

Independent Study Title : Criminal Liability of Internet Service Providers and
Mobile Phone Network Operators on Online
Gambling in Thailand

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ABSTRACT

The objective of this independent study is to study the problems of the online gambling in Thailand and the criminal liability that will be imposed upon the Internet service provider and mobile network operator for supporting any criminal act which has been done by their subscribers. This independent study also seeks the foreign law that able to apply and fulfill the law in Thailand that still out of dated for the current situation to prescribe the criminal liability to the Online Service Providers as the facilitator for access the Online Gambling Website.

It has been found that there are the limitations of the Gambling Act, B.E. 2478 in enforcing online gambling activity, and found that many concepts can applied to implicate the online service provider to consider as the liable person for an unlawful act from their subscribers. First of all, it is unlikely that the type of online gambling will fall in the scope of the Gambling Act, B.E. 2478. Additionally, some category in the online gambling that applied from the traditional gambling are illegal in the Gambling Act, B.E. 2478 that make the current law must amend in the act to put the type in the online gambling illegal be explicit. Secondly, it is unclear that the related person for making the internet user for ability to connect with online gambling website, since there are no laws to govern this problem of online gambling and the related person that make online gambling become accessible from Thailand.

For the recommendations, there must be the preventive measures for the offenses of Internet service provider and mobile network operator by issuing the law applied from the concept of a vicarious liability in which they are held partly responsible for the unlawful action of their subscribers by access the illegal gambling

website. For the current era, Thailand must formulate the criminal liability to any organization and the person who responsible for the legal entity actions that make online gambling become possible and doesn't remove the gateway in Thailand because it is the best way to remove the root cause of the online gambling problem.

