

THEMATIC TITLE	LEGAL PROBLEM ON THE LAW ENFORCEMENT TRAFFIC ACT, B.E. 2522
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ABSTRACT

This independent study aims to investigate the legal problem on the law enforcement Traffic Act, B.E. 2522 because at present, Thailand has announced the enforcement of Traffic Act, B.E. 2522 (amendment No.13, B.E.2565) for appropriateness with traffic conditions and an increasing number of vehicles as well as for safety of people's life, physical body, and possessions. Nevertheless, currently Thailand has still encountered the road accident problems which are considered a major social problem causing loss of life and possessions, especially the accidents from driving beyond the speed limit or driving while intoxicated. Drivers and road users do not obey the traffic laws or are not afraid of committing offences due to inappropriate law enforcement or the punishments for offenders.

The findings were as follows: (1) Regarding the appropriateness of the law enforcement, the Traffic Act, B.E. 2522 is the laws on punishments and types of offences relating to road traffic. The specifications of offences shall be specified by subordinate legislation in accordance with the Traffic Act, B.E. 2522, such as, ministerial regulations or regulations on criteria, methods, and condition of cutting driver license point B.E. 2565, which is to strengthen driving disciplines for solving the problems or the offences seriously impacting the society. However, it also found that the law fails to threaten or prohibit people from committing offences. This leads to constant legal violation of drivers and road users as seen from an increasing number of annual traffic accidents in Thailand; (2) Regarding the punishments for offenders on the Traffic

Act, B.E. 2522, especially for criminal fine penalties, the Traffic Act, B.E. 2522 specifies the punishments for offenders, such as, cutting driver license point, fine payment, and suspension or revocation of driver license. Nevertheless, the punishments with criminal fine penalties and cutting driver license point, currently, do not create a sense of fear among drivers and road users in terms of legal punishments; and (3) Regarding empowering the police officers to enforce the Traffic Act, B.E. 2522 with the offenders, the Traffic Act, B.E. 2522 is considered as a primary law in doing the duties of traffic police. On the contrary, the Traffic Act, B.E. 2522 which empowers a wide range of fine payment for the inquiry official leads to the decrease of law-abidingness among people in the society and provides opportunities for traffic police to make use of punishments and compulsory measures as leverage for unlawful exploitation. Comparing to Japan, the United Kingdom, and Kingdom of Sweden, all of these countries put emphasis on types of offences and punishments to prevent the legal violation as well as empowering the police officers to confiscate a driver's license and issue a traffic ticket when detecting the offences. For example, in case of the drunk-driving offence, Japan does not prohibit only the driver with an excessive alcohol limit, but it also determines the offence of people lending them a vehicle or people providing alcohol to the drivers. The United Kingdom specifies the punishments in cutting driver license point and paying the fine for the offenders, especially for the offences of driving beyond the speed limit. Kingdom of Sweden implements the Vision Zero project by designing the roads for safety of both drivers and pedestrians rather than driving comfort.

Therefore, the researcher would like to propose the approaches to solve the legal problems by amending the Traffic Act, B.E. 2522 as follows: (1) The act should be added the types of offences to be more appropriate with the current situations; (2) The act should be heightened the fine penalties of offences which impact the rights of people as a whole so as to create a sense of fear to commit offences; and (3) The act should be specifically added the authority of traffic police in issuing a summons and warrant of arrest, as well as following and arresting the offenders to take legal proceedings until the end of procedure in order to facilitate quickness of the follow-up and arrest of the offenders to get the punishment.