

<b>THEMATIC TITLE</b>	LEGAL ISSUES RELATING TO THE EXERCISE OF POWER BY COURT MARSHAL
<b>KEYWORDS</b>	EXERCISE OF POWER/COURT MARSHAL
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### **ABSTRACT**

In this independent study, the legal issues relating to the exercise of power by court marshals under the Court Marshal Act B.E. 2562 (2019) have been investigated with the objectives to study: (1) the concepts and theories of the exercise of power by court marshals; (2) foreign laws and Thai laws on the exercise of power by court marshals; (3) the legal issues relating to the exercise of power by court marshals; and (4) the solutions to legal issues relating to the exercise of power by court marshals.

The results of the study have found: (1) no provision of our clearly providing authority for court marshals to make an order to fulfill their duty. In this regard, there is no provision that clearly authorizes court marshals to issue any orders to suppress incidents within the court premises. As a result, court marshals are unable to perform their duties effectively in maintaining order and security within the court premises. (2) no power to arrest. The Court Marshal Act B.E. 2562 (2019) does not clearly specify the scope of power to arrest any person who violates or fails to comply with orders of court marshals. As a result, the arrest of such offenses may be unlawful; (3) no punitive measures for any person who violates or fails to comply with orders of court marshals. It is found that most of the offenses committed within the court premises are minor offenses or non-criminal offenses. The determination of penalties imposed on offenders of these offenses are directly subject to the jurisdiction of judges.

Therefore, the researcher is of the opinion that in order to solve such legal problems, the Court Marshal Act B.E. 2562 (2019) should be amended by: (1) clearly giving court marshals the power to issue specific orders to offenders within the court premises; (2) giving court marshals the specific power to arrest any person who violates or fails to comply with orders of court marshals without reasonable grounds; and (3) determining appropriate penalties for any person who violates or fails to comply with the order of court marshals as the case may be.