



## **The Non-criminal Fine (The Phinai Fine): to replace the criminal penalties for less-serious offenses**

Thailand is facing the crisis of overcriminalization, in order to reduce such a problem, the Act on Phinai Fine B.E. 2565 (A.D. 2022) (“Act”) was published in the Government Gazette on October 25, 2022 and it shall be effective from June 22, 2023 onwards. The Act is to replace certain types of criminal offenses which are solely penalized in a form of a fine of either a criminal fine or an administrative fine as specified in the lists of laws attached in the Act which consist of 204 types of law in three separate lists. The examples of laws as specified in the lists;

**List 1:** the Alcoholic Beverage Control Act B.E.2551 (A.D. 2008), Tobacco Product Control Act B.E. 2560 (A.D. 2017), Labor Protection Act B.E.2541 (A.D. 1998) Land and Building Tax Act B.E. 2562 (A.D. 2019) and Consumer Protection Act B.E. 2522 (A.D. 1979);

**List 2:** Foreigners Working Management Emergency Decree B.E. 2560 (A.D. 2017), Emergency Decree on Digital Asset Businesses B.E. 2561(A.D. 2018), Immigration Act B.E. 2522 (A.D. 1979), Factory Act B.E. 2535 (A.D. 1993) and Narcotics Code;

**List 3:** Community Forrest B.E. 2562 (A.D. 2019), Thai Vessels Act B.E. 2481 (A.D. 1938) and Social Enterprise Promotion Act B.E. 2562 (A.D. 2019)

The Act reclassifies the violations as prescribed in the List 1 to List 3 as the Phinai fine offenses instead of criminal offenses, then such offenses are no longer considered as the criminal offenses. Therefore, the offenders who are subjected to one of these Phinai fines will not have a criminal record.