

Legal Measures for Fraud Offenses : A Case Study of Online Product Sales

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Received: March 28, 2024. Revised: October 4, 2024. Accepted: October 16, 2024.

Abstract

Currently, technology is advancing rapidly. At the same time, fraudulent groups are developing various schemes to deceive users of online merchandise trading applications. The impact on victims is limited not only financial losses to these fraudsters, but also result in victims becoming entangled in fraud cases, often finding it too late to resolve the issues, which ultimately affects their lives. Media reports indicate that young users of online merchandise trading applications are particularly vulnerable to becoming victims of such fraud.

This study aims to explore theoretical concepts and research related to the offense of fraud under Chapter 3, Section 12, of the Criminal Code, which currently categorizes fraud as a compoundable offense. The researcher seeks to identify ways to amend the Criminal Code to reclassify online merchandise trading fraud as a non-compoundable public offense. The proposed amendments include revising definitions, offenses, and penalties related to fraud, ensuring that online trading fraud is comprehensively addressed. The researcher also proposes suitable measures to address these issues effectively.

The study reveals that the legal issues concerning the offense of fraud, particularly in the context of online merchandise trading, present several legal challenges. Therefore, the researcher recommends amending Chapter 3, Section 12, of the Criminal Code regarding fraud. This amendment should include establishing precise definitions as well as revising the offenses and penalties for those involved in online trading fraud.

Keywords: Offences of Cheating and Fraud, Online Shopping, Criminal Code

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มาตรการทางกฎหมายเกี่ยวกับความผิดฐานฉ้อโกง ศึกษากรณีซื้อขายสินค้าออนไลน์

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วันรับบทความ: March 28, 2024. วันแก้ไขบทความ: October 4, 2024. วันตอบรับบทความ: October 16, 2024.

บทคัดย่อ

ในปัจจุบัน เทคโนโลยีมีการเปลี่ยนแปลงก้าวล้ำอย่างรวดเร็ว ในขณะเดียวกันกลุ่มมิจฉาชีพก็มีกลโกงต่างๆ เพื่อหลอกลวงผู้ใช้บริการแอปพลิเคชันสำหรับซื้อขายสินค้าออนไลน์มากขึ้น ซึ่งโดยผลกระทบที่จะเกิดขึ้นกับผู้เสียหายไม่ใช่เพียงแต่การสูญเสียเงินให้แก่กลุ่มมิจฉาชีพเท่านั้น แต่อาจส่งผลให้ผู้เสียหายตกเป็นเหยื่อในคดีฉ้อโกงและสายเกินกว่าที่จะแก้ไขปัญหาจนส่งผลกระทบต่อชีวิตของเหยื่อได้ในที่สุด เมื่อพิจารณาจากการเผยแพร่ข่าวสารของสื่อจะเห็นได้ว่า กลุ่มผู้เสียหายที่อาจจะตกเป็นเหยื่อได้โดยง่ายจากการหลอกลวงของกลุ่มมิจฉาชีพคือ กลุ่มผู้ใช้บริการแอปพลิเคชันสำหรับซื้อขายสินค้าออนไลน์ที่เป็นเยาวชน นั่นเอง

โดยบทความนี้มีความมุ่งหมายเพื่อศึกษาถึงแนวคิดทฤษฎี งานวิจัยที่เกี่ยวข้องกับกฎหมายความผิดฐานฉ้อโกงตามประมวลกฎหมายอาญา หมวด 3 ลักษณะ 12 ซึ่งเป็นความผิดอันยอมความได้ กฎหมายความผิดฐานฉ้อโกงนี้ ผู้วิจัยได้ค้นหาแนวทางในการปรับปรุงแก้ไขเพิ่มเติมประมวลกฎหมายอาญา เพื่อเปลี่ยนความผิดฐานฉ้อโกงการซื้อขายออนไลน์ ให้เป็นความผิดต่อแผ่นดินอันยอมความไม่ได้ ส่วนคำนิยามที่ได้กำหนดฐานความผิดและบทลงโทษ รวมถึงมาตรการต่าง ๆ ที่เกี่ยวข้องกับความผิดฐานฉ้อโกงให้เป็นความผิดครอบคลุมถึงการฉ้อโกงซื้อขายสินค้าออนไลน์ด้วย และผู้วิจัยได้เสนอแนวทางที่เหมาะสมเพื่อการแก้ไขปัญหาดังกล่าว

จากการศึกษาพบว่า ปัญหากฎหมายอาญาความผิดฐานฉ้อโกง ศึกษากรณีซื้อขายสินค้าออนไลน์นี้มีปัญหาทางกฎหมายหลายประการ ดังนั้น ผู้วิจัยเห็นควรให้มีการเพิ่มเติมประมวลกฎหมายอาญา หมวด 3 ลักษณะ 12 ความผิดฐานฉ้อโกง โดยให้มีการกำหนดคำนิยามศัพท์รวมถึงการแก้ไขเพิ่มเติมฐานความผิดและบทลงโทษของผู้กระทำความผิดเกี่ยวกับการฉ้อโกงซื้อขายสินค้าออนไลน์เป็นสำคัญ

คำสำคัญ: ความผิดฐานฉ้อโกง, ซื้อขายสินค้าออนไลน์, ประมวลกฎหมายอาญา

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Introduction

In contemporary society, the advent of the Internet and digital technology has facilitated profound transformations across the globe. This phenomenon is attributable to the extraordinary advancements witnessed in our world. Individuals across various geographical locations have the capacity to access the Internet as a matter of routine. A multitude of modalities underpin this accessibility. The online arena presents a seamless entry into the burgeoning realm of digital commerce. Technological progress continues to accelerate. Consequently, consumers are not reliant on the Internet for enhanced convenience. Over a three-year period (2019–2021), Thailand experienced significant growth in its e-commerce sector. The significance of this sector has escalated at an impressive annual rate of 40%, particularly within the e-commerce domain itself. This escalation reflects the pricing dynamics involved. Products that are characterized by lower price points are perceived to offer substantial value, especially through the promotional efforts of entrepreneurs on online platforms, which have recently proliferated in response to consumer demands and increased awareness. The phenomenon of online shopping has surged notably over the last 1–2 months of 2021, driven by the exigencies posed by the COVID–19 pandemic.

In the year 2022, the average individual in Thailand allocated approximately 7 hours and 4 minutes daily to Internet usage (Claveria, 2021). The findings derived from the survey indicate that Generation Y (individuals aged 22 to 41) demonstrates the highest frequency of Internet utilization. This demographic engages with the Internet for an average of 8 hours and 55 minutes each day. In contrast, Generation Z (individuals under the age of 22), who previously held the status of the highest Internet users in 2021, exhibited a reduction in usage that year. Generation Y dedicates 8 hours and 24 minutes daily to online activities. This generation emerges as the preeminent group of online consumers, with an impressive engagement rate of 88.36%. They surpass all other generational cohorts in this regard. Following Generation Y, Generation X accounts for 84.55%, Generation Z for 81.53%, and Baby Boomers for 74.04%. Generation Y predominantly purchases clothing, footwear, sports equipment and accessories, with these categories leading their online shopping habits. Subsequently, their second most frequent purchase category pertains to dry food.

The e-Marketplaces such as Shopee, Lazada, and JD Central (75.99%), along with Facebook (61.51%), are the predominant choices for Internet users seeking to procure products and services online. Additionally, platforms such as websites (39.70%), LINE (31.04%), Instagram (12.95%), and Twitter (3.81%) demonstrate significant popularity. The motivations for engaging in online purchasing are primarily attributed to affordability (63.10%). Furthermore, consumers are attracted by the extensive range of products available (58.73%) and the user-friendly nature of the platforms (45.81%). Special sales events, such as 11.11, 12.12, and Flash Sale (44.39%), as well as associated fees, enhance the appeal of these marketplaces. Affordable or complimentary shipping options (34.10%) effectively address the demands of e-Marketplace consumers. Shoppers are empowered to select products that offer optimal value. They have the capability to filter products based on various criteria, including ratings and pricing. Consumers can discern the products that are perceived as providing the best value. The assortment of products available is substantial. Developers have prioritized the creation of an intuitive platform. Ongoing promotions are consistently implemented, among other incentives. To incite consumer demand, which is increasingly becoming a standard across various platforms, it is imperative to engage in promotional activities such as 11.11 and 12.12. Should one wish to capitalize on potential profits, selecting retailers that provide discounts or complimentary shipping is advisable. Consequently, the salient feature of the e-Marketplace is that potential sellers may not prioritize the e-Marketplace as their primary option. This phenomenon arises due to the intense competition among products based on pricing. Additionally, there exists a plethora of similar products from which to choose. Consumers are afforded the opportunity to conduct comparisons. There are numerous competitive promotional offers. These include discounts on shipping or options for free shipping. One must thoroughly evaluate the intense competition when marketing products within the e-Marketplace (Electronic Transactions Development Agency, 2022b). At present, it is indisputable that the significance of the Internet cannot be overlooked. It has been integrated into our daily routines and has fundamentally altered our behavioral patterns.

In previous eras of the digital world, individuals utilized the Internet predominantly as a tool for information acquisition. However, in contemporary times, the Internet has undergone significant advancements and now encompasses various novel service modalities. Transactions are increasingly conducted via the Internet. The term "electronic" is frequently employed to describe this medium

(Electronic Transactions Development Agency, 2022a). There has been a substantial increase in electronic transactions. Moreover, this trend is anticipated to persist and escalate. Such developments have profound implications for both the economy and societal structures. The Internet constitutes an integral component of modern existence. It facilitates enhanced living conditions, promotes an improved quality of life, and engenders numerous opportunities. Various nations have the potential to enhance their online transaction capabilities. This enhancement is likely to elevate the quality of life for their populace through the application of digital technologies, thereby mitigating inequality. The competitive standing of a nation is evidenced by the fact that numerous countries meticulously compile and analyze statistical data. They systematically monitor the online activities of individuals within the nation. Such data is employed to conceptualize and implement governmental services. These services are intended to fulfill the requirements of the populace. This usage gathers crucial information for the regulation of platforms that facilitate online transactions. It is imperative for them to comprehend the present circumstances to anticipate future developments.

In the contemporary era, there has been a notable surge in the number of individuals utilizing the Internet. This phenomenon has concurrently resulted in a rise in cybercriminals specializing in data theft. Furthermore, various groups of fraudsters frequently engage in deception and the illicit sale of products online. The commodities under discussion pertain to apparatus utilized in quotidian activities, encompassing attire and various consumer goods. This phenomenon has become particularly pronounced in the context of the COVID-19 pandemic. The viral outbreak has rendered individuals across the globe incapable of departing from their residences. Consequently, the propensity for procuring goods through digital platforms is experiencing a notable escalation. The prevalence of cybercrime is on the rise, attributable to conditions that facilitate unlawful activities. This is further compounded by the existence of a pandemic. Thus, numerous contemporary criminal acts exhibit distinctions from those observed in prior epochs. They manifest in various modalities of offenses and levels of severity. This trend is evidenced by the escalating gravity and diversity of criminal activities within Thai society. Such developments compel Thai society to undergo a process of adaptation in response to these transformations. They are transitioning from agrarian environments to metropolitan regions. Society must confront the escalating risk of criminal activities and property infringements. These incidents transpire annually, and the government is compelled to allocate a substantial budget towards defense

mechanisms. This necessity arises as Thailand embarks on a paradigm shift into a new normal. Contemporary Thai consumers are increasingly inclined to procure goods via online platforms. This trend persists despite media reports highlighting fraudulent activities. Nonetheless, engagement in online commerce has not diminished. A significant number of consumers remain oblivious to or have not been educated about this issue. Consequently, this may result in a deficiency of awareness regarding this peril or an understanding of its implications. However, it is imperative to cultivate a willingness to navigate the associated risks. Online shopping fraud in present-day Thai society is anticipated to escalate further.

It can be asserted that contemporary technology has reached a significant level of advancement. This advancement facilitates convenience for individuals within both Thai and global societies. For instance, the acquisition of goods via online platforms exemplifies a positive facet of society in the current epoch. However, it is imperative to acknowledge that the detrimental aspects of society in the present age persist as well. In the context of online shopping in the contemporary period, a prevalent negative consequence that emerges is the occurrence of online fraud. The practice of purchasing products online remains relatively nascent. This nascence engenders vulnerabilities that malefactors can exploit. Such individuals perpetrate deceit against consumers like us. It is conceivable that online shopping fraud is experiencing an upward trajectory in prevalence during the present day (jazz ordinaryday, 2023). The consequence of this phenomenon is a diminishment in societal security and safety. The Thai Criminal Code categorizes fraud under Title 12, Section 3. Upon scrutinizing the classification based on the aforementioned categories, it becomes evident that the category pertaining to offenses against property warrants particular attention (Office of Justice Affairs, 2020). The perpetration of crimes against property that transpires and persists within society is classified as Category 3. This category exhibits a propensity for annual escalation and may lead to the forfeiture of both lives and property for individuals within the community. Consequently, the actions associated with property crimes delineated in Title 12, Section 3, qualify as a fraud offense. This constitutes a primary factor contributing to societal issues and undermining the tranquility and safety of individuals in the community. The escalating incidence of property-related offenses delineated in Title 12, Section 3, signifies the paramount importance of fraud offenses within the context of this research endeavor. This significance arises from the necessity to investigate the underlying causes and contributing factors.

Offenses categorized under Title 12, Section 3, which pertain to fraudulent activities, are intrinsically connected to this inquiry. Such offenses have exhibited an upward trajectory.

This research integrates the foundational concepts and theoretical frameworks of criminology. The objective is to elucidate and comprehend the causative elements or determinants associated with the behavioral patterns and origins of the issue at hand. The focus is specifically on property offenses articulated in Title 12, Section 3, concerning fraudulent activities. This encompasses the utilization of empirical research findings as a basis for informed decision-making. The ultimate aim is to identify strategies to mitigate and address the pervasive issues of misconduct within the societal context.

Review of Related Literature and Theories

1. Theories and concepts about E-Commerce business

E-Commerce is an abbreviation for Electronic Commerce. It encompasses the processes of purchasing, selling, or exchanging goods and services via the Internet. The utilization of websites or applications to showcase a diverse array of products and services, alongside facilitating interactions between consumers and vendors, enable individuals to access these services from any location within any country or region across the globe, operating 24 hours a day. E-Commerce comprises a subset of electronic transactions, which possess a broader scope. By this, we refer to electronic or online transactions that occur between business entities, individuals, governmental bodies, and various organizations. In the context of commerce, it pertains to trade and governmental interactions facilitated through electronic means. This encompasses the online purchase and sale of goods, as well as the processes of applying for memberships and entering into agreements via the network. Furthermore, it involves the electronic transfer of funds through automated systems. Similarly, it includes the transmission and reception of data over networks and the acquisition of information through online systems (Electronic Transactions Development Agency, 2020).

Business type e-commerce (Fillgoods, 2021)

1. B2C (Business to Consumer) enterprises represent a commercial transaction model where entrepreneurs engage in the sale of goods and services directly to consumers, encompassing a diverse range of products including apparel, food items, and various other commodities.

2. The B2B commerce model (Business to Business) encompasses transactions conducted between enterprises, such as the wholesale distribution of products from manufacturing facilities to retail establishments for eventual consumer purchase, among other activities.
3. B2G commerce (Business to Government) pertains to transactions that occur between entrepreneurs and governmental entities. This interaction primarily encompasses the procurement of essential goods for utilization within the agency through online platforms, among other means.
4. C2C commerce (Consumer to Consumer) refers to the commercial transactions that occur between individual consumers. This model encompasses activities such as the exchange of pre-owned goods and services.
5. G2C commerce (Government to Consumer) refers to the transactions conducted by governmental entities with the general populace, exemplified by the utilization of diverse governmental services via digital platforms. This encompasses activities such as tax remittance and the registration of commercial enterprises.
6. The G2G business model encompasses transactions occurring between governmental entities and the public sector, which involves the establishment of agreements or the initial exchange of information via digital platforms, among other methods.

2. Theories and concepts about online shopping behavior

Kotler (1997) postulated that the examination of consumer behavior constitutes a form of empirical research. This inquiry pertains to the patterns associated with purchasing and utilization behaviors. The primary objective is to elucidate the intrinsic nature of consumer requirements. The insights garnered from this analysis will facilitate the formulation of marketing strategies. Such strategies are designed to enhance consumer satisfaction as elaborated by the following questions:

- 2.1 Who is in the target market?
- 2.2 What do consumers buy?
- 2.3 Why do consumers buy?
- 2.4 Who is involved in making decisions?
- 2.5 How do consumers buy?

2.6 When do consumers purchase?

2.7 Where do consumers purchase?

3. Theories and concepts about consumer behavior

3.1 Consumer behavior

Researchers root the study of consumer behavior in the purchasing behavior of consumers. It represents three different roles: user, payer, and buyer. Consumer behavior is difficult to predict even by experts in that field. Nevertheless, relationship marketing is very valuable. It is one of the most influential areas for analyzing consumer behavior. Its unique focus is on reviving the true meaning of marketing. Businesses have given one-to-one marketing more importance. They did this by acknowledging the importance of customers, consumer treatment, and personalization. One can classify prosocial functioning as social choice and welfare functioning.

Consumer behavior significantly influences the success of businesses. Consequently, an examination of consumer behavior will enable the formulation of effective marketing strategies. Such strategies foster consumer satisfaction and enhance the capacity to identify viable solutions. The purchasing behavior of consumers within society is more precisely defined. This behavior aligns more consistently with the ability of businesses to adapt. It will contribute to market development and the enhancement of superior products. An informed consumer must possess established criteria for the selection of products and services. They must be cognizant of the tactics and deceptions employed by sellers. Furthermore, they must be equipped to safeguard their rights. Acquiring the skills to be a judicious consumer will empower individuals to concentrate on expenditure alternatives. Additionally, individuals will become aware of the standards for selecting and utilizing products and services (Armstrong, 1991).

3.2 Consumer buying decision process

It is the process of making a detailed consumer decision to buy a product or service. It covers the first point until the end. This will help consumers plan, from the production of products or services. Marketing planning extends from the initial process to attracting sales activities (Nukulsoomprattana, 2021).

4. Theories and concepts about repeat purchases via online media

Decision making is the process of deciding whether to do something based on the available alternatives. Consumers are constantly confronted with the choice of choosing between different products and services. They choose products or services based on the information and constraints of the situation. Decision making is therefore an important process and resides within the minds of consumers (Samerjai, 2007).

The decision-making process (Buying Decision Process) is the sequence of steps in consumer decision-making with a 5-step sequence of the process, as follows:

4.1 Problem or Need Recognition

4.2 Search for Information

4.3 Evaluation of Alternative

4.4 Decision Making

4.5 Post purchase Behavior

5. Concepts about legal ethics

Criminal law is the law that specifies offenses and punishments. But to prescribe that action, or refraining from any act that would be a crime, has reasons in that society. When reading the law, one can see which actions are offenses and their punishments. But readers cannot see certain hidden things by reading the various offenses. In the law, one must analyze and extract it. The term for this is "Rechtsgüter".

Rechtsgüter Remembering the scenes that the law does not have knowledge of is valuable. As illustrated by the preceding information, for example, having insurance is important. But of the rest of the law and its merits, the system shapes abstract ideas. The chapter collects information from each legal base. It must collect information, not objects that are only shapes or people. So one's business should note the value of living together as a source of wrongdoing (Thai Criminal Code B.E. 2499, 1956).

5.1 Renunciation of legal virtue

Legal morality constitutes a principle that safeguards the interests of both the state and its citizens. When an act constitutes a transgression against personal legal morality, it is deemed an offense. Legal morality occupies a significant role within the legal framework. The aggrieved individual may forfeit their rights or interests.

5.2 The law and non-compoundable offenses

A non-compoundable offence constitutes a criminal act. When perpetrated, it inflicts harm upon the aggrieved individual. Furthermore, it detrimentally affects the broader community. Consequently, it is imperative for the state to initiate measures aimed at holding the offender accountable. This action is warranted even in instances where the injured party expresses a desire to refrain from legal action against the offender. Such interventions serve to safeguard the interests of society at large (Atiwat Law Office Chorpuek and Athiwat Law Firm Company Limited, 2020). Certain offenses are non-negotiable. They constitute violations against the nation and its governing bodies. The preservation of public interest is paramount and cannot be subject to compromise. In the pursuit of legal action, even in instances where the aggrieved party no longer wishes to initiate a lawsuit, the prosecution must proceed. Upon the lodging of a complaint, the complainant is precluded from compromising or retracting their statements. It is imperative that the authorities continue to pursue such cases. Should the victim refrain from acting and filing a formal complaint, there remains no authority capable of halting the prosecution. The continuation of legal proceedings is essential. Consequently, the case cannot be suspended, owing to the victim's reluctance to engage in the judicial process.

5.3 Law and compoundable offences

Compoundable offences represent a specific category of legal transgressions. The perpetration of such an offence results in immediate detriment solely to the aggrieved individual. This type of crime exerts negligible influence on the broader societal framework. Consequently, should the victim elect to cease legal proceedings or refrain from pursuing the offender, the state is relieved of its obligation to intervene and initiate prosecution against the wrongdoer. Furthermore, historically, the Thai penal code articulated the definition of "Personal offenses" in Section 6 (7). This section delineates that "Personal offenses" encompass all infractions for which the judicial system may entertain the prospect of instituting

criminal charges. It is imperative that the aggrieved party personally lodge a complaint and request a formal reprimand to facilitate the initiation of such charges (Na Nakhon, 2008).

The aforementioned offense shall be regarded as one in which the affected individual or the particular victim incurs greater harm than the state itself. It is prudent to permit the victims to determine the extent to which they wish to pursue legal action against the offenders. In instances where the victim opts not to initiate prosecution, it remains feasible for them to arrive at an amicable resolution (Wachanasawat, 2006).

6. Punishment concept

Punishment constitutes the intrinsic cultural framework of each nation–state. Every sovereign entity employs distinct methodologies. These approaches are influenced by their respective cultural contexts, belief systems, religious doctrines, and societal regulations. This represents the conclusive phase of the judicial process. It administers consequences to transgressors in accordance with the adjudication rendered by the court. The principal obligation of the Department of Corrections pertains to the imposition of punishment. However, society extricates individuals from this system through punitive measures, such as incarceration. The objective is to penalize and rehabilitate the individual. Alternative measures, such as probation, serve as viable replacements for custodial sentences. This option functions as a legitimate substitute for confinement. It also facilitates the rehabilitation of offenders. This process occurs concurrently with the imposition of punishment. Therefore, it is imperative to first comprehend the underlying concepts and theoretical frameworks that elucidate the rationale behind punitive measures (Saengsook & Rattanawaraha, 2015).

7. Offenses of property

7.1 Offenses

According to criminal law, act means the movement or non–movement of the body under the mind's control. In legal terms, people call this conscious movement. Action, thus, does not mean only the movement of the body or the inactivity of the body. However, it also implies that the mind is responsible for controlling the body's movement or inaction. Thus, the body movement of a sleepwalker is not an action. Hypnotized people and those who spasm due to the spinal cord also fall into this category. Reflex Action is the term used for these. Also included are the symptoms of epilepsy, or the movement of a baby's body (Phongthum, 2013).

1. Positive action entails the cognitive faculties of the mind governing the physical body to manifest a behavior via movement. This process may be undertaken independently or with the assistance of other individuals. Such occurrences may transpire under two distinct scenarios: 1. Direct action refers to the individual's own deliberate actions. This encompasses activities such as discharging a firearm or utilizing a blade to inflict harm, among others. These actions are executed through a process of cognition, deliberation, and subsequent enactment. Furthermore, in the realm of direct action, the perpetrator may not necessarily engage in every procedural step. Rather, they may depend upon another individual to fulfill their intentions, in circumstances where the latter lacks cognitive engagement. This may involve consenting to perform actions, such as inducing hypnosis on another individual, or employing coercive measures to intimidate others, among various other possibilities. 2. In certain instances, the perpetrator may not have directly engaged in criminal activity themselves. This situation arises due to the employment of indirect actions. Instead, they may have utilized individuals who do not bear legal responsibility as instruments to perpetrate criminal acts (innocent agents). An illustrative example of this would be the exploitation of minors, who have not yet attained the legal age of responsibility, to implicate them in wrongful actions.

2. Negative action is characterized by the absence of physical movement. This concept can be categorized into two distinct cases: 1. omission to act. One must contemplate the responsibilities that an individual is obligated to fulfill in order to avert such an outcome. The examination must adhere to the following two criteria. The individual must reflect upon their responsibilities in that scenario. Alternatively, does this obligation extend beyond merely legal responsibilities? Rather, it is a duty undertaken to mitigate adverse consequences. These duties are consistent with the individual's inherent characteristics and contextual circumstances. Furthermore, they are interconnected with the individual's other social relationships. 2. Actions by omission This represents a negative action, signifying yet another form of action that occurs without physical movement. This situation arises from legal stipulations mandating individuals to undertake certain actions as delineated by legislation. The act of refraining from such actions is deemed objectionable (Phongthum, 2013).

Offending behavior pertains to the conduct of individuals within a societal framework. It manifests in both active and passive forms. Possessing an intention to engage in behavior, coupled with the resolution to act upon that intention, necessitates adherence to the formulated decision. Such actions

contravene the established norms and legal statutes of society. Consequently, it disrupts the tranquility and order essential for communal well-being.

8. Thai Criminal Code on Property Offenses, Title 12, Section 3 Fraud Offenses

8.1 Fraud bases

Section 341 Anyone who tells falsehoods to others ought to be exposed. They accomplish this by displaying or concealing inaccurate information. They take this action in order to obtain property from the individual who was duped or from a third party. They also result in the loss of rights for the deceived party or third party. That individual is guilty of fraud. They face a maximum sentence of three years in prison. Alternatively, they could be fined up to 60,000 baht. They might receive both.

Section 342 If in the offense of fraud, the perpetrator

- (1) Pretends to be another person, or
- (2) The deceit relies on the child's mind. Or, it relies on the mind's weakness.

The authorities must punish the offender. The penalty is up to three years in prison or a fine of up to 100,000 baht. They may receive both. (Thai Criminal Code B.E. 2499 [1956]).

Fraud means deceiving and taking (property). Deceiving others by lying or, hiding the truth is wrong. People do it to steal or to make others do, take, or ruin.

Property refers to both tangible and intangible items that have value and are owned, such as money, houses, elephants, cows, cars, copyrights, and documents of rights.

Fraud requires intent to deceive from the beginning. But if you deceive after taking the property, we will not consider it a fraudulent offense.

You must base deceptive "false statements" only on past/present events. If the deceiver makes "commitments" or "promises" about future actions, but then, if we confirm that the current facts are not as stated by the deceiver, they are guilty of fraud.

Fraud is an offense. According to the Thai Criminal Code, Title 12, Section 3, it has these elements (Thai Criminal Code B.E. 2499 [1956]).

External components

1. Who? (Who did it?)

2. Deceive others (Action)

2.1 By showing false information

Deception by misrepresenting information Refers to stating facts or confirming facts. They have distorted since their presentation. They must be past or present facts. So, predictions and facts that predict the future can't be false.

2.2 Concealing the true message which should be communicated

Deception by concealing the true message that should be communicated It refers to an action a person must report to prevent consequences. But they refrain from doing so. This is according to the Thai Criminal Code, Section 59, last paragraph, which may be a legal duty. Duties under a contract or arising from previous actions:

3. Others (action)

4. Causation (effect of action)

4.1 Obtained property from the deceived person or a third party.

This offense is the protection of property. It includes both physical and non-physical objects with a price. People can own them, such as stocks or ideas. If you do not get the property, it is not an offense.

4.2 Causing the defrauded person or third party to withdraw or destroy the rights document.

Internal elements

1. Intention (Ordinary intent) That is, do it with awareness of the action and at the same time the doer desires the result. or could see the results of that action

2. Corrupt intent (Special intent) That is, to find benefits that should not be legitimate for oneself or others.

For corrupt intent the perpetrator must have dishonest intent. This may be an act of seeking undue benefit for others. It is unclear if this benefit relates to property.

8.1.1 Fraud and theft using deception

Committing fraud requires much deception. It makes someone believe and consent to hand over their property. Stealing property without consent or under duress forms trick theft. Or even if he handed it over because it was cheap. Deceit is only giving possession, not giving ownership rights.

8.1.2 Fraud happens when the deceived person believes and gives the property. It doesn't matter if the offense is complete. The victim need not believe the deception. Other reasons can prompt giving the property. For example, to plan an arrest, which is not a direct result of deception. It's trying, or even if you've believed it but haven't given the property away, that's also trying.

8.1.3 Serious crimes that require harsher punishment under Section 342:

(1) Pretending to be someone else means the same as impersonating someone else. It is showing oneself as a different person. Or, showing a blurred document with another person's name. The lender believes that the defendant is the other person on the document. So, they lend the money or use a fake credit card to buy goods. Then they sign the slip as someone else. But it is wrong to deceive others about their position. The offender must know the facts. Thai Criminal Code mandates this in its last paragraph of Section 62.

(2) Based on the age criteria of the child, the child. This is because Thai Criminal Code has provisions for different ages. Section 74 sets the age at 15, and Section 293 sets it at 16. We should see this as the greatest age. "Weakness of the mind" includes the two defendants. The plaintiff's children and grandchildren already knew that the plaintiff had dementia. They knew she needed regular medical treatment. They conspired to deceive the plaintiff. They did this by relying on the plaintiff's weakness. It made them register the transfer of land to the first defendant. It is an offense under Section 342 (2) in conjunction with Section 83. Or, the victim is mentally ill.

8.2 Bases for defrauding people

Section 343 Authorities should inform the public if someone has lied or concealed the truth. This was in connection with the offense under Section 341. Authorities will punish criminals. They face up to five years in prison or a fine of up to 100,000 baht, or both.

The offense must also be as described in Section 342, any subsection. The authorities will punish the offender with imprisonment. It will last from 6 months to 7 years. They will also get a fine. It will range from 10,000 to 100,000 baht.

“Populace” It refers to the public. Whether deceiving many or few victims remains true. But many people consider that the intention is to tell a lie or hide the truth. This truth is important.

Even if only one person commits it, this offense can occur. For example, the defendant deceived the victim. They also tricked others in many provinces into applying for work abroad. By making sure there is work to do and that you will do it. As a result, scammers trick victims into applying and paying money. But the defendant was unable to send him to work and refused to return the money to the victim. It is a fraud on the public.

Certain perpetrators have passed false information to victims. When the next victim heard the news and came to question the defendant, the defendant confirmed the false statement. They had the victim contact the flat every time. It is the office of the defendant and his group. Even if there is no job announcement, the action is a fraud on the public.

However, if there is no advertising, but it is a matter that the victims themselves know about. It is not considered an offense under this section.

Serious incident

The second paragraph covers cases. In these, the traits of Section 342 must cause higher punishment.

When defrauding the public under Section 343, this is the only part of Chapter 3 that one cannot break. This is according to Section 348.

8.3 Bases of persuasion to take advantage of others

Section 346 Whoever takes another person's property as his or her own or a third party. Inducing anyone to sell property at a disadvantage. This is because the influenced person has a weak mind or is ignorant. They can't understand their actions. The authorities can punish the person who is being persuaded to sell the property. The punishment is imprisonment for up to 2 years or a fine of up to 40,000 baht, or both.

Actions under this section are only persuasive. It is not necessary to deceive. As for the word "sell" it means transfer of ownership.

This section is different from Section 342. It is not about having a weak mind or being a mentally deficient child. But it must also state that the influenced person cannot understand their actions.

8.4 Deceptive sales

Section 271 Whoever sells goods deceptively in any way, causing the buyer to falsely believe in the origin, condition, quality or quantity of the goods. If the act is not a fraud offense, it is subject to imprisonment that is not more than 3 years, or a fine that is not more than 60,000 baht, or both.

The research for this study has revealed that online shopping fraud is a component of the crime of selling things deceptively. Section 271 of Thai Criminal Code still lacks clarity about the offenses and punishments for fraud when buying and selling goods online. Therefore, it is considered appropriate to include the offense of fraud in buying and selling goods online. It is also an offense to sell goods deceptively and according to Section 341 of Thai Criminal Code, which is a general fraud offense. It does not cover the offense of fraud in buying and selling goods online.

Objectives

1. To study Chapter 3 covering the criminal law pertaining to property crimes. They are offenses related to fraud. When purchasing and selling goods online.

2. To study Chapter 3 covering the causes for committing crimes. These crimes are in criminal law and related to property. It also covers fraud offenses. In the case of buying and selling products online.

3. To study ways to deter and penalize property crimes. Thai criminal law's Chapter 3 lists several offenses. They are offenses related to fraud. When purchasing and selling goods online.

Hypothesis

At present, there are many offenses of fraud through online media. Because it is convenient and fast to use the Internet through various online systems. The victims do not have to spend time going out to buy the things they want at stores. There is a wide selection of almost everything they want. Online fraud is a big problem. It harms people. Knowing the problem and how to deal with online fraud is important. This is for citizens who use online media. So before deciding to buy what you want online, consumers should consider it. Considering how reliable the desired online media is to prevent fraud.

Term definitions

Offense Refers to actions that most often have a disruptive effect on peace and order. Good morals of the people and society. It goes against the norms and laws of that society. To act, one must move and think as one decided. One must act as one decided in both body and mind.

Property The Civil and Commercial Code, Section 137, defines property. It means an object with a shape.

Asset According to the Civil and Commercial Code, Section 138, property means things. One may take these things for granted without considering their price.

Property offenses General criteria can divide property offenses. According to the Thai Criminal Code, property crimes fit into 8 categories. Category 1 is theft and snatching. Category 2: Extortion, extortion, robbery, and robbery. Category 3: Fraud. Category 4: Cheating creditors. Category 5: Embezzlement. Category 6: Receiving stolen property. Category 7: Counts of causing damage to property. And Category 8: Counts of trespassing.

Misdemeanor behavior related to property It refers to an expression of a person's actions. They are contrary to the laws about property crimes. In this research, the scope is on the issue of fraud.

Crime Refers to an offense that violates the rules. Criminal laws enacted by the government and affecting the peace and order of society. (legal framework)

Scope of Study

Study the factors related to behavior. Study the causes of Category 3 property offenses, Fraud, Sections 341–348. Study various forms of fraud offenses. Now, they must study both the laws and guidelines for fraud in foreign countries.

Research methods

Problems in determining punishment under criminal law about property for fraud crimes. This is a case study of online product fraud. The researcher chose a qualitative format, case study type. The following research method topics divide it.

1. Research format

Qualitative Research: There is a study information from documents. This includes books, news, and crime stats about property. It is a type of case study. It involves property crimes. It is a tool for collecting real data.

2. Collection of information

Primary Data: Collect "Key Information" by researching books, research, and academic documents. Also look at websites.

3. Data Analysis

The researcher used the information from the study. They used the content analysis method. They used statistics and news about property crimes involving fraud. The criminal code has legal provisions. They relate to criminological theory and research. The researcher will analyze the data on them. The researchers present the research results in a descriptive manner.

Analysis

Public law characterizes criminal law as addressing offenses and criminal penalties. It describes the private sector's relationship with the state. Some individuals committed offenses against the private sector, causing harm and damage. The offense is also known to have an impact on the public as a whole. To the extent that the state has to take action to prevent and suppress itself. Without having anyone come and complain. Certain types of offenses, except for those called compromisable offenses. The victim's personal reasons form the basis of these offenses. The state should step in to act only when the injured private sector files a complaint first. The law must state in writing any action that forms a criminal offense. As for future actions, there is no retroactive effect. It can't punish actions that occurred before the law made the offense. Committing a crime affects the peace and order of the whole community. It is an offense against the state, which handles the community's security. It is a local matter. Each state decides. A state acts only for offenses within its territory. Except in special cases. Even if an action occurs outside the territory, it is still seen to affect its security or peace. The state has the right to act in such cases (Tingsapat, 2003).

At present, there are many offenses of fraud through online media. Because it is convenient and fast to use the internet through various online systems. The victims do not have to spend time going to stores to buy the things they need. There is a wide selection of almost every type of thing

they want. Fraud online is a big problem. It has a huge impact on people in society. Knowing about the problem and how to deal with online fraud is important. It's important for citizens who use online media. So, think before buying what you want online. Considering how reliable the desired online media is to prevent fraud.

Also, when choosing what you want online, it is best to shop through a trusted website. The car has been in service for quite some time. It has electronic commerce registration. The public can check the registration information from the Department of Business Development. It will be more secure. You can also check the website. You will see certification marks from government agencies. You can also observe comments about the product or store. This will be another way to build confidence for the victims. Yet, no matter how the person buys, the victim must collect evidence. Authorities have ordered or bought it as evidence in civil and criminal cases. This happens if fraud occurs.

From the research, it was found that foreign laws are always changing. They change so they can work in modern situations. This relates to the offense of fraud. It's about the criteria for punishing online fraud. This is according to both foreign and Thai law.

Benefits expected from the study

1. Understand the factors related to behavior. They cause property crimes in cases of fraud. In the case of buying and selling products online.
2. Know the differences in factors related to behavior and causes of property fraud. They differ between perpetrators and the general public. In the case of buying and selling products online.
3. The research can help prevent and address the bad behavior of fraud cases involving property crimes. In the case of buying and selling products online that can affect the peace and order of society.

Conclusion and Discussion

Conclusion

Now, technology has advanced. It has brought more and more conveniences to daily life. and the Internet is one of them. And the Internet has become another factor that we use in our daily lives, such as using it as a communication tool. Internet users search for things like pictures, textbooks, and books to boost knowledge. Another key benefit is entering the Internet world in commerce. They do things like buying and selling products, providing services, and giving advice. They do this through online

channels, including transferring money to pay. They have already entered into a contract. So the "law" needed to keep up with technology is what is necessary.

The law so has a relationship related to electronic commerce transactions. This is a new trade channel. Electronic channels handle the transactions. That is the name of this type of product trading system. Many countries pass laws to support online commerce. They want to cover as many transactions as possible, which will build confidence for those who do business online as well as bring economic benefits to the nation.

Thailand currently does not have laws or penalties for online product sales. Before the development of online buying and selling technology, someone enacted it. It applies to general laws, such as the Civil and Commercial Code about buying and selling. These laws cover consumer protection. They cannot apply to e-commerce. Buying and selling goods online has different steps from traditional trade. Thus, consumers have to bear more burden and risk.

Fraud under the Criminal Code is a property crime. It happens often and hurts people. It is a type of crime. It is deceitful without threats. It harms or causes fear. It is an offense in the Criminal Code related to property. It is in the 12th category, Category 3, in Sections 341-348. This category has 6 offenses. Except for Section 343 about public fraud, individuals can compromise this offense.

In the case of this study, it is about "online fraud" in the case of buying and selling goods online. Currently, social conditions and the way of life of people in that society have changed a lot. There are many things. Come to ease more and more daily life. This includes facilitation. About online fraud in many areas, "online" means modern devices. The device connects to the internet and helps users. It can be for communication, trading, payment, or entertainment. This is the origin of the word "online." Sell photos, pay online, or show up on social media.

In Thailand there are no provisions about online fraud. So, when such an offense occurs one cannot punish the offender. This may cause a significant negative effect on the economy. It is a property crime. There has been a rise in diverse and clever forms of it. A single person can commit crimes. A group or organization can also conspire to commit them. It has developed to the level of transnational crimes. There are various methods to make victims believe. These trick the perpetrator to get property or to cause a lot of damage. Whether it is private property or property of the state or that is for common public use. This may cause a lot of damage. Because at present there are still many gaps in the law.

We cannot punish the offender. In some cases, the punishment is still wrong. It does not follow the law because there is no protection or law for certain offenses. Or there is no law to punish offenders. It may cause damage to the people. Affect the nation Including the peace of the country.

Discussion

A comparison found that Thailand's Criminal Code and foreign codes include fraud offenses. They apply to foreign services. But Thailand needs more laws on service fraud. To be comprehensive and to fill gaps in existing laws on such matters. To enforce laws against online fraud offenses and punish offenders, the Criminal Code should amend the offense of fraud in order to cover online fraud. It is dangerous to society. This is because everyone has easy access to that media in most Thai households. Everyone can cheat every citizen. Thus, the author has provided more provisions in the Criminal Code. Offenses related to property are in Category 12, Section 3, about fraud. This section relies on Sections 341–348. Those sections are relevant and like the provisions. They are about online fraud. They use Section 341 as the basis for adding more sections. They propose that online fraud is a non-complianceable offense. We will add legal matters to Section 341. We will add text to Section 348 of the Criminal Code. Offenses in that group are compromising. But they do not include Section 341 and Section 343 offenses.

Supreme Court Judgment No. 47/2023 The offense of defrauding the public according to Section 343, first paragraph, will be a single crime or multiple crimes. The intention of the perpetrator is to carry out one or more deceptions. Since there was no witness examination in this case, it was necessary to listen to the facts as described by the plaintiff in the lawsuit: The defendant and his associates jointly displayed false messages to the general public via the Facebook application. which is open to the public, inviting the general public to invest money with the defendant and his associates and deceive victims into believing that they will receive a large sum of money in return as a result, the victim was fooled into transferring money to the defendant several times according to the date and time that the plaintiff filed a separate complaint. In each of the points that the plaintiff has separately described, there is a similar message: The victim was fooled by the defendant's deception with these groups. and transferred the money into the bank accounts of the defendant and his associates Even though the said transfer of money to the victim will be made several times. But it was an event that happened later as a result of

the initial deception. The lawsuit does not show any new deceptive statements made by the defendant and his associates. It should be noted that the defendant and his associates defrauded the victim once solely for the reason of obtaining money. The crime is the same, even though the occasion is different. It is fraudulently defrauding people through online media just once.

Recommendations

From researching the information together with examples of the Supreme Court's judgments, it is recommended that Thai Criminal law regarding fraud be amended to include a section specific to offenses related to fraudulent online purchases. Let it be an unacceptable offense to be comprehensive and to have clearly defined penalties as well as amending laws, the Computer Act, the Consumer Protection Act, the Direct Selling and Direct Marketing Act. This will maintain a consistent direction in order to safeguard consumers in the online shopping market from such fraud.

It is further recommended to make legal fixes for online shopping. The measures are as follows:

1. The Consumer Protection Act B.E. 2522 (1979) needs an amendment. It should add a "Committee on Electronic Commerce" to Section 14. It should also add protections for e-commerce to Section 2 Ter.

2. There should be an amendment to the Consumer Protection Act B.E. 2522 (1979) in Section 14 to have a "Committee on Electronic Commerce" and to have provisions in Part 2 Ter regarding consumer protection in electronic commerce.

3. Consumer protection in electronic commerce should include the following protections:

3.1 The seller must provide information about the trading party. They must be able to identify themselves on the website. You must include your name, address, and telephone number. The head office must provide info about service providers. This includes those on product market and blog websites. The info must include the service provider's name, address, and contact info. This is for service users and consumers to know.

3.2 Sellers must give accurate information about their products or services. They must avoid exaggeration. Before consumers start trading. It has a description of the goods or services for sale. It also has the terms of any service contracts. The blog must have links. They will connect to external websites. The sites have details on product parts, warnings, and sellers. These sellers offer to sell products through, e.g., product market website.

3.3 The seller must provide the consumer with a copy of the Internet sales contract, in writing or in an electronic format that allows for the retention and printing of the information specified in the contract, and must send it via email, or by mail at the consumer's address provided for use in the contract.

3.4 The seller must deliver the goods within 30 days or on the specified date. Both parties have agreed to change the delivery of the goods. They did this in writing or in electronic form, as specified in the contract.

3.5 Should the consumer cancel the contract within 7–15 days of making it, the seller must refund all purchases paid by the consumer. This applies to both the contract and related transactions.

3.6 Set clear penalties for those who commit fraud. This is in the buying and selling of goods online. There should be laws to support or punish fraud. They should ban fraudsters. In the case of buying and selling products online, one can: Advertise products. Do marketing or offer to sell services. They did business on the Internet for a while. They ranked offenses by severity or by the amount of assets defrauded from consumers, besides the fines and prison sentences that already exist to solve the problem.

This study has examined legal remedies for fraud. It examines an instance of online purchasing and selling items. The definition's legal issues have been researched and examined by the researcher. It outlines internet fraud offenses and punishments. It also provides instructions for resolving the issue.

Acknowledgments

In conducting the research, there was good cooperation from experts and related personnel through the completion of this research. I would like to express my respects to all of you on this occasion.

Finally, the researcher hopes this report will help those studying fraud laws, including study of the case of buying and selling goods online. I studied law at both the undergraduate and graduate level, and I am interested in criminal law and fraud. Online fraud is a real problem, so we need to study and find guidelines and laws that are right for enforcing Thailand's laws.

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