



(the Protection of Children Act 1978) และกฎหมายความอาญา (the Criminal Justice Act 1988)

ประการที่สาม บทลงโทษที่กำหนดไว้สำหรับความผิดต่างๆยังไม่มากพอที่จะใช้เป็นเครื่องมือในการป้องกันหรือข่มขู่มิให้เกิดการกระทำความผิด และต่ำกว่าที่กฎหมายอังกฤษได้บัญญัติไว้ ทั้งๆที่ประเทศอังกฤษเป็นประเทศที่ระมัดระวังอย่างมากในการกำหนดโทษและใช้โทษทางอาญา



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| <b>Independent study Title</b>   | Charges and Penalty Prescribed for Computer Related Offences: A Comparative Study of Thai and the United Kingdom Laws |
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### **Abstract**

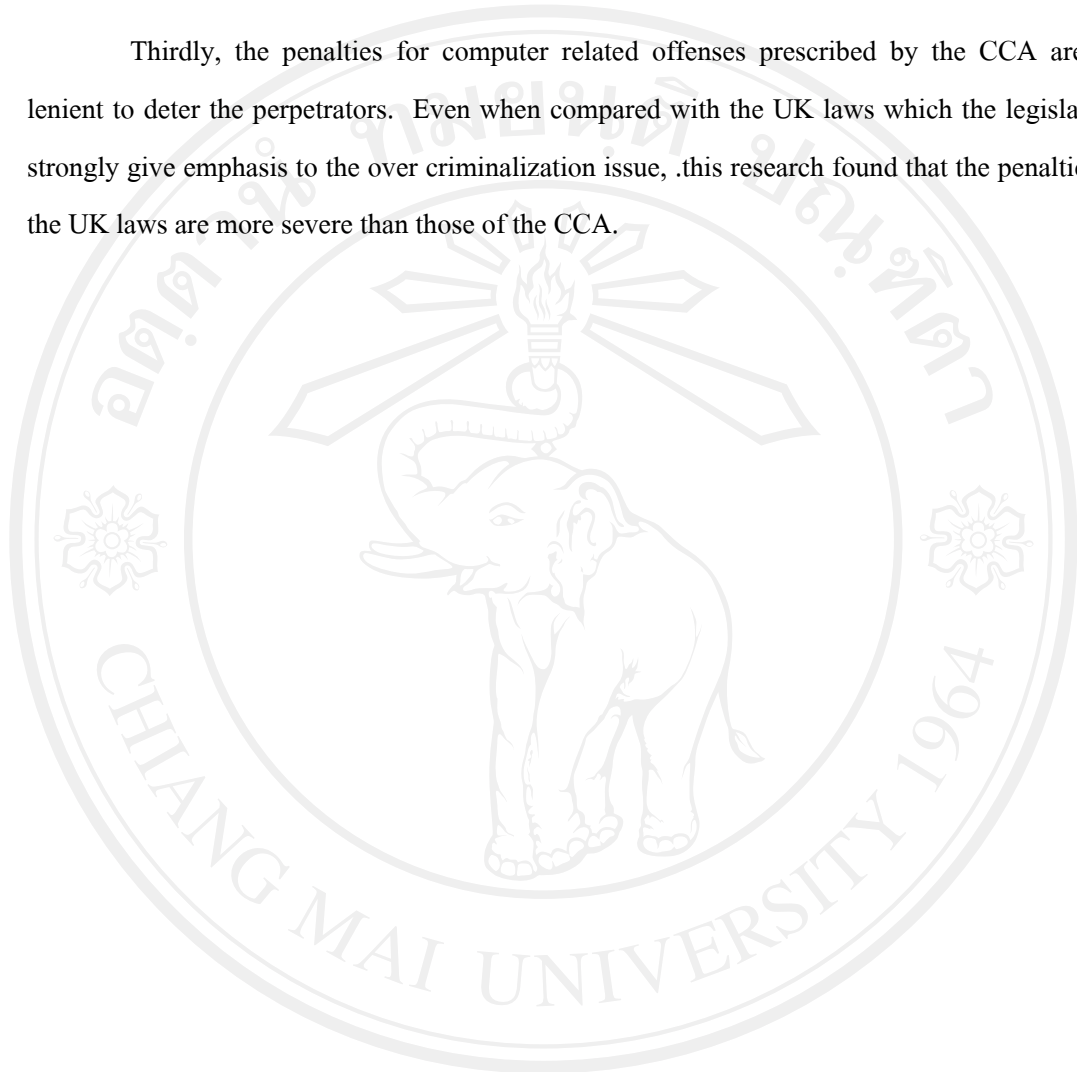
The purpose of this research is to comparatively study charges and penalty prescribed for computer related offenses by Thai and the United Kingdom laws. The methodology used in this study is documentary research and in-depth interview with people whose career involving a computer, the Internet and laws. The research found that the Computer- Related Crime Act (CCA) B.E. 2550 (2007) of Thailand holds 3 imperfections, which are:

Firstly, the provisions of the definition of computer system (section 3); illegal damage, impairment, deletion, alteration and addition to computer data (section 9); illegal damage, impairment, deletion, alteration and addition to computer data of the public (section 12); spamming (section 11); editing a portrait (section 16); and phishing (sections 5, 7, and 14(1)) are ambiguous, do not cover some perpetrations which should be an offense, and generate problems of interpretation and enforcement.

Secondly, the CCA does not prescribe charges and penalty for computer espionage and child pornography. This shortage differs from the UK laws that obviously provide protection for their people from such offences. Evidence of this can be found in the Data Protection Act 1998,

the Computer Misuse Act 1990, the Obscene Publication Act 1959 and 1964, the Protection of Children Act 1978, and the Criminal Justice Act 1988.

Thirdly, the penalties for computer related offenses prescribed by the CCA are too lenient to deter the perpetrators. Even when compared with the UK laws which the legislatures strongly give emphasis to the over criminalization issue, this research found that the penalties by the UK laws are more severe than those of the CCA.



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