

THEMATIC TITLE	LEGAL PROBLEMS PRESCRIBING ADMINISTRATIVE FINES INSTEAD OF CRIMINAL PENALTIES: STUDYING THE ACT LAND EXCAVATION AND LAND FILLING B.E. 2543
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ABSTRACT

This independent study had purposes for; studying the idea and the theory determining the criminal punishment and the administrative punishment according to Land Excavation and Land Fill Act B.E. 2543; studying laws about determining the criminal punishment and the administrative punishment of foreign laws and Thai laws according to Land Excavation and Land Fill Act B.E. 2543; analyzing the problems determining the criminal punishment and the administrative punishment of foreign laws and Thai laws according to Land Excavation and Land Fill Act B.E. 2543; and offering the guidance for solving the problems determining the criminal punishment and the administrative punishment of foreign laws and Thai laws according to Land Excavation and Land Fill Act B.E. 2543.

According to the study, it was found that when Land Excavation and Land Fill Act B.E. 2543, which was used for controlling Land Excavation and Land Fill, was considered by the intention according to the enactment of law, this act significantly had the intention for protecting the asset and the people's security. Nevertheless, when there was an offense breaking this act, in case that intentioned persons would excavate and intentioned persons would fill the land without informing the excavation and fill to the local officers according to the law, they would be received the

criminal punishment, both imprisonments and fines. The characteristic offense according to Land Excavation and Land Fill Act B.E. 2543 was not so violent that they received the criminal punishment. Therefore, it should be determined as the administrative punishment by determining the proper fine rate so that it was effective enough for being forced by law. However, if the local officers had the administrative order, calling the offenders to pay the fines, but the offenders did not pay the fine according to the date and time where the local officers determined, there must be the force according to the administrative order. Land Excavation and Land Fill Act B.E. 2543 did not allow to use the force according to the administrative order, so Land Excavation and Land Fill Act B.E. 2543 should be adjusted by adaptably applying the principles of forcing according to the administrative order according to Administrative Procedure Act, B.E. 2539 (Additional Amendments the 3rd edition, B.E. 2562). Then, Land Excavation and Land Fill Act B.E. 2543 operated effectively so that the local officers could demand the administrative fines and force the offenders to pay the fines without prosecuting to the court. In addition, it could solve the problem of overcrowding prisoners and overcriminalization.