

Alternative Sentences for Crimes Punishable Solely by Death Penalty in Thailand

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Abstract

This mixed methods study entitled “The Study of the Possible Alternative Sentences for Crimes Punishable Solely By Death Penalty” aims to find out the possible alternative sentences for crimes punishable solely by death penalty. The in-depth interviews with 12 participants: judges, prosecutors, investigators, and experienced scholars in criminal law teaching was conducted through a qualitative approach while a quantitative research approach was carried out via the questionings with 700 people in Thailand including the staff in the justice process, the Non-Government Organization on human rights (NGO), and the media on criminal news. It is found that

1) The first possible alternative sentences for crimes punishable solely by death penalty is the strict death penalty with no pardon followed by life imprisonment with the court's determination of the social safety period for at least 20 years as well as the use of the follow-up electronic devices to monitor after the suspension of punishment or the premature release. The offenses that should be punished by other measures instead of death penalty are the offenses on drugs, property, and evacuation. Other measures that can replace the death penalty are 1) the use of unethical deceiving, threat, and abuse or domination or molestation to make the others addicted to Type 1 drugs as Heroin and Amphetamine or the action taken to a female or to an immature person, 2) the offense on evacuation and the evacuation to the enemy side, and 3) whoever uses a weapon or any material to kill the other in the airport and if that action is dangerous or might be dangerous to the airport's security.

2) The offenses that should be replaced by other punishments instead of death penalty are 1) the assassination of the queen, relatives, or the regents (64.9%) followed by the killing of the others while being in the aircraft and if that action might cause danger to the airport's security (64.0%). Most sample agreed in using other punishments instead of death penalty (62.1%) while some disagreed (37.9%). For other punishments used instead of death penalty are 1) strict life imprisonment with no pardon followed by life imprisonment with the right to reduce the number of the punishment day, suspend of punishment or to be prematurely released with no determination of the minimum punishment and life imprisonment and the court determines the social safety period for at least 20 years.

Keywords: Death Penalty / Possible Alternative Sentences for Crimes Punishable Solely By Death Penalty / Justice Process

Background and Significance of the Problem

Human rights across the globe advocate “the abolishment of death penalty” because the criminal justice system is susceptible to inequality practices and miscarriage justice. No systems could always hold convictions with flawless justice, especially the judgment toward who could live and who must be executed. In addition, there exist empirical research data that advocate the abolishment of death penalty. The findings of such studies suggest when compared between countries still embracing the death penalty and those having abolished such a penalty, the ratios of capital offenses to population appear similar. The claim that death penalty can more or less oppress capital crimes is hence unsound. In the study on death sentence abolishment in the Second National Action Plan on Human Rights, it was found that more than 70% of the informants advocated the death penalty retention in Thailand, while less than 30% encouraged its abolishment (Chokprajakchat et al., 2014). The research on the increasing consideration of courts toward capital crimes or toward capital offenses with compromised convictions and proposed sentencing alternatives suggested that there were 3 stages toward the amendment of the laws related to death penalty (Jaiharn & Srisanit, 2018). The first stage was related to the increasing consideration of courts toward capital crimes in order not to convict the death sentence. In the second stage, there existed suggestions toward revising the death penalty for undeserving capital crimes when compared to the laws of foreign countries and the international standard, which, however, had to be consistent with the resolution of Thai citizens. Finally, the third stage was the complete abolishment of death sentence for all crimes. There had to be mutual understanding amongst citizens and related personnel that this principle should be proceeded as other abolitionist countries. This was because most people still held understanding that imprisonment could not oppress capital crimes, thereby incessant unrests in the society. To address the concern, two measures could be executed: the issue of appropriate time for societal security and the use of electronic monitoring devices (Jaiharn & Srisanit, 2018).

Hence in this present study, it was aimed at exploring sentencing alternatives in Thailand if the opportunity to abolish death penalty appeared rather obscure. According to international principles, the 7 lawful punishments include 1) life imprisonment without parole, 2) life imprisonment with a fix 20-year jail term for social security, 3) life imprisonment with probability of decreased jail term, jail term abeyance or early release without minimum jail term limit, 4) life sentence and coerced sterilization, 5) life imprisonment with harsh labor until remorse, 6) limited jail-term imprisonment, and 7) use of electronic monitoring devices after early release. The findings of this research can be implemented as measures toward appropriate sentencing alternatives to crimes convicted.

Research Objectives

1.1 To perceive the personnel in criminal justice system toward sentencing alternatives rather than death penalty in capital crime cases.

1.2 To explore possible guidelines on sentencing alternatives rather than death penalty in capital crime cases.

Scope of the Study

This study incorporated both qualitative and quantitative natures by proceeding first on the quantitative aspect. With an analysis on the findings obtained from the previous part, in-depth interview questions were then formulated. The study explored 11 capital crime cases including

1. The king's assassination
2. The assassination of the queen, crown prince or regents
3. Sexual intercourse of individuals at the age of no more than 15 or children aged no more than 13 years while possessing or utilizing guns or explosives, or with the company of others to commit such a crime as gang rape act, resulting in the death of the victim
4. Capital murder
5. Robbery of small Buddha image, Buddha image, or other religious objects that are worshipped by people or at temples or religious venues, resulting in the death of others
6. Pillage resulting in the death of others
7. Pillage of small Buddha image, Buddha image, or other religious objects that are worshipped by people or at temples or religious venues, resulting in the death of others
8. Duty abandonment and treason
9. In-flight murder act which affects the security of such an aircraft
10. In-flight murder act with weapons or objects as weapons which affects the security of such an aircraft
11. Tricks, threats, forces, or mental manipulation by any means in order for others to take drugs enlisted in Type 1 Drugs (i.e. heroin, amphetamine) and such an act committed against women or other individuals under the age of majority.

The target participants for the qualitative aspect of this study are 12 specialists and criminal law academics: 3 judges, 3 prosecutors, 3 inquiry officials, and 3 criminal law academics. These participants had to hold experiences related to proceedings of no less than 10 years. Meanwhile, the subjects for the quantitative aspect comprised 700 officials in criminal justice system and other related organizations: 100 officials of the Department of Corrections, 50 officials of the Department of Juvenile Observation and Protection, 50 officials of the Rights and Liberties Protection Department, 50 Officials of the Department of Special Investigations, 50 officials of the Office of Narcotics Control Board, 150 inquiry officials, 150 investigators, 50 human rights specialists, and 50 crime journalists.

Literature Review

Death penalty refers to the highest punishment under the law, aiming at a prisoner's life. This is lawful process; the state performs such a criminal punishment on individuals. The highest punishment under the law performed on prisoners aims at terminating their lives (Kamolailp, 2018).

The promotions, advocacies, and campaigns toward changing death penalty in Thailand have been demonstrated. Thailand remains one of the 56 countries retaining death penalty, resulting in the pressure from international parties to abolish such a harsh penalty. The promising aspect has been perceived on the matter, resulting from the cooperation of various bodies to promote, advocate, and launch campaigns toward changing death penalty (Rights and Liberties Protection Department, Ministry of Justice, 2018).

1) In Thailand, death row prisoners have been executed with different methods. Thailand has been aware of such an execution; it has aspects that others countries do not. That is, the death row prisoners are able to write a petition to appeal and be granted parole. This process underlines that such a conviction is not final after the court has made consideration. In addition, the prisoners have opportunities to be granted parole, to reduce their jail term.

2) Thailand has enacted the amended Act for its penal code, which is the Act Amending the Criminal Code (No.16) B.E. 2546. In the Act, the abolishment of death penalty has been enforced upon those criminals, while arrested, under the age of 18. In addition, the Act is applied to women with pregnancy. This is in accordance of article 6, clause 5 of the International Covenant on Civil and Political Rights: ICCPR).

3) Thailand has implemented 2 National Action Plans on Human Rights (NAP). Specifically, the second NAP (B.E. 2552-2556) contains in its Strategy 3, which is related to the development of law and juridical mechanisms including enforcement to promote and protect human rights in accordance with human rights principles. As its primary goal, the highest death penalty must be reconsidered by the parliament, be abolished and replaced by life imprisonment. There existed a study toward the possibility of death penalty abolishment in accordance with the second NAP as follows

(1) Study and analyze academic data of foreign countries, and consider supportive measures if the abolishment is enforced;

(2) Study all Thailand's laws, crime characteristics along with records of death penalty in the last 10 years;

(3) Promote the knowledge and awareness, along with perceiving attitudes toward measures and guidelines that can circumstances if the abolishment is enforced and replaced by life imprisonment;

(4) The Rights and Liberties Protection Department, major responsible body, encouraged the change toward death penalty for further cooperation as published in the first NAP (B.E. 2557-2561) to promote the amendments of Thailand's human rights laws to be in accordance with international human rights principles. This has appeared in the NAP on the section of justice system toward "the highest death penalty to be reconsidered by the parliament, to be abolished and replaced by life imprisonment." The process consists of steps as follows (Keeratakanon, 2018)

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- (1) Propagate the knowledge toward human rights to personnel in the justice system and public, especially on human dignity and right to life as the basic rights;
- (2) Attempt to officially proceed the ceasing of death penalty conviction and promote the resolution of the meetings of United Nations General Assembly toward the ceasing of death penalty conviction, with the determination to enact an amendment on the death penalty in 2014;
- (3) Recommend an amendment toward decreasing the criminal cases that hold the death penalty, especially crimes that are not considered capital offenses according to Act 6, Clause 2 of International Covenant on Civil and Political Rights within year 2017;
- (4) Construct the maximum security prison to house inmates convicted of capital crimes.

It is hence notable that the death penalty in Thailand has specific laws enforced. There have been oppositions against such a penalty. The critics echo that the death penalty is not able to oppress crimes. Neither the death penalty nor the life imprisonment is able to prevent crimes and help decrease crime rates. Furthermore, the state has to squander a large amount of budget to take care of inmates. This is considered inappropriate as the expenses are derived from tax all citizens have been due to pay, and as the expenses are the investment on those who did not obey others and the law. However, although the death penalty exists in Thailand, criminals of capital crimes have frequently been convicted with it. Hence, whether the death penalty should be enlisted as the highest death penalty or not should undergo reconsideration, and requires further investigations into related factors for future resolution.

Research Methodology

1. Research tools

1.1 Regarding the quantitative part, employed was the survey consisting of 4 parts as follows

Part 1 Demographic data of the informants, collecting data in the form of nominal scale and ordinal scale. It includes sex, age, educational level, department, and position;

Part 2 The possibility of sentencing alternatives rather than death penalty in capital offenses that merely hold death penalty. This part is responded with 5-interval scale, where 5 refers to the highest, 4 refers to high, 3 refers to moderate, 2 refers to low, and 1 refers to the lowest;

Part 3 Opinion toward sentencing alternatives rather than death penalty in 11 aforementioned capital offenses that merely hold death penalty. The informants have 2 alternatives: 1 Disagree (that the death penalty must be abolished) and 2 Agree (choose 7 other alternatives instead).

1.2 Regarding the qualitative part, employed was the interview questionnaire consisting of 5 parts as follows

Part 1 Personal information of the interviewees, consisting of sex, age, educational level, position, and professional experience;

Part 2 Open-ended questions toward attitudes on death penalty conviction, consisting of questions as guidelines;

Part 3 Open-ended questions toward attitudes on sentencing alternatives conviction rather than death penalty conviction, consisting of questions as guidelines;

Part 4 Open-ended questions toward 11 capital offenses that merely hold death penalty, consisting of questions as guidelines;

Part 5 Open-ended questions to perceive recommendations and attitudes toward sentencing alternatives rather than death penalty or encouraging the court to use sentencing alternatives rather than death penalty.

2. Data collection

The researcher formulated a survey and perceive the Cronbach's alpha coefficient and the item-objective congruence (IOC). Afterwards, the researcher proceeded the study proposal at the institutional review board for research ethics in human subjects and collected data. Concerning the quantitative section, the survey was distributed to the informants who filled out the document themselves. Regarding the qualitative section, face-to-face and telephonic interviews were executed.

3. Data analysis

3.1 Quantitative data analysis: the analysis was performed using descriptive statistics: percentage, frequency, arithmetic mean, standard deviation. The analysis was presented in ranking table, demonstrating in the form of chart in order to clearly illustrate the differences of data.

3.2 Qualitative data analysis: the content analysis was performed from the data obtained from in-depth interviews. This was to perceive the attitudes toward death penalty, sentencing alternatives rather than death penalty, 11 capital offenses that merely hold death penalty, and attitudes toward sentencing alternatives rather than death penalty or encouraging the court to use sentencing alternatives rather than death penalty. The data was presented in a descriptive manner along with suggestions toward the perception on differences and similarities toward each target groups. The concrete summary was also made.

Findings

1. Possible alternatives to death penalty: Among all 7 sentencing alternatives, the top 3 ranks are 1) life imprisonment without parole, 2) life imprisonment with a fix 20-year jail term for social security, 3) use of electronic monitoring devices after early release, respectively. The average score is presented in the following diagram.

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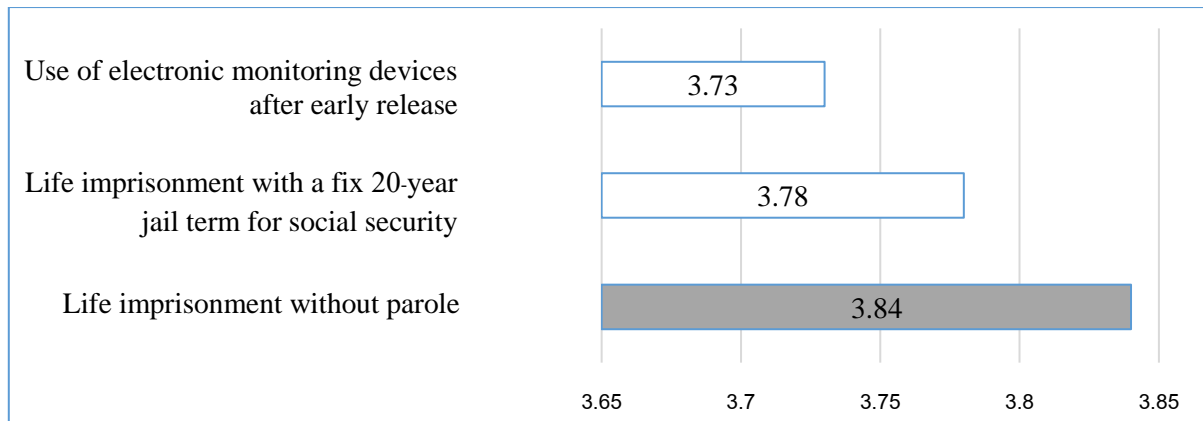


Figure 1 Sentencing Alternatives to Death penalty

The findings in the quantitative component are consistent with those of the qualitative constituent as follows.

1.1 Related to the attitudes toward courts unable to hold other alternatives rather than death penalty, participants who are prosecutors, academics, and police officers suggested that the courts should be able to hold other consideration toward punishment rather than death penalty, for some offenses including drugs, sex-related cases, duty abandonment require further investigations toward the causes of such acts. They are not capital crimes that reflect the true nature of the convicted. The crimes are committed because of certain temptations. This, hence, requires sentencing alternatives to death penalty. Meanwhile, judge participants echoed that there are no crimes not deserving to be convicted death penalty. That is, all the 11 capital crimes still need death penalty. The convicted of such crimes committed severely unlawful acts. In addition, the laws have been enacted as such. This, according to these participants, is appropriate.

1.2 Regarding capital crimes that should be convicted with sentencing alternatives or require the courts to hold alternative consideration rather than death penalty, the prosecutor, academic, and police officer participants echoed that crimes related to drugs, chattels and properties, and duty abandonment should allow the courts to hold considerations other than death penalty. Meanwhile, the participants who are judges all echo in consistency with item 1.1.

1.3 Pertaining to the descending-order ranking of the importance of capital cases that should be convicted with sentencing alternatives to death penalty, the interviewed prosecutors, academics, and police officers agree on the ranking: item 11. tricks, threats, forces, or mental manipulation by any means in order for others to take drugs enlisted in Type 1 Drugs (i.e., heroin, amphetamine) and such an act committed against women or other individuals under the age of majority, followed by 8. duty abandonment and treason, and 10. in-flight murder act with weapons or objects as weapons which affects the security of such an aircraft, respectively. Meanwhile, judge participants echoed that there are no crimes not deserving to be convicted death penalty.

2. Capital offenses that merely carry death penalty: The quantitative findings suggested that the participants agreed on sentencing alternatives to death penalty with the following offenses: the assassination of the queen, crown prince or regents, in-flight murder act which affects the security of such an aircraft, and capital murder. The percentage is presented in the following diagram.

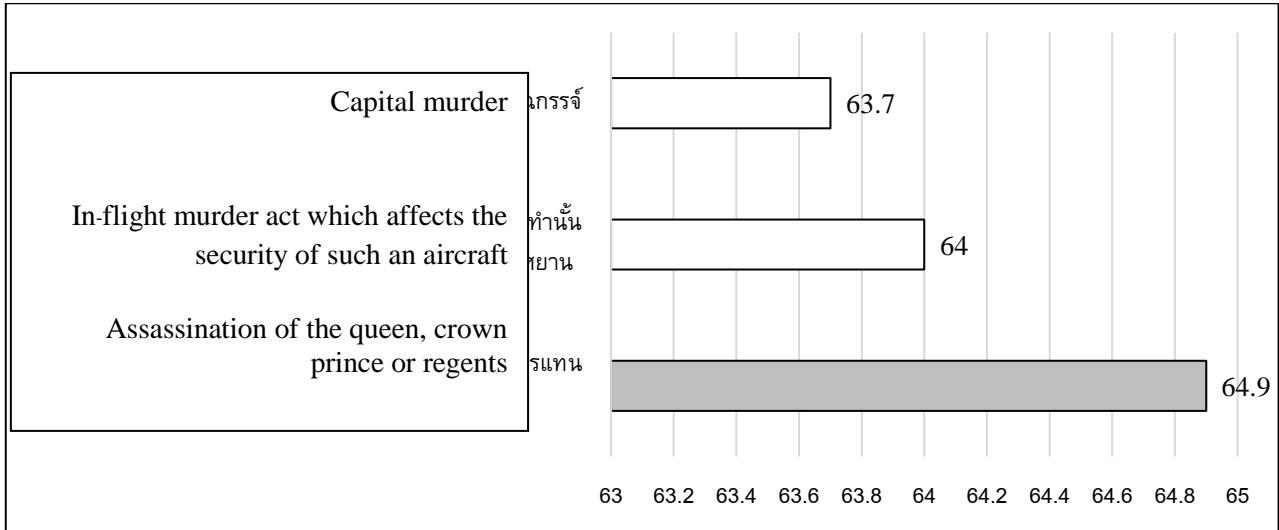


Figure 2 Capital Offenses That Merely Carry Death penalty

Regarding the crimes related to pillage of small Buddha image, Buddha image, or other religious objects that are worshipped by people or at temples or religious venues, resulting in the death of others and pillage resulting in the death of others, the sentencing alternative with the highest rank of both offenses is life imprisonment without parole.

3. Attitudes of personnel in the justice system toward sentencing alternatives to death penalty

3.1 Regarding the use of death penalty, there are 2 principal reasons. First, it is to oppress crimes by the power of laws. Law enforcers must hold serious action toward the enforcement to oppress crimes. Second, it is to punish recidivists or series killers or those who committed capital crimes with preparation and plans, for this underlines their thoughtful intention toward the crimes. If they commit such crimes and repeat their offenses, they deserve the death penalty. This is not to allow them to violate the social security. This must be applied with capital crimes only. If they are other types of offenses but with repeated acts, the convicted still deserve life imprisonment.

3.2 The premeditation mostly appears related to rather capital crimes, including crimes on economy and life and assets. Crimes toward economy are carried out due to greed and will. This requires careful plan toward offend others, thereby reflecting lacks decent consciousness and morals. They would like to commit wrongfully acts though they know such crimes carry punishments. The convicted of such crimes shall deserve harsh punishments.

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3.3 Death penalty that can oppress capital crimes holds 2 characteristics. First, it can apprehend those willing to commit such acts carrying the death penalty, thereby preventing crimes. Second, specifically for the recidivists having been granted many opportunities who keep committing wrongfully acts, the death penalty can oppress the harm, accordingly.

3.4 Pertaining to sentencing alternatives to death penalty that can oppress capital crimes, the interviewed judges see that the death penalty is for those who cannot become decent individuals anymore despite life imprisonment with early release. Meanwhile, police officers agreed that there should be sentencing alternatives to death penalty. However, Thailand must be ready in terms of venues that will retain the convicted so that these individuals cannot come back and offend others. This requires utmost preparation in terms of grand amount of budget for management. Regarding these inmates, some officers uttered that there should not have been much investment on those who have not procure benefits for the society. There hence must be other alternatives that do not squander state budget.

3.5 Sentencing alternatives to death penalty that are accepted among citizens are 1) life imprisonment without parole, for this could allow increasing social security by eliminating these individuals from community, 2) asset forfeiture, for this contributes to the lack of base to commit capital offenses and apprehends those willing to committed likely wrongfully acts, and 3) no possible alternatives, referring to no other measures can replace death penalty and be acceptable because capital offenses are committed by those who cannot live with others in society.

Discussions

Replacing death penalty with other alternatives based on the case importance – 1) life imprisonment without parole, 2) life imprisonment with a fix 20-year jail term for social security, and 3) use of electronic monitoring devices after early release – is consistent with the principles of retribution that aims at sentencing individuals who commit wrongfully acts with serious punishment. That apprehends the convicted or others in order for them not to realize crimes. However, this is not proportionate toward the damage the individuals have caused. Such a sentencing characteristic is to protect the society from insecurity in the future (self-defense). Sentencing individuals to oppress crimes consist of such various factors as the different characteristics of offenses, opportunities to commit the offenses, enforcement with equality, and serious enforcement, etc. This can apprehend citizens so as for them not to violate the laws, causing serious insecurities in the society. On the other hand, if offenses are not capital, sentencing the convicted cannot be capital, too. Therefore, sentencing for compensation is dissimilar to sentencing for revenge. It is because revenge depends on the satisfaction of the victims, not the proportion of crimes the convicted committed.

The 3 aforementioned types of sentences should not be alternatives to death penalty because sentencing must not be torture or annul former offenses, but they must prevent future crimes, and others not to imitate the acts. Hence, sentencing individuals and sentencing proportionately to offenses and

adaptable toward the consistency of the technology era, must be revised and modernized by using electronic monitoring devices or information technology.

The crimes that the participants suggested carrying life imprisonment without parole, an alternative to death penalty are related to robbery of small Buddha image, Buddha image, or other religious objects that are worshipped by people or at temples or religious venues, resulting in the death of others, and pillage resulting in the death of others. This is consistent with the study of Chokprajakchat et al. (2014). The findings suggested that pertaining to the robbery of Buddha image or religious objects that are worshipped by people which only carries death penalty, providing knowledge importantly contributes to using sentencing alternatives to death penalty. That is, courts can hold considerations and agree that an alternative should be life imprisonment or life imprisonment without parole.

In terms of the crimes of robbery of Buddha image or religious objects that are worshipped by people which only carries death penalty, the participants with the knowledge of sentencing alternatives the use of sentencing alternatives to death penalty. That is, courts can hold considerations and agree that an alternative should be life imprisonment or life imprisonment without parole. Regarding pillage of small Buddha image, Buddha image, or other religious objects that are worshipped by people or at temples or religious venues, resulting in the death of others, 49% of the participants who do not have any knowledge of sentencing alternatives suggested that such a capital crime must still merely carry death penalty. Meanwhile, in the experimental group, 37% of the participants before the intervention and 40% after the experiment stated that courts should hold consideration toward sentencing death penalty or imprisonment. 27% in pre-intervention stage and 24% in post-intervention stage perceived that pillage resulting in death of others should carry life imprisonment without parole instead of death penalty (Chokprajakchat et al., 2014).

According to the survey on possibility in using sentencing alternatives to death penalty in capital crimes carrying death penalty, it was revealed that the overall aspect indicated high possibility. The alternative with the highest agreement is life imprisonment without parole. This underlines that the participants undergoing in-depth interviews and the informants surveyed hold similar attitude: using life imprisonment instead of death penalty. However, the researcher suggests that life imprisonment will more or less affect the prisons on crowdedness, buildings and venues, food expenses, and prisoners' security. This requires a large amount of budget. Other alternatives should be executed, i.e., use of electronic monitoring devices after early release. In addition, there must be further measures toward incapacitation, i.e., asset confiscation of important drug dealers in order for them not to have capital to recommit the crimes. However, that does not mean to proceed complete confiscation, for such a confiscation can severely affect the chained behavior therapy programs, i.e., professional trainings prior to early release so that these individuals can live their lives, etc. This is not the elimination of living opportunities, but the ones to recommit the crimes, i.e., those who committed the robbery of Buddha images are prohibited to enter any Buddhist religious venues, or those who committed sexual intercourse with juveniles are ordered to stay away from any juveniles more than 5 meters.

Conclusion

Nowadays, 140 countries across the globe have abolished death penalty, while 56 nations still retain it. Most of the abolitionist countries embrace principles and practices of the Universal Declaration of Human Rights 1948 on article 3 “All humans have life right, individual freedom and security” and the International Covenant on Civil and Political Rights: ICCPR on article 6 “All humans have life right since they were born. Such a right must be protected by law. Individuals must not be killed arbitrarily.” The findings of this study suggested that there should still be death penalty in crimes of capital murder, i.e., the king's assassination, the assassination of the queen, crown prince or regents. The purpose of such a punishment retention is to apprehend those with the will to do so, especially the recidivists, despite opportunities, who still reoffend others. The punishment is hence can terminally prevent those individuals to do so.

Nevertheless, recidivism of the same crimes must be considered whether the convicted have mental disorder, which require treatment. According to the rehabilitation principles, criminal behaviors are considered as an illness's symptoms. Individuals with such symptoms must undergo treatment. The principles hold that the illness can be treated psychologically, medically, therapeutically with counseling toward living, self-respect, training, moral development, professional training. Normally, such punishment measures are aimed at the convicted juveniles and adults who have committed a crime for the first time. These principles, on the other hand, do not agree to be applied with recidivists. Nowadays, the measures are applied with drug addicts, for drug addiction is regarded as a mental disease. Currently, the researcher foresees that these can also be applied with recidivists.

Sentencing alternatives to death penalty that can oppress crimes must be measures that do not allow the convicted to harm others, i.e., life imprisonment. However, Thailand must first be ready in terms of venues to imprison these individuals. In addition, this also require a large amount of budget for management. Some may not agree with the idea because these individuals never procure benefits for the society. Hence, other alternatives requiring less budget for administration should be executed. This is consistent with the findings of Jitsawang (2018), suggesting that death penalty is not the only alternative to oppress opportunities of people in committing capital crimes, for there are sentencing alternatives to death penalty, i.e., life imprisonment, fix jail-term imprisonment. Those who are convicted with death penalty cannot be offered parole until they hold incapacity in committing crimes or harming the society. The fix jail-term imprisonment is as effective as the death penalty in suppressing opportunities in committing crimes among those with adverse nature. The research has summarized 4 sentencing alternatives to death penalty, used internationally as follows

- 1) life imprisonment without parole, used in Belgium, Switzerland, Argentina, Ecuador, Norway, Sweden, Denmark, the Netherland, Austria, New Zealand, Germany, and the USA

- 2) life imprisonment and use of technological tools, used in 1) the UK – the use of technological tools is employed to prevent future crimes and suppress opportunities of such individuals to recommit

crimes – 2) France, employing the combination of life imprisonment and electronic monitoring devices for those with early release. Regarding the latter, this measure is in line with that of the UK.

3) life imprisonment with fix jail-term of life imprisonment with a fix 20-year (or more) jail term for social security, used by Canada which imprison murder convicted for 25 years, the Philippines, replacing death penalty with Reclusio Perpetua without parole. That is, the convicted will be imprisoned from 20 years to one day before the 40-year jail term. It is because 40 years is the maximum jail term for the convicted to be released.

4) cancellation of death penalty without no other alternatives, used by Cambodia, annulling such punishment due to the genocide of the powerful nations at that time. This is for these nations to avoid juristic process related to the genocide. Hence, when there is the new Constitute, the death penalty is abolished (Chokprajakchat et al., 2014).

It can be stated according to the finding that the replacement or abolishment of death penalty must have supporting measures, due to the limited space of prisons in Thailand while the number of inmates increases. Issues to be considered prior to the abolishment of death penalty are as follows

1) the Regulations of Ministry of Justice on Criteria and Characteristic Differentiation of Inmates and Separation;

2) the prisoners who was convicted with life imprisonment in the final judgment shall be able to write petition to revoke or reduce the jail term. However, these inmates must be sentenced for at least 10 years and after that require another 5-year term in order to be eligible for the rights. That is, they must serve at least 15 years in prisons, prior to be released earlier according to the law;

3) the petition toward the revocation or reducing jail terms based on the Criminal Procedure Code and the Penitentiary Act B.E. 2560 on article 52 Any convicts who display good conducts, industriousness toward the progress of education and work or procurement of benefits of government activities may have the rights toward either rewards.

On the one hand, the consideration whether there are conflicts between related laws, or there should be a revision in order to be consistent with the enforcement, the investigation toward the related organizations' structures may be required, for these underlines whether such organizations have supporting measures toward the abolishment of death penalty on each crime. This is to allow the process to run smoothly and effectively.

Suggestions

1. Suggestions toward policies

1) There should be consideration on laws related to therapy for the convicts with life imprisonment without parole. It is because humans deserve their rights according to the Constitute,

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despite their inmate status. The laws related to the early release are the Penitentiary Act B.E. 2560 and the Royal Decree of Grace according to the Criminal Procedure Code on article 261. In the clauses (5) and (7) of article 52 of the Penitentiary Act, it is stated that the convicts after 10-year jail term with good conducts in the prison may benefit from the reduction of their jail-term by 5 days per month or from parole. If allowed under parole, they will be released earlier than stated in the judgment with certain conditions to be followed outside prisons. For example, they must be present as stipulated, and must not reoffend any crimes. This means that the convicts with life imprisonment may be granted freedom after serving 10 years or more in jail. Hence, the consideration toward related laws should be executed.

2) There should be consideration toward the use of life imprisonment without parole for prisoners with the acceptable charges: robbery of small Buddha image, Buddha image, or other religious objects that are worshipped by people or at temples or religious venues, resulting in the death of others, and pillage of small Buddha image, Buddha image, or other religious objects that are worshipped by people or at temples or religious venues, resulting in the death of others. Other capital crimes should still carry death penalty.

3) There should be consideration to allow court to consider and order the parole or release inmates earlier. The first step may be carried out by allowing courts to consider release convicts with death penalty, life imprisonment, 20-year (or more) jail term. Prisoners with other charges may depend on the Department of Corrections as usual.

4) There should be consideration toward sentencing the convicts with mental health issues and general ones. If it is the case of life imprisonment without parole, the concerns are on whether the imprisonment must follow the public health guidelines, and how the convicts with mental health disorder should be taken care of/controlled. This is to prevent them to harm others after being released. It must be the appropriate control of such prisoners and consistent with the Constitution.

5) The death penalty must be abolished for the capital crime item 11) Tricks, threats, forces, or mental manipulation by any means in order for others to take drugs enlisted in Type 1 Drugs (i.e., heroin, amphetamine) and such an act committed against women or other individuals under the age of majority. There should be hence consideration of courts to use sentencing alternatives to death penalty.

6) The death penalty should be abolished for the capital crime related to chattel, physical assaults, or murder without intention or other charges related to negligence. This is to spur the change step by step and little by little. Such a change shall contribute to the sustainability in processing crimes better than the abrupt change.

2. Suggestions toward practices

1) The criteria toward the jail term reduction and toward the prisoners' early release should be formulated in Thailand. This can be considered by the good conducts in prisons along with the remaining jail term. The individual assessments must be carried out. It should be processed practically, not conceptually. It is because prisoners are threats to the security of society. Early release contributes to more harms in community. If the individual assessments are proceeded seriously by comprehensive aspect assessment including psychological aspect, professional aspect, family aspect, education aspect, physical aspect, and social welfare incorporated with the consideration of courts, this can differentiate the convicts and assess their mental aspects concretely and trustfully. However, the convicts with serious capital offenses, i.e., murders, rapists, or aggressive individuals must be considered under serious assessment before the release and must be proceeded individually.

2) The Hospital of the Department of Corrections should be assigned to control, take care, and provide therapeutic cares to the convicted with mental health issues. These prisoners commit crimes because of the mental disorders. They could harm both themselves and others. If they are released to the society, it may contribute to increased threats. If they are retained in the prisons, they could be of difficulties and the therapeutic cares in the venues are not helpful toward their behaviors and mental health. Thus, the construction of hospitals for prisoners is the proper solution. The management should be proceeded by private sectors to allow agile and commercial administration, so that this does not contribute to financial burdens of the government.

3) If there exists the necessity to execute a convict, there must be clarifications toward the charge(s), severity, and unpardonable behaviors to the public, this is to prevent misunderstanding toward the execution and the agreement toward the support of death penalty use, and to allow the public to perceive the severity of the acts and the consequences if the government allows the convict to live. Hence, the positive systemic announcement will contribute to the increased confidence toward the fact that there does not have to be death penalty for all capital crimes, and toward how executing such a convict is appropriate. This is to enhance positive attitude toward the death penalty.

4) In case where it is appropriate to use life imprisonment, there should be a relief for the prisoners with good conducts to be able to live outside prisons for 3 or 6 months. This is to relieve their stress and to allow them to stay with their families. This should be in this case the stipulation of distance and itinerary in order for the prisoners not to go abroad or other prohibited venues, to prevent temptation and escape.

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