



Expat Counsel

By James Finch and Nilobon Tangprasit

CRIMINAL LAW IN THAILAND Part I: A start

As lawyers, we are constantly presented with problems involving Thailand's criminal law and procedures. This week we will start a series on these. Before we can start, however, it is necessary to place the criminal law in the context of contemporary Thai society.

We started work on our series by making a list of problems on which we had been consulted. There are hundreds, but the following are examples: Can a foreigner with a work permit legally go to business meetings outside of the office? Does this foreigner have to carry his or her work permit to all such meetings?

Can you be fined if when you stop for a yellow light the front wheels of your car are over the white line in the road?

Do you have to carry your passport with you everywhere while you are in Thailand? Can you be fined if you don't?

We will cover some of the issues presented above in future columns.

They are mentioned here to illustrate one side of a complicated policy issue, the fact that a criminal justice system inevitably leads to inconvenience and even injustice.

But here's the other side of the coin — the presence of an international community and commerce has made just that system an absolute necessity for Thailand.

Here are a few obvious examples of why: Illegal drugs are washing over Thailand's borders and creating expensive and complex social problems.

Victims of human trafficking from all over the world are winding up in Thailand. Many of these victims are under-age or were induced to come to Thailand fraudulently and have been forced into prostitution.

Though the vast majority of Thailand's expatriate community are law-abiding, Thailand still has an innocent quality that attracts foreign criminals. Many foreigners have, of late, been the victims of scams by other foreigners.

In short, there's practically no one who can seriously argue that there shouldn't be any criminal law and enforcement in the Kingdom.

This means you. One of the most difficult aspects of daily life in Thailand, however, is navigating the world of the official bureaucracy and even that of corruption. But if you're voluntarily living in Thailand you have no choice.

So don't bother complaining or getting angry at the police. It will only wreck things. Culturally, there is nothing to be gained by telling off a police officer. Instead, know your rights and insist on them, politely.

Before we can cover your rights, we have to explain a few concepts. In a sophisticated society like Thailand's, the intersection of the two lines of thought mentioned above is called criminal procedure — the rules that the police have to follow to make sure individual rights are protected. We'll start covering these next time. ■

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