

THEMATIC TITLE	PROBLEMS OF LAW ENFORMENT THE NARCOTICS CODE B.E. 2564: CASE STUDY IN ARTICLE 145
KEYWORDS	TRADE ACTIONS / PROPORIONATE SENTENCING
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ABSTRACT

This independent study had purposes for; studying the history, the idea, the theory, and the principle about forcing the Narcotics Code BE. 2564, the section 145, the problem condition, the loophole of law or the law limitation from forcing the Narcotics Code being occurred from applying the circumstance and the role-the duty determining the punishment of drugs cases; for studying the laws forcing the Narcotics Code BE. 2564, the section 145 of Thailand and the Narcotics Code of foreign country; for analyzing the problem of forcing the Narcotics Code BE. 2564, the section 145; and for offering the guidance for improving the force of the Narcotics Code BE. 2564, the section 145.

From the study, it was found that the principle of offence about drugs according to the Narcotics Code did not have the enactments of the hypothesis on manufacture, import, export, or possession for distributing the drugs. The offenders' punishment would be more serious depending on the circumstance of the offense such as trade actions, the cause of the diffusion among people and so on. The enactment which offenders were punished more seriously relying on the amount of pure substance was cancelled, but the punishment relied on the circumstance of the offense being determined in sequency. In order to adapt the enactment that defendants were punished according to any paragraphs, it must be considered from circumstance in the accusation or in the case record whether there was the fact or the circumstance for punishing the defendant more seriously. In any paragraphs of the section 145, the Narcotics Code did not define the trade

actions including the amount of drugs indicating the circumstance of the offense in the drugs cases. The court used the discretion for being the guidance interpreting the law including to the determination of punishment of drugs cases.

Therefore, there were the suggestions for solving the problem of the laws forcing the Narcotics Code BE. 2564, the section 145 in terms of the discretion on guiding the law interpretation on the offense of drugs including the case consideration, and the punishment determination. There should be the definition of the trade actions, the determination of the amount of drugs affecting to the circumstance being clearly determined as the offense including to determine the punishment corresponding to the suggestions of chief justice which were the guidance of determining the punishment of drug cases in 2565 in order to force the law covering every aspects of actions and the proper punishment determination. The inquiry officials and the prosecutors did not have to interpret the case records and the prosecution order including they did not have to use the court discretion, and in order to proportionate sentencing in the offense about drugs in the future.