



รายการอ้างอิง

ภาษาไทย

กฎกระทรวงมหาดไทย ฉบับที่ 10 (พ.ศ. 2523) ออกตามความในพระราชบัญญัติราชทัณฑ์ พุทธศักราช 2479

กฎกระทรวงมหาดไทยออกตามความในมาตรา 58 แห่งพระราชบัญญัติราชทัณฑ์ พุทธศักราช 2479

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ภาคผนวก

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THE PRISON LAW (JAPAN)

(Law No. 28 of 1908, as amended by Law Nos. 20, 61 and
223 of 1947, Law No. 143 of 1949, Law No. 286 of 1952
and Law No. 68 of 1953)

Chapter I. General Provisions

(Classification of Prisons)

Article 1. The prisons shall be of the following four kinds:

- (1) Prison for imprisonment at forced labor to confine convicted persons sentenced to imprisonment at forced labor;
- (2) Prison for imprisonment without forced labor to confine convicted persons sentenced to imprisonment without forced labor;
- (3) House of penal detention to confine convicted persons sentenced to penal detention;
- (4) House of detention to detain accused persons, persons detained under the permit of detention or writ of detention or detained upon the warrant of arrest (Inchi-jo) and convicted persons sentenced to death.

2. In the house of detention, convicted persons sentenced to imprisonment at forced labor, imprisonment without forced labor or penal detention may also be detained temporarily.

3. The police jail may be substituted for a prison; provided that a convicted person sentenced to imprisonment at forced labor or imprisonment without forced labor shall not be detained therein continuously for one month or more.

(Juvenile Prison)

Article 2. The persons under 18 years of age sentenced to imprisonment at forced labor for two months or more shall be confined in the prison specially established for them or in a specially partitioned part of a prison.

2. The person falling under the preceding paragraph may be continuously confined in the same place until he reaches the full age of 20, or until the remainder of his

penal term expires in case his penal term is to expire within three months from the time whereat he reaches such age.

3. In the application of the provisions of the preceding two paragraphs, the age limit need not be adhered to in the case of an inmate for whom it is deemed necessary from the state of his mental and physical development.

(Division of Prison Compound)

Article 3. There shall be the male and female sections in the prison segregated from each other.

2. The prison for imprisonment at forced labor, prison for imprisonment without forced labor, house of penal detention and house of detention within the same compound shall be set apart from one another.

(Inspection of Prison)

Article 4. The competent Minister shall cause officials to inspect the prisons at least once every two years.

2. The judge and public prosecutor may inspect the prison.

(Visit of Inspection to Prison)

Article 5. In case a person applies for permission to pay a visit of inspection to a prison, the permission may be given under the provisions of Ministry of Justice Ordinance only when such visit is recognized to be for the purpose of scientific study or for other due reason.

(Appropriation of confiscated properties, etc.)

Article 6. What has been confiscated or vested in the national treasury under this law shall be appropriated for the benevolent use of the prison.

(Petition of Prison Inmate)

Article 7. If an inmate is dissatisfied with an action of the prison, he may petition to the competent Minister or an official visiting the prison for inspection, in accordance with the provisions of Ministry of Justice Ordinance.

(Workhouse and House of "Kanchi" Confinement)

Article 8. The workhouse and the house of "Kanchi" confinement shall be attached to the prison.

2. In case there is no house of "Kanchi" confinement near at hand or the capacity of the nearby house of "Kanchi" confinement is insufficient, a specially partitioned part of a prison for penal detention (including the police jail to be substituted for a prison under Article 1 paragraph 3) may be substituted for the house of "Kanchi" confinement.

3. The provisions of the preceding five Articles shall apply mutatis mutandis to the workhouse and the house of "Kanchi" confinement.

(Provisions Applicable Mutatis Mutandis)

Article 9. Unless otherwise provided in this Law, the provisions applicable to the accused person shall apply mutatis mutandis to the person detained in the prison under the permit of detention, permit of provisional detention or writ of detention, the person detained in the prison under the warrant of arrest, the person under "Kanchi" confinement and the person sentenced to death, and the provisions applicable to the convicted person under imprisonment at forced labor shall apply mutatis mutandis to the person sentenced to detention in the workhouse; provided that the provision of Article 35 shall not apply mutatis mutandis to the person under "Kanchi" confinement.

(Non-Application to Military or Naval Prisons)

Article 10. This Law shall not apply to the prisons belonging to the army or navy.

Chapter II. Commitment

(Examination of Documents Relating to Commitment)

Article 11. When a person is to be committed to a prison, he shall be received thereby after examination of the warrant or document of judgment of the court which has tried him, and the directions for its execution and other legal documents.

(Nursing of Baby in Prison)

Article 12. In case a female applies at the time of commitment to the prison for the permission to live with her child therein, such permission may be given only if it is deemed necessary to do so, until it reaches the full age of one year.

2. The provision of the same purport as the preceding paragraph shall apply in the case of a child born in the prison.

(Case of Communicable Disease)

Article 13. A person to be committed to a prison may not be received therein if he is suffering from a communicable disease for which preventive measures shall be taken under the Epidemic Prevention Law.

(Searching of Body of Inmate or His Clothings)

Article 14. When a person is committed to a prison, his body and clothings shall be searched; the same shall apply if it is deemed necessary with respect to an inmate already committed.

Chapter III. Confinement

(Solitary Confinement)

Article 15. The prison inmate may be placed in solitary confinement, except if he is deemed unfit for such treatment because of his mental or physical condition.

(Associate Confinement)

Article 16. In the case of associate confinement, the nature of offense, personal character, number of previous offenses and the ages of the inmates shall be taken into consideration in deciding the cells wherein they are to be confined.

2. In the case of Article 1 paragraphs 2 and 3, the inmates shall be kept in different cells, according to their kinds.

3. The inmates under 18 years of age shall be kept in the cells different from those wherein inmates of 18 years of age or over shall be kept, except in the case falling under Article 2 paragraph 2; provided that the same shall not apply in the case wherein such treatment is deemed unnecessary in the light of the mental and physical development of the inmate concerned.

4. The provisions of the preceding three paragraphs shall apply *mutatis mutandis* in the case of prison labor in workshops.

(Interception of communication between the Accused Persons Having Mutual Connection in the Charges)

Article 17. The accused persons having mutual connection in the charges brought against them shall be kept in different cells, and their mutual communication shall be also intercepted when they are outside the cells.

(Common Use of Infirmary and Preaching Hall)

Article 18. In case the prison for imprisonment at forced labor, prison for imprisonment without forced labor, house of penal detention, house of detention, workhouse and house of "Kanchi" confinement are situated within the same compound, the same infirmary and preaching hall may be used for all the inmates according to the sex.

2. In the case of the preceding paragraph, sick-cells or seats, or the time of medical examination or preaching shall be different according to the kinds of inmates.

3. Article 2 and 16 need not be applied to the infirmary.

Chapter IV. Security

(Instrument of Restraint)

Article 19. In case there is a fear of escape of an inmate or of his committing violence or suicide, or in case an inmate is outside the prison, instruments of restraint may be used.

2. The kinds of the instruments of restraint shall be provided for by Ministry of Justice Ordinance.

(Use of Sword of Firearm)

Article 20. A sword or firearm which the prison official carries with him under law, cabinet order or ordinance may be used against the inmate only in the following cases:

(1) When the inmate commits or threatens to commit violence dangerous to the body of another person;

(2) When the inmate carries an article which can be used to commit a dangerous act and does not comply with a direction to throw it away;

(3) When many inmates are raising a disturbance with intent to escape;

(4) When the inmate attempting to escape from prison is trying by force to escape arrest, or to run away, disregarding the order to stop.

(Measures in the Event of Calamity)

Article 21. In the event of a calamity suddenly caused by nature or casualty, the inmate may, if it is deemed necessary, be employed in urgent service.

2. Article 28 shall apply mutatis mutandis to the inmates engaged in the urgent service referred to in the preceding paragraph.

Article 22. If, in the event of a calamity suddenly caused by nature or casualty, there is no means of inmates taking refuge in the prison, they shall be removed to another place under due escort. If the situation is too pressing to escort them, they may be set, free temporarily.

2. The freed inmates shall appear at the prison or police station. If an inmate fails to appear within 24 hours of his release, he shall be punished under Article 97 of the Penal Code.

(Authority of Prison Official to Apprehend)

Article 23. The prison official may apprehend an escaped inmate only within 48 hours of his escape.

2. The provision of the preceding paragraph shall not preclude the application of Article 213 of the Code of Criminal Procedure.

Chapter V. Prison Labor

(Prison Industry)

Article 24. Prison labor shall be imposed upon inmates, the sanitary condition and general economy of the prison being taken into consideration, and also with due attention paid to the term of their penalty and to their health, ability, occupation and future life, etc.

2. With regard to the imposition of labor upon inmates under 18 years of age, their cultural training shall be particularly taken into consideration in addition to the provision of the preceding paragraph.

(Exemption from Labor)

Article 25. The inmates shall be exempt from labor on all national holidays, the first and second day of January and the 31st day of December.

2. Any inmates who has received information of the death of his father or mother shall be exempt from labor for three days.

3. The competent Minister may temporarily exempt inmates from labor, if he deems it necessary.

4. Any inmate who is engaged in kitchen work, house cleaning, or the tending of sick inmates, or employed in other work necessary for the administration of the prison need not be exempted from such work.

(Prison Labor Permitted on Application)

Article 26. Any accused person, or inmate under sentence of penal detention or imprisonment, may, on application, be permitted to do any work he selects.

(Proceeds from Labor and Remuneration for Labor)

Article 27. All the proceeds from prison labor shall be vested in the national treasury.

2. The inmate who has been engaged in prison labor may be granted remuneration for his work in accordance with the provision of Ministry of Justice Ordinance.

3. The amount of the remuneration shall be determined on consideration of the inmate's behaviour and records of the prison labor.

(Solatium)

Article 28. Any inmate who has been wounded or fallen ill on account of prison labor, and consequently died, or become unable to carry on any business, may be granted a solatium according to the circumstances of his case.

2. The solatium referred to in the preceding paragraph shall be delivered to the inmate at the time of his release from prison, or in the case of his death, to his father, mother, spouse or child.

Chapter VI. Preaching and Education

(Preaching)

Article 29. The convicted persons shall be given preaching, and any other inmates may be permitted to receive it upon their application.

(Education)

Article 30. All the convicted persons under 18 years of age shall be educated, and any other inmate, if it is deemed especially necessary, may be also educated irrespective of their age.

(Permission to Read Books or See Pictures)

Article 31. If any inmate applies for permission to read books or to see pictures, such permission shall be given to him.

2. The restriction on the reading of books or the seeing of pictures shall be provided for by Ministry of Justice Ordinance.

Chapter VII. Supplies

(Clothing and Bedding of Convicted Person)

Article 32. The convicted person and person under "Kanchi" confinement shall use clothings and beddings provided for elsewhere, but the inmate under penal detention may be permitted to wear underwears at their own expense.

(Clothing and Bedding of the Accused Persons and Detainee in Workhouse)

Article 33. The accused person and inmate sentenced to confinement in a workhouse shall use clothings and beddings at their own expense, but to those who are unable to do so they may be lent.

2. Restrictions on clothings and beddings to be provided at the expense of the inmate shall be provided for by Ministry of Justice Ordinance.

(Feeding)

Article 34. Necessary food and water shall be supplied to the inmate, his constitution, health, age and the kind of work which he is engaged in being taken into consideration.

(Food of the Accused at His Own Expense)

Article 35. The accused may be permitted to take food at their own expense.

Chapter VIII. Health and Medical Treatment

(Hair)

Article 36. The inmate's hair of the head, beard and moustache may be cut close or shaved. But the hair of the accused person shall not be cut or shaved against his will except in cases where it is deemed necessary to cut or shave it for health.

(Work to Keep Cell Clean)

Article 37. The inmate shall do such work as is necessary for keeping his cell clean.

(Physical Exercise)

Article 38. The inmate shall take such physical exercise as is necessary to keep his health.

(Prevention of Contagious Disease)

Article 39. The inmate may be vaccinated and subjected to other medical measures necessary for the prevention of contagious diseases.

(Medical Treatment)

Article 40. In case an inmate has been taken ill, he shall receive medical treatment of a physician, and shall, if necessary, be committed to the infirmary of the prison.

(Case of Contagious Disease)

Article 41. The inmate suffering from a contagious disease shall be strictly isolated and shall not be made to come into contact with healthy inmates and other patients; however, the same shall not apply, in case an inmate under sentence of imprisonment at forced labor is to nurse such patient by order.

(Medical Treatment at the Inmate's Own Expense)

Article 42. In case a sick inmate nominates a doctor and requests for the permission to obtain such doctor's assistance in his medical treatment at his own expense, such may be permitted according to circumstances.

(Transfer to Hospital)

Article 43. In case an inmate is suffering from mental, contagious or any other disease and a proper medical treatment is deemed impossible to be given in prison, he may be temporarily transferred to a hospital according to circumstances.

2. The patient who has been transferred to a hospital under the provision of the preceding paragraph shall be considered an inmate of the prison.

(Inmate to be Treated in the Same Manner as Patient)

Article 44. A pregnant inmate, inmate in childbed, inmate infirm with age and disabled inmate may be treated as a patient.

Chapter IX. Interview and Correspondence

(Interview)

Article 45. A person applying for permission to interview an inmate shall be given it.

2. No convicted person or person under "Kanchi" confinement shall be permitted to have an interview with any person other than a relative; provided that the same shall not apply if it is deemed necessary especially to permit his interview with such person.

(Permission to Send and Receive Letter)

Article 46. The inmate shall be permitted to send or receive letters.

2. No convicted person or person under "Kanchi" confinement shall be permitted to send or receive a letter to or from any person other than a relative; provided that the same shall not apply in case it is deemed necessary especially to permit such communication.

(Prohibition to Send or Receive Letter)

Article 47. The convicted person or person under "Kanchi" confinement shall not be permitted to send or receive letters, if such letters are found improper.

2. Any letter not permitted to be sent or received under the provision of the preceding paragraph may be destroyed after the lapse of two years.

(Official Document)

Article 48. A document addressed to an inmate from a court or other public office shall be opened and delivered to him.

(Custody of Letter and Official Document)

Article 49. The letter delivered to an inmate and the document mentioned in the preceding Article shall be placed in the custody of the prison authorities after the inmate has read them.

(Restriction concerning Interview and Letter)

Article 50. The attendance of the prison officer in the inmate's interview, the censorship of letters, and restriction concerning the interview and letters shall be provided for by Ministry of Justice Ordinance.

Chapter X. The Custody of Inmate's Belongings

(Custody of Inmate's Belongings)

Article 51. The things which the inmate has with him shall be inspected and placed in the custody of the prison authorities.

2. Anything considered not worth or fit for preserving need not be taken into custody of the prison authorities or may cease to be kept in such custody.

3. If anything which has not been taken into custody of the prison authorities or has ceased to be kept in such custody has not been properly disposed of by the inmate who owns it, it may be destroyed.

(Release of Article under Custody for Proper Use)

Article 52. In case an inmate requests that things in the custody of the prison authorities should be used for the aid of his father, mother, spouse or child, or for other good purposes, such may be permitted according to the circumstances.

(Sending in of Thing to Inmate)

Article 53. In case a person applies for permission to send in something to an inmate such permission may be given in accordance with the provision of Ministry of Justice Ordinance.

2. Anything sent in to an inmate may be confiscated or destroyed, if the name or residence of its sender is unknown, or if the sending in of the thing is not considered permissible, or if the inmate has refused to receive it.

(Thing in Secret Possession of Inmate)

Article 54. The things in the secret possession of an inmate may be confiscated or destroyed.

(Return of Thing in Custody)

Article 55. The thing taken into the custody of the prison authorities shall be delivered back to the inmate at the time of his release from prison.

(Thing of Dead Inmate)

Article 56. The things of a dead inmate shall be delivered to his successor or his relative upon request.

Article 57. The things of a dead inmate shall be vested in the National Treasury, if the delivery thereof is not requested within one year from the day of his death by the person referred to in the preceding Article.

2. The same shall apply to the things left by an escaped inmate in case his whereabouts are not known within one year from the day of his escape.

Chapter XI. Reward and Disciplinary Punishment

(Good Treatment for Reward)

Article 58. The convicted person may be given good treatment in reward for his penitence, if he shows signs of penitence.

2. The kind and method of the treatment for reward shall be provided for by Ministry of Justice Ordinance.

(Disciplinary Punishment)

Article 59. The inmate who acts against prison discipline shall be liable to a disciplinary punishment.

(Kinds of Disciplinary Punishment)

Article 60. Disciplinary punishments shall be as follow:

- (1) Reprimand;
- (2) Suspension of good treatment for reward for three months or less;
- (3) Discontinuation of good treatment for reward;
- (4) Prohibition of reading books and seeing pictures during three months or less;
- (5) Suspension of work for 10 days or less in the case where the inmate concerned has been permitted on his application to engage in prison labor;
- (6) Suspension of using self-furnished clothings and beddings for 15 days or less;
- (7) Suspension of self-supply of food for 15 days or less;
- (8) Suspension of physical exercise for five days or less;
- (9) Whole or partial deprivation of the calculated amount of remuneration for work in prison labor;
- (10) Reduction of food for seven days or less;
- (11) Minor solitary confinement for disciplinary punishment for two months or less;
- (12) Major solitary confinement for disciplinary punishment for seven days or less.

2. In the case of solitary confinement for disciplinary punishment the offender shall be detained alone day and night in a punishment cell set apart for the purpose, and may be prohibited from working according to the circumstances of the case, and in the case of major solitary confinement, the punishment cell shall be always kept dark, and the use of beddings shall be prohibited.

3. Disciplinary punishments mentioned in the items of paragraph 1 may be imposed jointly.

(No Imposition of Food-Reduction)

Article 61. The disciplinary punishment mentioned in paragraph 1 item (10) of the preceding Article shall not be imposed upon the accused or inmates under 18 years of age.

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THE PRISON LAW ENFORCEMENT REGULATIONS (JAPAN)

(Ministry of Justice Ordinance No. 18 of 1908 as amended by Ordinances of which the latest is Ministry of Justice Ordinance No. 12 of 1970)

Chapter V Prison Labor

Article 58 The working hours of prison inmates shall be stipulated by the Minister of Justice.

The warden may prolong or shorten the working hours according to the local conditions, structure of the prison or kinds of labor.

Working hours of those working at their request may be shortened by two hours or less.

Hours necessary for education, preaching and exercise may be calculated as working hours.

Article 59 Deleted.

Article 60 With regard to the labor to be imposed on the inmate, the kind and amount of work per day shall be designated and notified to the subject person.

Article 61 The amount of labor shall be fixed equally for all prisons, according to the standard based upon the volume of work accomplished ordinarily by one inmate and the working hours set forth in paragraph 1 of Article 58.

With regard to the labor whereof the volume of work accomplished cannot be standardized, its amount shall be fixed by the working hours set forth in Article 58 paragraph 1.

Notwithstanding the preceding two paragraphs, the amount of labor may be fixed appropriately for each prisoner under 20 years, the aged, sick, weak or crippled.

Article 62 The work of such nature that it cannot be assigned for the entire working hours may be imposed together with other work.

Article 63 Any inmates shall, even though they have completed the amount of labor for the day, continue to work during the working hours.

Article 64 Those who work at their request shall not, without due reason, leave off or discontinue the work, or change the kind of work.

Article 65 Deleted.

Article 66 Labor outside the prison shall not be assigned to the accused.

Article 67 The warden shall cause the prison official to examine once a day the result of labor each person engaged therein.

Article 68 The volume of work accomplished for the month shall be aggregated at the end of each month and decision shall be made whether or not the amount of labor assigned has been completed, by comparing the average daily amount with the assigned amount of labor for a day.

With respect to the labor under Article 61 paragraph 2 the working hours shall be aggregated every month and it shall be decided whether or not the amount of labor arranged has been completed, by the method as prescribed in the preceding paragraph.

Article 69 When a decision has been reached as to whether or not the amount of labor assigned has been completed, according to the preceding Article, the calculation of the remuneration for labor shall be made.

Article 70 The calculation of remuneration for labor need not be made for those whose behavior is bad and who show very poor working record.

Article 71 The remuneration shall be calculated, as stipulated by the Minister of Justice, in consideration of the conduct, propensity, kind of work, result of labor and whether or not the amount of labor assigned has been completed.

Article 72 For those who are engaged in labor under Article 25 paragraph 4 of the Prison Law, the sum calculated under the preceding Article may be increased.

Article 73 In case an inmate has caused damage, by malice or gross negligence, to tools, finished goods, materials or any other things, the sum corresponding to the restitution may be deducted from the total amount of his remuneration.

Article 74 A total amount of the remuneration for the previous month shall be informed to each prisoner engaged in work by the 15th of each month.

Article 75 The remuneration shall be given at the time of release.

In case the prisoner having remuneration to his account has died, such amount may be delivered to his spouse, child, father or mother.

If it is deemed necessary in giving the remuneration, conditions may be designed.

Article 76 In case it is necessary for a prisoner having remuneration to his account to support his spouse, child, father or mother or to compensate the victim of his criminal offense or to purchase a book or in other cases where it is necessary, a sum not exceeding one-third of the total amount of remuneration may be given to him, according to circumstances, even while he is still in prison.

In case it is especially necessary for the prisoner, the remuneration may be given to him, irrespective of the provisions of the preceding paragraph.

Article 77 In case the accused who has remuneration to his account is in need of money to support his spouse, child, father or mother or for other justifiable reasons his remuneration may be given him, according to circumstances, even while he is still in prison.

Article 78 If an inmate having remuneration to his account escapes and his whereabouts are not known within six months after his escape such account shall be cancelled.

Article 79 The solatium under Articles 21 and 28 of the Prison Law shall be granted, as stipulated by the Minister of Justice.



ประวัติผู้เขียน

นายเทิดศักดิ์ บุญไวยโรจน์ เกิดเมื่อวันที่ 28 พฤศจิกายน พ.ศ. 2513 ที่อำเภอเมืองชลบุรี จังหวัดชลบุรี สำเร็จการศึกษาระดับมัธยมศึกษาตอนปลายจากโรงเรียนชลราษฎรอำรุง จังหวัดชลบุรี และสำเร็จการศึกษาระดับปริญญาตรีนิติศาสตรบัณฑิต จากคณะนิติศาสตร์ จุฬาลงกรณ์มหาวิทยาลัย ในปีการศึกษา 2535 และเข้าศึกษาต่อในหลักสูตรนิติศาสตรมหาบัณฑิต ที่จุฬาลงกรณ์มหาวิทยาลัย เมื่อ พ.ศ. 2537