal issues on penalties relating to human organ trafficking, the human organ trafficking involves two parties, that is, organ owner and the person who needs the organ agree to make a sale contract. When it comes to human organ trafficking, it impacts on the social order and the laws to be applied for human organ trafficking punishment are only the Criminal Code and the Anti-Human

Trafficking Act, B.E. 2551, which do not legislate apparent wrongdoing. Therefore, currently Thailand does not stipulate the penalties on human organ trafficking.

Therefore, the researcher would like to propose approaches to solve the legal issues by specifically issuing the legislation on human organ trafficking as follows: (1) legislating the definition of human organ trafficking; (2) providing the legislation, determining forms of controlling organ trafficking, that is, prohibiting human organ trafficking, excluding benefits, such as, any projects the government provides benefits, expenses for keeping organs, the case of the organ for transplantation from living people which can be done without having any relationship, determining the consent forms of organ donation from living people who have no relationship, establishing the ethics committee for transplantation to investigate the consent and acknowledgement of risk information in full details; and (3) determining the measures of punishments on organ trafficking and exempting or reducing the punishment as the case may be for the case of being granted by the organ owner.