

Thesis Title : Legal Issue on Contempt of Court: A Study of Contempt of Court in
the Court of Justice

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ABSTRACT

Contempt of court charge is one important mechanism for the Court to preserve the dignity integrity of its institution and to maintain the order and the timeliness of the trial. In Thailand, sections 30, 31 and 32 Civil Procedure Code prescribe the characteristics of the contempt offence, and section 33 specify the sentence to the charge.

This study found that provisions on contempt of court in Thailand, especially in relation to the characteristics of the offence and the appeal process, do not provide enough security to the people. Firstly, there is no provision governing the contempt of court by publishing information that could prejudice, or seriously affect the case. The law seems to allow the Court to exercise its discretion quite excessively in this matter which could result in different and inconsistent standard of ruling. Besides it could be viewed as contrary to the Constitution which protects the liberty of the people and mass media to express opinion by any means. Another issue is that liability of contemnor for intended to criticize or influence the case in accordance with section 32 does not apply to individuals.

And most importantly, provisions governing the contempt of the court do not allow a person convicted of contempt charge in the Supreme Court to appeal to other courts, which is inconsistency with the constitution of Thailand that stipulated, for alleged offender, the right to

correct, prompt and fair trial, as well as the right to adequate defense of himself. It also inconsistent to the International Covenant on Civil and Political Rights, which requires any convicted offender to have the right to appeal to a higher court for review of his sentence and conviction.

Thus, this study proposes an addition to the provisions on contempt in the part involving appeal process of the Supreme Court decision for contempt. So that a contemnor convicted by the Supreme Court could appeal to the assembly of judges of the Supreme Court for resolution. Moreover, section 32 concerning the liable person should be amended to include individual, and section 32 (1) to describe acts that consider wrongful under such law.