SUITABLE LEGAL MEASURES OF CRIMINAL PROCEDURE FOR INSANE PERSONS IN THAILAND

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ABSTRACT

Legal measures regarding the insane in Thailand are based on the fact that a plea of insanity in a trial cannot truly serve justice in the rule of law (Due Process) because Thai society is under the influence of theories and concepts (Labeling theory) which are opposed to insane persons who don’t want to reveal themselves as such to gain benefits from this law. Moreover, this kind of determination in a case is clearly stated by the laws. But practically, the court does not follow procedures as stated in the law, and therefore cannot determine the facts about insanity as they should. Therefore, the researcher has studied the guidelines for the administration of justice in such cases to go along with the rule of law. This study aims (1) to study the criminal legal measures regarding insanity that are currently in place in Thailand and (2) make recommendations about guidelines for improving and developing legal measures concerning the criminal insanity that is appropriate for Thailand.

The study related that the standard methods of criminal law regarding the insane that are currently in place in Thailand, consist of (1) measures to arrest or control (2) measures to make special investigations (3) measures concerning the process of prosecution (4) measures to investigate the source of special cases (5) measures in special courts (6) measures to appeal and petition the Supreme Court (7) measures to enforce sentences (8) guidelines for prosecuting lawyers and (9) the role of experts associated with criminal proceedings for insane people.

Suggestions based on the research findings include special measures for deviant cases to take offenders out of the justice system including (1) measures to bring those insane persons to officers of the court (2) measures to summarize the cases and investigate them by assigning the opinion of the officer to set aside the prosecution and admit the accused to a rehabilitation center (3) measures for requiring the prosecutor’s order to delay the prosecution and send the accused to receive rehabilitation (4) measures of how to question the offender and bring the defendant to trial. (5) measures to temporarily suspend the penalty by a corrections employees’ order and take the convict to receive rehabilitation.

The suggestions are as follows: (1) There should be specific procedures for criminal cases involving insanity (2) These should be established for the cases involving insanity in the criminal court (3) Public relations should support increasing the basic knowledge of medical and public health workers about psychiatric illnesses.

KEY WORDS: LEGAL MEASURES / CRIMINAL PROCEDURE / INSANE PERSONS STREET CRIME VICTIM / EMPOWERMENT
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Chapter 3: Factors that Influence Legal Measures for Insane Persons in Thailand

3.1 Introduction

The study examines the legal measures for insane persons in Thailand, focusing on the factors that influence their application. The chapter discusses the legislative framework, case law, and administrative practices.

3.2 Legal Framework

The Thai legal system provides a framework for the management of insane persons, primarily through the Criminal Procedure (Insane Persons) Act, B.E. 2545 (1992). The act establishes a system for the examination of insane persons, their detention, and their treatment.

3.3 Case Law

Several cases have set precedents in the application of the act. These cases involve various issues such as the appropriate duration of detention, the criteria for release, and the conditions under which insane persons can be transferred to mental hospitals.

3.4 Administrative Practices

The administration of the legal measures for insane persons is carried out by the Department of Mental Health, Ministry of Public Health. The department oversees the activities of mental hospitals and ensures compliance with the legal framework.

3.5 Conclusion

The factors that influence the legal measures for insane persons in Thailand are complex and multifaceted. The chapter highlights the need for a comprehensive approach that combines legislative, judicial, and administrative measures to address the challenges faced in this area.