

Thesis Title	Check and balance of the charges in the investigation
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ABSTRACT

Being entitled to dispute with full contention in accordance with principle of listening to all sides, plaintiff or defendant needs to know what his accusation is so as to correctly defend himself. Consequently, accusation comprises two major parts. Firstly, notification of fact in connection with the acts accusing that the defendant has committed wrongdoing. It is notification of fact relating to acts. Secondly, notification of the accusation for acknowledgement. It is adjustment of offence from such acts meeting composition of what grounds of wrongdoing?

Adjustment of clause of wrongdoing for notification of accusation any person of his committing criminal offence relates definitely and directly to compulsory measures which may apply to persons, which may seriously affect the rights and freedom of those persons. However, currently, interrogators' adjustment of offences usually pays attention to evidences proving defendants' offences in a manner of authoritarian and notification of committing serious offence so as to detain offenders under state power so as to be convenient for officers' operation, resulting in their pressing for facts from the defendants (in a manner of acts of case). As a result, police is the organization of stakeholders with adjustment of grounds of offence which is conflicting in duty. In addition, working structure of interrogators reliance on management. So, it is risky for interrogators to become tool of politicians, leading to adjustment of serious offence, while lacking of evidence, or beyond fact appearing so as to be used as measure imposed on parties with differing views.

Based on the study, verifying adjustment of grounds of offence by interrogators from external organization could not efficiently done. Because inquiry did not come in common authority. It results in prosecutors, who are supposed to be responsible for accuracy of interrogation and are specialized in law, not being able to verify for accuracy of adjustment of

grounds of offences at all before forwarding the case to prosecutors. It is different from interrogation in France and Japan, which have common authority of interrogation and prosecution. While prosecutors supervise and specify direction of interrogation from the beginning.

Consequently, this thesis proposes that there should be modification of provisions the first paragraph of section 134 of criminal law, which stipulates that “Before the accused is summoned, interrogators must submit evidences in the case for inspection by prosecutors checking for weight of evidences and adjusting provisions for committing offence”, which will result in power of adjustment facts of the case being coincident with law to becoming belonging to prosecutors who are specialized in laws and will result in manner of check and balance between organizations, leading to aggravate of objectivity to adjust offence. Moreover, it results in prosecutors stepping in to be supervision of interrogation, which coincides with common authority of interrogation for prosecution.