

Independent Research Title: The Problems on Computer Crime: Study on the Data Protection

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ABSTRACT

The development of computer technology which is an important kind of communication system in the present world is very rapid. It is a world without border. This development brings forth the ability to transfer and access data inside computers throughout the world. However, it also can be used for committing many kinds of computer crime like using computers to access unauthorized data in other computers.

The purpose of this research is to focus on finding out whether the laws with criminal punishments currently enforced in Thailand can cover the computer crime committed through information technology, and to focus on the offences and liability that are resulted from computer crime.

The result obtained from this research is that, Thailand does not yet have specific legal provision applied to place punishment on computer crime and the present legal provision which has been brought to enforce is also not sufficient. Whenever computer crime is committed, the government agencies involved try to consider it as a criminal case under the Criminal Code or as other offenses stipulated in other similar Acts. However, there are lots of problems in interpretation, for example, when data is not interpreted as property, the criminals who steal data cannot be punished with the charge of steal under the

Article 334 of Criminal Code. So it should be provided the special legal provision on computer crime.

The United States of America have legislated the Computer Crime Acts to take legal action against the computer criminals since 1984 (The Counterfeit Access Device and Computer Fraud and Abuse Act of 1984). The aim of these laws is to crack down the computer crime. In this Act, three major offences are stipulated: Unauthorized Access, Alteration and Damage or Destruction of data.

