

**Constitutional Court Ruling No. 24/2567 (2024)**

Narathiwat Provincial Court

Applicant

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Respondent

Constitution, section 26 paragraph one; section 28 paragraph one and paragraph two; section 29 paragraph one, paragraph two, and paragraph three; section 32; section 38; and section 40 paragraph one and paragraph two

Act on Measures to Prevent Recidivism of Sexual or Violent Offences, B.E. 2565 (2022), section 3, section 5, section 22 to section 27, section 28 to section 36, and section 37 to section 41.

Section 22 to section 27 of the Act on Measures to prevent Recidivism of Sexual or Violent Offences, B.E. 2565 (2022), established surveillance measures for prisoners after the completion of their prison sentence. These provisions aimed to ensure public safety and to prevent society and victims from sexual offences or other relating to any violence that may cause harm to society at large.

Such measures were consistent with the principle of proportionality, did not violate the rule of law, and did not impose undue burdens or excessive restrictions on individual rights or liberties. They did not infringe upon human dignity and constitute restrictions on rights and liberties aligned with constitutional requirements. These provisions did not impose criminal penalties, nor did they presume guilt of prisoners. Furthermore, they did not grant officials the authority to detain or hold in custody individuals. Therefore, they were not contrary to or inconsistent with section 26 paragraph one; section 28 paragraph one and paragraph two; section 29 paragraph one, paragraph two, and paragraph three; section 32; section 38; and section 40, paragraph one and paragraph two.

In addition, section 28 to section 36 and section 37 to section 41 of the Act on Measures to Prevent Recidivism of Sexual or Violent Offences, B.E. 2565 (2022), prescribed post-release detention measures and emergency detention, which were final measures imposed by the court to prevent society and victims from the risk of possible sexual offences or other relating to any violence. These provisions served the objective of preventing recidivism for public safety. They adhered to the principle of proportionality, did not violate the rule of law, did not impose undue burdens or excessive restrictions on individual rights or liberties, and did not infringe upon human dignity. The restrictions they imposed aligned with constitutional requirements

These provisions did not constitute criminal penalties, nor did they treat individuals as though they were guilty of a criminal offence. They did not authorise unnecessary detention or custody of accused persons or defendants. Therefore, they were not contrary to or inconsistent with section 26 paragraph one; section 28 paragraph one and paragraph two; section 29 paragraph one, paragraph two, and paragraph three; section 32; section 38; and section 40 paragraph one and paragraph two of the Constitution.

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