

Abstract

Criminal liability and stipulated penalty according to the Bankruptcy Act B.E.2483 is distinct from criminal liability incorporated in the Penal Code. Considering the intent of the stipulated penalty in the bankruptcy case, the aim is to suppress the creditors and debtors involved in the case. Besides, the criminal measures taken in the bankruptcy proceeding has supplemented the civil measures for the success of the case. The study found that the competent officials had a major role in the inquiry process due to its non-compoundable nature. Since the bankruptcy proceedings is designed to drive the process towards the allocation of creditors' performance. Therefore, the criminal liability in the bankruptcy case is divided into two types of penalties: firstly, the penalty in the Penal Code which is the offense against the State and secondly, the penalty which is subject to specific law. From the research, the competent officials in the bankruptcy case should be trained as an expert as well as the ability to investigate the general criminal case.

Keywords: Bankruptcy, Criminal liability, the Authorities of the Investigator and Official Receiver.