

Thesis Title : Implementation of Administrative Sanctions to Juristic Partnership and Company Limited

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## ABSTRACT

Act Determining Offence Relating to the Register Partnership, Limited Partnership, Limited Company, Association, and Foundation, B.E 2499 (A.D.1956) , there are criminal penalties including imprisonment and a fine that the action is mostly commercial matter. Then it causes “over criminalization”. The penalties affect on investment and criminal justice system. It consumes budgets and many resources. The objective in studying is in respect of finding the law enforcement and sanction which appropriate and can be adapted for use in lieu of criminal punishment of misconduct of juristic partnerships and company limited. It is found that many countries have imposed administrative sanctions to the minor offense of juristic partnerships and company limited such as the Great Britain has implemented the civil administrative penalty for the late delivery of the documents, accounts and financial statements; Australia is in the process of development of legislation to enforce the administrative sanctions to implement on the company’s label at the registered office; and Russia imposed administrative sanctions applicable to the registration of juristic partnerships and company limited. Also it is found that there are many of legislative laws of Thailand that have adopted administrative sanctions instead of criminal penalties such as the hotel law, factory law, and building control law, etc. This research suggests that administrative sanctions can be applied to the minor offenses which not affect many people such as an offense related to a company’s label; shares, share certificates, register of shareholders; the advertisements and notices to creditors; the financial statements and the

dividend, etc. If the state gives the authority to the Department of Business Development, Ministry of Commerce or the relevant agencies to use the administrative sanctions in Administrative Procedure Act B.E. 2539 (A.D.1996) such as the issuance of administrative order, warning, physical force by state authorities, administrative penalties and seizure and forfeiture of property. Because the level of punishment of administrative sanctions is appropriate rather than criminal penalties. It is conducive to business. It will help the state to make law enforcement more effective. It also helps the state to save budgets resources, and reduce the incidence of cases in criminal court.

