Legal article

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Blackmailed with a Threat to Release a Video: Extortion, Blackmail by Threat to Disclose a Secret, or Coercion, Can You Report It, and What Should You Do

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> This article is general legal information, not a legal opinion on any specific matter. Each matter must be assessed on its own facts and evidence. The latest online version is at https://eksiamdefamationlaw.com/en/articles/blackmail-threat-to-release-clip.html

Key points

- Threatening to release a video, images or a secret so that the victim pays money or gives any benefit of a property nature is **blackmail by threat to disclose a secret under Section 338 of the Criminal Code**, punishable by one to ten years' imprisonment and a fine of twenty thousand to two hundred thousand baht, or **extortion under Section 337** where the threat is to harm reputation.
- A threat used to make someone do or refrain from something that is not property, such as resuming a relationship, resigning or withdrawing a lawsuit, is **coercion under Section 309**, whose first paragraph is a compoundable offense under Section 321.
- **The offense exists even if nothing has been paid.** The offense is complete when the person threatened gives in; if they refuse, the blackmailer is guilty of attempted extortion or attempted blackmail, punishable by two thirds of the penalty under Section 80.

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- Extortion and blackmail by threat to disclose a secret are **not compoundable**. The Criminal Code contains no provision allowing settlement in that chapter, so withdrawing the complaint does not remove the power of the inquiry official or the public prosecutor under Section 126, paragraph two, of the Criminal Procedure Code.
- Once the video is released, the offender is additionally liable under **Section 14 (4) of the Computer Crime Act** if the content is obscene, and for defamation by publication under Section 328 if an imputation accompanies it. Supreme Court Judgment No. 4403/2566 held that these are two separate offenses.
- An image edited to appear to be the injured person is an offense under **Section 16** of the same Act, and the injured person may claim civil compensation under Sections 420 and 423 of the Civil and Commercial Code.
- English, German and Japanese law punish threats for money in the same way. England uses the offense of blackmail under section 21 of the Theft Act 1968, with a maximum of fourteen years, and the English High Court in Reid v Price assessed civil damages for the disclosure of private recordings.

Being blackmailed means being coerced by a threat to disclose a video, images or a secret so that one pays money or does what the blackmailer wants. The Thai Criminal Code punishes this as blackmail by threat to disclose a secret under Section 338 where the threat is to reveal a secret in exchange for a benefit of a property nature, as extortion under Section 337 where the threat is to harm reputation, and as coercion under Section 309 where what is demanded is not property. The offense arises as soon as the threat reaches the recipient; a person who refuses to pay can still report an attempt; and the first two offenses are not compoundable.

Which section applies to blackmail

The Thai Criminal Code has no word for blackmail, but it has three offenses that cover threats made to obtain a benefit: extortion under Section 337, where the threat is to harm life, body, liberty, reputation or property; blackmail by threat to disclose a secret under Section 338, where

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the threat is to reveal a secret; and coercion under Section 309, where what the victim is made to do is not the giving of property. Which section applies turns on two things: what the blackmailer uses as a threat, and what the blackmailer demands.

In everyday language, blackmail means using information that the other side does not want known to force payment or compliance. Thai law divides this conduct into offenses according to what is demanded. If money or a benefit of a property nature is demanded, Sections 337 and 338 apply; both sit in Title 12 on offenses against property. If the demand is that the victim do or refrain from something else, Section 309 applies; it sits in Title 11 on offenses against liberty.

Section 338 is the provision that fits a threat to release a video most closely, because its text speaks specifically of a threat to disclose a secret and sets a higher penalty than ordinary extortion.

> **Criminal Code, Section 338** (unofficial translation) "Whoever coerces another person to give, or to agree to give, to the offender or to a third person a benefit of a property nature, **by threatening to disclose a secret the disclosure of which would cause injury to the person threatened or to a third person**, so that the person coerced so submits, commits the offense of blackmail by threat to disclose a secret and shall be punished with **imprisonment of one to ten years and a fine of twenty thousand to two hundred thousand baht**."[1]

Section 338 has four elements. First, coercion, meaning pressure on the will of another person. Second, the means: a threat to disclose a secret whose disclosure would injure the person threatened or a third person. Third, the demand: that the victim give or agree to give a benefit of a property nature to the offender or someone else. Fourth, the result: the person coerced submits. A private video or image that the injured person does not want others to see is a secret within this section, and how the blackmailer obtained the video, whether recorded with consent or secretly, is not an element.

Section 337 is broader than Section 338 in its means, because it covers threats to harm life, body, liberty, reputation or property and the use of force, but it carries a lower penalty.

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> **Criminal Code, Section 337, paragraph one** (unofficial translation) "Whoever coerces another person to give, or to agree to give, to the offender or to a third person a benefit of a property nature, by using force or **by threatening to cause injury to the life, body, liberty, reputation or property** of the person threatened or of a third person, so that the person coerced so submits, commits the offense of extortion and shall be punished with **imprisonment not exceeding five years and a fine not exceeding one hundred thousand baht**."[2]

Section 337, paragraph two, raises the penalty to imprisonment of six months to seven years where the threat is to kill, to cause grievous bodily harm or to set fire to property, or where the offender carries a weapon. A threat to release a video does not usually fall under paragraph two unless a threat to life or body accompanies it.

Issue	Extortion, Section 337	Blackmail by threat to disclose a secret, Section 338	Coercion, Section 309
Means of threat	Injury to life, body, liberty, reputation or property, or use of force	Disclosure of a secret that would injure the person threatened or a third person	Injury to life, body, liberty, reputation or property, or use of force
What is demanded	A benefit of a property nature	A benefit of a property nature	To do, to refrain from doing, or to submit to anything
Penalty	Up to five years and a fine up to 100,000 baht	One to ten years and a fine of 20,000 to 200,000 baht	Up to three years, or a fine up to 60,000 baht, or both
Compoundable	No	No	Paragraph one: yes (Section 321)
Prescription (Section 95)	Ten years	Fifteen years	Ten years (paragraph one)

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If the threat demands nothing at all and is merely meant to frighten, for example a message saying the video will be released without saying what is wanted, the conduct falls under Section 392, a petty offense punishing whoever "causes another person to be frightened or alarmed by a threat", with imprisonment not exceeding one month or a fine not exceeding ten thousand baht. [3] In practice a message of this kind is usually followed by a demand in the next message, so the injured person should keep every message in order of time: the message that names an amount or a demand is what turns the offense from a petty offense into Section 337 or Section 338.

Threat to release a video for money: extortion or blackmail by threat to disclose a secret

A threat to release a private video or image in exchange for money meets the elements of Section 338 directly, because a video the injured person does not want seen is a secret and its disclosure would injure them. The same act also falls under Section 337 as a threat to harm reputation. Where one act falls under both provisions, the court punishes under the provision with the heavier penalty under Section 90, which is Section 338.

The key words in Section 338 are "disclose a secret". A secret in its ordinary meaning is a fact its owner wishes to keep private and which is not yet generally known. Private videos or images, private conversations, medical history, relationships and family matters all fit. Section 337 instead uses the words "threatening to cause injury to ... reputation", which covers a threat to publish matters that would damage the victim's reputation whether or not they are secret.

The practical difference lies in two things. The first is the penalty: Section 338 has a minimum of one year and a maximum of ten, while Section 337, paragraph one, has only a maximum of five. The second is prescription: an offense punishable by up to ten years prescribes in fifteen years under Section 95 (2), while one punishable by up to five years prescribes in ten years under Section 95 (3).[4]

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A benefit of a property nature is not limited to cash. A demand for a bank transfer, for the purchase of goods, for the release of a debt, for the transfer of property or for unpaid work can all be benefits of a property nature. A demand for more videos or images, common in what is called sextortion, is not a benefit of a property nature and therefore does not fall under Section 337 or 338 but under Section 309, discussed in the next section.

The firm's view At the complaint stage, the firm recommends stating all three parts of the facts, namely the threat, the demand and the result (whether the victim paid or not), and leaving the inquiry official to frame the charge. The injured person does not need to choose the section in the complaint, because a complaint that sets out the facts fully supports every offense those facts constitute.

Nothing paid yet: is the blackmailer liable

Yes. Sections 337 and 338 treat the offense as complete when the person coerced gives, or agrees to give, the benefit. If the person threatened refuses, the blackmailer has begun the commission of the offense without achieving its result, which is an attempt under Section 80, punishable by two thirds of the penalty prescribed by law. A person who has been threatened and has not paid can therefore report the matter immediately.

Both sections use the words "so that the person coerced so submits", meaning that the result of the coercion is an element of the completed offense. But the law does not let a blackmailer whose threat fails go free, because Section 80 lays down attempt as a general rule.

> **Criminal Code, Section 80** (unofficial translation) "Whoever commences the commission of an offense but does not carry it through, or **carries it through but the act does not achieve its result**, attempts to commit that offense. Whoever attempts to commit an offense shall be punished with **two thirds** of the penalty prescribed by law for that offense."[5]

Sending a threat with a demand to the injured person is already the commencement of the offense, because the blackmailer has done everything they need to do to make the victim submit; what remains is the victim's decision. When the victim refuses, the act has been carried

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through without achieving its result, which matches the words of Section 80. In figures, attempted blackmail by threat to disclose a secret carries two thirds of one to ten years, and attempted extortion two thirds of up to five years.

This directly affects the victim's decision. Refusing to pay does not weaken the case. On the contrary, paying lets the blackmailer obtain property and usually leads to the next demand, because the video remains in the blackmailer's hands. Refusing and reporting turns the threatening messages into evidence of an attempt, and if the blackmailer later releases the video, that is a further, separate offense as explained below.

Where the victim has already paid part of what was demanded, the offense was completed at the first payment. A further demand based on the same video is a new act of coercion and a separate offense. A victim who has already paid can therefore still report, and should do so quickly, because every further payment increases the loss.

Demands other than money: Section 309

A threat to release a video so that the victim resumes a relationship, resigns, withdraws a lawsuit, sends more images or submits to anything that is not the giving of property is coercion under Section 309, paragraph one, of the Criminal Code, punishable by imprisonment not exceeding three years, or a fine not exceeding sixty thousand baht, or both, and is a compoundable offense under Section 321.

> **Criminal Code, Section 309, paragraph one** (unofficial translation) "Whoever coerces another person **to do or not to do any act, or to submit to anything**, by causing fear of injury to the life, body, liberty, **reputation** or property of the person coerced or of another, or by using force, so that the person coerced does or does not do that act or submits to that thing, shall be punished with imprisonment not exceeding three years, or a fine not exceeding sixty thousand baht, or both."[6]

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Section 309 differs from Sections 337 and 338 in what is demanded. Section 309 covers any act, omission or submission that is not a benefit of a property nature. The means of threat in Section 309 are described in the same words as Section 337: causing fear of injury to life, body, liberty, reputation or property. A threat to release a video causes fear of injury to reputation and therefore satisfies this element.

Section 309, paragraph two, raises the penalty to up to five years where the offender carries a weapon, where five or more persons act together, or where the coercion is intended to make the victim execute, withdraw, damage or destroy a document of title. A threat to release a video so that the victim signs a loan agreement, signs a transfer of rights or tears up a contract may therefore fall under paragraph two.

Where the demand is for more videos or images, the blackmailer usually commits further offenses. If the images demanded are obscene and are uploaded to a computer system accessible to the general public, Section 14 (4) of the Computer Crime Act applies. Where the person threatened is a child under eighteen, specific provisions on child sexual abuse material apply which are outside the scope of this page; the injured person or parent should inform the inquiry official of the victim's age from the outset.

Because Section 309, paragraph one, is compoundable, the injured person must lodge a complaint within three months of learning of the offense and the identity of the offender under Section 96, failing which the case is time-barred.[7] This differs from Sections 337 and 338, which have no three-month limit. A victim threatened into doing something other than paying must therefore watch the calendar.

Video already released: additional offenses

When the blackmailer actually releases the video, they commit a further, separate offense: Section 14 (4) of the Computer Crime Act where the content is obscene and accessible to the public, Section 16 where the image was created, edited or altered, and Section 326 or 328 of the Criminal Code where an imputation accompanies the release. Supreme Court Judgment No. 4403/2566 held that defamation by publication and Section 14 (4) are two separate offenses.

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The threat and the release are separate acts with separate intentions, protecting different legal interests. The threat protects freedom of decision and property; the release protects reputation and public order. A blackmailer who threatens and then releases the video is not relieved of the threat offense and incurs additional liability for the release.

The first offense is Section 14 (4) of the Computer Crime Act, which punishes whoever "inputs into a computer system any computer data of an obscene nature, where that computer data is accessible to the general public", with imprisonment not exceeding five years or a fine not exceeding one hundred thousand baht, or both; sub-section (5) punishes whoever disseminates or forwards such data knowing what it is.[8] A person who receives the video and forwards it in a group or reposts it is therefore liable under sub-section (5).

The second offense is defamation, where the release comes with a statement or context that imputes something, for example naming the injured person together with remarks about their conduct. That falls under Section 326, and where it is done by images, recordings or broadcast, under Section 328, punishable by imprisonment not exceeding two years and a fine not exceeding two hundred thousand baht.[9] The Supreme Court has held that these two offenses are punished separately.

Court decision, Supreme Court Judgment No. 4403/2566[10]

The defendant posted a video clip on a social network once. The Supreme Court held that although the defendant uploaded the clip to Twitter only once, the offense of defamation by publication under Section 328 of the Criminal Code and the offense of inputting obscene computer data into a computer system under Section 14 (4) of the Computer Crime Act protect different legal interests, and that **"the two offenses have different elements and their intentions can clearly be separated; the defendant's act therefore constitutes two separate offenses, each of which must be punished under Section 91 of the Criminal Code"** (unofficial translation).

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This judgment has two consequences for a blackmail victim. First, compounding the defamation part, which is compoundable under Section 333,[11] does not extinguish the Section 14 (4) charge, because that offense is not an offense against the person. Second, one release is punished as two counts, a fact the injured person can use in negotiating for the clip to be deleted and the conduct to stop.

The third offense is Section 16 of the same Act, which applies where the image is not a real image of the injured person but one "created, edited, added to or altered by electronic or any other means" and uploaded to a publicly accessible computer system in a manner likely to cause the person to be defamed, insulted, hated or embarrassed, punishable by imprisonment not exceeding three years and a fine not exceeding two hundred thousand baht.[12] A threat using an edited image, including one generated by software, is therefore blackmail or extortion at the threat stage and a Section 16 offense at the release stage. Edited images are discussed in Editing someone's photo and posting it: Section 16 of the Computer Crime Act (Thai).

In civil law, releasing a private video is an unlawful act causing injury to a right of another, which is a tort under Section 420 of the Civil and Commercial Code, and where untrue statements are spread to the injury of reputation, Section 423 applies as well.[13] The injured person may claim compensation in a civil action or by filing a claim in the criminal court. How damages are calculated is explained in How much can be claimed in a defamation suit (Thai).

Compounding, withdrawal of the complaint and prescription

Extortion under Section 337 and blackmail by threat to disclose a secret under Section 338 are not compoundable, because the Criminal Code contains no provision making these two offenses compoundable, unlike the chapter on fraud, which has Section 348, and the chapter on defamation, which has Section 333. Withdrawing the complaint therefore does not end the case, and the prescription periods are ten and fifteen years respectively. Coercion under Section 309, paragraph one, is compoundable under Section 321 and requires a complaint within three months.

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A compoundable offense in the Criminal Code must be designated by a specific provision. In Title 12 on offenses against property, Section 348 provides that "the offenses in this chapter, except the offense under Section 343, are compoundable offenses", but that section is in Chapter 3 on fraud, while extortion and blackmail are in Chapter 2, which contains no such provision. These two offenses are therefore public offenses.[7]

The consequence appears in Section 126, paragraph two, of the Criminal Procedure Code: "In a case that is not an offense against the person, such withdrawal of the complaint does not remove the power of the inquiry official to investigate or of the public prosecutor to prosecute the case."[14] An injured person who later settles with the blackmailer and withdraws the complaint does not end the case, and a blackmailer who offers to delete the video in exchange for the withdrawal of the complaint cannot obtain that result under the law.

This has two sides. For the injured person, the fact that the case proceeds regardless of any settlement means they are not exposed to renewed threats aimed at making them drop the case. For the accused, negotiating compensation and deleting the video still count as mitigating circumstances the court may take into account, even though they do not end the case.

Defamation under Sections 326 and 328, which arises when the release is accompanied by an imputation, is compoundable under Section 333 and requires a complaint within three months under Section 96. A blackmail victim whose video has been released therefore has two clocks running at different speeds: three months for the defamation charge, and ten or fifteen years for extortion or blackmail. Compounding in defamation cases is discussed in Can defamation be compounded (Thai).

> **Criminal Code, Section 95, paragraph one** (unofficial translation) "In a criminal case, if the prosecution is not brought and the offender is not brought before the court within the following periods counted from the date of the offense, the case is time-barred: (1) twenty years for offenses punishable with death, life imprisonment or twenty years' imprisonment; **(2) fifteen years for offenses punishable with imprisonment of more than seven years but less than twenty years; (3) ten years for offenses punishable with imprisonment of more than one year up to seven years;** (4) five years for offenses punishable with imprisonment of more than one month up to one year; (5) one year for offenses punishable with imprisonment of one month or less, or with any other penalty."[4]

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Prescription runs from the date of the offense, that is the date the threat was sent, not the date the victim learns who the offender is. Where the blackmailer uses a fake account, the victim has a long time to identify them, but electronic evidence has a much shorter life than the prescription period: the traffic data that service providers must retain is kept for a period fixed by law. Reporting quickly therefore matters more for identifying the offender than prescription does.

Steps to take when blackmailed

A person threatened with the release of a video should not pay, should not send more images, should not delete the conversation, should preserve the threatening messages with the sender's account and timestamps, should report to the inquiry official for extortion or blackmail, and should report the account to the platform. This order rests on the principle that the offense already exists from the moment the threat is sent, and that paying does not remove the video from the blackmailer's hands.

1. **Do not pay and do not negotiate the amount.** Paying completes the offense and opens the way to the next demand, while negotiating the amount shows that the victim is agreeing to give, which may itself be read as completing the offense. If anything is sent, it should be a short message that the matter will be dealt with under the law.

2. **Do not delete the conversation and do not block the account immediately.** The threatening messages are the evidence of the completed or attempted offense. Blocking prevents new messages naming an amount or a deadline, which are the messages that make the charge clearer, from reaching the victim. Take screenshots of every message with the account name, user ID and timestamp, and consider blocking only after reporting.

3. **Record the payment route and account details.** The bank account number, PromptPay number or digital wallet the blackmailer names is information the inquiry official uses to request data from financial institutions to identify the offender. Even if the victim never transfers money, this information has investigative value.

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4. **Report to the inquiry official** at the police station in the locality where the victim received the message, or the police unit responsible for technology crime, describing the three parts of the facts: the threat, the demand and the result, with copies of the evidence. There is no three-month limit for extortion or blackmail, but reporting quickly lets the inquiry official request computer traffic data in time.

5. **Report to the platform.** Most social media services have a channel for reporting threats and non-consensual intimate images. Reporting gets the blackmailer's account suspended and any clip that is posted removed faster. This step is done alongside the police report, not instead of it.

6. **Prepare for the possibility that the video is released.** Screenshot the post, its address and the number of views as soon as it is found, as evidence of the offenses under Section 14 (4), Section 16 or Section 328 and for calculating civil damages. Evidence collection is explained in Collecting evidence of online defamation.

A victim who has already paid can and should still report. The offense was completed at the first payment, the transfer record is the clearest evidence that the person coerced submitted, and the victim can claim the money back as compensation in the criminal case.

The firm's view In the matters the firm handles, the step that takes the most time is not the report itself but arranging the evidence so that the inquiry official sees the elements of the offense in a single reading: where the threat is, where the demand is, and how the victim replied. The firm therefore prepares a chronology with the supporting evidence as one document before the meeting with the inquiry official, and where the blackmailer is still sending messages, the firm advises the victim to stop replying, not to stop receiving.

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Accused of blackmail for demanding a debt or a right

Demanding a debt or a right that genuinely exists is not, by itself, extortion or blackmail, because the benefit demanded is one the claimant is entitled to. But the method used can still be an offense. Threatening to shame the debtor with private images or secrets unrelated to the debt may be coercion under Section 309, as coercing payment by a means the law does not permit, and actually shaming them is defamation under Section 326 or 328.

This question comes from the other side of the same situation. People with real claims, such as creditors, parties to a breached contract or persons whose rights have been infringed, often use pressure to obtain payment. Saying that one will sue, report the matter or go to court is notice of the exercise of a legal right, not a threat to cause injury. Saying that one will post private images, tell the family, write to the employer or reveal matters unrelated to the debt is a threat to harm reputation or disclose a secret, which is the means prohibited by Sections 309, 337 and 338.

The difference between Section 309 and Section 337 in a debt-collection case lies in the words “a benefit of a property nature”, where the court must consider whether the claimant is entitled to that benefit. The firm does not cite Supreme Court judgments on this point on this page, because on the day it was prepared the Supreme Court judgment search system was unavailable; a person in the position of the accused should seek advice on their specific case before giving a statement.

As for publicly shaming a debtor online, even where the debt is real, posting about it can still be defamation, because Section 330 exempts from punishment only where the matter is proved true and the proof is in the public interest, which a private debt usually is not. See Is posting the truth defamation.

The firm’s view A creditor who wants to put pressure on a debtor should keep to their legal rights: suing, enforcing the judgment and interest. Referring to the debtor’s private matters unrelated to the debt does not make payment any faster in law, but it can turn the creditor into a suspect in an offense that carries a heavier penalty than the debt being collected.

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Comparative law: England, Germany and Japan

English, German and Japanese law punish threats made for money in offenses that correspond to Thai extortion and blackmail. England has the offense of blackmail under section 21 of the Theft Act 1968, which punishes an unwarranted demand with menaces, with a maximum of fourteen years' imprisonment; Germany uses Erpressung under § 253 of the Strafgesetzbuch, with up to five years; and Japan uses 恐喝 under Article 249 of the Penal Code, with up to ten years. All three systems punish attempts.

England and Wales Section 21 of the Theft Act 1968 provides that a person is guilty of blackmail if, "with a view to gain for himself or another or with intent to cause loss to another, he makes any unwarranted demand with menaces", and that a demand with menaces is unwarranted unless the person making it believes both that they have reasonable grounds for making the demand and that the use of the menaces is a proper means of reinforcing it. Subsection (2) provides that the nature of the act demanded is immaterial, and that it is immaterial whether the menaces relate to action by the person making the demand; subsection (3) sets the maximum at fourteen years.[15] The difference from Thai law is that English law gathers every form of threat into a single offense and uses the claimant's two beliefs to separate a lawful claim from blackmail, an approach that answers the debt-collection question of the previous section more clearly than the words of Section 337.

On the civil side, in Reid v Price [2020] EWHC 594 (QB) the English High Court assessed damages where the defendant had disclosed private recordings of the claimant after giving a written undertaking not to. Warby J held that the claim merited an award of at least £25,000 for breach of confidence, misuse of private information, breach of contract and compensation under data protection law.[16] The case shows that in English law the disclosure of private recordings has a civil remedy independent of the criminal case, comparable to Section 420 in Thailand.

Germany § 253 of the Strafgesetzbuch, Erpressung, punishes whoever "unlawfully, by force or by threat of serious harm, compels another person to do, tolerate or refrain from an act, and thereby causes a disadvantage to the assets of the person compelled or of another, in order to enrich himself or a third person unlawfully", with imprisonment of up to five years or a fine. Paragraph (2) provides that the act is unlawful where the use of force or the threat of harm for

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the purpose pursued is to be regarded as reprehensible (verwerflich); paragraph (3) makes the attempt punishable; and paragraph (4) sets a minimum of one year in especially serious cases, such as acting commercially or as a member of a gang.[17] A threat to make someone do something that is not property is Nötigung under § 240, with up to three years, comparable to Section 309 of the Thai Code.

The words "Drohung mit einem empfindlichen Übel", threat of a serious harm, are broader than the five-item list in Section 337, and a threat to disclose a private video falls within them without any need to decide whether the video is a secret. German law therefore does not separate extortion from blackmail by threat to disclose a secret, but uses the reprehensibility test in paragraph (2) to separate a lawful claim from a threat for money.

Japan Article 249, paragraph one, of the Penal Code provides that "a person who extorts another to deliver property shall be punished by imprisonment for not more than ten years", and paragraph two applies the same to obtaining a property benefit other than a thing. Article 250 punishes attempts in that chapter. A threat that demands nothing is **脅迫** under Article 222, which punishes giving notice of harm to life, body, liberty, reputation or property, with up to two years' imprisonment or a fine of up to 300,000 yen, and Article 223, **強要**, applies to forcing a person to do something they are not obliged to do, with up to three years.[18] This three-offense structure is the closest to Sections 392, 309 and 337 of the Thai Code.

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Issue	Thailand	England	Germany	Japan
Main offense for threats for money	Extortion, s.337, Blackmail by threat to disclose a secret, s.338	Blackmail (Theft Act 1968 s.21)	Erpressung (§ 253 StGB)	恐喝 (Article 249)
Maximum penalty	Five years (s.337), ten years (s.338)	Fourteen years	Five years; at least one year in especially serious cases	Ten years
Attempt	Two thirds of the penalty (s.80)	Punishable under general rules	Punishable (§ 253 (3))	Punishable (Article 250)
Threat to obtain something other than property	Coercion, s.309	Within blackmail where there is a view to gain or intent to cause loss	Nötigung (§ 240)	強要 (Article 223)
Test separating lawful claims	The words “a benefit of a property nature” and the claimant’s right	The claimant’s two beliefs (s.21 (1) (a) (b))	Reprehensibility of the means for the purpose (§ 253 (2))	Not examined in this round

Two conclusions follow for Thai readers. First, every system punishes the threat from the attempt stage, so refusing to pay does not relieve the blackmailer in any of them. Second, systems with a single offense, like England and Germany, must build a test to separate lawful claims from threats, whereas Thai law separates offenses by what is demanded and what is threatened, which makes the choice of section at the complaint stage matter and is why the firm recommends describing the facts fully rather than naming a section.

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Law and economics and behavioral science of blackmail

In law and economics, blackmail is a transaction to which both sides appear to consent, yet every legal system prohibits it. Ronald Coase explained in the Virginia Law Review in 1988 that disclosing a secret is often not unlawful on its own, and that paying money voluntarily is not unlawful either, but combining the two into an offer is an offense, because the resources spent on finding secrets and making threats create no value beyond transferring wealth from the victim to the blackmailer. A survey by Patchin and Hinduja shows that threats involving intimate images occur among young people at a measurable rate and that many perpetrators were previously victims.

The problem economists call the paradox of blackmail is that threatening to reveal a true fact is not an offense in itself, and asking for money is not an offense, yet when the blackmailer offers silence for money, every system cited on this page punishes it. Coase analyzed a series of English cases and offered an economic reason: allowing blackmail would create an incentive to invest resources in discovering other people's secrets in order to sell them back to their owners, an activity that consumes resources without adding any output to society.[19] The firm has verified the bibliographic data of this article with Crossref but has not read the full text in this round, and summarizes its thesis at the level at which the general literature cites it.

This view explains the structure of Section 338 well. The text does not ask whether the secret is true, and does not ask whether the victim paid voluntarily; it punishes the use of a secret as an instrument for obtaining property, and sets a higher penalty than ordinary extortion, which matches the observation that the search for secrets is an investment the law wants to discourage from the outset.

From a behavioral science perspective, the survey by Patchin and Hinduja in Sexual Abuse, using a sample of 5,568 middle and high school students in the United States, defines sextortion as "the threatened dissemination of explicit, intimate, or embarrassing images of a sexual nature without consent, usually for the purpose of procuring additional images, sexual acts, money, or something else", and reports that about 5% of the sample had been victims, about 3% admitted threatening others who had shared an image with them in confidence, and those who had

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threatened others were more likely to have been victims themselves.[20] The study concerns young people in the United States, not adults in Thailand, and is used here as a comparative observation, not as evidence that the same proportions occur in Thailand.

The firm's view The definition in that study matches the three-offense structure of Thai law: what is demanded may be more images, sexual acts, money or something else, of which the first two and the last fall under Section 309 while money falls under Section 337 or 338. What the firm observes in practice is that victims who pay the first time do so because they judge the harm of disclosure to be greater than the sum demanded, a judgment that is correct only if the blackmailer stops after being paid. But the blackmailer has no incentive to stop, because the video remains in their hands and the cost of the next threat is close to zero. Refusing to pay and reporting is therefore the option with the lower total cost in almost every case.

Frequently asked questions

Frequently asked questions about being blackmailed: the offenses, reporting before any payment, compounding, prescription, the additional offenses once the video is released, threats demanding something other than money, recovering money paid, and debt collection. Each answer refers to the Criminal Code, the Criminal Procedure Code, the Computer Crime Act and Supreme Court judgments verified against official databases.

Which section of Thai law applies when someone is blackmailed?

If the threat is to disclose a video, images or a secret in exchange for money or any benefit of a property nature, the offense is blackmail by threat to disclose a secret under Section 338 of the Criminal Code, punishable by one to ten years' imprisonment. If the threat is to harm life, body, liberty, reputation or property in exchange for money, it is extortion under Section 337, punishable by up to five years. If the demand is for something other than property, it is coercion under Section 309, punishable by up to three years.

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The blackmailer threatened to release a video but I have not paid. Can I report it?

Yes. Sending a threat together with a demand is already the commission of the act. When the person threatened refuses, the blackmailer is guilty of attempted extortion or attempted blackmail under Section 80, punishable by two thirds of the penalty for the completed offense. The injured person does not need to pay for a case to exist, and should not pay.

Can blackmail be settled? Does withdrawing the complaint end the case?

No. Extortion under Section 337 and blackmail by threat to disclose a secret under Section 338 are not compoundable offenses, because the Criminal Code contains no provision making the offenses in that chapter compoundable. Withdrawing the complaint does not remove the power of the inquiry official or the public prosecutor under Section 126, paragraph two, of the Criminal Procedure Code. Coercion under Section 309, paragraph one, is compoundable under Section 321, and defamation is compoundable under Section 333.

What is the prescription period for a blackmail case?

Blackmail by threat to disclose a secret under Section 338 carries a maximum of ten years' imprisonment, so the prescription period is fifteen years under Section 95 (2) of the Criminal Code. Extortion under Section 337, paragraph one, and coercion under Section 309, paragraph one, carry maximums of five and three years, so the period is ten years under Section 95 (3), counted from the date of the offense. Coercion under Section 309, paragraph one, is compoundable, so the complaint must be lodged within three months of learning of the offense and the offender, under Section 96.

The video has already been released. What additional offenses apply?

If the video is obscene and accessible to the general public, the offense under Section 14 (4) of the Computer Crime Act applies, with up to five years' imprisonment. If the image was edited or fabricated, Section 16 applies, with up to three years. If the release is accompanied by an imputation, it is defamation by publication under Section 328 of the Criminal Code. Supreme Court Judgment No. 4403/2566 held that Section 328 and Section 14 (4) are two separate offenses, each punished.

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Someone threatened to release a video unless I got back together with them or sent more images. Which section applies?

That is coercion under Section 309, paragraph one, of the Criminal Code, because what is demanded is not a benefit of a property nature. The penalty is up to three years' imprisonment, or a fine of up to sixty thousand baht, or both. It is compoundable under Section 321, so the complaint must be lodged within three months. If the images demanded are obscene and are uploaded to a publicly accessible computer system, Section 14 (4) of the Computer Crime Act applies as well.

I already paid. Can I still report it, and can I get the money back?

Yes. The offense was completed when the person threatened gave in and paid. The transfer record is the clearest evidence, and any further demand based on the same video is a separate offense. The injured person can claim the money back by filing a claim for compensation in the criminal case, or by suing in tort under Section 420 of the Civil and Commercial Code.

Is demanding payment of a debt by threatening to shame the debtor blackmail?

Demanding a debt that genuinely exists is not, by itself, extortion or blackmail. But threatening to disclose private images or matters unrelated to the debt in order to force payment may be coercion under Section 309, and actually shaming the debtor is defamation under Section 326 or 328 even if the debt is real. A creditor should confine the demand to lawful rights: suing and enforcing the judgment.

Footnotes

1. Criminal Code, Section 338 (blackmail by threat to disclose a secret). Unofficial translation by the author; penalty as amended by Section 4 of the Act Amending the Criminal Code (No. 26), B.E. 2560 (2017). Verified word for word against the Office of the Council of State database, 13 November 2026, together with Section 90 (one act constituting several offenses: the provision with the heaviest penalty applies).
   Thai original: ประมวลกฎหมายอาญา มาตรา 338 "ผู้ใด ข่มขืนใจ ผู้อื่น ให้ ยอมให้ หรือ ยอม จะ ให้ ตน หรือ ผู้อื่น ได้ประโยชน์ ในลักษณะที่เป็นทรัพย์สินโดยขู่เข็ญว่าจะเปิดเผยความลับ ซึ่งการเปิดเผยนั้นจะทำให้ผู้ถูกขู่เข็ญหรือบุคคลที่สามเสียหาย จนผู้ถูกข่มขืนใจยอมเช่นว่านั้น ผู้นั้นกระทำความผิดฐานรีดเอาทรัพย์ ต้องระวางโทษจำคุกตั้งแต่หนึ่งปีถึงสิบปี และปรับตั้งแต่สองหมื่นบาทถึงสองแสนบาท" (อัตราโทษ แก้ไขเพิ่มเติมโดยมาตรา 4 แห่งพระราชบัญญัติแก้ไขเพิ่มเติมประมวลกฎหมายอาญา (ฉบับที่

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26) พ.ศ. 2560), มาตรา 90 “เมื่อการกระทำใดอันเป็นกรรมเดียวเป็นความผิดต่อกฎหมายหลายบท ให้ใช้กฎหมายบทที่มีโทษหนักที่สุดลงโทษแก่ผู้กระทำความผิด” (ตรวจคำต่อคำกับฐานข้อมูลกฎหมายของสำนักงานคณะกรรมการกฤษฎีกา ฉบับปรับปรุงล่าสุด 13 พฤศจิกายน 2569)

2. Criminal Code, Section 337 (extortion), paragraphs one and two. Unofficial translation by the author; penalty as amended by the Act Amending the Criminal Code (No. 26), B.E. 2560 (2017). Verified 13 November 2026.
Thai original: ประมวลกฎหมายอาญา มาตรา 337 “ผู้ใด ข่มขืนใจ ผู้อื่น ให้ยอมให้ หรือ ยอม จะให้ ตน หรือ ผู้อื่น ได้ประโยชน์ในลักษณะที่เป็นทรัพย์สินโดยใช้กำลังประทุษร้ายหรือโดยขู่เข็ญว่าจะทำอันตรายต่อชีวิต ร่างกาย เสรีภาพ ชื่อเสียงหรือทรัพย์สินของผู้ถูกขู่เข็ญหรือของบุคคลที่สาม จนผู้ถูกข่มขืนใจยอมเช่นว่านั้น ผู้นั้นกระทำความผิดฐานกรรโชก ต้องระวางโทษจำคุกไม่เกินห้าปี และปรับไม่เกินหนึ่งแสนบาท” วรรคสอง “ถ้าความผิดฐานกรรโชกได้กระทำโดย (1) ขู่ว่าจะฆ่า ขู่ว่าจะทำร้ายร่างกายให้ผู้ถูกข่มขืนใจหรือผู้อื่นให้ได้รับอันตรายสาหัส หรือขู่ว่าจะทำให้เกิดเพลิงไหม้แก่ทรัพย์ของผู้ถูกข่มขืนใจหรือผู้อื่น หรือ (2) มีอาวุธติดตัวมาขู่เข็ญ ผู้กระทำต้องระวางโทษจำคุกตั้งแต่หกเดือนถึงเจ็ดปี และปรับตั้งแต่หนึ่งหมื่นบาทถึงหนึ่งแสนสี่หมื่นบาท” (อัตราโทษ แก้ไขเพิ่มเติมโดยมาตรา 4 แห่งพระราชบัญญัติแก้ไขเพิ่มเติมประมวลกฎหมายอาญา (ฉบับที่ 26) พ.ศ. 2560) (ตรวจคำต่อคำกับฐานข้อมูลกฎหมายของสำนักงานคณะกรรมการกฤษฎีกา ฉบับปรับปรุงล่าสุด 13 พฤศจิกายน 2569)

3. Criminal Code, Section 392 (causing fear or alarm by a threat), a petty offense; penalty as amended by the Act Amending the Criminal Code (No. 22), B.E. 2558 (2015). Verified 13 November 2026.
Thai original: ประมวลกฎหมายอาญา มาตรา 392 “ผู้ใดทำให้ผู้อื่นเกิดความกลัวหรือความตกใจ โดยการขู่เข็ญ ต้องระวางโทษจำคุกไม่เกินหนึ่งเดือน หรือปรับไม่เกินหนึ่งหมื่นบาท หรือทั้งจำทั้งปรับ” (อัตราโทษ แก้ไขเพิ่มเติมโดยมาตรา 6 แห่งพระราชบัญญัติแก้ไขเพิ่มเติมประมวลกฎหมายอาญา (ฉบับที่ 22) พ.ศ. 2558) (ตรวจคำต่อคำกับฐานข้อมูลกฎหมายของสำนักงานคณะกรรมการกฤษฎีกา ฉบับปรับปรุงล่าสุด 13 พฤศจิกายน 2569)

4. Criminal Code, Section 95, paragraph one (prescription of criminal cases), sub-sections (1) to (5). Verified against the Office of the Council of State database, 9 November 2026.
Thai original: ประมวลกฎหมายอาญา มาตรา 95 วรรคหนึ่ง “ในคดีอาญา ถ้ามิได้ฟ้องและได้ตัวผู้กระทำความผิดมายังศาลภายในกำหนดดังต่อไปนี้ นับแต่วันกระทำความผิด เป็นอันขาดอายุความ (1) ยี่สิบปี สำหรับความผิดต้องระวางโทษประหารชีวิต จำคุกตลอดชีวิต หรือจำคุกยี่สิบปี (2) สิบห้าปี สำหรับความผิดต้องระวางโทษจำคุกกว่าเจ็ดปีแต่ยังไม่ถึงยี่สิบปี (3) สิบปี สำหรับความผิดต้องระวางโทษจำคุกกว่าหนึ่งปีถึงเจ็ดปี (4) ห้าปี สำหรับความผิดต้องระวางโทษจำคุกกว่าหนึ่งเดือนถึงหนึ่งปี (5) หนึ่งปี สำหรับความผิดต้องระวางโทษจำคุกตั้งแต่หนึ่งเดือนลงมา หรือต้องระวางโทษอย่างอื่น” (ตัวบทตามที่สำนักงานตรวจคำต่อคำกับฐานข้อมูลกฎหมายของสำนักงานคณะกรรมการกฤษฎีกาเมื่อ 9 พฤศจิกายน 2569)

5. Criminal Code, Section 80 (attempt). Verified 13 November 2026.
Thai original: ประมวลกฎหมายอาญา มาตรา 80 “ผู้ใดลงมือกระทำความผิดแต่กระทำไปไม่ตลอด หรือกระทำไปตลอดแล้วแต่การกระทำนั้นไม่บรรลุผล ผู้นั้นพยายามกระทำความผิด ผู้ใดพยายามกระทำความผิด ผู้นั้นต้องระวางโทษสองในสามส่วนของโทษที่ กฎหมาย กำหนด ไว้ สำหรับ ความผิด นั้น” (ตรวจ คำต่อคำ กับ ฐานข้อมูล กฎหมาย ของ สำนักงานคณะกรรมการกฤษฎีกา ฉบับปรับปรุงล่าสุด 13 พฤศจิกายน 2569)

6. Criminal Code, Section 309 (coercion), paragraphs one to three; penalty as amended by the Act Amending the Criminal Code (No. 26), B.E. 2560 (2017). Verified 13 November 2026.
Thai original: ประมวลกฎหมายอาญา มาตรา 309 วรรคแรก “ผู้ใดข่มขืนใจผู้อื่นให้กระทำการใด ไม่กระทำการใด หรือจำยอมต่อสิ่งใด โดยทำให้กลัวว่าจะเกิดอันตรายต่อชีวิต ร่างกาย เสรีภาพ ชื่อเสียงหรือทรัพย์สินของผู้ถูกข่มขืนใจนั้นเองหรือของผู้อื่น หรือโดยใช้กำลังประทุษร้ายจนผู้ถูกข่มขืนใจต้องกระทำการนั้น ไม่กระทำการนั้นหรือจำยอมต่อสิ่งนั้น ต้องระวางโทษจำคุกไม่เกินสามปี หรือปรับไม่เกินหกหมื่นบาทหรือทั้งจำทั้งปรับ” วรรคสอง “ถ้าความผิดตามวรรคแรกได้กระทำโดยมีอาวุธ หรือโดยร่วมกระทำความผิดด้วยกันตั้งแต่ห้าคนขึ้นไป หรือได้กระทำเพื่อให้ผู้ถูกข่มขืนใจทำ ถอน ทำให้เสียหาย หรือทำลายเอกสารสิทธิอย่างใด ผู้กระทำต้องระวางโทษจำคุกไม่เกินห้าปี หรือปรับไม่เกินหนึ่งแสนบาท หรือทั้งจำทั้งปรับ” วรรคสาม “ถ้ากระทำโดยอ้างอำนาจอั้งยี่หรือซ่องโจร ไม่ว่าอั้งยี่หรือซ่องโจรนั้นจะมีอยู่หรือไม่ ผู้กระทำต้องระวางโทษจำคุกตั้งแต่หนึ่งปีถึงเจ็ดปี และปรับตั้งแต่สองหมื่น

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บาท ถึง หนึ่ง แสน สี่ หมื่น บาท” (อัตรา โทษ แก้ไข เพิ่มเติม โดย มาตรา 4 แห่ง พระราชบัญญัติ แก้ไข เพิ่มเติม ประมวลกฎหมายอาญา (ฉบับที่ 26) พ.ศ. 2560) (ตรวจ คำต่อคำ กับ ฐานข้อมูล กฎหมาย ของ สำนักงานคณะกรรมการกฤษฎีกา ฉบับปรับปรุงล่าสุด 13 พฤศจิกายน 2569)

7. Criminal Code, Section 321 (offenses under Sections 309 paragraph one, 310 paragraph one and 311 paragraph one are compoundable); Section 348 (offenses in the chapter on fraud, except Section 343, are compoundable; this section is in Chapter 3 of Title 12, while Sections 337 and 338 are in Chapter 2, which the firm has checked and found to contain no provision making its offenses compoundable); Section 96 (three-month complaint period for compoundable offenses). Verified 13 November 2026.
Thai original: ประมวลกฎหมายอาญา มาตรา 321 “ความผิด ตาม มาตรา 309 วรรค แรก มาตรา 310 วรรค แรก และ มาตรา 311 วรรค แรก เป็น ความผิด อันยอมความได้”, มาตรา 348 “ความผิด ใน หมวด นี้ นอกจาก ความผิด ตาม มาตรา 343 เป็น ความผิด อันยอมความได้” (มาตรา 348 อยู่ ใน ลักษณะ 12 หมวด 3 ความผิด ฐาน ฉ้อโกง ส่วน มาตรา 337 และ มาตรา 338 อยู่ ใน หมวด 2 ความผิด ฐาน กรรโชก รีดเอา ทรัพย์ ชิง ทรัพย์ และ ปล้น ทรัพย์ ซึ่ง สำนักงาน ตรวจ แล้ว ไม่ พบ บท บัญญัติ ให้ เป็น ความผิด อันยอมความได้), มาตรา 96 “ภายใต้ บังคับ มาตรา 95 ใน กรณี ความผิด อันยอมความได้ ถ้า ผู้เสียหาย มิได้ ร้องทุกข์ ภายใน สาม เดือน นับแต่ วันที่ รู้เรื่อง ความผิด และ รู้ ตัว ผู้ กระทำ ความผิด เป็น อันขาด อายุความ” (ตรวจ คำต่อคำ กับ ฐานข้อมูล กฎหมาย ของ สำนักงานคณะกรรมการกฤษฎีกา ฉบับปรับปรุงล่าสุด 13 พฤศจิกายน 2569)

8. Computer Crime Act B.E. 2550 (2007), Section 14, paragraph one, as amended by the Computer Crime Act (No. 2) B.E. 2560 (2017), sub-sections (4) and (5). Text taken from footnotes the firm has verified word for word against the Office of the Council of State database.
Thai original: พระราชบัญญัติ ว่าด้วย การ กระทำ ความผิด เกี่ยวกับ คอมพิวเตอร์ พ.ศ. 2550 มาตรา 14 วรรค หนึ่ง (แก้ไข เพิ่มเติม โดย พระราชบัญญัติ ว่าด้วย การกระทำ ความผิด เกี่ยวกับ คอมพิวเตอร์ (ฉบับที่ 2) พ.ศ. 2560) “ผู้ใด กระทำ ความผิด ที่ ระบุ ไว้ ดังต่อไปนี้ ต้อง ระวางโทษ จำคุก ไม่เกิน ห้า ปี หรือ ปรับ ไม่เกิน หนึ่งแสน บาท หรือ ทั้ง จำ ทั้ง ปรับ” ... “(4) นำเข้า สู่ ระบบ คอมพิวเตอร์ ซึ่ง ข้อมูล คอมพิวเตอร์ ใด ๆ ที่ มี ลักษณะ อันลามก และ ข้อมูล คอมพิวเตอร์ นั้น ประชาชน ทั่วไป อาจ เข้าถึง ได้ (5) เผยแพร่ หรือ ส่งต่อ ซึ่ง ข้อมูล คอมพิวเตอร์ โดย รู้อยู่แล้ว ว่า เป็น ข้อมูล คอมพิวเตอร์ ตาม (1) (2) (3) หรือ (4)” (ตัวบทคัดจากเชิงอรรถที่สำนักงานตรวจคำต่อคำกับฐานข้อมูลกฎหมายของสำนักงานคณะกรรมการกฤษฎีกาแล้ว)

9. Criminal Code, Section 326 (defamation), Section 328 (defamation by publication) and Section 330 (proof of truth, excluding private matters whose proof is not in the public interest). Verified 13 November 2026.
Thai original: ประมวลกฎหมายอาญา มาตรา 326 “ผู้ใด ใส่ความ ผู้อื่น ต่อ บุคคลที่สาม โดย ประการ ที่ น่าจะ ทำให้ ผู้อื่น นั้น เสีย ชื่อเสียง ถูกดูหมิ่น หรือ ถูกเกลียดชัง ผู้นั้น กระทำ ความผิด ฐาน หมิ่นประมาท ต้อง ระวางโทษ จำคุก ไม่เกิน หนึ่งปี หรือ ปรับ ไม่เกิน สอง หมื่น บาท หรือ ทั้ง จำ ทั้ง ปรับ”, มาตรา 328 “ถ้า ความผิด ฐาน หมิ่นประมาท ได้ กระทำ โดย การโฆษณา ด้วย เอกสาร ภาพวาด ภาพระบายสี ภาพยนตร์ ภาพ หรือ ตัวอักษร ที่ ทำให้ ปรากฏ ไม่ว่า ด้วย วิธีใด ๆ แผ่นเสียง หรือ สิ่ง บันทึกเสียง บันทึกภาพ หรือ บันทึกอักษร กระทำ โดย การกระจายเสียง หรือ การกระจายภาพ หรือ โดย กระทำการ ป่าวประกาศ ด้วย วิธีอื่น ผู้กระทำ ต้อง ระวางโทษ จำคุก ไม่เกิน สองปี และ ปรับ ไม่เกิน สองแสน บาท”, มาตรา 330 “ใน กรณี หมิ่นประมาท ถ้า ผู้ถูก หาว่า กระทำ ความผิด พิสูจน์ ได้ ว่า ข้อที่ หาว่า เป็น หมิ่นประมาท นั้น เป็น ความจริง ผู้นั้น ไม่ต้อง รับโทษ แต่ ห้าม ไม่ ให้ พิสูจน์ ถ้า ข้อที่ หาว่า เป็น หมิ่นประมาท นั้น เป็น การ ใส่ความ ใน เรื่อง ส่วนตัว และ การพิสูจน์ จะ ไม่ เป็น ประโยชน์ แก่ ประชาชน” (ตรวจ คำต่อคำ กับ ฐานข้อมูล กฎหมาย ของ สำนักงานคณะกรรมการกฤษฎีกา ฉบับปรับปรุงล่าสุด 13 พฤศจิกายน 2569)

10. Supreme Court Judgment No. 4403/2566 (Criminal Code Sections 91 and 328; Computer Crime Act Section 14 (4)): posting a video clip on Twitter once constitutes two separate offenses, defamation by publication and inputting obscene data into a publicly accessible computer system, each punished under Section 91. Verified on the Supreme Court judgment search system (deka.supremecourt.or.th) on 4 October 2026 as recorded in the firm’s register of verified judgments. On the day this page was prepared the search system returned 502 Bad Gateway throughout the session, so the firm has not yet cited judgments directly on extortion and blackmail and will add them once the system can be consulted.
Thai original: คำพิพากษาศาลฎีกาที่ 4403/2566 (ป.อ. มาตรา 91, 328; พ.ร.บ.ว่าด้วย การ กระทำ ความผิด เกี่ยวกับ คอมพิวเตอร์

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พ.ศ. 2550 มาตรา 14 (4)) ย่อคำพิพากษา: “แม้จำเลยจะลงมือเผยแพร่คลิปวิดีโอ...ในเครือข่ายทวิตเตอร์ครั้งเดียว แต่ความผิดฐานหมิ่นประมาทโดยการโฆษณาตาม ป.อ. มาตรา 328 กับความผิดฐานนำเข้าสู่ระบบคอมพิวเตอร์ซึ่งข้อมูลคอมพิวเตอร์ใด ๆ ที่มีลักษณะอันลามก...ตาม พ.ร.บ.ว่าด้วยการกระทำความผิดเกี่ยวกับคอมพิวเตอร์ พ.ศ. 2550 มาตรา 14 (4) มีวัตถุประสงค์ที่กฎหมายมุ่งคุ้มครองแตกต่างกัน...” และ “...ความผิดทั้ง 2 ฐานดังกล่าว มีองค์ประกอบของความผิดที่แตกต่างกัน สามารถแยกเจตนาของการกระทำความผิดออกจากกันได้อย่างชัดเจน การกระทำของจำเลยจึงเป็นความผิดสองกรรมต่างกัน ต้องลงโทษทุกกรรมเป็นกระทงความผิดตาม ป.อ. มาตรา 91” (ตรวจกับระบบสืบค้นคำพิพากษาศาลฎีกา deka.supremecourt.or.th เมื่อ 4 ตุลาคม 2569 ตามทะเบียนคำพิพากษาที่สำนักงานยืนยันแล้ว, ในวันที่จัดทำหน้านี้ระบบสืบค้นตอบข้อผิดพลาด 502 Bad Gateway ตลอดรอบสำนักงานจึงยังไม่ยกคำพิพากษาเรื่องกรรโชกและรีดเอาทรัพย์โดยตรง และจะเพิ่มเมื่อเปิดอ่านได้)

11. Criminal Code, Section 333, paragraph one (offenses in the chapter on defamation are compoundable). Verified 13 November 2026.
Thai original: ประมวลกฎหมายอาญา มาตรา 333 วรรคหนึ่ง “ความผิดในหมวดนี้เป็นความผิดอันยอมความได้” (หมวด 3 ความผิดฐานหมิ่นประมาท) (ตรวจคำต่อคำกับฐานข้อมูลกฎหมายของสำนักงานคณะกรรมการกฤษฎีกา ฉบับปรับปรุงล่าสุด 13 พฤศจิกายน 2569)

12. Computer Crime Act B.E. 2550 (2007), Section 16, paragraph one, as amended by the Computer Crime Act (No. 2) B.E. 2560 (2017). Text taken from footnotes the firm has verified word for word for the page on edited images under Section 16.
Thai original: พระราชบัญญัติว่าด้วยการกระทำความผิดเกี่ยวกับคอมพิวเตอร์ พ.ศ. 2550 มาตรา 16 วรรคหนึ่ง (แก้ไขเพิ่มเติมโดยพระราชบัญญัติว่าด้วยการกระทำความผิดเกี่ยวกับคอมพิวเตอร์ (ฉบับที่ 2) พ.ศ. 2560) “ผู้ใดนำเข้าสู่ระบบคอมพิวเตอร์ที่ประชาชนทั่วไปอาจเข้าถึงได้ซึ่งข้อมูลคอมพิวเตอร์ที่ปรากฏเป็นภาพของผู้อื่น และภาพนั้นเป็นภาพที่เกิดจากการสร้างขึ้น ตัดต่อเติม หรือดัดแปลงด้วยวิธีการทางอิเล็กทรอนิกส์หรือวิธีการอื่นใด โดยประการที่น่าจะทำให้ผู้อื่นนั้นเสียชื่อเสียง ถูกดูหมิ่นถูกเกลียดชัง หรือได้รับความอับอาย ต้องระวางโทษจำคุกไม่เกินสามปี และปรับไม่เกินสองแสนบาท” (ตัวบทคัดจากเชิงอรรถที่สำนักงานตรวจคำต่อคำแล้วของหน้า ตัดต่อภาพคนอื่นโพสต์ ผิด พ.ร.บ.คอมพิวเตอร์ มาตรา 16)

13. Civil and Commercial Code, Section 420 (tort) and Section 423, paragraph one (injury to reputation by untrue statements). Verified 13 November 2026.
Thai original: ประมวลกฎหมายแพ่งและพาณิชย์ มาตรา 420 “ผู้ใดจงใจหรือประมาทเลินเล่อ ทำต่อบุคคลอื่นโดยผิดกฎหมายให้เขาเสียหายถึงแก่ชีวิตก็ดี แก่ร่างกายก็ดี อนามัยก็ดี เสรีภาพก็ดี ทรัพย์สินหรือสิทธิอย่างหนึ่งอย่างใดก็ดี ท่านว่าผู้นั้นทำละเมิดจำต้องใช้ค่าสินไหมทดแทนเพื่อการนั้น”, มาตรา 423 วรรคหนึ่ง “ผู้ใดกล่าวหรือไขข่าวแพร่หลายซึ่งข้อความอันฝ่าฝืนต่อความจริงเป็นที่เสียหายแก่ชื่อเสียงหรือเกียรติคุณของบุคคลอื่นก็ดี หรือเป็นที่เสียหายแก่ทางทำมาหาได้หรือทางเจริญของเขาโดยประการอื่นก็ดี ท่านว่าผู้นั้นจะต้องใช้ค่าสินไหมทดแทนให้แก่เขาเพื่อความเสียหายอย่างใด ๆ อันเกิดแต่การนั้น แม้ทั้งเมื่อตนมิได้รู้ว่าข้อความนั้นไม่จริง แต่หากควรจะรู้ได้” (ตรวจคำต่อคำกับฐานข้อมูลกฎหมายของสำนักงานคณะกรรมการกฤษฎีกา ฉบับปรับปรุงล่าสุด 13 พฤศจิกายน 2569)

14. Criminal Procedure Code, Section 126, paragraphs one and two (withdrawal of a complaint; in a case that is not an offense against the person, withdrawal does not remove the power of the inquiry official or the public prosecutor) and Section 39 (2) (extinction of the right to prosecute in offenses against the person on withdrawal of the complaint or settlement). Text taken from footnotes the firm has verified word for word for the page on police complaints for online defamation.
Thai original: ประมวลกฎหมายวิธีพิจารณาความอาญา มาตรา 126 วรรคหนึ่ง “ผู้ร้องทุกข์จะแก้คำร้องทุกข์ระยะใด หรือจะถอนคำร้องทุกข์เสียเมื่อใดก็ได้” วรรคสอง “ในคดีซึ่งมิใช่ความผิดต่อส่วนตัว การถอนคำร้องทุกข์เช่นนั้นย่อมไม่ตัดอำนาจพนักงานสอบสวนที่จะสอบสวนหรือพนักงานอัยการที่จะฟ้องคดีนั้น”, มาตรา 39 “สิทธินำคดีอาญามาฟ้องย่อมระงับไปดังต่อไปนี้ ... (2) ในคดีความผิดต่อส่วนตัว เมื่อได้ถอนคำร้องทุกข์ ถอนฟ้องหรือยอมความกันโดยถูกต้องตามกฎหมาย” (ยกเฉพาะข้อที่สองของมาตรา 39, ตัวบทคัดจากเชิงอรรถที่สำนักงานตรวจคำต่อคำแล้วของหน้า ถูกหมิ่นประมาทออนไลน์ แจ้งความอย่างไร)

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15. Theft Act 1968 (c. 60), section 21 Blackmail, legislation.gov.uk, version shown by the database on 13 November 2026: “(1) A person is guilty of blackmail if, with a view to gain for himself or another or with intent to cause loss to another, he makes any unwarranted demand with menaces; and for this purpose a demand with menaces is unwarranted unless the person making it does so in the belief, (a) that he has reasonable grounds for making the demand; and (b) that the use of the menaces is a proper means of reinforcing the demand. (2) The nature of the act or omission demanded is immaterial, and it is also immaterial whether the menaces relate to action to be taken by the person making the demand. (3) A person guilty of blackmail shall on conviction on indictment be liable to imprisonment for a term not exceeding fourteen years.”

16. Reid v Price [2020] EWHC 594 (QB), judgment of 13 March 2020, Warby J, caselaw.nationalarchives.gov.uk (Find Case Law, The National Archives), read 13 November 2026. Paragraph 1: “This is an assessment of damages for breach of confidence, misuse of private information and breach of contract, and compensation under the Data Protection Act 1998”. Paragraph 54: “I am satisfied that this claim merits an award of at least £25,000, and that is the sum that I award.” Limitation: the firm read the facts and the assessment of damages and did not check whether an appeal was brought.

17. Strafgesetzbuch (StGB) § 253 Erpressung, gesetze-im-internet.de, checked 13 November 2026: “(1) Wer einen Menschen rechtswidrig mit Gewalt oder durch Drohung mit einem empfindlichen Übel zu einer Handlung, Duldung oder Unterlassung nötigt und dadurch dem Vermögen des Genötigten oder eines anderen Nachteil zufügt, um sich oder einen Dritten zu Unrecht zu bereichern, wird mit Freiheitsstrafe bis zu fünf Jahren oder mit Geldstrafe bestraft. (2) Rechtswidrig ist die Tat, wenn die Anwendung der Gewalt oder die Androhung des Übels zu dem angestrebten Zweck als verwerflich anzusehen ist. (3) Der Versuch ist strafbar. (4) In besonders schweren Fällen ist die Strafe Freiheitsstrafe nicht unter einem Jahr. …”, § 240 Nötigung (1): “Wer einen Menschen rechtswidrig mit Gewalt oder durch Drohung mit einem empfindlichen Übel zu einer Handlung, Duldung oder Unterlassung nötigt, wird mit Freiheitsstrafe bis zu drei Jahren oder mit Geldstrafe bestraft.” English renderings in the text are the author’s.

18. 刑法（明治四十年法律第四十五号）第二百四十九条, e-Gov 法令検索 laws.e-gov.go.jp, checked 13 November 2026: 「（恐喝）第二百四十九条 人を恐喝して財物を交付させた者は、十年以下の拘禁刑に処する。 2 前項の方法により、財産上不法の利益を得、又は他人にこれを得させた者も、同項と同様とする。」, 第二百五十条 「（未遂罪）この章の罪の未遂は、罰する。」, 第二百二十二条 「（脅迫）生命、身体、自由、名誉又は財産に対し害を加える旨を告知して人を脅迫した者は、二年以下の拘禁刑又は三十万円以下の罰金に処する。」, 第二百二十三条 「（強要）生命、身体、自由、名誉若しくは財産に対し害を加える旨を告知して脅迫し、又は暴行を用いて、人に義務のないことを行わせ、又は権利の行使を妨害した者は、三年以下の拘禁刑に処する。」 (paragraph one only; 拘禁刑 per the amended text in force). English renderings in the text are the author’s.

19. Ronald H. Coase, “The 1987 McCorkle Lecture: Blackmail” (1988) 74(4) Virginia Law Review 655, DOI 10.2307/1073121, bibliographic data verified with Crossref (api.crossref.org) on 13 November 2026. The firm has not read the full text in this round; the thesis summarized in the text is the article’s main proposition as generally cited, without figures or quotations from the article.

20. Justin W. Patchin and Sameer Hinduja, “Sextortion Among Adolescents: Results From a National Survey of U.S. Youth” (2020) 32(1) Sexual Abuse 30-54, DOI 10.1177/1079063218800469 (published online 2018), bibliography and abstract verified with Crossref on 13 November 2026. Abstract: “Approximately 5% of students reported that they had been the victim of sextortion, while about 3% admitted to threatening others who had shared an image with them in confidence. Males and nonheterosexual youth were more likely to be targeted, and males were more likely to have been victims themselves.” The firm summarizes from the abstract and has not read the full article.

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