

Types, Problems and Their Causes, and Solutions to the Offences against the Environmental Laws by Probationers in Maha Sarakham Province

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Abstract

This study aimed to explore types, problems and their causes, and solutions to the offences against the environmental laws of probationers in Maha Sarakham Province. The study comprised 2 phases: Phase 1 was a study of types of the offences against the environmental laws: and phase 2 was an interview with 25 people directly dealing with the probationers including judges, public prosecutors, probation officers, lawyers and 20 probationers. The findings revealed that the offence types against the environmental laws were both criminal cases and civil suit cases which caused impacts on the environment and natural resources. Most problems were caused from offenders's lack of knowledge, understanding, and awareness of the environmental laws, no participation in the environmental conservation, unemployment, drug addiction, moral decline, incorrect values, broken families, economy recession, poverty, social inequality, and communication technology problems etc. Hence, the solutions to solve these problems are educating the people about the related laws starting from a family, a school, a training institution both in government and private agencies: building a good sense toward the society and environment: and building the habit of participation in maintaining the social regulations.

Keywords: environmental laws, probation officers, awareness, problems and causes of the offences against the environmental laws, environment

1. Introduction

The social and economic development is an essence to life and the development that demands the natural resource as the cost of basic production (Hawk, 1999; Veeravatanond et al., 2012; ONEP, 2015). Humans have done many activities that somehow directly affect the environments e.g. industry, agriculture, and consumption, which are the causes of the natural resource destruction (Fiorino, 1990). The human's action causing the environmental problems has an effect on the society and community as well as the people's life quality in the community (Becker, 1968; Singsewo, 2011). Also, the quality of the declined environment due to the human's never ending actions and environmental consumption conflicts have been raised in many communities: for example, forest destruction, drought, shortage of rainfall, and changes in human's life (Beniston, 2004), all affect not only the physical environment but they also have deleterious effect on socio-political life (Jekayinfa et al., 2008). Consequently, to effectively decrease the negative effects that may happen to the environment, the laws, regulations and rules must be effectively enforced. Meanwhile, the problems and obstructions of the environmental laws enforcement are a huge number of the environment-related organizations that are disunited in managing and cooperating with one another, neither the rule nor the regulation has been seriously enforced, the unclear policy in determining the systematic environment control measure, the personnel with poor knowledge about the laws and lack of awareness and specialty toward the law enforcement, and the environmental laws focus more on solving than preventing (Becker, 1968). At this point, it is undeniable that these environmental problems are caused by the social changes in which people have adopted the western culture and values that are not consistent with Thai society and culture e.g. people take more advantages from one another, the broken families, children need love and care, schools are failed to educate students with morality, etc. As a consequence, Thai people are intended to commit more offences which lead to a crime. In this regard, the offenders must serve the sentence for their criminal cases: that is, the punishment as determined in Section 18 of the Crime Code including death penalty, imprisonment, detainment, fine penalty, forfeiture of property, etc.

(Nilthongkan, 2009). Unfortunately, in case of a petty offender, he will be imprisoned for his punishment and soon released to the community where he is automatically labeled as a jailbird and rejected by members of his own community. Later, this jailbird will return to do some offences again and this leads to the endless crime circle. Therefore, the study on the problems and their causes of the offences against the environmental laws of the probationers can be the key to define the suitable solutions to the problems and also this information may be used as a basic step to find out an appropriate way to educate these probationers about environmental laws and conservation of environment and natural resources. The researcher, therefore, is interested in understanding more about types, problems and their causes, and solutions to solve the problems on

the same matter in Maha Sarakham Province and the findings could be used as guidelines to develop the learning process on the environmental laws and conservation of environmental and natural resources for the probation officers and the probationers.

2. Objective

This study aimed to investigate the problems and their causes of the offences against the environmental laws and solutions to solve the environmental offences in Maha Sarakham Province.

3. Methodology

This study conducted as both qualitative and quantitative researches in which the data collection was taken from the related documents. The methodology was divided into 2 phases as the following: Phase 1 was the study on the document and papers on the environmental laws, the environmental conservation, and the environmental offences. The data were collected using a semi-structured interview form, from an interview with 5 judges, 5 public prosecutors, 5 probation officers, and 10 lawyers. And Phase 2 was the study on the causes of the environmental offences by collecting the data from an interview with 20 probationers using a semi-structured interview form. The collected data were analyzed in an analytic descriptive form.

4. Result

The findings were found as follows:

4.1 Types of the Offences against the Environmental Laws

It can be concluded that the 2010-2013 statistical reports reveal that the number of environmental cases proposed the appellate court has been yearly increased (Table 1), which is similar to the number of the probationers sentenced for property offence, intrusion, drug addiction, firearm, and forestry offence in Maha Sarakham Province during the same period. Also, the statistical rate of the total offenses in Maha Sarakham Province has been increased every year, and many of these offenders committed the environmental offences. At this point, the environmental offence is either criminal or civil case with a negative effect on the natural resource and environment as defined in the environmental laws for the natural resource and pollution. The mostly found cases are listed below.

The environmental laws on the natural resource cases i.e. Forest Act B.E. 2484, National Park Act B.E. 2504, National Reserved Forest Act B.E. 2507, and Wildlife Preservation and Protection Act B.E.2535.

The environmental laws on pollution cases i.e. Fuel Oils Control Act, B.E. 2542, Hazard Substances Act B.E.2535, Factory Act B.E. 2535, the Act to Maintain Cleanliness and Good Order of the Country B.E. 2535, the Enhancement Conservation of National Environmental Quality B.E.2535.

The civil cases on the environmental conflicts following the Thailand Civil and Commercial Code i.e. the abuse of right law regarding the environmental quality, damage from hazardous property, disturbing and annoying factors, water storage and drainage between the adjoining landowners, water and sewage leakage prevention.

Table 1. Cases of regional appellate court 4 during 2010-2013 (June)

Act/year/case	2010	2011	2013	2013 (June)
Forest Act	73	123	320	116
Act of National Park	7	19	63	25
Act of National Reserved Forest	28	38	114	50
Act of Wild Animal Reservation Prevention	8	6	29	22

4.2 Causes of the Environmental Offenses

The environmental offence is a crime. It is an illegal action as defined in the criminal case. In the regard, this interview with judges, public prosecutors, probation officers, and lawyers indicated that the environmental offences are resulted from the following factors.

4.2.1 People's Lack of Knowledge and Understanding about the Environmental Laws

The offenders normally lack knowledge and understanding about the environmental laws in which most of them do not understand the laws, factors of an offence, scope, prohibition, and restriction of the laws. The laws will define which action should be done and which is exceptional. From the interview with the participants, it was clearly indicated that most of offenders committed their offences since they know nothing about the laws and this is considered the one of basic causes of the environmental offences.

4.2.2 People's Lack of a Good Sense toward the Environment

Some of the environmental offenders have no good sense in maintaining their natural resource and awareness of the environmental laws. They are careless and commonly do things that negatively affect the environment e.g. people think it is not serious to cut down some trees since it is a few number when compared to the whole country, some people burn down the wastes that seriously causes the air pollution, etc.

4.3 Lack of People's Participation in the Environmental Conservation

When people lack knowledge and understanding and a good sense in maintaining the natural resource, it is resulted in the lack of the people's participation in conserving the environment. From the interview with the participants, it can be concluded that most of the offenders hardly participate in the environment conserving activities e.g. they neither grow trees nor use their resource with care, etc.

Additionally, the interview with 20 probationers revealed that they committed their offences due to the following factors.

Unemployment: The unemployed people cannot earn money for living so they normally are depressed and upset by everything around them such as debt, poor daily life, failure in life, economic status, etc. Thus, most of the offenders are the poor with unstable mind because they are struggling to live their life. As normal people can heal with the pressure and keep themselves from committing a crime, these unemployed offenders spend their time on a nightlife, alcohol drinks, and gamble, so they are easily convinced to commit a crime to earn their living.

Drug: Drug is one of the causes that people committed a crime since it contains different kinds of substances that control a person's body system and change his behavior. Explicitly, news and information reports that drug is usually involved with crimes. It causes negative behaviors e.g. hallucination, uncontrollable mind, etc. If a person has become drug-addicted, his creativity, brain, and mind will be degraded. Finally a person may easily lose his mind and commit a crime.

Social change: At the present day, Thai people have adopted the western culture into their life e.g. costume and sexual relationship, that possibly leads to sexual temptation which can be a cause of a crime.

Moral decline: Recently, Thailand has become a materialism society where objects have been well-developed rather than the mind, so people hardly progress their moral mind and easily commit a crime to get things that they want. Indeed, people are seeking for happiness in their life so they try so hard to earn their living. As materialism is progressing much faster than the moral mind, people are distant from religion, good education, and mental practice and may be convinced to commit a crime.

Incorrect values e.g. being a bully, gathering as a gangster, conflicted value, seriously competing and struggling for the valuable things, defrauding, cheating, and stealing.

Family: The family problem is a key factor that drives a person to commit a crime: for example, broken family or violence in family, parents' divorce, parent's dispute, etc. These may motivate a person to leave home and turn to friends. As the problem may get more serious, he may be simply urged to commit a crime. Similarly, most of the offenders are from poor and broken families so they can be convinced to commit a crime to get what they want.

Economy recession and poverty: Nowadays, the living cost is getting higher which is contrast to the value of money, namely, the value of money gets lower whereas the price of goods is higher. Income does not match the expense. Accordingly, some people may decide to commit a crime or do some illegal acts to get the money.

Inequality: A crime sometimes can be caused by an inequality in the society that people get, so they may try to

do something to take back their social equality. It can be seen that many crimes were committed due to this social factor.

The problematic environment and social change: Since Thailand has adopted the western culture and something may be inconsistent to Thailand culture such as materialism, sexual relationship, costume, etc. These materials may encourage the people's need and with more need, some may do crime. Therefore, the environment can be a good starter of a crime e.g. slums, etc.

Communication technology: The modern technology can be a cause of many types of a crimes. It can powerfully lead a person to do either positive or negative acts as well as being used as a tool to commit a crime. Thus, technology is very complicated and difficult for people to understand and handle with.

In conclusion, most of the offences has been caused by the lack of knowledge, understanding, and awareness of the environmental laws, no people's participation seriously made in the environment conservation, people's unemployment, drug addiction, the social change, the moral decline, incorrect values, broken family, the economy recession and poverty, the social inequality, the problematic environment, and communication technology.

5. Problem Solution

1) Educating people about the laws starting from a family, a school, a training institution both government and public sectors. Criminal cases should be studied and considered by the cooperation from related organizations. For example, an educational institution should instruct students to prevent problems from any criminal cases: people should be updated about the situation since there are lots of crimes, and people should bear in mind that some local problems might expand to be a big society problem. The department of public welfare, the department of corrections, the department of probation should provide knowledge to probationers. Not only the royal Thai police department, but also all local administration sectors should follow their own policy for the peace of our society.

2) Implanting a good sense toward the society and environment in order to urge people to realize the environmental problems. Probationers can get used to and absorbed the importance of the problems and solutions by implanting a good sense together with training.

3) Encouraging the people's participation in maintaining the social regulations and preserving natural resources such as planting, society services. Thus, they will highly value to public property and environment.

Others solutions to the offences against the laws from the probationers' interviewing:

a) All night clubs should be inspected. The law will control the open-close time for people's safety, since the night clubs sometimes are the place for unlawful purposes and prostitutes. The law must seriously control for preventing any causes of crimes. Moreover, the offenders should be punished earnestly.

b) Probation should be considered to help the offenders for repenting. For an individual who first offends the law should be suspended for punishment to help the offender gets along well with the society and does not commit any offences again. Besides, the offenders should be prohibited to meet some group of people and limit their area of living and working.

c) The degraded community should be improved. In the indecisive community, there are many problems which are community and social problems, thus the regulations must be issued to standardize the society and to upgrade people's quality of life. Moreover, educating people will help to improve people's life permanently and reduce any crime problems.

d) Family problems should be solved. Any family problems often come from the family itself. For example, parents live separately, parents don't have time to take care their own kids, or parents always fight. These problems make children bored and want to go out with friends. Then, they will finally commit a crime when they face with a destitution moment. To solve these problems, parents should talk more, give good advices to their children and keep an eyes on them for avoiding them from bad behaviors.

e) Government measures should be issue for helping people. People work differently in different regions. So, to increase the improvement of cost of living and level of economy, government should provide budget to help them.

f) Laws should be enacted and reviewed to follow the country development trends which grow rapidly. There should be a law to limit people's right to commit a crime and should enforce the law for community peace and safety.

In summary, conditions and problems, environmental law knowledge, environmental law awareness, and probationers' participation in reserving environment have shown that almost of probationers caused various criminal laws such as offences against property, offences relating sexuality, offences against liberty, offences against environmental laws and drug offences which are in the highest rank of offences. Furthermore, drug offences caused many problems such as rape, stealing, log stealing for changing money to drug. From the interviewing the sample about the environmental laws, it was revealed that most of the offenders committed the crime without knowing the laws such as destroy the reserved forest for farming, cut down restricted trees next to their land. Moreover, from talking to the environmental law offenders, they expressed that they didn't realize about the law since they thought that it's not their responsibility and it's not important. Besides, these offenders were not involved in any nature conservation activities, thus, preventing the environmental offences, all government organizations should help by educating people for avoiding illegal actions. Degraded environment should be improved and regulated for reaching social standard and eliminating crimes. More importantly, people should follow the laws for social peace. The researcher realized that to solve the environmental law offences, we should educate people and encourage them to give precedence to the laws. In addition, encouraging people's participation in maintaining the social regulations is the best solution to prevent the target group which has a high risk in committing a crime again.

6. Discussion

From the study on the types, problems and their causes, and the solutions to the environmental offences currently committed by the probationers in Maha Sarakham Province, it was found that the environmental offences were both civil and criminal cases with some kind of negative effects on the natural resource and environment. Notably, the certain section of the environmental laws often broken by the probationers is the natural resource and environment laws e.g. Forest Act B.E. 2484, National Park Act B.E. 2504, National Reserved Forest Act B.E.2507, etc., and it is consistent with the annual report from the appellate court region 5(2010-2012) that mentioned the civil cases that go against the Thailand Civil and Commercial Code such as the laws of tort including the law of tort toward the environmental quality and the abuse of right toward the environmental quality. Additionally, the cases of the environmental offences were that the offenders lacked knowledge, understanding and awareness of the environmental laws: they hardly participate in conserving the environment: the offenders are unemployed, drug addicted: their declined morality, incorrect values, and broken families; the economy recession, poverty and social inequality: the problematic communication technology, etc. Therefore, the most effective solution to these problems is to educate the people to know more about the laws starting in either schools or training centers in both government and private sectors, in order to implanting them with a good sense toward the natural conservation and social responsibility (Simmons, 2000), and encourage them to participate in maintaining the community's regulations (Becker, 1965). This solution is relevant to the purpose of providing environmental education for raising awareness, understanding, knowledge, attitudes, values, ethics, and skills to participate in the prevention of environmental problems and urge to protect and improve the quality of the environment for the present and future generations (Loubser, Swannepoel, & Chacko, 2000). This is similar to the study previously conducted by Muangmuk (2005) indicating that the cause of forest devastation was that the offenders had no land to live on and cut down the trees to earn their living, so they lacked a good sense in preserving the forest and the natural resource. In this case, the serious punishment for the offenders could keep them from committing cutting down the trees. Therefore, the inclusive and serious law enforcement will terminate the natural resource destruction which is consistent to the study by Kerdklam (2001) affirming that there were too many inconsistent and unclear laws so they were ineffective. In the same vein, the study by McAllister (2004) affirmed that the punishment for the environmental offences was an important issue in which the people had a chance to consider a case and decide to complain to the government or private sectors, and that was the starting point of the environmental law enforcement. However, the community 's regulations sometimes seem to be an obstruction for the law enforcement, so the responsible officers for the environment must issue the law to handle the increasing number of people to ensure that they could follow without any conflict against the other laws. Likewise, probation is a useful technique that the court offers the offenders with education and chance to fix their offensive behaviors (Tamthi, 1976). It aims to help the offenders turn over their new life and keep them from committing the offences and should be performed along with the social reformation (Carnwatch, 1992).

7. Recommendation

The results from this study could be developed to organize a project to build knowledge and awareness of the environmental laws and the environmental conservation for the probationers so that they could understand more and practically follow it. As a consequence, the researchers in the similar fields could use this study to design an

environmental laws guidebook for the probationers in other provinces in order to educate them about the laws and the environmental conservation.

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