

# **ASEAN**

*Government Law*

## **DIRECTORY**

---

*Fourth Edition*





## ***PREFACE***

Toward implementation the recommendations of the sixth ASEAN Senior Law Official Meeting on 3rd - 4th November 1999 on the establishment of an ASEAN Government Law Directory, Cambodia as host country has published an updated version of the ASEAN Government Law Directory to be distributed during the 8th ALAWMM meeting.

Therefor, the 4th Edition contains the updated informations on legal and judicial institutions of ASEAN Member Countries, which have sent the updated relevant information to Cambodia as agreed. For those ASEAN Member Countries that have not provided the updated relevant information, the 4th Edition Keeps the information contained in the 3rd Edition.

It is hoped that the 4th Edition will continue to serve as a useful resource and reference tool for ASEAN Law officials and facilitate communications and interaction amongst ASEAN Member States.



## *CONTENTS*

Brunei Darussalam .....	5
Cambodia .....	19
Indonesia .....	31
Laos PDR .....	43
Malaysia .....	59
Myanmar .....	73
Philippines .....	79
Singapore .....	97
Thailand .....	127
Vietnam .....	147



***BRUNEI DARUSSALAM***

## BRUNEI DARUSSALAM

### THE ATTORNEY GENERAL'S CHAMBERS

---

*Address: The Law Building  
Jalan Tutong  
Bandar Seri Begawan BA1910  
Brunei Darussalam*

*Tel: (673)-2244872, (673)-2238250*

*Fax: (673)-2222720*

*Website: <http://www.agc.gov.bn>*

*Email: [info@agc.gov.bn](mailto:info@agc.gov.bn)*

#### ATTORNEY GENERAL

The current Attorney General of Brunei Darussalam is the Honourable Datin Seri Paduka Hajah Hayati binti Pehin Orang Kaya Shahbandar Haji Mohd Salleh. She was appointed to the position on 4<sup>th</sup> August 2009. With effect from 29<sup>th</sup> May 2010, His Majesty the Sultan and Yang Di-Pertuan consented to the raising of the post of Attorney General to Ministerial level.

---

#### SOLICITOR GENERAL

The present Solicitor General is Datin Paduka Magdalene Chong.

#### LEGAL DRAFTSMAN

The present Legal Draftsman is Dyg Alice Khan binti Ahmad Khan, who is also the Head of the Legislative Drafting Division.

#### ASSISTANT SOLICITOR GENERAL

There are at present two Assistant Solicitors General, namely Mohammad Yusree Junaidi and Dayang Hajah Nor Hashimah Haji Mohammad Taib.

Mohammad Yusree Junaidi is responsible for matters related to Advisory and Prosecution, while Dayang Hajah Nor Hashimah Haji Mohammad Taib is responsible for matters related to International Affairs and Intellectual Property.

Under Article 81(1) of the Constitution, The Attorney General shall advise on all legal matters connected with the affairs of Brunei Darussalam referred to him by His Majesty the Sultan and Yang Di-Pertuan or by the Government. The Attorney General is the principal legal adviser to the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam. He is assisted by the Solicitor General and counsels, in advising the Government and representing the Government in civil and criminal cases. The Attorney General is also responsible for the drafting of legislation. In carrying out the task of drafting the legislations, the Attorney General's Chambers work closely with other Government Ministries and Departments.

Under section 374(1) of the Criminal Procedure Code, the Attorney-General shall be the Public Prosecutor and is vested with the power under



the Constitution to institute, proceed and discontinue once instituted, any criminal proceedings. All criminal prosecutions are instituted in the name of the Public Prosecutor. In carrying out this duty, the Attorney General is not subject to the direction or control of any other person or authority. He is assisted by Deputy Public Prosecutors in the conduct of criminal trials held in the Supreme Court and the Subordinate Courts.

The Public Prosecutor and his Deputies also advise, and direct prosecution undertaken by the police and other law enforcement departments including rendering advice in their investigations.

Apart from carrying out the above duties, the Attorney General's Chambers also provides services to the public by maintaining the following registries;

- Companies,
- Business Names,
- Trade Marks,
- Industrial Designs,
- Inventions,
- Power of Attorney,
- Marriages; and
- Bills of Sales.

There are currently eight (8) divisions in the Attorney General's Chambers:

- Civil Division,
- Criminal Justice Division,
- International Affairs Division,

- Intellectual Property Division,
- Legislative Drafting Division,
- Registries Division,
- Research and Law Revision Division, and
- Administration and Finance Division.

### **Head of Civil Division**

The Civil Division is headed by Dayang Hajah Rahayu binti Dato Paduka Haji Abdul Razak, Principal Counsel.

### **Civil Division**

The work of the Civil Division includes:

- Giving legal advice, when requested, to Government Ministries, Government Department, Statutory Bodies and Government-Linked Companies (GLCs);
- Drafting and vetting contracts and legal documents for and on behalf of the Government;
- Conducting and managing civil litigation on behalf of the Government;
- Representing the Attorney General in meetings with other Government Departments/Committees/Municipal Board/Other statutory boards/GLCs;
- Negotiating and drafting international treaties and agreements, memorandum of understandings (in addition to those handled by the International Affairs Division).
- Drafting of legislations;
- Recovery of debts owed to the

- Government and statutory bodies;
- Conducting talks and presentations to other Government departments on matters related to civil laws and matters; and
- Corporate services for GLCs.

### Head of Criminal Justice Division

The Criminal Justice Division is headed by Dayang Aldila binti Haji Mohd Salleh, Principal Counsel.

### Criminal Justice Division

The Criminal Justice Division comprises of Deputy Public Prosecutors who assist the Attorney-General in her role as Public Prosecutor.

Under Article 81 (3) of the Constitution of Brunei Darussalam, the Attorney-General shall have power exercisable at his discretion to institute, conduct or discontinue any proceedings for an offence other than —

(a) proceedings before a Syariah Court, subject to the provisions of any written law to the contrary; or

(b) proceedings before a Court Martial, subject to the provisions of any written law to the contrary.

Section 374 (1) of the Criminal Procedure Code, Chapter 7 states that the Attorney-General shall be the Public Prosecutor and shall have the general direction and control of criminal

prosecutions and proceedings under this Code or under any other written law.

The Criminal Justice Division's Core Mission is "Safeguarding a fair criminal justice system for the public, victims and defendants by maintaining a competent and impartial prosecution service". The Criminal Justice Division conducts criminal prosecutions at all tiers of Courts in Brunei Darussalam as well as conducting criminal appeals in both the High Court and Court of Appeal. The Criminal Justice Division works closely with the various Law Enforcement Agencies in Brunei Darussalam in supervising and evaluating the results of their investigations and advising on criminal law matters.

Aside from the Law Enforcement Agencies, officers of the Criminal Justice Division also render advice on criminal justice issues to Ministries and Government Departments. These include the conduct of seminars, lectures and dialogues to facilitate the implementation, application and further understanding of criminal laws and related matters. The Criminal Justice Division is also actively involved in giving public lectures on criminal law with the initiative extended to Schools, Higher Educational Institutions and Private Agencies.

The Criminal Justice Division also works closely in tandem with the other divisions of the Attorney-General's Chambers. The Criminal

Justice Division assists the International Affairs Division in reviewing and studying the relevant international treaties, conventions and other international or regional instruments and CJD is actively involved in the negotiation of agreements and treaties on criminal related matters. Officers of the Criminal Justice Division also take part in International and Regional Conferences, Meetings and Workshops on issues concerning Criminal Justice. The Criminal Justice Division also regularly assists the Legislative Drafting Division in reviewing, drafting and amending criminal law related legislation.

The Criminal Justice Division also performs the functions of the Mutual Legal Assistance Secretariat which handles incoming requests to Brunei Darussalam for Mutual Legal Assistance and Extradition as well as facilitating the making of such requests by Brunei Darussalam to foreign countries for such assistance.

### **Head of International Affairs Division**

The International Affairs Division is headed by Dayang Hajah Nor Hashimah Haji Mohammad Taib, who is also the Assistant Solicitor General of Brunei Darussalam.

### **Head of Intellectual Property Division**

The Intellectual Property Division is headed by Dayang Hajah Nor Hashimah Haji Mohammad

Taib, who is also the Assistant Solicitor General of Brunei Darussalam.

### **Intellectual Property Division**

The work of the Intellectual Property Division includes:

- to administer the intellectual property rights (IPR) protection in Brunei Darussalam;
- to formulate and review the IP policies and legislation in Brunei Darussalam;
- to advise the government on matters pertaining to IP;
- to represent the government nationally and internationally on IP matters;
- to promote awareness and effective use of IP in Brunei Darussalam;
- to disseminate information on IP in Brunei Darussalam; and
- to cooperate with IP offices and other organizations in IP programs and activities.

### **International Affairs Division**

The International Affairs Division mainly provides legal advice to Ministries and other Government Departments on Public International Law matters which may include the following areas:

- International Trade Law
- Bilateral and Multilateral Negotiations
- Civil Aviation / Outer Space

- Treaties and Convention
- Considering International Conventions for domestic law
- Human Rights
- Humanitarian Law
- International Organization (AALCO, ASEAN, ICAO, Commonwealth, UN, WTO, etc)
- International Banking and Finance
- Environment Law
- Maritime and Territorial Matters
- Military cooperation; and
- Any other matters as directed by the Attorney General.

The officers within the Division usually participate in Conferences, Meetings and Working Groups of International Organisations and also regionally and then make recommendations as a result of such participation. They also make proposals for and assist in the drafting of implementing legislation resulting from international undertakings and commitments in the form of either bilateral or multilateral agreements.

### **Legislative Drafting Division**

The Legislative Drafting Division is headed by Dayang Alice Khan binti Ahmad Khan, the Legal Draftsman. The Legal Draftsman is responsible for the drafting of all legislation and subsidiary legislation required by the Government, and is answerable to the Attorney General.

The Legal Draftsman is also involved in the revision of the Laws of Brunei.

### **Registries of Companies/Business Names/ Powers of Attorney, and Marriages**

The Head of the Registries is the Attorney General and the officer-in-charge is Dyg Alice Khan binti Ahmad Khan.

The Registries deal with the following matters –

- (a) to provide for the registration of companies under the Companies Act (Chapter 39);
- (b) to provide for registration of sole proprietorships and partnerships under the Business Names Act (Chapter 92);
- (c) to provide for the registration, revocation and renunciation of power of attorney under the Power of Attorney Act (Chapter 13); and
- (d) to provide for the registration of customary marriages and marriages solemnised outside Brunei Darussalam under the Marriage Act (Chapter 76).

### **Head of Research and Law Revision Division**

The Research and Law Revision Division is headed by Dayang Zuraini binti Haji Sharbawi, Senior Counsel.

The Research and Law Revision Division undertakes comparative research and studies

on best practices that have been adopted by countries in specific issues. The Division is also responsible for the periodic revision of the Revised Edition of the Laws of Brunei. Law Revision is a continuous process and is an exercise to eliminate the accumulation of amendments and of newly-made laws in having them all textually updated and introduced and reprinted into the Revised Edition.

### **Head of Administration and Finance Division**

The Administration and Finance Division is headed by Pengiran Kamis bin Pengiran Metamin,

### **Administration and Finance Division**

The Administration and Finance Division is responsible for ensuring the effective and efficient administration of the Attorney-General's Chambers.

There are four Units under the Administration and Finance Division:

1. Administration Unit
2. Finance Unit
3. Development and Communications Unit
4. Information Technology Unit

### **Mutual Legal Assistance Secretariat**

A Mutual Legal Assistance (MLA) Secretariat

has been established to assist in implementing the Mutual Assistance in Criminal Matters Order (enacted in January 2005). The purpose of this legislation is to help facilitate assistance in relation to a criminal investigation or proceeding, to any requesting foreign country and at the same time, enables Brunei Darussalam to make requests for assistance to other foreign countries for similar reasons. Assistance includes obtaining of evidence, arranging the attendance of persons to either assist in investigations or to appear as witnesses at proceedings, executing forfeiture orders, locating and identifying persons and the service of documents.

The MLA Secretariat is responsible for receiving requests from foreign countries and thereafter forwarding the information contained within the requests to the relevant Law Enforcement Authorities and the Courts. The MLA Secretariat also acts as the initiating point of request on behalf of the Government of Brunei Darussalam in transmitting requests to foreign countries to help with the investigation or proceedings of a criminal matter here. Its duties also include ensuring that requests are made in accordance with the legislation and that all the necessary information is included in the request. The MLA Secretariat also handles requests to and from Brunei Darussalam concerning Extradition matters pursuant to the Extradition Order, 2006.

There are at present two officers in charge of

the functioning of the Secretariat, Riana Dewi Aji and Christopher Ng Ming Yew and their contact information are as follows:

*Mutual Legal Assistance Secretariat  
3rd Floor,  
Attorney General's Chambers  
The Law Building  
Brunei Darussalam*

*Telephone: (673) 2244872*  
*Fax: (673) 2223100*  
*Email: mla@agc.gov.bn;  
riana.aji@agc.gov.bn; or  
christopher.ng@agc.gov.bn*

## THE JUDICIARY

*Address: The Supreme Court  
Jalan Tutong, BA 1910  
Bandar Seri Begawan  
Negara Brunei Darussalam*

*Tel: (673) – 2 243939*  
*Fax: (673) – 2 241984*  
*Website: www.judicial.gov.bn*

The Judiciary is the custodian of Justice and Rule of Law. It administers justice through the Supreme Court (which consists of the Court of Appeal and the High Court), the Intermediate Court and the Subordinate Courts.

The current Chief Justice is the Honourable Dato Seri Paduka Haji Kifrawi Dato Paduka Haji Kifli.

## SUPREME COURT

### Court of Appeal

The Court of Appeal is the highest Appellate Court. It consists of the President and two Judges. It deals with appeal of both criminal and civil cases from the High Court and the Intermediate Court.

The Court of Appeal is the highest Appellate Court for criminal cases.

In civil cases, the Court of Appeal is the highest Appellate Court unless all parties agree to refer to the Judicial Committee of Her Majesty's Privy Council in London.

### High Court

The Chief Justice and Judges of the High Court hear both the Civil and Criminal cases of unlimited jurisdiction. It deals with appeal of both criminal and civil cases from the Subordinate Courts.

In addition to the usual civil and criminal jurisdiction, the Courts also deal with cases of bankruptcy, companies winding up, applications for Grants of Probate, Letters of Administration of deceased's person's estates, issuing apostilles certificates and registration of civil marriages. A further function of the judiciary is the administration of the admission of advocates and solicitors, who wish to

practice in Brunei Darussalam under the Legal Profession Act Chapter 132, and the issuance of annual Practising Certificates.

### **Intermediate Court**

Intermediate Court was established by the Intermediate Court Act Chapter 162. They hear both Civil and Criminal cases.

In Criminal cases, they can hear any cases where the punishment does not exceed 20 years. They do not have jurisdiction to hear Capital Punishment cases and can impose whipping and fine.

In Civil cases, they can hear any claim that does not exceed BND\$300,000.

The decision made by the Intermediate Court are appealable to the Court of Appeal.

### **Subordinate Courts**

The Subordinate Courts include the Magistrate Courts and the Juvenile Courts.

The Magistrate courts is governed by the Subordinate Courts Act (Chapter 6) which came into force on the 1<sup>st</sup> day of January 1983. The majority of cases are heard by the Magistrates' Courts. They are situated in all four districts of Brunei Darussalam; Bandar Seri Begawan, Kuala Belait, Tutong and Temburong.

The Magistrate Courts adjudicate both Civil and Criminal cases which are within their jurisdiction and those which are outside their jurisdiction will be heard by the Intermediate Court or High Court.

### **Juvenile Court**

On 1<sup>st</sup> March 2010, a comprehensive piece of legislation encompassing all aspects relating to the welfare and care of the child as well as child justice was enforced in the form of the Children and Young Persons Order 2006. The Children Order 2000 became obsolete and the juvenile justice system in Brunei was born.

The Juvenile Court is presided by a Juvenile Court Magistrate. The Juvenile Court sits in all 4 districts, Bandar Seri Begawan, Tutong, Kuala Belait and Temburong. The Juvenile Court deals with 3 categories of cases, namely criminal offences committed by juvenile below 18 years old, juveniles who are beyond parental control and juveniles who are in need of care and protection orders.

The introduction of the juvenile justice system has empowered Magistrates with alternative 'sentencing' options which include the making of probation orders, community service orders, placement in an Approved School and Approved Home and placement in a Detention Centre. Before making these orders, the Magistrate participates in discussions with a Panel of Advisers who will deliberate over the

best interests of the child in consultation with the Probation Unit officers.

With the concept of restorative justice as the underlying philosophy of the establishing legislation, the Juvenile Court is committed to rehabilitating and reintegrating young offenders back into society in order to preserve and safeguard the future of those who have lost their way.

## SYARIAH COURTS

*Address: Brunei Supreme And Syariah Courts Building,  
Jalan Stoney,  
Bandar Seri Begawan,  
Brunei Darussalam*

*Tel: (673) 2221600*

*Fax: (673) 2221467*

Syariah Courts are responsible for the administration of Justice through the Syariah Court of Appeal, the Syariah High Court and the Syariah Subordinate Courts which sit at Brunei Muara, Belait, Tutong and Temburong district.

All courts hear both criminal and civil cases which provided under any written law which confers on the Syariah Courts jurisdiction. Appeals from the Syariah Subordinate Courts are heard by the Syraiah High Court. Appeals from the Syariah Court go to the Syariah Court of Appeal.

The Syariah Courts was established on 26<sup>th</sup> March 2001 under Syariah Courts Act (Chapter 184) which repealed the Court of the Chief Kadi and the Court of Kadi under the Religious Council and Kadis Courts Act (Chapter 77).

The Syariah Courts also deal with the application for the Adoption of children, division of and inheritance of the property testate or intestate, approval to sell or auction the article pawned under Pawnbrokers Order 2002, legalisation of converts under Chapter 77, etc.

A further function of the Syariah Courts is the administration of the admission of Syar'ie lawyers. A committee called the Syar'ie Lawyers Committee was established to assist Chief Syar'ie Judge to deal with matters relating to Syar'ie lawyers.

The functions of the Committee include issuing the Syar'ie Lawyer Certificate and the Certificate and the Certificate of Annual Practice, regulating the discipline of the Syar'ie Lawyer as stipulated under Syariah Court (Syar'ie Lawyers) Rules 2002. In addition, the Chief Syar'ie Judge is also responsible in determining the dates of the new moons on which "rukayah" may occur and also to make the enquiry on any specified day the new moon may be sighted and then to determine and confirm the result of "rukayah" under the Syariah Courts Act (Chapter 184).



Under the Chief Registrar of the Syariah Appeal Court administration, the Syariah Courts consist of four (4) Divisions namely; The Registrar Office of the Syariah Court of Appeal, The Registrar Office of the Syariah High Court, The Registrar Office of the Syariah Subordinate Courts, and the Registry Office of the Muslim Marriage, Divorce, Annulment and Ruju’.

To assist the Syariah Courts in its administration, the State Judiciary Department was established on 1<sup>st</sup> May 2002. Its responsible for the administration and management of the supports, provision and financial services for both the Syariah Courts still maintain their respective judicial procedure as stated in the act and rules provided.

### **Syariah Court of Appeal**

The Syariah Court of Appeal is the highest Appellate Court. It deals with the appeal and revisionary cases from Syariah High Court, both in civil and criminal cases. An appeal or revisionary in the Syariah Appeal Court shall be heard and determined by a Chairman and any of Syariah Appeal Court Judges as specified by the Chief Syar’ie Judge. The Chief Syar’ie Judge shall be Chairman in every proceeding in the Syariah Appeal Court, and in case he is unable to perform his duty, he shall appoint the most senior amongst the Syariah Appeal Court Judges to become the Chairman.

### **Syariah High Court**

The Syariah High Court has unlimited original criminal and civil jurisdiction which are provided under any written law which confers on the Syariah on the Syariah Court jurisdiction. The courts hear both criminal and civil cases, which the Syariah Subordinate Courts have no jurisdiction to hear. It also deals with appeal and revisionary cases from the Syariah Subordinate Courts.

### **Syariah Subordinate Courts**

The Syariah Subordinate Courts hear both criminal and civil cases which are provided under any written law which confers in the Syariah Courts jurisdiction. The Syariah Subordinate Courts could be found in Brunei Muara, Belait, Tutong and Temburong District. In their criminal jurisdiction: trial any offences punishable under any written law which provides namely for the syariah criminal offences, prescribing offences where the maximum punishment provided for does not exceed \$10,000, or imprisonment for a period not exceeding 7 years or both. And in their civil jurisdiction; heard and determine all actions and proceedings which the Syariah High Court is empowered to hear and determine where the amount or value of the subject-matter in dispute does not exceed \$500,000.00 or is not capable of estimation in terms of money.

## The Registry Office of Muslim Marriage, Divorce, Annulment and Ruju'

It deals with the application for marriages, registrations, issuing marriages certificates, divorce certificates, annulment and raju' certificates. It also conducts investigation to all the requirement of "Syara" relating to marriage and raju'. In addition, it complies with provisions of the Islamic Family Law Order, 1999 by the Public and "Jurunikah"

### SYARI'AH AFFAIRS SECTION, MINISTRY OF RELIGIOUS AFFAIRS COURTS

*Address: Department of Syari'ah Affairs  
Ministry of Religious Affairs,  
Jalan Elizabeth II,  
Bandar Seri Begawan, BS3510  
Brunei Darussalam.*

*Tel: (673)-2-232202*

*Fax: (673)-2-235800*

*Website: <http://www.religious-affairs.gov.bn/>*

The Department of Syari'ah Affairs, Ministry of Religious Affairs is headed by a Director and is assisted by an Assistant Director. There are five (5) sections under the department which have their specific functions and jurisdictions. The sections are Administration, Halal Food Control, Aqidah Control, Religious Enforcement and Family Counseling.

### The functions and responsibilities of the Department of Syari'ah Department as a

### whole are as follows:

- Investigating, patrolling and detecting potential locations where commission of syari'ah offences is highly suspected;
- Ensuring food and consumable items in market are halal and sacred;
- Inspecting and examining meat that are slaughtered in compliance with syari'ah;
- Carrying out services of family counseling and pre-marriage courses;
- Ensuring Muslims in the country upholding the Islamic religion according to *Ahli Sunnah Wal Jamaah* and Mazhab Syafi'e; and
- To carry out talks and briefings with regards to the Department's jurisdictions.

### Their objectives are as follows:

- To ensure Muslims in the country do not act in contradiction with the Islamic faith and Syari'ah Law;
- To increase public confidence on the halalness and the sacredness of food and consumable items in the market;
- To ensure meats distributed in the country conform with halal requirements;
- To assist the society in matters pertaining to Islamic family;
- To update programmes relating to faith / aqidah; and
- To step up enforcement and increase the society's understanding of syariah criminal laws.

### Functions and Roles:

- To prevent and manage Muslims in the country against suspicious influences of teaching and in contradiction with the *Ahli Sunnah Wal Jamaah*; and
- Enforcement of the Islamic Religious Council and Kadi Courts Act (Chapter 77), the Syariah Courts Act (Chapter 184), Islamic Family Law Order 1999 and Islamic Adoption of Children Order 2001, the Halal Certificate and Halal Label Order 2005 and the Halal Meat Act (Chapter 183).

### ISLAMIC LEGAL UNIT, MINISTRY OF RELIGIOUS AFFAIRS

*Address: Islamic Legal Unit  
Ministry of Religious Affairs,  
Jalan Menteri Besar, Berakas  
Brunei Darussalam.*

*Tel: (673)-2-382525 ; (673)-2-381399*

*Fax: (673)-2-371401*

*Website: <http://www.religious-affairs.gov.bn/>*

Currently the Islamic Legal Unit is headed by a Director and is assisted by an Assistant Director, the Islamic Legal Expert, Chief Syar'ie Prosecutor and several officials and staff.

The main functions of the Islamic Legal Unit are as follows:

- To bring Brunei Laws into conformity with *Hukum Syara'*;

- To draft and prepare law based on *Hukum Syara'*;
- To conduct prosecution in Syariah Courts;
- To give legal advice based on Islamic Laws presently in force in Brunei Darussalam and *Hukum Syara'* to government agencies, non-governmental organizations, individuals and public sectors; and
- To give clear explanations regarding the Islamic Laws presently in force in Brunei Darussalam.

To ensure the smooth running of its tasks, responsibilities and roles, this Unit has been divided into five (5) divisions; Administration Division, Adaptation Division, Drafting Division, Prosecution Division, and Legal Advice Division.

### GOVERNMENT PRINTING DEPARTMENT, PRIME MINISTER'S OFFICE

*Address: Government Printing Department  
Prime Minister's Office,  
Old Airport, Berakas,  
Bandar Seri Begawan, BB3510,  
Brunei Darussalam*

*Tel: (673)-2-382541*

*Fax: (673)-2-381141*

*Website: <http://www.printing.gov.bn/>*

The basic aim for the establishment of the Government Printing Department is to meet

the printing requirements of law materials such as government gazette, laws and government documents in accordance to the Interpretation and General Clauses (Chapter 4) especially Section 3(1) and Section 46(1)(2) of the Act. Its responsibilities includes printing law materials e.g. Government Gazettes, Law Revisions of Brunei Darussalam, The Judgment of The Courts of Brunei Darussalam, Deeds, Instruments of Appointment and etc. Its responsibilities also include Printing Mushaf Al Quran and other religious books and articles.

#### **STATE JUDICIARY DEPARTMENT (ADMINISTRATION AND FINANCE DIVISION)**

*Address: State Judiciary Department  
(Administration and Finance Division)  
1<sup>st</sup> Floor, Bangunan Bahirah  
Jalan Menteri Besar, BB3910  
Brunei Darussalam*

*Tel: (673) – 2380671*

*Fax: (673) – 2380675*

The Administration and Finance Division of the State Judiciary Department was created in May 2002 and handles all Administration and Finance matters for both the Civil and Syariah Courts. Its responsibilities include managing the annual budget as well as the welfare of all officers and staff of the Civil and Syariah Courts.

***CAMBODIA***

## CAMBODIA

### THE MINISTRY OF JUSTICE

---

*Address:* The Ministry of Justice  
No 14, St. Sothearos Blvd  
Phnom Penh, Cambodia

*Tel:* (855-23) 219 570/216 322

*Fax:* (855-23) 219 570/216 322

*E-mail:* [justice@camnet.com.kh](mailto:justice@camnet.com.kh)

*Website:* [www.moj.gov.kh](http://www.moj.gov.kh)

#### Minister of Justice

Minister of Justice of Cambodia is currently His Excellency Mr. **ANG Vong Vathana**. He was appointed to the position on 15<sup>th</sup> July 2004 and 25<sup>th</sup> September 2008, signed and promulgated by the Royal Decree of His Majesty NORODOM SIHAMONI, King of Cambodia.

The Ministry of Justice's responsibility involves initiating, formulating and implementing the broad legal policies of the Royal Government. It is the Ministry's mission to ensure a sound legal infrastructure to support our economic and social goals.

The Ministry of Justice has the following functions and duties:

- To protect the independence of judges in the court in their duties;
- To assure justice for every one under the laws;

- To organize and monitor all level of administrative processes of tribunals and prosecution institution;
- To ensure the functioning of all sectors and levels of tribunals and prosecution institution;
- To ensure the functioning of the courts and all prosecutors and prepare various laws governing these institutions;
- To follow up the execution of laws, judgments and all level of court and prosecutor rulings;
- To inspect in case of there is a complaint from natural person or legal entity which appened at all level of court and prosecution institution;
- To supervise the detention centre and prison for the purpose of law enforcement;
- To draft laws in the field of justice;
- To review and give opinion on draft law of ministries and other institutions;
- To manage and make circulars for the purpose of law enforcement in the field of justice;
- To search, educate and disseminate laws concerning judicial affairs;
- To administer and cooperate with the Royal Academy for Judicial Affairs for the purpose of training bailiffs and officials of court assistants;
- To cooperate with the Royal Academy for Judicial Affairs for the purpose of training judges, prosecutors and court clerks;
- To supervise the education and dissemination of laws concerning to

the judicial affairs;

- To conduct international relationships associated with justice and relevant laws;
- To form, manage and issue extracts of criminal records;
- To accept, prepare and manage amnesties or pardons as determined by law;
- To manage civil servants serving at the Ministry of Justice;
- To control budget of the Ministry of Justice, all level of courts and prosecutors;
- To write report of trimester and semester, nine month and yearly for royal government;
- To perform other duties as assigned by the Royal Government.

The Ministry of Justice consists of the following structures:

- Cabinet of Minister;
- Internal Audit Department;
- General Inspectorate for Judicial Affairs;
- General Department of Administration and Finance;
- General Department of Technical Affairs;
- General Department of Research and Judicial Development;

#### **Office of the Cabinet of Minister**

The cabinet of minister is in charge of undertaking missions that are determined by the provision of Sub-degree 20/ANK/BK, dated April 30, 1996 as referred to above, concerning the organization and functioning of the Ministry and the State Secretariat.

#### **Internal Audit Department**

The Internal Audit Department subordinates to the Minister of Justice and responsible for applying its obligation as defined in Sub-degree No 40 ANK/BK, dated February 15, 2005 on the organization and functioning of the Internal Audit throughout the institutions, ministries and public establishment.

#### **General Inspectorate for Judicial Affairs**

The General Inspectorate for Judicial Affairs of the Ministry of Justice shall act as a mechanism of the ministry for the following activities:

- To conduct regularly inspections on administrative function of entities, which are under the supervision of the Ministry of Justice;
- To conduct permanence administrative inspections and law enforcement over the tribunals, prosecution institutions;
- To resolve the case if there is a complaint against a person or legal entity which is occurred all tribunals and prosecution institutions, make a report to the Minister and defend their report of the Ministry before the disciplinary council of the Supreme Council of Magistracy;
- To prepare reports to the Minister on the administrative function and law enforcement of the all tribunals and prosecution institutions and entities which is under the supervision of the Ministry of Justice that has been inspected and proposed measures to the Minister for improving such functioning;

- To review and manage evidence all over the court and prosecution institutions;
- To review and mediate administrative disputes which fall under the authority of the officers and agents of the ministry;
- To perform other duties assigned by the Minister.

The General Inspectorate for Judicial Affairs helps Minister to work with the Supreme Council for Magistracy and helps the functioning of Supreme Council for Magistracy and has its roles and obligation as followed:

- To contact and coordinate the work between the Ministry of Justice and the Supreme Council for Magistracy in order to make the judicial affairs better and unity;
- To receive complaint concerning to the judge and prosecutor and arrange document for the disciplinary council of the Supreme Council for Magistracy;
- Responsible for the Administrative Affairs, make report and minute of the meeting of the Supreme Council for Magistracy and Disciplinary Council of Supreme Council for Magistracy and keeps the report, minutes and as well as other documents.

### **General Department of Administration and Finance**

The General Department of Administration and Finance shall function as the ministerial

mechanism for coordinating and managing on administrative, staff, planning, statistic and finance of the Ministry and Supreme Council for Magistracy.

The General Department of Administration and Finance has three following departments:

- Department of Administrative Affairs;
- Department of Financial Affairs;
- Department of Personnel Affairs.

#### **A. Department of Administrative Affairs**

The Department of Administrative Affairs shall be responsible for:

- To coordinate the administrative management at the central level and between local institution under its jurisdiction;
- To manage and circulate administrative documents of the ministry;
- To ensure administrative efficiency and safety and social affairs of the ministry;
- To prepare and disseminate the statistics of judicial and prosecution affairs;
- To prepare and manage the data system and development of the ministry;
- To receive and distribute material for the court and prosecution institution;
- To serve and receive information;
- To manage keeping document;
- To organize meetings, conferences, seminars, protocols, and other ceremonies within the Ministry;
- To summarize and make working report and other activities of the Ministry;
- To write monthly, trimester and semester,



nine month and yearly report for its superiors;

- To perform other duties as assigned by the Minister.

## **B. Department of Financial Affairs**

The Department of Financial Affairs shall be responsible for:

- To manage budget and finance for the functioning of the Supreme Council of Magistracy that is the national separate budget from the Ministry's budget which has the Minister of Justice as Authorized Person for expend;
- To gather requests, make a list of revenue and preparing expenditure plans, managing equipment, managing equipment repairs and construction;
- To collect and coordinate all expense of the Ministry;
- To manage movable and immovable property and material stock, and make inventories;
- To manage regularly the list of the invoice.... and physical account;
- To manage the budget of the ministry, provincial and municipal courts and prosecutors;
- To administer and manage the revenue in compliance with the financial law;
- To organize information technology of financial activities and operational account;
- To implement the ministry's public procurement;

- To propose economic planning project, social affairs and public investment of the Ministry;
- To propose Ministry budget project and follow up and remind the implementation;
- To write monthly, trimester and semester, nine month and yearly report for its superiors;
- To perform other duties as assigned by the Minister.

## **C. Department of Personnel Affairs**

The Department of Personnel Affairs shall function as following activities:

- To administer all civil servants who are serving for the Ministry of Justice in collaboration with the State Secretariat for Civil Service;
- To prepare policies for recruitment, appointment, promotion, removal, and retirement for the ministry as determined by law;
- To prepare the formality and propose to give the working medal and honorary gift to the leaders, ministerial government officials and foreign experts to the Ministry which has good achievement;
- To determine functions and number of civil servants and collect information concerning to all level of tribunals and prosecution institutions;
- To prepare all administrative files for career management;
- To prepare statistics of personnel management and operational schedules;

- To organize planning for determining a number of judges, prosecutors in proportion with citizen within the provinces and municipality for the functioning of tribunals and prosecutors;
- To write monthly, trimester and semester, nine month and yearly report for its superiors;
- To perform other duties as directed by the Minister.

### **General Department of Technical Affairs**

The General Department of Technical Affairs shall function as a mechanism of the ministry on coordinate function and manage the legislation, prosecution, criminal and civil Affairs include preparing strategies for the development of technical work throughout the whole jurisdiction.

The General Department of Technical Affairs has four subordinate departments:

- Department of Legislative Affairs;
- Department of Prosecution Affairs;
- Department of Criminal Affairs;
- Department of Civil Affairs.

#### **A. Department of Legislative Affairs**

The Department of Legislative Affairs shall be responsible for:

- Draft laws concerning the field of justice and make authenticate text which related the organization and functioning of the tribunals and prosecution institution and other concerned legal text;
- To review and give opinion on draft laws

of ministries and other institutions;

- To join the discussion, negotiate and participate in signing international agreement connect to the administrative law;
- To join the educating, training and disseminating laws concerns judicial affairs;
- To propose law making project and other legal text of the ministry;
- To cooperate with foreign countries and organizations on the national and international legislation work;
- To research and build data system of national and international criminology;
- To write monthly, trimester and semester, nine month and yearly report for its superiors;
- To perform other duties as assigned by the Minister.

#### **B. Department of Prosecution Affairs**

The Department of Prosecution Affairs shall be responsible for:

- To participate in drafting laws and other regulations that related to prosecution institutions;
- To join reviewing and provide consultations on all draft laws and regulations prepared by the ministries and other institutions related to prosecution;
- To monitor the law enforcement of detention centre and prison;
- To supervise the statistics and activities of

all prosecution institutions;

- To investigate, monitor the judgment application and other rulings of all level of tribunals and prosecution institutions;
- To review and preparing complaints that related to prosecution institutions;
- To establish relationships with national and international organizations in the aspect of prosecution and human rights;
- To review and provide consultation related to prosecution matters;
- To follow up the law enforcement activities of the prosecution institutions;
- To prepare statistics and summary report of the prosecution affairs;
- To write monthly, trimester and semester, nine month and yearly report for its superiors;
- To perform other duties as assigned by the Minister.

### **C. Department of Criminal Affairs**

The Department of Criminal Affairs shall be responsible for:

- To participate in drafting laws and regulations concern the criminal law;
- To review and provide consultations related to criminal Affairs;
- To participate with the Ministry or other concerned institutions for negotiating the international treaty, convention or international agreements related to criminal cases;
- To review proposals made by foreign governments and Cambodia prosecutor

related to extradition, the implementation of extradition and ensure the application of international indictments for criminal cases;

- To prepare and enforce measures preventing the commission of offenses by cooperating with relevant ministries and national organizations;
- To receive and forward complaints related to the enforcement of criminal punishment; recourses, and actions for amnesty as provided by law;
- To collect data of judgment, criminal judgment and other rulings concern the criminal case of all tribunals;
- To review list of statistics of criminal cases;
- To manage of criminal records and issue extracts of criminal records;
- To prepare statistics and achievement reports of criminal affairs;
- To write monthly, trimester and semester, nine month and yearly report for its superiors;
- To perform other duties as assigned by the Minister.

### **D. Department of Civil Affairs**

The Department of Civil Affairs shall be responsible for:

- To participate in drafting laws and regulations related to civil affairs;
- To participate in reviewing and providing consultation on the draft of law and other regulations which is prepared by the ministry and other institutions that

concerns with the civil affairs;

- To participate in discussions and negotiations and enter into international agreements related to private law, commercial law, social law include patent, intellectual property;
- To ensure the proper functioning of the cooperation of international courts of civil jurisdiction and ensure the enforcement of international indictments for civil jurisdiction;
- To review, manage and prepare all complaints related to civil cases;
- To collect data of judgments, civil judgments and other rulings concerning the civil case of all level of tribunals;
- To review the filing fee of the tribunals and list of statistic of civil cases;
- To review and provide opinions related to civil affairs;
- To prepare statistics and summary report of the civil affairs;
- To write monthly, trimester and semester, nine month and yearly report for its superiors;
- To perform other duties as assigned by the Minister.

### **General Department of Research and Judicial Development**

The General Department of Research and Judicial Development shall function as the mechanism of the Ministry on coordination, international relation, education, dissemination and research in the field of justice in

order to develop the ministry.

The General Department of Research and Judicial Development consists of three subordinate departments as followed:

- Department of International Relation;
- Department of Research and Training;
- Department of Education and Dissemination of Law.

#### **A. Department of International Relation**

The Department of International Relation shall be responsible for:

- To coordinate all international affairs that relate to justice affairs;
- To coordinate international assistance on justice affairs;
- To establish justice relationships with other countries;
- To work with international, ministries or institutions in fighting against terrorism, illegal drug and money laundering, human trafficking and transnational crime;
- To be in charge of ASEAN's justice affairs;
- To hold cooperation programs, MOU and agreements on justice affairs with other countries and international organization;
- To coordinate and prepare oversea mission for high ranking officials and delegate of the Ministry;
- To prepare statistics and achievement reports of international affairs;
- To write monthly, trimester and semester, nine month and yearly report for its superiors;



Finance Vice-Chairman  
Email: nbunyay@yahoo.com

**Mr. CHAN Satha**

Director of International Relation Department  
Permanent Member

Email: satha\_chan@hotmail.com

Address: The Ministry of Justice  
No 14, St. Sothearos Blvd  
Phnom Penh, Cambodia

Tel: (855-23) 219 570/216 322

Fax: (855-23) 219 570/216 322

E-mail: justice@camnet.com.kh

The Central Authority of Ministry of Justice shall be established on 11 January 2011 and under the jurisdiction of General Department of Research and Judicial Development to facilitate mutual legal assistance, transfer of prisoners, and extradition in criminal, civil, and commercial matters.

The Central Authority's mission, roles, and tasks are as follows:

- receive, examine, and facilitate requests for extradition, prisoner transfers and mutual legal assistance in criminal, civil, and commercial cases;
- transmitted the requested to relevant agencies and returned back to requesting party;
- organize information to be sent and monitor all received and sent requests to ensure effective and efficient communication;

- act as the focal point to facilitate all legal assistance;
- direct contact or through diplomatic channel with national and international agency to facilitate mutual legal assistance;
- organize, review and facilitate the translation of requests, case files, evidence, and documents relevant to legal assistance;
- manage data of request on mutual legal assistance and organize legal documents entering to data base and online to Ministry of Justice's website;
- keep confidential requests for assistance, their contents, and supporting documents contained in the request, as well as the fact of any assistance given and any action taken relative to the request;
- ensure the information and evidence protecting from losing and using, changing, revealing without authorization or other improper use;
- develop an action plan for facilitation, expenditure, study tours, workshops and meetings at national and international levels;
- contact development partners in order to support human resources development;
- enhance cooperation with national and international agencies to facilitate mutual legal assistance;
- develop monthly, three month, six-

- month, nine month and yearly reports;
- receive and perform other necessary duties given by Minister of Justice;

## THE SUPREME COUNCIL OF MAGISTRACY (SCM)

*Address: The Secretariat of the Supreme  
Council of Magistracy  
Chamkarmon  
State House Norodom BLVD,  
Phnom Penh Cambodia.*

*Tel: (855-23) 726 151*

*Fax: (855-23) 726 150*

*E-mail:*

The King is guarantor of the independence of the Judiciary. The Supreme Council of Magistracy is an institution to assist the King in this matter.

### The Power and Function of SCM:

- To make proposal to the King on the appointment of Judges and the Prosecutors;
- To make proposal to the King on transferring of Judges and Prosecutors from one place to another;
- To make proposal to the King on promotion of status of Judges and Prosecutors;
- To take disciplinary actions against any delinquent Judges and Prosecutors;
- To make the decision on suspension of

Judges or Prosecutors upon his or her motion.

### The Composition of SCM:

The Supreme Council of the Magistracy chaired by the King and assisted by the Minister of Justice, the President of the Supreme Court, Prosecutor General to the Supreme Court, the President of Court of Appeals, Prosecutor General to Court of Appeals and three other elected Judges. The King may appoint a representative to chair the Supreme Council of the Magistracy.

## THE JUDICIARY

The Judiciary is one of the three pillars of the State. It administers the law independently of the legislative and executive bodies. This independence is safeguarded by the King according to the Constitution of the Kingdom of Cambodia.

Under the Constitution of the Kingdom of Cambodia, the judicial power is vested in the Supreme Court and the Lower Courts of all sectors and level.

### The Supreme Court:

*Address: The Chief Justice of The Supreme  
Court Sothearos Blvd, Sangkat  
Chaktomuk, Khan Daun Penh,  
Phnom Penh, Cambodia*

Tel: (855-23) 212 826  
Fax: (855-23) 212826  
E-mail:  
Website: [www.supremecourt.gov.kh](http://www.supremecourt.gov.kh)

### **The Prosecutor General's Office of Supreme Court:**

Address: The Prosecutor General to the  
Supreme Court  
Sothearos Blvd, Sangkat  
Chaktomuk, Khan Daun Penh,  
Phnom Penh, Cambodia  
Tel: (855-23) 212 831  
Fax: (855-23) 212 831  
E-mail:

### **The Court of Appeals:**

Address: The President of the Court of  
Appeals Sothearos Blvd  
Phnom Penh, Cambodia  
Tel: (855-23) 218 460  
Fax:  
E-mail:

### **The Prosecutor General to the Court of Appeals:**

Address: The Prosecutor General to the court  
of Appeals Sothearos BLDV  
Phnom Penh, Cambodia  
Tel: (855-23) 218 574  
Fax:  
E-mail:

### **The Bar Association of the Kingdom of Cambodia:**

Address: The Bar Association  
of the Kingdom of Cambodia  
No. 10-11 E0E1E2 St. 180, Sangkat  
Boeung Raing, Khan Daun Penh  
Phnom Penh, Cambodia  
Tel: (855-23) 220 237  
Fax: (855-23) 213 658  
E-mail: [info@bakc.org.kh](mailto:info@bakc.org.kh)  
Website: [www.bakc.org.kh](http://www.bakc.org.kh)



***INDONESIA***

## INDONESIA

### THE MINISTRY OF LAW AND HUMAN RIGHTS

---

*Address* Jl. H. R. Rasuna Said, Kav. 6-7,  
Kuningan, Jakarta Selatan

*Fax:* 525367

*Tel:* 5253004

*Email:* rohumas@kemenkumham.go.id

*Website:* www.kemenkumham.go.id

The Ministry of Law and Human Rights has the duty to assist the President in enforcing the Government's duties in the area of Law and Human Rights.

#### **In carrying out the above-mentioned duties, the Ministry's functions are to:**

- Speed up the enforcement of Law and Human Rights.
- Develop and co-ordinate the enforcement of the Ministry's duties and administrative services.
- Undertake research and applied development, particularly in the area of education and the training and the implementation of regulations promulgated in accordance with prevailing policies in the field of law and human rights, and
- Enforce functional control

**Besides the above, the Ministry of Law and Human Rights also has the authority to:**

- Stipulate policies that support development at macro-level;
- Develop the national-plan in its respective fields;
- Stipulate the conditions for accreditation of educational institutions and the certification of professionals or experts and occupational conditions;
- Ensure compliance to treaties or international agreements signed on behalf the state;
- Stipulate the policies relating to the national information system;
- Develop national laws and regulations;
- Enact legislation for corporate bodies; and
- Enact legislation for Intellectual Property Rights
- The Ministry also oversees;
  - Operation and development of correctional institutions, immigration and notaries
  - Detention, state confiscation of goods, state seizure of goods, matters relating to the courts, legal counsel, registration of fiduciaries, change of name, inheritance, bankruptcy, constitutional matters and citizenry.
  - Clemency, amnesty, abolition, rehabilitation, civil servants; and
  - Protection, enhancement, enforcement and the fulfillment of Human Rights.

**The Ministry of Law and Human Rights comprises:**

- The Minister

- The Secretariat General;
- The Inspectorate General;
- The Directorate General of Legislation;
- The Directorate General of Public Law Administration;
- The Directorate General of Correctional Facilities;
- The Directorate General of Immigration;
- The Directorate General of Intellectual Property Rights;
- The Directorate General of Public Judicial Agencies and State Judicial Administration;
- The Directorate General of the Protection of Human Right;
- The National Law Development Agency;
- The Expert Staff in the Sector of Economics and Foreign Relations;
- The Expert Staff in the Sector of Politics, Social Issues and Security;
- The Expert Staff in the Sector of Land and Environmental Law;
- The Expert Staff in the Sector of Development of Legal Culture; and
- The Expert Staff in the Sector of Violation of Human Rights.

### **The Directorate General of Legislation**

Duties and function:

The Directorate General has the duty to formulate and exercise the policies as well as to ensure the technical standardization of legislation.

**The Directorate's functions are to:**

- Formulate policies in the field of legislation;
- Implement policies in the field of legislation in conformity with the stipulation of prevailing government regulations;
- Formulate the standards, norms, guidelines, criteria and procedures in the field of legislation;
- Provide technical guidance and evaluation;
- Exercise oversight over all the administrative affairs pertaining to areas under the purview of the Directorate General;
- Draft, harmonize, monitor and evaluate the implementation and formulation of legislation; and
- Process and prepare for the purposes of publication draft bill and supporting material thereon.

### **The Directorate General of Public Law Administration**

The Directorate General formulates and exercise policies and technical standardization in the area of Public Law Administration.

**The Directorate's functions are to:**

- Formulate Ministry's policies in the area of Public Law Administration
- Implement policies in conformity with the prevailing regulations;
- Formulate the standard, norms, guiding

work, criteria and the procedures;

- Exercise technical guidance and evaluation; and
- Oversee administrative affairs

### **The Directorate General of Correctional Institutions**

The Directorate General of Correctional Institutions has a duty to formulate and exercise policies in relation to correctional institutions.

The functions of the Directorate General are to:

- Prepare and formulate the Ministry's policies in relation to correctional facilities, the care of detainees and the administration of property confiscated by the State;
- Exercise policies in relation to correctional facilities involving the care of detainees and the administration of property confiscated by the State in conformity with the requirements stipulated in the prevailing governments regulations;
- Formulate the standards, norms, guidelines, criteria and procedures governing correctional institutions;
- Provide technical guidance and carry out evaluation;
- Handle Administrative matters under the purview of the Directorate General;
- Grant approval and set technical standards in the field of reform, to provide counseling and care to

prisoners, to manage property confiscated by the State; and

- Ensure safety through enforcing reform, rehabilitation, counseling and care of prisoners.

### **The Directorate General of Immigration**

The Directorate has a duty to formulate and implement policies in relation to immigration.

#### **The functions of the Directorate General are to:**

- Formulate the Ministry's policies in relation to Immigration;
- Implement the policies in conformity with the requirement stipulated in the government prevailing regulations;
- Formulate the standards, norms, directions, criteria and procedures relating to Immigration;
- Provide technical guidance and evaluation;
- Handle the Directorate General's affairs; and
- Plan, enforce, control and carry out immigration operations to ensure safety

#### **The Directorate General of Immigration comprises:**

- The Secretariat of the Directorate General;
- The Directorate of Immigration Traffic;
- The Directorate of Foreigner Stay Permits and the Immigration Status;
- The Directorate of Surveillance and

- Immigration Measures;
- The Directorate of Co-operation of Foreign Immigration; and
- The Directorate Immigration Information.

### **The Directorate General of Intellectual Property Rights**

Duties and function:

The Directorate General has the duty to formulate and exercise the policies as well as to ensure the technical standardization in the area of Intellectual Property Rights.

#### **The functions of the Directorate General are to:**

- Formulate Ministry's policies in the area of Intellectual Property Rights
- Implement policies in conformity with the prevailing regulations;
- Formulate the standard, norms, guiding work, criteria and the procedures;
- Exercise technical guidance and evaluation; and
- Oversee administrative affairs

### **The Directorate General of Intellectual Property Rights comprises:**

- The Secretariat of the Directorate General;
- The Directorate of Copyrights, Industrial Design, Lay Out of Integrated Circuit Designs and Commercial Secrets;
- The Directorate of Patterns;

- The Directorate of Trade Marks;
- The Directorate of Co-operation and Development of Intellectual Property Rights;
- The Directorate Information Technology.

### **The National Law Development Agency**

*Adress: Jl. Mayjen Sutoyo No. 10-Cililitan, Jakarta Timur*

*Tel: 62 21 8011751*

*Fax: 62 21 800 2265*

*Email: kabphn@bphn.go.id*

*Website: <http://www.bphn.go.id>*

The National Law Development Agency has a duty to oversee the reform and the development of National Law.

#### **The Agency's functions are to:**

- Formulate and implement technical policies in the area of National Law Development;
- Formulate the standards, norms, guidelines, criteria and procedures in the area of National Law Development;
- Award technical guidance and evaluation;
- Handle the administrative affairs under the Agency's purview;
- Reform and Develop the National Law System;
- Co-ordinate the implementation of the plan for National Law Development and the National Legislative program;

- Reform, give guidance and enforce coordination and co-operation in the provision of Legal Dissemination;
- Organize activities to strengthen society's legal structure; and
- Reform and develop a network of Legal information and documentation and the Law library

**The structure and organization of the National Law Development Agency comprises:**

- The Secretariat of the Agency;
- The Center of National Law Development Planning;
- The Center of National Law System Reform;
- The Center of Legal Dissemination; and
- The Center of Legal Information and Documentation.

**THE JUDICIARY**

In a democratic state based on law, the existence of the judiciary is very important as it forms one of the three pillars in the democratic state. In administering the law, the judiciary is independent of the influence of the legislative and executive arms.

The mission of the judiciary is to superintend the administration of justice.

**The Arrangement of Judicial Powers**

In Indonesia, based on the prevailing law, the

arrangement of judicial powers consists of:

- The Public Judicial Power:
  - The Court of first instance are:
    - The Criminal Court
    - The Private Court
    - The Children's Court
    - The High Court acting as the Appellate Court.
- The Special Judicial Power:
  - The Commercial Court
  - The Religious Court
  - The Military Court
  - The State's Administration Court
  - The Human Rights Court
- Supreme Court acting as the highest Judicial Power

**SUPREME COURT**

Jl. Merdeka Utara, Jakarta Pusat  
 Fax: 3454546  
 Tel: 3454546  
 Website: [www.mahkamahagung.go.id](http://www.mahkamahagung.go.id)

**The Structure of the Supreme Court consists of:**

- The Leader
  - The Honorable Justice as the member Judge
- Registrar
- Secretary General of the Supreme Court

**The Leader of the Supreme Court comprises:**

- The Junior Chairman for Judicial Public

Affairs /Public Criminal Law

- The Junior Chairman for Judicial Public Affairs /Private Customary Law
- The Junior Chairman for Judicial Military Affairs/ Army;
- The Junior Chairman for Judicial State's Administration; and
- The Junior Chairman for Judicial Religion.

### **The Power of the Supreme Court**

- The Supreme Court has a duty and power to examine and decide:
  - A petition appeal filled by the subordinate court to the Supreme Court
  - Conflicts concerning the power to judge's lawsuit; and
  - Petition for judicial review.
- To give consideration to points of law whether or not requested by the State.
- To give legal advice to the President as the Head of State in relation to the award of, or refusal to grant clemency
- To examine government regulations passed under the law
- To carry out other duties and authority based on the prevailing law

### **In order to be able to enforce the above mentioned, the Supreme Court:**

- Has the authority to:
  - Superintend the operation of the judiciary;
  - Superintend the work of the

subordinate courts and the behavior of judges in all the courts;

- Control the legal counsel and the notaries as long as it relates to a judicial matter; and
- Give warning, admonition and necessary instructions to the subordinate courts.
- May request information from and the consideration of :
  - All the existing Courts
  - The Attorney General
  - Any other functionary exercising the duty of crime prosecution.

### **The Supreme Court has the power to annul the decision or a determination of a subordinate court because:**

- The subordinate court does not possess the authority or exceeds its authority
- The subordinate courts are mistaken in applying or have violated the prevailing law.

### **The Court of First Instance and High Court**

The Republic of Indonesia comprises thirty-three provincial governments and hundreds of regencies and municipal governments. Thus in order to preserve the welfare, security and public order as well as to protect the rights of people before the law, it is necessary to exert efforts to instill orderliness, justice, truth and certainty in the enforcement of the law. Under Law Number 2 Year 1986 concerning General

Judiciary, each regency and/or municipality government has set up a court of First Instance that is vested with a duty to examine, decide and settle the Criminal and Private Cases for people who seek justice.

The above-mentioned law also requires a High Court to be founded in each provincial government. The High Court is the appellate for cases decided by the Court of First Instance and acts as the final court and authority for the resolution of conflicting judgments in the event of conflict of decisions in two First Instance Courts.

The Court of First Instance and the High Court are the subordinate courts of the Supreme Court.

### **The Special Judicial Power's Executor**

#### **The Commercial Court**

The Court was founded pursuant to Law Number 4 Year 1998. Based on the law, besides having powers to examine and decide on requests of declaration of bankruptcy and the deferment of obligations of the payment of debts, the court is also empowered to examine and to decide other lawsuits in the sector of commerce where stipulated by government regulations.

#### **The Religious Court**

The Court was established pursuant to Law

Number 7 year 1998 concerning the Religious Court. Under the law, the court is the executors of judicial power to mete out justice for the Moslem people in civil cases.

#### **The Military Court**

The Court was established pursuant to Law Number 31 Year 1999 concerning the Military Court. Under the law, the court is the executor of judicial power in relation to the Army and to enforce law and justice on military matters, bearing in mind the interest of State's security.

#### **The State Administration Court**

The Court was established pursuant to Law Number 5 Year 1986 concerning the State's Administration Court. Under the Law, the court is the executor of judicial power for cases where people seek justice regarding conflicts involving the State's Administration.

#### **The Human Rights Court**

The Court was established pursuant to Law Number 26 Year 2000 concerning the Human Rights Court. Under the law, the court has a duty and authority to examine and to decide on issues relating to serious violations of human rights committed by the Indonesian people either within or outside of Indonesia.

### **The Institution for Non-Judicial Dispute Settlement**



At the outset of the year 1999, many reforms and improvements were made to improve the law, one of which was the establishment of various no-judicial disputes. They are:

### **The Commission of Consumer's Disputes**

The commission was established pursuant to Law Number 8 Year 1999 concerning Consumer Protection. The duty and authority of the agency is to execute the handling and the completion of consumer disputes through mediation, arbitration and conciliation.

### **The Superintendent's Commission of Business Competition**

The commission was established pursuant to Law Number 5 Year 1999 concerning the Prohibition of Practices of Monopoly and Unfair Business Competition. Based on the law, the duties and authority of the commission relate to handling of disputes relating to business competition.

## **THE ATTORNEY OF THE REPUBLIC OF INDONESIA**

Jl. Sultan Hasanuddin No. 1 Jakarta Selatan  
Tel: 7208557 Fax: 7250213  
Website: <http://www.kejaksaan.go.id>

The Attorney of the Republic of Indonesia constitutes the governmental institution that enforces the power of state in prosecutions

and is responsible in part for the development of the law.

### **With regard to enforcement, the Attorney has the following functions:**

- Formulate enforcement and technical policies, to offer guidance and to grant approvals in accordance with its duties prescribed by government regulations and the general policies passed by the President;
- Organize and enforce the development of infrastructure, development, organization, management and administration of state property;
- Enforce laws either by preventive action or repressive action as justice requires in criminal cases, to enforce public order and security, to give assistance in the enforcement of civil law, administration law, etc., to carry out duties to ensure certainty of laws. In accordance with government regulations and general policies passed by the government;
- Place suspect and accused persons in the hospital or in a place of spiritual care or in any other designated place as decided by a judge, where the suspect or accused persons is unable to stand trial for himself or because he might endanger another person, or his/herself;
- Give legal advice at the instance of the central government or regional government, to publicize and enact regulations and to enhance social

awareness of laws; and

- Organize the co-ordination, guidance and technical direction necessary to fulfill its main duties and stipulated by the government and general policies passed by the President.

### **The General Duty and Authority of Attorney of the Republic of Indonesia**

- In criminal cases, the Attorney has duty and authority to:
  - Conduct prosecution in criminal cases;
  - Enforce the decision of the judge and decision of the court;
  - Control the enforcement of the decision for conditional release
  - Complete additional examinations before submitting it to the court, with the investigating officer.
  - In private and state administration cases, the Attorney may by the special authority take measures either inside or outside of the court on behalf of the State or government.
- In the interest of preserving public order and security, the Attorney shall take action to organize activities to:
  - Enhance public legal awareness;
  - Secure the publicity of law enforcement;
  - secure the circulation of printed matter;

- take control of religious sects that could endanger the society and State
- Take measures to prevent the abuse of or disgrace of religion; and
- Undertake research on developments in the law and criminal statistics.

### **The Special Task and Authority of the Attorney of the Republic of Indonesia**

The special task and authority of the Attorney of the Republic of Indonesia come under the Attorney-General, who has the authority to:

- Pass and control the policy relating to law enforcement and justice for matters under his purview;
- Co-ordinate the handling of certain criminal cases in accordance with government regulations, which enforcement is passed by Presidential decree;
- Ignore law suits in the public of interests;
- Appeal to the Supreme Court to clarify points of law arising from criminal, private and state administration cases;
- File technical considerations to the Supreme Court in the examination of appeals of criminal cases to the Supreme Court;
- Extend advice to the President petition of clemency for death sentence; and
- Prevent or prohibit certain persons from entering or leaving the region of the Republic of Indonesia because of his/her involvement in a criminal case

### The Attorney of the Public of Indonesia consists of the:

- Attorney-General;  
Vice-Attorney –General;
- Junior Attorney-General in Construction;
- Junior Attorney-General in Intelligence;
- Junior Attorney-General in Public Crime;
- Junior Attorney-General Particular Crimes;
- Junior Attorney-General in Civil and State Administration Cases;
- Junior Attorney-General in Central Control; and
- The region Attorney:
  - The Chief Public Prosecutor
  - The Public Prosecutor

### THE NATIONAL OMBUDSMAN

*Website: <http://www.ombudsman.go.id>  
Jl. HR. Rasuna Said Kav.  
C-19 Kuningan, Jakarta Selatan*

*Tel: +62 21 52960894/95  
+62 21-52960904/05*

This Commission was formed on 10 March 2000 by President Abdurrahman Wahid. The objective of forming this Commission was to involve society in keeping surveillance and to guarantee the creation of a clean government, free of corruption, collusion and nepotism.

### The Objectives of Having a National Ombudsman are:

- By the active participation of society, creating and/or developing conducive conditions to enforce the annihilation of corruption, collusion and nepotism; and
- To enhance the protection in society in order to attain better public service, justice and welfare.

### To realize its objectives, the National Ombudsman has a duty:

- To disseminate and create wider awareness of the institutions of the Ombudsman;
- To maintain co-ordination and /co-operation with government agencies, agencies, university, non-governmental organization, experts practitioners and professional organizations;
- To take steps to follow up on reports or information relating to the abuse of the organs of State in carrying out their duties or in giving public services; and
- To prepare drafts of the proposed laws of the National Ombudsman.

### The Structure of the National Ombudsman comprises:

- The Plenary Meeting ;
- The Sub-Commission;
- The Secretariat;
- The Team of Assistants and Administrative Staff.



*LAO PDR*

## LAO PDR

### THE MINISTRY OF JUSTICE

*Address: Lanexang Avenue, P.O.Box 08  
Vientiane, LAO PDR*

*Tel: +856-21-414102;*

*Fax: +856-21-414102*

The Ministry of Justice established by the Prime Minister Decree No 404/PM, dated 23 November 2007. The Ministry of Justice has the following primary responsibilities include drafting laws, examining the drafted laws submitted by line ministries, formulating legislative plans, collecting legal information, training legal and judicial officials, local arbitration' offices and village mediation units, considering nationality and citizenship, notarizing legal documents and supervising the execution of the civil judgments, conducting legal research to develop existing laws, disseminating the laws. The Ministry of Justice also supervises legal professions, the Lao Bar Association and the development of legal education.

The Ministry of Justice comprises of 11 Departments as follow:

- The Cabinet Office;
- The Legislation department;
- The Judicial Administration Department;
- The Law Dissemination Department;
- The Personnel and Organization Department;

- The Judgment execution Department;
- The Notary Department;
- The Inspection Department;
- The Law Research and International Cooperation Institute;
- The Judicial Training Institute;
- The Lao Arbitration Center;

The Ministry of Justice has the duties to supervise and provide the facilitation to the Lao Bar Association, the Law offices (private law firms).

The Ministry of Justice also administrate and supervise three Law Colleges, namely the North Zone Law College, Middle Zone Law College and Southern Zone Law College.

At the local level, the Ministry of Justice administrates and supervises 17 Provincial Justice Departments and 143 District Justice Offices.

#### **Ministerial ranks**

H.E Chaleune YIAPAOHER  
*Minister of Justice*

H.E Ket KIETTISAK  
*Vice-Minister of Justice*

H.E La SINGDALA  
*Vice-Minister of Justice*

**The Cabinet Office of the Ministry of Justice**

Mr. Phayvi SIBOUALIPHA

*Chief of Cabinet*

Mr. Vilath PHIOUONE

*Deputy Chief of Cabinet*

Mr. Leexiong LEEXAYTOU

*Deputy Chief of Cabinet*

Mr. Bountha SONGYERTHAO

*Deputy Chief of Cabinet*

**The Organization and Personal  
Department**

Mr. Bouaphone DARASENG

*Director General*

Mr. Pasong Vongdeune

*Deputy Director General*

Mr. Souvannapha Soukvilay

*Deputy Director General*

**The Department of Legislation**

Mrs. Bounophon HEANGMANY

*Director General*

Mr. Inthaphanya KHIEOVONGPHACHANH

*Deputy-Director General*

Mr. Souliya SIDAVONG

*Deputy-Director General*

**The Department of Judicial Administration**

Mr. Siphon SISOMBATH

*Director General*

Ms. Bouathong SINGBOUNGANG

*Deputy-Director General*

Mr. Somboune VONGPHACHANH

*Deputy-Director General*

**The Law Dissemination Department**

Mr. Phouthone Keoduangmany

*Director General*

Mr. Bounpheng SINAVONGPHONE

*Deputy-Director General*

Mr. Bounlome Duangmala

*Deputy-Director General*

**The Department of Notary**

Mr. Khamphone SIPASEUTH

*Director General*

Mr. Sengphet LIEMPHACHANH

*Deputy-Director General*

Mr. Khamchane Keomanud

*Deputy-Director General*

**The Department of Court Judgment  
Execution**

Mr. Bounta S.PHABMIXAY

*Director General*

Mr. Somchay THEPPHAYVONG  
*Deputy-Director General*

Mr. Kongsy SAISOUTTHA  
*Deputy-Director General*

### **The Inspection Department**

Mr. Bounsavad BOUPHA  
*Director General*

Mrs. Thai LORBLIAYAO  
*Deputy-Director General*

Mr. Duangmany LAOMAO  
*Deputy-Director General*

### **The Lao Arbitration Center**

Mr. BounMek BANNAVONG  
*Director General*

Mr. Amnoiphon PANYASAVATH  
*Deputy-Director General*

Mr. Souphi NORLINTHA  
*Deputy-Director General*

### **The Judicial Training Institute**

Mr. Dr. Chomkham BOUPHALIVANH  
*Director General*

Mr. Sisavath MANIVONG  
*Deputy-Director General*

### **The Law Research and International Cooperation Institute**

Mr. Ketsana PHOMMACHANH  
*Director General*

Mr. Nalonglith NORRASING  
*Deputy-Director General*

### **THE JUDICIARY**

The judiciary is one of the three branches of the state, which has independence in making its judgments. The constitution of Lao People's Democratic Republic (Lao PDR) guarantees the independence of the judiciary. In the laws and Constitution of the Lao PDR, the courts are called "people's court" to distinguish them from military courts. Lao people's courts are divided into four tiers. The first tier is comprised of district courts. The second tier is comprised of provincial courts, the Vientiane Capital City Court in Vientiane Capital City, the appellate courts, and the Supreme Court. The first and second tier of courts serves as courts of first instance.

The courts have function to adjudge cases in order to augment legality, social order dispose of, and to deter wrongful acts and violations of the laws.

In Lao PDR, only the courts have the authority to adjudge cases with strict observance of the laws.



## PEOPLE'S COURTS

### THE PEOPLE'S SUPREME COURT

*Address:* Buongkhayong Village,  
P.O.BOX 6823  
Vientiane, Lao PDR

*Tel:* (856-21) 353584, 353585, 353586

*Fax:* (856-21) 353510

The People's Supreme Court is the highest judicial organ of Lao PDR. It has power to supervise and examine the application of law and uniformity of court's proceedings, review cases appealed from lower courts regarding the question of law and rehear case decided by lower courts as final decisions. The Supreme Court has the duty to issue legal instructions and monitor cases at all levels of the judiciary to ensure uniformity of judicial process.

Other rights and duties of the Supreme Court are defined in the Constitution and the Law on the People's Court No 05/NA<sup>1</sup>, dated 21/10/2003.

The People's Supreme Court consists of 6 departments and 5 court's chambers, as follows:

1. The Cabinet Office;
2. Personnel-Organization Department;
3. Inspection Department
4. The Administration and Court Statistic Department;

5. Judicial Research and Training Institute (JTRI)
6. Financial Department;
7. Civil Court Chamber;
8. Criminal Court Chamber;
9. Commercial Court Chamber;
10. Family Court Chamber;
11. Juvenile Court Chamber.

### The President and Vice Presidents of the People's Supreme Court

H.E Khamphan SITHIDAMPHA

*President of the People's Supreme Court*

The President of the Supreme Court is appointed and dismissed by the National Assembly, by the proposal of the President of the State. The president serves for five years.

1. H.E Somboun SOUNTHIKUMMAN  
*Vice-Presidents*

2. H.E Khampa SENG DARA  
*Vice-Presidents*

3. H.E Khamphang KONGCHANHSENG  
*Vice-Presidents*

The Vice-president of the People's Supreme Court is appointed or removed by the President of the State based on the proposal of the President of the People's Supreme Court.

### The Cabinet Office of the People's Supreme Court

1. Mr. Bouathong CHANTHAMALINH  
*Chief of Cabinet Office*

### **The Personnel-Organization Department**

1. Mr. Thongmai SAYASING  
*Director General*

### **The Inspection and Court Statistic Department**

1. Mr. Khamtanh OUANGLASY  
*Director General*

### **Judicial Research and Training Institute (JTRI)**

1. Mr. Bounkhuang THAVISACK  
*Director General*

### **The Financial Department**

1. Mr. Chaoher HERVANGTOUA  
*Director General*

### **Civil Court Chamber**

1. Mr. Khamstay CHITAKONE  
*President of Civil Court Chamber*

### **Criminal Court Chamber**

1. Mr. Bounheng PHIMMANIVONG  
*President of Criminal Court Chamber*

### **Commercial Court Chamber**

1. Mr. Khamphan BOUNPHAKOM  
*President of Commercial Court Chamber*

### **Family Court Chamber**

1. Mrs. Keson PHANLUCK  
*President of Family Court Chamber*

### **Juvenile Court Chamber**

1. Mr. Bounterm KOMMITAPAB  
*President of Juvenile Court Chamber*

## **THE APPELLATE COURTS**

The Appellate Courts have been recently established by the Law on Amendment of the Law on the People's Court No.05/NA, dated 21/10/2003. There are three designated Appellate Courts: the Appellate Court of Northern Region situated in Luangphrabang Province, the Appellate Court of Central Region located in Vientiane City, and the Appellate Court of Southern Region which is situated in Champasack Province.

The Appellate Courts hear the first-instance cases appealed from the provincial courts and Vientiane Municipal Courts.

The Appellate Courts are divided into Civil Chamber, Commercial Chamber, Criminal Chamber, Family Chamber, and Juvenile Chamber. Each chamber comprises a president, vice-presidents, judges, assisted judges and court's registrars.

All appellate judges are appointed and removed by the Standing Committee of the National Assembly, upon the proposal of the President of the Supreme Court Judges.

## **THE PROVINCIAL COURTS AND THE VIENTIANE CAPITAL CITY COURT**

The people's provincial courts and Vientiane Capital City's Court are part of the judicial system of the Lao PDR. They adjudicate the

first-instance cases which are not beyond the jurisdiction of the district courts. They also act as an appellate court to hear cases appealed from the district courts. At the moment, there are 17 provincial courts and Vientiane Capital City Court.

Each people's provincial court (Vientiane Capital City's Court is also in this category) consists of a President, Vice-president(s) and judges, who are elected or removed by the Standing Committee of the National Assembly, upon the proposal of the President of the Supreme Court Judges.

In this court category, each court is divided into Civil Chamber, Commercial Chamber, Criminal Chamber, Family Chamber, and Juvenile Chamber. Like appellate courts, each chamber comprises a president, vice-president, and judges.

## **DISTRICT COURTS AND MUNICIPAL COURTS**

The main role of the district courts and municipal courts is to reconcile and mediate the parties in the dispute.

The district courts and municipal courts adjudicate minor criminal matters and small claims.

The district courts and municipal courts have jurisdiction to adjudicate civil cases with value not exceeding LKP 300,000,000, and other cases stated in Article 27 of the Law on

Amendment of the Law on People's Court No.09/NA, dated 26/10/2003. They also have jurisdiction to adjudicate petty criminal cases provided in Article 22 of Penal Law No. 29/SP, dated 23/12/1989.

Each court district or municipal court comprises president, judges, and administrative staff.

## **PUBLIC PROSECUTORS**

The public prosecutors are responsible for monitoring and securing the uniform implementation of laws and prosecuting cases before court. Other role and function of the Public Prosecutors are defined by the Law on Amendment of Law on Public Prosecutor No. 06/NA, dated 21/10/2003.

The Office of the Public Prosecutor is divided into:

- The Office of the Supreme Public Prosecutor;
- The Office of the Appellate Public Prosecutor
- The Office of the Public Prosecutor at provincial and city level;
- The Office of the Public Prosecutor at district level; and
- The Office of the military Prosecutor.

## **SUPREME PEOPLE'S PROSECUTOR'S OFFICE**

## THE ORGAN OF THE PEOPLE'S PROSECUTOR OF LAO PDR

The Organ of the People's Prosecutors of the Lao PDR is an Organization of the State responsible for monitoring and inspecting the respect and the proper and uniform adherence to laws in the whole country and for the prosecution of accused to the court.

Other role and function of the Organ of the People's Prosecutor are defined by the Law on Amendment of Law on the Organ of the People's Prosecutor No. 10/NA, dated 26 November 2009.

### The Organ of the People's Prosecutor of Lao PDR is consisted of:

- The Office of the Supreme of the People's Prosecutor;
- The Office of the Regional People's Prosecutor;
- The Office of the Capital City [or] Provincial People's Prosecutor;
- The Office of the Zoning People's Prosecutor; and
- The Office of the Military Prosecutor.

The Organ of the People's Prosecutor has rights and duties to:

1. Monitor and inspect the respect and the proper and uniform adherence to laws and regulations by ministries, organizations, government organizations, Lao Front for National Construction,

mass organizations, social organizations, local administrations, enterprises and citizens. These monitors and inspections are referred to as general monitoring and inspection;

2. Monitor and inspect the compliance with laws by investigation organizations;
3. Undertake the whole investigation or those portions of it within its authorities as provided by the laws;
4. Prosecute the accused to the court;
5. Monitor and inspect the adherence to laws in court proceedings;
6. Monitor and inspect the implementation of the effective instruction, decisions [and] judgments of the court;
7. Monitor and inspect the adherence to laws in places of arrest, places of detention, re-education centers, [and] prisons during the implementation of deprivation of liberty and the enforcement of other court measures;
8. Monitor the examination, proposal and the implementation of the amnesty according to the presidential degree of the President of State;
9. Coordinate with the investigation agencies and other organizations to undertake measures to prevent and counter crime or offence and other violations of the law and to eliminate causes and conditions which result in wrongdoing;
10. Reopen cases after the law in the case that there is a new evidence;

11. Exercise such other rights and perform such other duties provided by the laws.

## PRINCIPAL ROLE AND FUNCTION OF THE PEOPLE'S PROSECUTOR

### A- General Inspection

For the general inspection, the office of the people's prosecutor has the rights and duties to:

1. Monitor and inspect the adherence to laws by state organizations, Lao Front for National Construction, mass organizations, social organizations, enterprises, civil servants, citizens and legal acts of the organizations concerned based on the complains, proposals of individuals and organizations. If it is found that there is wrongdoing they shall propose to the concerned authorities to deal with issue; if an criminal offence is found, chief people's prosecutor shall take legal action against offenders;
2. Demanding the legal acts and invite individual or the representative of the concerned organization to provide explanations regarding violations of the laws;
3. Propose the suspension or cancellation of the legal acts of the ministries, organizations, Lao Front for National Construction, mass organizations, social organizations, local administrations, and enterprises which are not in compliance

with the laws to such organizations or to relevant higher- level authorities;

4. Make proposals to ministries, State organizations, Lao Front for National Construction, mass organizations, social organizations and enterprises regarding the restrictions and elimination of violations of the law and the causes and the conditions which cause wrongdoing to arise;
5. Exercise such other rights and perform such other duties as provided by the laws.

### B- Monitoring and inspecting the performance of Laws by the interrogation-investigation agencies

In monitoring and inspecting the performance of Laws by the investigation agencies, and within the scope of their rights and duties, the office of the people's prosecutor has the rights and duties to:

1. Demand criminal case files, documents, evidences and other data relating to any offense from the investigation agencies;
2. Participate in interrogation and investigation of criminal cases or in necessary cases, conduct the investigation themselves;
3. Cancel illegal or unreasonable orders of the interrogation and investigation agencies;
4. Give instructions in writing regarding the implementation of investigation measures, prevention measures and the

conduct of search for offenders and analyst of an offence;

5. Issue order on arrest, detentions, temporary detention, temporary releases of the accused [and] on building searches relating to offenses not occurring in the presence of relevant officials or in cases which are not urgent;
6. Extend the time required for investigations and determine periods of a temporary detention as provided by the law;
7. Send case files back to the investigation agencies along with instructions relating to additional investigation;
8. Order investigation officials who have violated the law in any case proceeding to cease the investigation;
9. Order opening investigation, dismissing cases or suspending case proceeding;
10. Exercise such other rights and perform other duties as provided by the Law.

### **C. Monitoring and inspecting the performance of the Laws in case processing in the courts**

#### **C.1 Monitoring and inspecting the performance of the Laws in criminal case processing in the courts**

In monitoring and inspecting the performance of the Laws in criminal case processing in the courts and within the scope of their rights, the office of the people's prosecutor has the rights

and duties to:

1. Participate in court hearing of criminal case at their own (respective) levels to prosecute and give a statement to the court, inspect the court hearing to proceed properly after the law;
2. Examine the decisions or judgments of the court whether it is rightly or not rightly responding to its own order, including the imposition of the penalty and the application of law to that offence;
3. Submit objections against criminal instructions, decisions, judgments of the courts at the low level and at their own (respective) levels that are not final, and are unreasonable or not in accordance with the laws;
4. Propose to withdraw their objection before the issuance of a decision;
5. Propose reopening a case upon discovering new evidence;
6. Exercise such other rights and perform such other duties as provided by the laws.

#### **C.2 Monitoring and inspecting the performance of the Laws in civil, commercial, family and juvenile case processing in the courts**

In order to protect the State's and society's interests or of the Individuals lacking full capacity in civil proceedings, the office of the people's prosecutor has the rights and duties

to:

1. Be civil plaintiff;
2. Collect evidences of the case and sue to the people's court;
3. Make a statement in writing to the people's court;
4. Participate in court hearing at its own level to make a statement.

For the case that there is a person who sues or is a civil plaintiff:

1. Examine the case file and make a statement in writing to the people's court;
2. Participate in court hearing at its own level to make a statement.
3. Exercise such other rights and perform such other duties as provided by the laws.

#### **D. Monitoring and inspecting the enforcement of court judgments**

In the monitoring and inspection the enforcement of the judgment, and within the scope of its responsibilities, the office of the people's prosecutor has the rights and duties to:

1. Propose to the judgment enforcement officer to:
  - Report on the state of the court enforcement instructions, orders, decisions or judgments;
  - Execute the final court instructions, orders, decisions or judgments which have not yet been enforced.

2. Inspect the correctness of the enforcement of the court judgment, especially the enforcement of the law, civil fee, the payment and the collection of the court fee, tax and fine to the state budget, the nationalization of the properties and the objects and the enforcement of the criminal sentences;
3. Propose changes to, and the cancellation or suspension of, any improper enforcement of instructions, orders and decisions.

The court judgment enforcement officer shall implement all proposals of the office of the people's prosecutor within the period of thirty days from the date that the proposals are received.

#### **E. Monitoring and Inspection of the Adherence to Laws at Places of Arrest, Places of Detention, Reeducation Centers and Prisons**

In the monitoring and inspection of the adherence to laws at places of arrest, places of detention, re-education centers and prisons, within the scope of their rights and duties, the office of the people's prosecutors has the rights and duties to:

1. Get informations regarding the detention, arrest, the movement, the medical treatment and the release of the suspected, the accused, reeducated

or prisoner whether these are properly or not properly implemented as the law provided in order to take the immediate measures;

2. Systematically or at any time, inspect the places of arrest, places of detention, re-education centers, prisons, and other places of enforcement of court measures;
3. Inspect documents relating to arrests, detention, imprisonment, and reeducation and inspect the enforcement of other court enforcement measures;
4. Inspect the management of the detainees, arrested persons, prisoners and persons in re-education and other who are subject to the enforcement of other court measures and question them;
5. Inspect the actions of officials against individuals who have been detained, arrested, imprisoned, re-educated, or are subject to the enforcement of other court measures. If it is found that any action of the official violate the laws, the office of the people's prosecutor shall warn that official. if action constitutes a criminal offence, they shall take criminal actions against such an official;
6. Order the immediate release of detainees, arrested persons, prisoners, persons in re-education, and those who are subject to the enforcement of other court measures illegally applied to them;
7. Participate in the research, consideration,

selection, classification and in making the list of the prisoners who have the possibility to receive amnesty and inspect the enforcement of the amnesty after the presidential decree of the President of the State;

8. Inspect the list of suspected, accused, prisoners or persons in re-education, and those who are subject to the enforcement of other court measures at places of arrest, places of detention, re-education centers, and prisons, persons who have permitted to take medical treatment or prisoners who have permitted to move from one prison to implement the sentence at another prison;
9. Inspect various orders and regulations of the committees in charge of the places of arrest, places of detention, reeducation centers, and prisons to ensure that they are in compliance with the laws, and ask such a committee to explain the reasons for violations of the laws;
10. Exercise such other rights and perform such other duties as provided by the laws.

#### **SUPREME PEOPLE'S PROSECUTOR'S OFFICE**

*Address: Thadeua Road km 3  
Vientiane, Lao PDR*

*Tel: (856-21) 353648*

*Fax: (856-21) 353855*

*Email: savangkham@yahoo.com*



## **SUPREME PEOPLE'S PROSECUTOR OF LAO PDR**

H.E. Khamsane SOUVONG  
*Supreme People's Prosecutor of Lao PDR*  
 Tel: (856-21) 353689

Mr. Lansy SIBOUNHEANG  
*Deputy Supreme People's Prosecutor of Lao PDR*  
 Tel: (856-21) 353679

### **The Cabinet Office**

Mr. Somboun LATSABOUASY  
*Cabinet Chief*  
 Tel: (856-21) 353685  
 Mobile phone: (856-20) 99801224

Mr. Bounma PHONSANITH  
*Deputy Chief of Cabinet*  
 Tel: (856-21) 353681  
 Mobile phone: (856-20) 99801221

Mr. Khammoune Sengouthai  
*Deputy Chief of Cabinet*  
 Tel:  
 Mobile: (856-20)99101575

### **The Prison and Rehabilitation Department**

Mr. Phavong Liengnouvong  
*Director General*  
 Tel: (856-21) 353680  
 Mobile phone: (856-20) 99801242

Mr. Ouma Sisombath  
*Deputy director general*  
 Tel: (856-21) 353861  
 Mobile phone: (856-20) 99731566

Mr. Lathanaphonxay Vongkhamsao  
*Deputy director general*  
 Tel: (856-21) 353861  
 Mobile phone: (856-20) 99731566

### **The Personnel Department**

Mr. Xaysana Khodphouthone  
*Director General*  
 Tel:(856-21) 353692  
 Mobile phone: (856-20) 99801220

Ms. Bounthai Pankeo  
 Tel: (856-21) 353654  
 Mobile phone: (856-21) 99801226

### **The Supervision and General Inspection Department**

Mr. Chanthay Polivanh  
*Director General*  
 Tel: (856-21) 353687  
 Mobile phone: (856-20) 55819937

Mr. Amphay Neuvong  
*Deputy Director general*  
 Tel: (856-21) 353857  
 Mobile phone: (856-20) 55695085

## **The Civil Inspection Department**

Mr. Sonsavanh Sengaphay

*Director General*

*Tel: (856-21) 353691*

*Mobile phone: (856-20) 55310122*

Mr. Somkith

*Deputy Director General*

*Tel: (856-21) 353691*

*Mobile phone: (856-20) 55310122*

Ms Phonphet Ounkeo

*Deputy Director General*

*Tel: (856-21) 353691*

*Mobile phone: (856-20) 55310122*

## **The Criminal Inspection Department**

Mr. Sisounthone SORPHAPMIXAY

*Director General*

*Tel: (856-21) 353862*

*Mobile phone: (856-20) 99801230*

Mr. Nosawanh Luanglart

*Deputy Director*

*Tel: (856-21) 353 862*

*Mobile phone: (856-20) 55620577*

## **The Planning and Finance Department**

Mr. Sonmphou Phothisa

*Director General*

*Tel:*

*Mobile: (856-20)99801226*

Mr. Bounkong Soukhavy

*Deputy Director General*

*Tel:*

*Mobile:*

## **The Institute for Research and Training of People's Prosecutor**

Mr. Linthone Saybounma

*Director General*

*Tel: (856-21) 218582*

*Mobile: (856-20) 99801225*

Mr. Souphasith Lovanxay

*Deputy Director General*

*Tel: (856-21) 218582*

*Mobile:*

Mr. Soukkhala Khammanivong

*Deputy Director General*

*Tel: (856-21) 218582*

*Mobile: (856-20) 99801229*

## **Treaty and International Cooperation Department**

Mr. Khamphet Somvolachith

*Director*

*Tel: (856-21) 353683*

*Fax: (856-21) 353682*

Ms Phonphachane Phouheuanghong

*Deputy Director*

*Tel: (856-21) 353683*

*Fax: (856-21) 353682*

## The Prime Minister's Office Department of Secretariat

*Address:* Lanexang Avenue,  
Vientiane, LAO PDR

*Tel:* +856-21-22-2362

*Fax:* +856-21-21-3650

The Prime Minister's Office is a State Organization at central level within the Government's structure. It serves as secretariat for the Cabinet and provides support to the Prime Minister. It also coordinates and prepares studies on detail issues related to the Government's task and all matters related to the management and administration of the Country. Currently H.E Buason BOUPHAVANH is Prime Minister of the Government of Lao People's Democratic Republic.

### Legal Service at the Line Ministries

In Lao PDR, there is no legal unit or division in the Line Ministries. However, handling in legal matters and legal information in the line Ministries is under the coordination the Cabinet's Offices of each line Ministry.

## Ministry of Foreign Affairs ASEAN's Department:

*Address:* Lanexang Avenue,  
Vientiane, LAO PDR

*Tel:* +856-21-41-5109

*Fax:* +856-21-41-3268

## Department of Treaty and Law

*Address:* Lanexang Avenue,  
Vientiane, LAO PDR

*Tel:* +856-21-41-4019

*Fax:* +856-21-41-3268

## Department of International Cooperation

*Address:* Lanexang Avenue,  
Vientiane, LAO PDR

*Tel:* +856-21-41-6628

*Fax:* +856-21-41-6621



***MALAYSIA***

## MALAYSIA

### ATTORNEY GENERAL'S CHAMBERS

---

*No. 45, Persiaran Perdana, Precinct 4,  
62100 Putrajaya*

*Tel: 603 - 8872 2000*

*Fax: 603 - 8890 5670*

*Website: [www.agc.gov.my](http://www.agc.gov.my)*

#### **Objective:**

To provide legal services of the highest quality, efficiently, fairly and equitably in accordance with the Constitution and laws.

#### **Functions:**

- To give legal advice and views to the Malaysian Government in accordance with the principles of international law taking into account the policy of Malaysian Government, public policy, interest and domestic laws;
- To advise the Federal and State Government on all legal matters including Syariah laws;
- To draft all legislations for the Federal Government;
- To provide prosecution instructions to all related law enforcement agencies for criminal cases;
- To represent the Government in civil cases;
- To revise and reprint the laws of Malaysia and to undertake law reform in identified areas.

#### **The Attorney General of Malaysia**

The Attorney General is the principal legal adviser to the Government. The current Attorney General is the Honorable Tan Sri Abdul Gani Patail. His role and responsibilities are provided for in Article 145 of the Federal Constitution. Article 145 of the Federal Constitution provides:

1. The Yang di-Pertuan Agong (King) shall, on the advice of the Prime Minister, appoint a person who is qualified to be a judge of the Federal Court to be the Attorney General for the Federation.
2. It shall be the duty of the Attorney General to advise the Yang di-Pertuan Agong (King) or the Cabinet or any Minister upon such legal matters, and to perform such other duties of a legal character, as may from time to time be referred or assigned to him by the Yang di-Pertuan Agong (King) or the Cabinet, and to discharge the functions conferred on him by or under this Constitution or any other written law.
3. The Attorney General shall have power, exercisable at his discretion, to institute, conduct or discontinue any proceedings for an offence, other than proceedings before a Syariah court, a native court or a court-martial.
  - 3a. The Attorney General shall have power, exercisable at his discretion, to institute, conduct or discontinue any proceedings for an offence, other than proceedings before a

Syariah court, a native court or a court-martial.

4. In the performance of his duties the Attorney General shall have the right of audience in, and shall take precedence over any other person appearing before, any court or tribunal in the Federation.
5. Subject to Clause (6), the Attorney General shall hold office during the pleasure of the Yang di-Pertuan Agong (King) and may at any time resign his office and, unless he is a member of the Cabinet, shall receive such remuneration as the Yang di-Pertuan Agong (King) may determine.
6. The person holding the office of Attorney General immediately prior to the coming into operation of this Article shall continue to hold the office on terms and conditions not less favorable than those applicable to him immediately before such coming into operation and shall not be removed from office except on the like grounds and in the like manner as a judge of the Federal Court.

### **The Solicitor General of Malaysia**

There are two (2) Solicitors General in the Attorney General's Chambers.

The Solicitor General, Datuk Idrus bin Harun assists the Attorney General and is by law empowered to perform any of the functions that can be performed by the Attorney General.

This is provided under Section 40A of the Eleventh Schedule to the Federal Constitution. Under subsection 376(2) of the Criminal Procedure Code, the Solicitor General shall have all powers of a Deputy Public Prosecutor and shall act as a Public Prosecutor in the absence or inability of the Attorney General to act.

The Solicitor General is also responsible for civil matters, interviews, intakes, transfers, postings and promotions of officers and any other duties directed by the Attorney General. The Solicitor General II, Datuk Mohd Yusof bin Hj. Zainal Abiden is responsible for matters related to drafting of legislations, law reform and revision matters, responsible in overseeing and supervising the State Legal Officers and all administration matters other than finance and budget, interviews, intakes, transfers, postings and promotions of officers and any other duties directed by the Attorney General.

### **The Prosecution Division**

#### **Head of Prosecution Division:**

Datuk Tun Abd Majid bin Tun Hamzah

#### **Objectives:**

To give advice and instructions to all related law enforcement agencies and to conduct prosecutions in accordance with criminal procedures with the objective of protecting public interest by ensuring that criminals are punished in accordance with law.

### **The core functions are as follows:**

- To exercise the powers of the Attorney General as the Public Prosecutor in accordance with section 376 of the Criminal Procedure Code [Act 593];
- To conduct prosecutions in the Session Courts and Magistrate Courts;
- To conduct criminal trials, appeals, applications and revisions in the High Court;
- To conduct appeals and applications in the Court of Appeal and the Federal Court;
- To give advice and instructions to all enforcement agencies in relation to investigations and criminal prosecutions;
- To peruse investigation papers and to decide whether to institute prosecutions or otherwise.

### **International Affairs Division**

#### **Head of International Affairs Division:**

Datuk Azailiza binti Mohd Ahad

#### **Objectives:**

- To protect and safeguard Malaysia's rights and interests in the international arena;
- To give legal advice and views to the Government of Malaysia in accordance with international law and principles taking into account domestic laws, national policies and public interest;
- To ensure that Malaysia's international obligations under any agreements,

treaties and conventions which have been signed, agreed upon, ratified, acceded to or participated in by the Government of Malaysia are carried out in accordance with constitutional provisions and its domestic laws, regulations and policies;

### **The core functions are as follows:**

- Providing legal advice to the Government of Malaysia and its agencies on all aspects relating to international law and Malaysia's existing international obligations;
- Representing the Attorney General's Chambers and the Government of Malaysia in the international fora with a view to protect the interest of Malaysia internationally;
- Carrying out harmonization of Malaysia's domestic laws based on Malaysia's existing obligations under international law;
- Providing legal advice to Government Ministries and agencies on implementation of various international instruments to which Malaysia has become a party to;
- Assisting in the drafting of relevant laws of various legal instruments relevant to Malaysia's obligations under international treaties;
- Undertaking relevant research as to matters pertaining to international law.



## Drafting Division

### Drafting Parliamentary Draftsman:

Dato' Engku Nor Faizah binti Engku Atek

#### Objectives:

- To ensure that the drafting of principal legislation and subsidiary legislation is conducted in an efficient, fair and just manner and meets the need of the client;
- To ensure that the principal legislation and subsidiary legislation drafted are consistent with the Federal Constitution and the laws and international obligations and are in accordance with legislative drafting forms;
- To ensure that the principal legislation and subsidiary legislation are published in the Government Gazette in accordance with the clients' instructions;
- To ensure that the translation of legal documents from the English language to the national language and vice versa are accurate and in accordance with linguistic norms.

#### The core functions are as follows:

- Draft and vet principal legislation and subsidiary legislation in the national language and English language;
- Give opinion on the drafting of principal legislation and subsidiary legislation;
- Prepare bills in the national language and English language to be tabled in Parliament;

- Assist Federal Ministries and other Federal Agencies to table bills in Parliament;
- Prepare signature copy for royal assent and executive summary for signature copy;
- Prepare principal legislation and subsidiary legislation to be published in the Government Gazette;
- Translate contracts, domestic and international agreements, forms and other legal documents from the English language to the national language and vice versa.

## Advisory Division

### Head of Division :

Dato' Khadijah binti Idris

#### Objectives:

To provide quality and professional legal advice in accordance with the Federal Constitution and the laws of Malaysia to the Government within the stipulated time.

#### The core functions are as follows:

This Division is divided into two separate divisions namely the Advisory Division and the International Affairs Division.

## Municipal Section

- Provide legal advice on all areas of law, other than international laws and Islamic laws, in respect of matters referred to it by the Government;

- Assist in the interpretation of laws as and when required by the Government;
- Draft or vet legal documents such as legal notices, agreements and memorandum of understanding to which the Government is a party to ensure that the interest of the Government is protected;
- Conduct research or studies on legal matters as and when required by the Government;
- Provide advice on matters in which the Government intends to regulate and prepare draft bills on such matters, if any, to reflect the policy decisions as may be made by the Government and submit the draft bills to the Parliamentary Draftsman for approval;
- Participate in contract negotiations in respect of Government projects in particular privatization and ICT projects;
- Attend meetings upon the invitation of Government agencies, and to provide legal advice on matters discussed to ensure that any policy decision made by the Government is in accordance with the law;
- Participate in knowledge sharing or training sessions in legal matters by providing legal expertise, to both the Government and non government agencies.

### **Syariah Section**

- Provide legal advice from the perspective of Islamic law in respect of matters

referred to it by the Government;

- Provide comments from the perspective of Islamic law on legal documents such as conventions, muamalat contracts and proposed legislation referred to it by the Government;
- Conduct studies on Federal laws to determine whether the implementation of the laws would be in conflict with Islamic laws and to propose any amendment or reform, if necessary, to the laws to bring it in line with Islamic laws;
- Provide assistance in legal research on Islamic laws, to the Civil and Prosecution Divisions of the Attorney Generals Chambers (including the Syarie Prosecutors in the States);
- Attend meetings upon the invitation of the Government agencies, and to provide legal advice from the Islamic laws perspective to the Government agencies;

Participate in knowledge sharing or training sessions on Islamic laws by providing legal expertise, to both the Government and non government agencies.

### **Appellate and Trial Division**

#### **Head of Division:**

Dato' Kamaludin bin Md. Said

#### **Objectives:**

- To protect public interest through the delivery of the highest standards of

advocacy in the conduct of trials before the High Courts and appeals before the Court of Appeal and Federal Court;

- To adhere to the due process of law in accordance with the Federal Constitution and the laws of Malaysia.

#### **The core functions are as follows:**

- Conducting trials and appeals of all public interest, high profile, complex and sensitive cases and all other matters as may be assigned by the Head of Department;

Providing legal advice to law enforcement agencies on all aspects to ensure the adequate preparation of cases for trial and appeals.

#### **Research Division**

##### **Head of Division:**

Vacant

##### **Objectives:**

- To undertake a comprehensive, quality and professional research;
- To provide a quality, accurate and precise legal advice on Constitutional issues;
- To give effective public relations service.

#### **The core functions are as follows:**

- To provide research services to the AGC and the Government of Malaysia in accordance with domestic and international laws and also taking into consideration the policies of the

Government Of Malaysia;

- To provide legal opinion on matters of conflict arising from the Federal and State Constitutions;
- To provide legal opinion on the conduct of elections;
- To prepare and deliver the written opinion of the Attorney-General to the Pardons Board constituted under the Federal Constitution for the Federal Territories of Kuala Lumpur, Labuan and Putrajaya and the respective Pardons Board constituted for each State;
- To establish a database constituting legal materials e.g. of opinions regarding Constitutional matters prepared by the Attorney Generals Chambers;
- To facilitate legal knowledge management;
- To plan, implement, monitor and improve certain Attorney Generals Chambers training programs including training program for newly appointed legal officers.

#### **Civil Division**

##### **Head of Division :**

Datin Azizah binti Nawawi

##### **Objectives:**

- To protect the interests of the Government of Malaysia in all civil actions;
- To protect the public interest;
- To ensure the appointments of competent notaries public;
- To ensure that the quality of advocates

and solicitors accords with established standards;

- To protect the interests of beneficiaries of public, religious, social or charitable trusts.

#### **The core functions are as follows :**

- Represent the Government of Malaysia in all civil proceedings;
- Represent the Attorney General in matters of public interest;
- Process applications for appointments as notaries public pursuant to Notaries Public Act 1959 (Revised 1973);
- Represent the Attorney General in petitions for admission as advocate and solicitor under the Legal Profession Act 1976;
- Process applications for Special Admission Certificates and Certificates of Renewal under Part II A of the Legal Profession Act 1976;

Represent the Attorney General in cases concerning public, religious, social or charitable purposes.

#### **Law Revision and Law Reform Division Commissioner of Law Revision and Law Reform:**

Dato' Ilani Mohamad Ibrahim

#### **Objectives:**

To ensure every Malaysia law is up to date, accurate and in tandem with current needs.

#### **The core functions are as follows:**

- Reprint laws in both the national and English language;
- Publish revised texts of laws;
- Extend laws of Peninsular Malaysia to Sabah and Sarawak and the Federal Territories;
- Translate English texts of pre-1967 laws to the national language;
- Review archaic and obsolete laws;
- Modernize laws to be in tandem with the changing needs of society.

#### **Management Division**

#### **Head of Management Division :**

Puan Norsham binti Rahin

#### **Objectives:**

To ensure the Management Division is provides the highest quality and most efficient support services in terms of General Administration, Human Resource Management, Financial Management, Resource Centre and ICT Management to other Divisions in accordance with rules and procedures that are in force.

#### **The core functions are as follows :**

To provide support services to the Department in General Administration, Human Resource Management, Financial Management, Resource Centre and ICT Management matters;

- Acting as Secretariat for Judicial and Legal Scheme, Financial and Account Management Committee, Governance Committee, Management Integrity

Committee, Government Asset Management Committee, Revision and Monitoring Allocation Expenditure Committee, Training Committee, Search Committee, Joint Departmental Councils, ICT Steering Committee, Portal Management Committee, Human Resource Development Panel, Disciplinary Board, Promotional Board, and other Committees at Departmental Level;

- Execute Service Circulars and Government Orders.

## 2- THE JUDICIARY

### Chief Justice Of The Federal Court Malaysia:

*Honorable Tan Sri Arifin bin Zakaria Chief Justice's Chambers*

*Federal Court of Malaysia  
Palace of Justice,  
Precinct 3  
62506 Putrajaya*

*Tel: +603 8880 3502*

*Fax: +603 8880 3507*

*Email: [cj@kehakiman.gov.my](mailto:cj@kehakiman.gov.my)*

Alamat email ini dilindungi dari Spambot. Perlu kan JavaScript untuk melihatnya

### President of the Court of Appeal:

*Honorable Tan Sri Md Raus Sharif  
Federal Court of Malaysia*

*Palace of Justice,  
Presint 3  
62506 Putrajaya*

*Tel: +60388803566*

*Fax: +60388803596*

*Email: [alauddin@kehakiman.gov.my](mailto:alauddin@kehakiman.gov.my)*

### Chief Judge of the High Court in Malaya:

*Honorable Tan Sri Zulkefli Ahmad Makinudin*

*Federal Court of Malaysia  
Palace of Justice,  
Presint 3  
62506 Putrajaya*

*Tel: +603 88803552*

*Fax: +603 88803556*

*Email: [cjm@kehakiman.gov.my](mailto:cjm@kehakiman.gov.my)*

### Chief Judge of the High Court of Sabah & Sarawak:

*Honorable Tan Sri Richard Malanjum  
Chief Judge's Chambers*

*High Court,  
Jalan Gersik,  
93050 Petra Jaya,  
Kuching, Sarawak*

*Tel: 082-442 228/449 782/446 830*

*Fax: 082-311 575*

### Chief Registrar for Federal Court of Malaysia:

*Honorable Dato' Hashim Bin Hamzah*

Federal Court of Malaysia  
Level 3, Presint 3,  
Palace of Justice,  
62506 Putrajaya

Tel: +603 8880 3782

Fax: +603 8880 3886

Email: [cr@kehakiman.gov.my](mailto:cr@kehakiman.gov.my)

### Objectives:

- Ensure support services are efficient and effective legislation to enable the court to resolve cases swiftly and smoothly;
- Ensure that courts have the human resources, finance, physical facilities, information technology equipment and services are adequate and appropriate for perform its functions and duties.

## THE LEGAL AID DEPARTMENT

### Director General:

Puan Siti Zawahir binti Mohamed  
LEGAL AID DEPARTMENT  
Prime Minister's Department  
Level 1, Legal Affairs Building,  
Precint 3, Federal Government  
Administrative Centre,  
62692 Putrajaya

Telephone: 03-88851396

Facsimile: 03-88851829/1830/1831

Email: [zawahir.mohamed@jbg.gov.my](mailto:zawahir.mohamed@jbg.gov.my)

### Objective:

To provide legal aid and advice, and mediation services and to promote legal awareness

efficiently, accurately and effectively to those who are qualified.

### The core functions are as follows:

Legal Aid Department was established in September 1970 and its primary objective is to provide legal aid and advisory service to persons of limited means. The functions of the Legal Aid Department are as follows:

- To give legal advice on all legal matters (Fourth Schedule);
- To represent or provide legal assistance in proceedings in all courts in Malaysia within the jurisdiction as provided in the Second Schedule (criminal jurisdiction) and the Third Schedule (civil jurisdiction) Legal Aid Act 1971;
- To provide mediation services;
- To promote legal awareness members of the public on their rights under the law.

## THE MALAYSIAN DEPARTMENT OF INSOLVENCY

### Director General of Insolvency:

Datuk Abdul Karim bin Abdul Jalil

Malaysia Department of Insolvency  
Level 2-3, Legal Affairs Building,  
Precint 3, Federal Government  
Administrative Centre,  
62692 WP Putrajaya

Tel: 03-88851250

Fax: 03-8885 1303

Email: [abdkarim.abdjalil@insolvensi.gov.my](mailto:abdkarim.abdjalil@insolvensi.gov.my)

**Objectives:**

Aims to protect the integrity of the insolvency system and committed in providing excellent services to clients in parallel with our core values.

**The core functions are as follows:**

- To administer the affairs of debtors and bankrupts pursuant to Bankruptcy Act 1967 and Bankruptcy Rules 1969;
- To act as Provisional Liquidator or appointed Liquidator for companies that has been wound up pursuant to the Companies Act 1965 and Companies Rules (Winding-up) 1972;
- To administer the affairs of societies that has been deregistered pursuant to the Societies Act 1966 and Societies Rules 1984;
- To administer the affairs of trade unions that has been deregistered pursuant to the Trade Unions Act 1959 and Trade Unions Rules 1959;
- To conduct investigation and enforcement of relevant laws in relation to any offences allegedly done by bankrupts pursuant to the Bankruptcy Act 1967, company directors pursuant to the Companies Act 1965, the Societies Act 1984, the Trade Unions Act 1959 and any laws in relation to bankruptcy and winding-up;
- To conduct prosecution of all criminal and quasi-criminal cases pursuant to the Bankruptcy Act 1967 and the Companies

Act 1965;

- To be the reference for the Government of Malaysia and its departments on any legal issues related to bankruptcy, companies winding-up, deregistered societies and trade unions;
- To represent the Government of Malaysia, its departments, bankrupts, and wound-up companies in all civil proceedings in court;
- To provide search services on individual bankruptcy status and companies status;
- To manage and supervise the administration of the headquarters and all state and branch offices of the Department of Insolvency throughout Malaysia.

**THE COMPANIES COMMISSION:****Chief Executive Officer :**

Dato' Azmi bin Ariffin

*Menara SSM@Sentral*

*No 7, Jalan Stesen Sentral 5*

*Kuala Lumpur Sentral*

*50623 Kuala Lumpur.*

*Tel : 03-2299 4400*

*Fax : 03-2299 4411*

*Hotline : 03-22995500*

*E-mail : enquiry@ssm.com.my*

**Objectives:**

- Promoting and driving good governance to enhance conducive business environment;

- Delivering innovative products and services to meet stakeholder needs;
- Providing superior service delivery through operational excellence;
- Generating synergies through strategic collaborations;

Evolving to a knowledge driven organization to develop competitive

- intelligence;
- Driving high performance culture through capacity and capability building;

Optimizing ICT to enhance efficiency, effectiveness and enterprise agility.

**The core functions are as follows:**

- To ensure that the provisions of the Companies Commission of Malaysia Act and laws are administered, enforced, given effect to, carried out and complied with;
- To act as agent of the Government and provide services in administering, collecting and enforcing payment of prescribed fees or any other charges under the laws administered;
- To regulate matters relating to corporations, companies and businesses in relation to laws administered;
- To encourage and promote proper conduct amongst directors, secretaries, managers and other officers of a corporation, self-regulated corporations,

companies, businesses, industry groups and professional bodies in the corporate sector in order to ensure that all corporate and business activities are conducted in accordance with established norms of good corporate governance;

- To enhance and promote the supply of corporate information under any of the laws administered, and create and develop a facility whereby any corporate information received by the Companies Commission may be analyzed and supplied to the public;

To carry out research and commission studies on any matter relating to corporate and business activities;

- To advise the Minister generally on matters relating to corporate and business activities in relation to the laws administered;

To carry out all such activities and do all such things as are necessary or advantageous and proper for the administration of the Companies Commission or for such other purpose as may be directed by the Minister.

**THE JUDICIAL AND LEGAL TRAINING INSTITUTE**

**Director General :**

Madam Azian Binti Mohd Aziz  
*Lot 5, Persiaran Universiti, Seksyen 15,  
 43650 Bandar Baru Bangi,*



*Selangor Darul Ehsan*

*Tel: 03-89243400*

*Fax: 03-89261231*

*Email: kp@ilkap.gov.my*

### **Objective:**

To enhance the knowledge, expertise and quality of officers in public service, statutory bodies and local authorities who are engaged in judicial, legal and law enforcement duties in order that a service that is fair, efficient and effective through systematic and planned training is established

### **The core function are as follows:**

- Plan and conduct training programmes, colloquiums, seminars and workshops;
- To conduct relevant surveys on training needs and impact analysis on organizations and officers in the public service, statutory bodies and local authorities engaged in judicial, legal and law enforcement duties;
- To undertake studies on current developments in judicial, legal and law enforcement areas with a view towards publication;
- To organize general administrative, personnel and financial matters;
- To develop a resource and information centre aimed at providing effective support to the smooth implementation of ILKAP's training and research programmes.

## **THE KUALA LUMPUR REGIONAL CENTRE FOR ARBITRATION**

### **Director:**

Mr. Sundra Rajoo  
*Kuala Lumpur Regional Centre for Arbitration*

*No. 12, Jalan Conlay*

*50450 Kuala Lumpur, Malaysia*

*Tel: +603 – 2142 0103*

*Fax: +603 – 2142 4513*

### **The core functions are as follows:**

- To promote international commercial arbitration in the Asia-Pacific region;
- To co-ordinate and assist the activities of existing arbitral institutions in the Asia-Pacific region;

To render assistance in the conduct of ad hoc arbitrations, particularly

- those held under the UNCITRAL Rules;
- To assist in the enforcement of arbitral awards;
- To provide for arbitration under the auspices of KLRCA;
- To carry out the functions envisaged in the agreement with the International Centre for the Settlement of Investment Disputes (ICSID);
- To provide alternative options for the settlement of disputes such as mediation/ conciliation under the Conciliation Rules of the KLRCA;
- To administer international and domestic

.my domain name disputes under MYDRP Rules and Policy and the Supplemental Rules of KLRCA;

- To administer generic top level domain name disputes under an MOU signed with the Asian Domain Name Dispute Resolution Centre (ADNDRC) and Hong Kong International Arbitration Centre (HKIAC);

To appoint arbitrators for disputing parties, as and when requested, under the Rules for Arbitration of KLRCA and the Malaysian Arbitration Act, 2005.

***MYANMAR***

## MYANMAR

### UNION ATTORNEY GENERAL'S OFFICE

*Address:* Building 25, NAYPYITAW,  
Republic of the Union of Myanmar  
*Fax:* 95-67-404099, 95-67-404106  
*Tel:* 95-67-404051, 95-67, 404097,  
95-67-404170, 95-67-404107  
*e-mail:* ago.h.o@mptmail.net.mm

The Union Attorney General's Office of the Republic of the Union of Myanmar plays a vital role in running the machinery of justice in the Republic of the Union of Myanmar. Its role not only has deep historical roots but is a strong and substantial machine its role is geared to stand as a pillar of justice in the country. The history of the formation of the Attorney General Office is that under section 12 of the Government of Myanmar (the then Burma) Act 1935, one Advocate-General was appointed to act for and on behalf of the Government in both criminal and civil cases.

In 1948, when Myanmar regained her Independence, the Attorney General's Office was constituted under the 1948 Myanmar Attorney General Act where an Attorney-General, an Assistant Attorney-General, Government Advocate and legal draftsmen were appointed.

Legal history continued with the times. In 1988, when the State Law and Order

Restoration Council emerged to take the responsibilities of the State, it promulgated the Attorney General Law on 26 September, 1988. An Attorney-General and a Deputy Attorney-General were appointed under the said Law. The appointing authority of the Attorney-General and the Deputy Attorney-General was the State Law and Order Restoration Council. The State Law and Order Restoration Council also appointed the Director-General. The Attorney General Law, 1988 continued to exist until 27 February 2001 when the Attorney General Law, 2001 was enacted.

The Attorney-General, three Deputy Attorneys-General and Director-General have been appointed by the State Peace and Development Council under the Attorney General Law, 2001.

At present, the Constitution of the Republic of the Union of Myanmar has been adopted by the Referendum on 29<sup>th</sup> May, 2008. The Attorney General of the Union Law was promulgated in accord with section 443 of the Constitution of the Republic of the Union of Myanmar on 28<sup>th</sup> October, 2010.

It has seven chapters, namely, Title, Enforcement and Definition, Formation of the Union Attorney General's Office and various levels of Law Offices, Appointment of the Attorney General of the Union and the Deputy Attorney General, Advocate General of the Region or State, Functions and Duties of Law

Officers and Miscellaneous. Under this Law, the Attorney General of the Union and Deputy Attorney General shall be appointed. The Attorney General of the Union is a member of the Union Government and is responsible to the President of the Union. The Term of the Attorney General of the Union and the Deputy Attorney General is five years. It is the same as that of President.

It is promulgated that the Chief Minister of the Region or State has the power to appoint and assign duty to the Advocate General of the Region or State in order to obtain legal advice and assign duties on legal matters under section 266 of the Constitution of the Republic of the Union of Myanmar. Therefore, the provisions in respect of the appointment of relevant Advocate General of the Region or State are stated in section 22 of the Attorney General of the Union Law. It is the distinctive provision and not the same as the previous Attorney General Laws.

According to section 296 of the Constitution of the Republic of the Union of Myanmar, the Supreme Court of the Union has the power to issue Writ of Habeas Corpus, Writ of Mandamus, Writ of Prohibition, Writ of Quo Warranto and Writ of Certiorari. It is provided in sub-section (e) of section 12 of the Attorney General of the Union Law that in so applying to issue writs, the Attorney General of the Union has responsibility to appear on behalf of the Union. This duty can be called the unusual duty of the

Attorney General of the Union.

### **Union Attorney General's Office**

The Head of the Union Attorney General's Office is the Director-General and is also the Head of Service Personnel appointed by the Union Government. There are four specific departments which are formed under the direct control of the Union Attorney General's Office. Besides controlling these four departments, the Union Attorney General's Office, supervises all legal and administration matters of all Law Offices in the entire Myanmar, acts as the Head Office.

### **Legislative Drafting and Vetting Department**

The Union Attorney General, under sub-section (j) of section 12 of the Attorney General of the Union Law, has the duty to translate laws and under sub-section (q) of section 12 of the Law, has to carry out other duties assigned by the Union of Government.

In so performing the responsibilities of the Union Attorney General under the Attorney General of the Union Law, this Department carries out vetting and advising the draft laws initially drafted and sent by the relevant Ministry and vetting the draft laws sent by the relevant Ministry to amend, add and substitute in respect of any existing law under the guidance of Union Attorney General. Similarly,

the draft of rules, procedures, notifications, orders and directives are vetted and advised. Translating laws is also carried out by this Department.

### **Legal Advice Department**

The President appointed the Union Attorney General under sub-section (a) of section 237 of the Constitution of the Republic of the Union of Myanmar in order to obtain legal advice and assign duties on legal matters. In accordance with sub-section (f) of section 240 of the Constitution and sub-section (c) of section 12 of the Attorney General of the Union Law, the Union Attorney General has the duty to tender legal advice when so requested by the President of the Union, the Speaker of the PyidaungsuHluttaw, the Speaker of the PyithuHluttaw or the Speaker of the AmyothaHluttaw, any organization of the Pyidaungsu level, any Ministry of the Union or Nay Pyi Taw Council. Tendering legal advice to the Union Level organizations on matters relating to international, regional or bilateral or multilateral treaties under sub-section (k) of section 12, tendering legal advice to the Union level organizations on matters relating to memorandums of understanding, memorandums of agreement, local and foreign investment instruments and other instruments under sub-section (1) of section 12, tendering legal advice when so requested by the Advocate-General of the Region or State on matter relating to legal problem

under sub-section (m) of section 12 are to be carried out. The powers of the Union Attorney General are calling for necessary orders, decisions, directives, activities, proceedings and other documents from the relevant Union level organizations if it is necessary to scrutinize relating to the legal matters under sub-section (e) of section 13, guiding and supervising the relevant Advocate General of the Region or State, relating to the performances of the various levels of Law Offices in the Region or State as may be necessary under sub-section (f) of section 13.

In order to implement the said duties and powers of the Union Attorney General, this Legal Advice Department is formed with three Divisions. They are International Law and ASEAN Legal Affairs Division, Commercial Contracts Division and General Legal Advice Division.

### **Prosecution Department**

This department is an oldest department in the Office of the Attorney General. Since the formation of the Office, this Department is responsible for prosecution on behalf of the State and to appeal in both criminal and civil cases for and on behalf of the Government. The duties and powers of the Attorney General are also included in the Attorney General of the Union Law as those were included in former Attorney General Laws. Thus it is found, in sub-section (d) of section 12 of the Attorney

General of the Union Law, “appearing on behalf of the State in original, appeal, revision and special appeal cases relating to the Union under the jurisdiction of the Supreme Court of the Union”, in sub-section (e) of section 12, “appearing on behalf of the State in applications to issue writs to the Supreme Court of the Union”, in sub-section (f) of section 12, “prosecuting criminal cases at the Court in accord with law”, in sub-section (g) of section 12, “appearing in criminal cases on behalf of the Union”, in sub-section (h) of section 12, “appearing on behalf of the Union in original civil case, civil appeal case, civil revision case and special civil appeal case in which the Union is involved as the plaintiff or defendant”, in sub-section (i) of section 12, “filing appeal or revision, if it is necessary to file appeal or revision to the Supreme Court of the Union on judgment, order or decision passed by any High Court of the Region or State, in cases relating to the Union”, in sub-section (b) of section 13, “carrying out in accord with law if it is necessary to withdraw the entire case, any charge or any accused in a criminal case filed at the Court,” in sub-section (c) of section 13, “making decision to close the criminal case that cannot be prosecuted at the Court,” in sub-section (d) of section 13, “filing appeal against acquittal order to the Supreme Court of the Union if it is considered appropriate to file appeal against an acquittal order passed by any High Court”.

The Union Attorney General, in carrying out

this duties and powers, has formed the Union Attorney General’s Office, Offices of the Advocate General of the Region or State, Self-Administered Division Law Office, Self-Administered Zone Law Office, District Law Offices, other Law Offices established by law under section 3 of the Attorney General of the Union Law. In delegation his duties, the Union Attorney General delegated the Law Officers to appear in criminal and civil cases under sub-sections (d) and (e) of section 36 and to carry out other criminal and legal matters under sub-sections (f), (g), (i), (j) and (k) of section 36.

Under sub-section (l) of section 36, Law Officers are responsible for hiring a lawyer to appear for the accused in poverty who is accused of a criminal offence punishable with death. Law Officers carry out supervising the practicing lawyer hired by the complainant in accordance with the stipulations in criminal cases in which the Law Officer appears under sub-section (m) of section 36, filing revision under sub-section (n) of section 36 and submitting in accord with the stipulations if it is considered that an appeal should be filed against the acquittal order passed by the Court under sub-section (o) of section 36.

### **Administration Department**

It can be seen from the above discussion that the machinery of the Union Attorney General’s Office is a very huge one that requires effective management. As a result of this huge set-up,

the Union Attorney General's Office forms and carries out the Administration Department.

Under the Administration Department, Civil Service Personnel Affairs and Inspection Division, Training and Information Technology Division, Budget and Accounts Division and Research and Logistics Division were formed and carried out.

These Divisions carry out the functions relating to civil service personnel affairs, inspection, budget and accounts, logistics and building, training, legal research, compiling and publishing law books and information technology. Staff Office is also formed in the Union Attorney General's Office.

## **Conclusion**

History is indeed a subject that is filled with ideas and expectations for the future. If one looks at the legal history of the Attorney General of the Union Law, one can see that this Law is the product and result of various turns and experience of legal history of the office.

The Attorney General of the Union Law has been tailored systematically; methodically and efficiently to meet the demands of the modern Attorney General's Office. It was promulgated to reflect that the best legal machinery be put into practice so as to tender legal advice and run the machinery of justice smoothly. One can see that it is not the law in name but

implement in practice through the implementation of the law by various Departments under the Union Attorney General's Office.



*PHILIPPINES*

## PHILIPPINES

### DEPARTMENT OF JUSTICE

---

*Padre Faura St., Ermita, Manila 1000*

*Trunkline: (+632) 523-8481 to 98*

*Fax: (+632) 525-2218*

*Website: [www.doj.gov.ph](http://www.doj.gov.ph)*

The Department of Justice (DOJ) is the principal law agency of the government of the Philippines which is both its legal counsel and prosecutorial arm. It administers the criminal justice system consisting of the investigation of crimes, prosecution of offenders and administration of the correctional system.

The Department also implements the laws on the admission and stay of aliens, citizenship, and provides free legal services to indigent members of the society.

#### **Powers and Functions**

- To act as principal law agency of the government and as legal counsel and representative thereof, whenever required;
- To investigate the commission of crimes, prosecute offenders and administer the probation and correction systems;
- To extend free legal assistance/representation to indigents and poor litigants in criminal cases and non-commercial/ civil disputes;
- To provide immigration and

naturalization regulatory services and implement the laws governing citizenship and admission and stay of aliens;

- To provide legal services to the national government and its functionaries, including government-owned or controlled corporations and their subsidiaries; and
- To perform such other functions as may be provided by law.

The Department pursues its mandate through the Office of the Secretary and the bureaus, agencies and offices attached to it. The Office of the Secretary is composed of the Secretary of Justice, three (3) Undersecretaries, two (2) Assistant Secretaries - one for Financial Service and the other for Administration, the Chief State Counsel, Prosecutor General, and other officials.

The Secretary of Justice provides overall management and direction of the Department, including its attached bureaus, agencies and offices. The Secretary of Justice acts as the Attorney General of the Philippines and *ex-officio* legal adviser of all government-owned and -controlled corporations.

---

### DEPARTMENT PROPER

#### **Office of the Chief State Counsel (Legal Staff)**

3rd Floor, DOJ Main Bldg.  
Padre Faura St., 1000 Manila

**Tel:** (+632) 523-1505  
(+632) 523-8481 to 98 loc. 316, 341  
**Fax:** (+632) 525-2218  
**Website:** [www.doj.gov.ph](http://www.doj.gov.ph)

## Functions

- To prepare opinions, memoranda, comments, legal studies on difficult questions of law upon the request of national government functionaries, including the Office of the President, various legislative committees, as well as senior officials of the Department of Justice;
- To prepare decisions, orders, resolutions in aid of the Secretary of Justice's exercise of adjudicatory power or jurisdiction or appellate or revisory authority concerning controversies between or among government agencies; constitutionality/legality of municipal tax ordinances; grant of special non-immigrant visas and exemption from the Anti-Dummy Law; issuance or lifting of hold departure orders (HDO) or watchlist orders (WLO); citizenship cases transmitted by the Bureau of Immigration to the Department for review, and applications for recognition of refugee status; as well as requests for extradition, mutual legal assistance in criminal matters and transfer of sentenced persons to or from treaty partners;
- To prepare for and on behalf of the Secretary of Justice, replies and/or legal advice at the instance of private parties and/or local government officials or employees and conduct legal studies as well as working drafts for ad hoc bodies, committees or task forces seating as members or representatives of the Secretary or of the Department;
- To assist the Secretary of Justice in the performance of her duties as Attorney-General of the Philippines, as ex-officio legal adviser of government-owned or controlled corporations or enterprises and their subsidiaries;
- To maintain and supervise the operation of the Department Law Library as well as its personnel;
- To participate in inter-agency committee meetings, particularly those being conducted by the various offices of the Executive Arm, such as the Department of Foreign Affairs (DFA), the Department of Trade and Industry (DTI), the Board of Investments (BOI) and the Board of International Trade Relations (BITR), particularly those involving the negotiations of free trade agreements (FTAs);
- To take charge in the negotiations abroad, both economic, political, social and security matters; and
- To perform such other functions as

are now or may hereafter be provided by law or assigned by the Secretary of Justice.

### **The Office of the Prosecutor General (Prosecution Staff)**

*DOJ Annex Bldg., Padre Faura  
St., 1000 Manila*

*Tel: (+632) 523-8481 loc. 219, 281*

*Telefax: (+632) 525-0952*

*Email: dojcsp@yahoo.com*

*Website: www.doj.gov.ph*

#### **Mandate**

To assist the Secretary of Justice in the performance of the powers and functions of the Department relative to its role as the prosecution arm of the government.

#### **Functions**

The Prosecution Staff, headed by the Prosecutor General, has the following functions:

- Assist the Secretary of Justice in the exercise of his/her appellate jurisdiction;
- Conduct the preliminary investigation and prosecution of criminal cases involving national security, those for which task forces have been created and criminal cases whose venues are transferred to avoid miscarriage of

justice, all when so directed by the Secretary of Justice as public interest may require;

- Act as counsel for the People of the Philippines in any case involving or arising from a criminal complaint investigated by any of its prosecutors and pending before any trial court;
- Investigate administrative charges against prosecutors, other prosecution officers and members of their support staff;
- Prepare legal opinions on queries involving violations of the Revised Penal Code and special penal laws; and
- Monitor all criminal cases filed with the Office of the Prosecutor General; maintain an updated record of the status of each case, and adopt such systems and procedures as will expedite the monitoring and disposition of cases
- Perform such other functions as may be provided by law or assigned by the Secretary.

### **Board of Pardons and Parole**

*DOJ Agencies Building,  
NIA Road cor. East Avenue,  
Diliman, 1101 Quezon City*

*Tel: (+632) 927-2688*

*Fax: (+632) 927-2739*

*Website: www.doj.gov.ph*

## Mandate

To uplift and redeem valuable human material to economic usefulness and to prevent unnecessary and excessive deprivation of personal liberty by way of parole or through executive clemency.

## Organizational Structure

The Board of Pardons and Parole (BPP) is composed of the Secretary of Justice, or his representative, and six (6) members consisting of: (1) the Administrator of the Parole and Probation Administration as *ex-officio* member; (2) a sociologist; (3) a clergyman; (4) an educator; (5) a person with training and experience in correction work, and (6) a member of the Philippine Bar.

## Functions

- To look into the physical, mental and moral records of prisoners who are eligible for parole or any form of executive clemency and determines the proper time of release of such prisoners on parole;
- To assist in the full rehabilitation of individuals on parole or those under conditional pardon with parole conditions, by way of parole supervision; and
- To recommend to the President of the Philippines the grant of any form of executive clemency to prisoners other

than those entitled to parole.

A majority of the members of the Board, constituting a quorum, shall be necessary to recommend:

- The grant of executive clemency or to grant parole;
- To modify any of the terms and conditions appearing in a Release Document;
- To order the arrest and recommitment of a parolee/pardonee; and
- To issue certificate of Final Release and Discharge to a parolee/pardonee.
- The Board may recommend the grant of executive clemency or grant parole to a prisoner who is an alien. In such a case, the alien who is released on parole or pardon shall be referred to the Bureau of Immigration for disposition, documentation and appropriate action.

## ATTACHED AGENCIES

### BUREAU OF IMMIGRATION

*Magallanes Drive, Intramuros, Manila*

*Tel: (+632) 527-3248*

*Website: [www.immigration.gov.ph](http://www.immigration.gov.ph)*

### Mandate

To administer and enforce immigration, citizenship and alien admission and registration laws in accordance with the provisions of the

*Philippine Immigration Act of 1940*, as amended (C.A. No. 613, as amended).

## **Organizational Structure**

The Bureau of Immigration (BI) is composed of the following units:

### **(1) Office of the Commissioner and Associate Commissioners**

The Office of the Commissioner consists of the Commissioner of Immigration, two Associate Commissioners; and the personnel in their immediate offices. It is responsible for the implementation of all laws, rules and regulations promulgated to carry out the policies and objectives of the Commission, and for exercising general supervision and control over the staff services and operating branches and units of the Commission.

The Commissioner of Immigration is in-charge of the administration of all laws relating to the immigration of aliens into the Philippines and has immediate control, direction and supervision of all officers, clerks and employees of the Bureau of Immigration. He has the power to issue, subject to the approval of the Department Head, such rules and regulations and prescribe such forms of bond, reports and other papers, and to issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated to carry out the provisions of the immigration laws. He

supervises, directs and coordinates the overall operations of the Bureau of Immigration.

### **(2) Board of Commissioners; and**

The Board of Commissioners is a quasi-judicial body, composed of the Commissioner of Immigration and two deputy commissioners. It has exclusive jurisdiction over all deportation cases, and appellate jurisdiction over decisions of the Board of Special Inquiry. It also decides applications for pre-arranged employment, and requests of aliens deported as indigents to return to the Philippines.

### **(3) Board of Special Inquiry.**

The Board of Special Inquiry is also a quasi-judicial body. In addition to resolving admission cases, it assists the Board of Commissioners in evaluating deportation cases. It also investigates claims to Philippine citizenship and submits its findings and recommendations to the Board of Commissioners.

## **General Functions**

- To act as the primary enforcement arm of the Department of Justice and the President of the Philippines in ensuring that all foreigners within its territorial jurisdiction comply with existing laws;
- To assist local and international law enforcement agencies in securing the tranquility of the state against foreigners whose presence or stay may be deemed

threats to national security, public safety, public morals and public health; and

- To act as chief repository of all immigration records pertaining to entry, temporary sojourn, admission, residence and departure of all foreigners in the country.

### Specific Functions

- To regulate the entry (arrival), stay (sojourn), and exit (departure) of foreign nationals in the country. Monitors the entry and exit of Filipino citizens, in compliance with Philippine laws and other legal procedures;
- To issue immigration documents and identification certifications on the following visa categories: (1) Non-immigrant Visas; (2) Immigrant Visas and (3) Special Immigrant Visas;
- To issue special permits in relation to the enforcement of immigration laws (e.g. Special Work Permit (SWP), Provisional Permit to Work (PPW), Special Study Permit (SSP), re-entry permits, clearances, etc.;
- To extend the stay of temporary visitors and implements applications of changes of statuses as provided by law;
- To conduct administrative determination of citizenship and related statuses;
- To investigate, hear, decide, and execute orders pertaining to exclusion, deportation, and repatriation of aliens;

- To monitor and execute the implementation of the Bureau of Immigration Alert Lists (Watchlist, Blacklist, Hold Departure Orders);
- To cancel immigration documents upon violation of immigration laws and procedures;
- To investigate, arrest, and detain foreigners in violation of immigration regulation and other Philippine laws;
- To accredit schools and learning institutions that can officially accept and enroll foreign students;
- To accredit law firms, liaison officers, travel agencies, and other individuals and organizations transacting with the Bureau of Immigration.

### NATIONAL BUREAU OF INVESTIGATION

*NBI Building, Taft Avenue, 1000 Manila*

*Tel: (+632) 523-8231 to 38*

*Fax: (+632) 526-1216, 523-7414*

*Email: [director@nbi.gov.ph](mailto:director@nbi.gov.ph)*

*Website: [www.nbi.gov.ph](http://www.nbi.gov.ph)*

### Mandate

To investigate crimes and other offenses against the laws of the Philippines, and to establish and maintain a modern, effective and efficient investigative service and research agency for the purpose.

## Organizational Structure

The National Bureau of Investigation (NBI) is a government entity that is civilian in character and national in scope. It is headed by a Director with an Assistant Director and six (6) Deputy Directors for the following: (1) Special Investigation Services (SIS); (2) Regional Operations Services (ROS); (3) Intelligence Services (IS); (4) Technical Services (TS); (5) Administrative Services (AS), and; (6) Comptroller Services (CS).

The Two-Pillar Rule (thoroughness and legality) has always been adhered to by the NBI, which is to keep the standard of professionalism in the investigation of cases. The legality of the Bureau's activity is assured by its "Legal and Evaluation Division", which provides legal counsel to the Director, legal services to the entire Bureau; evaluates investigation reports of the Agents, and finally conducts legal researches and studies.

### Functions

- To investigate crimes and other offenses against the laws of the Philippines, both on its own initiative and as public interest may require;
- To assist, when officially requested, in the investigation or detection of crimes and other offenses;
- To act as national clearing house of criminal records and other information for use of all prosecuting and law

enforcement entities in the Philippines;

- To maintain identification records of identifying marks, characteristics and ownership or possession of all firearms and test bullets fired therefrom;
- To give technical assistance to all prosecuting and law enforcement offices, agencies of the government, and courts which may ask for its services;
- To extend its services in the investigation of cases of administrative or civil in nature in which the government is interested;
- To establish and maintain an up-to-date scientific crime laboratory and conduct researches in furtherance of scientific knowledge in criminal investigation;
- To coordinate with other national or local agencies in the maintenance of peace and order; and
- To undertake the instruction and training of a representative number of city and municipal peace officers at the request of their respective superiors along effective methods of crime investigation and detection in order to insure greater efficiency in the discharge of their duties.

---

## BUREAU OF CORRECTIONS

*NBP Reservation, 1770 Muntilupa City*

*Tel: (+632) 850-5002 or 807-2368*

*Fax: (+632) 805-3282*

*Email: [Plaus@bucor.gov.ph](mailto:Plaus@bucor.gov.ph)*



Website: [www.bucor.gov.ph](http://www.bucor.gov.ph)

## Mandate

To carry out institutional rehabilitation programs of the government for national offenders.

## Organizational Structure

The Bureau of Corrections (BuCor) is composed of seven operating institutions strategically located all over the country, namely:

- 1- New Bilibid Prison (NBP), Muntinlupa City;
- 2- Correctional Institution for Women (CIW), Mandaluyong City;
- 3- Leyte Regional Prison, Leyte;
- 4- Davao Prison and Penal Farm, Davao del Norte;
- 5- San Ramon Prison and Penal Farm, Zamboanga City;
- 6- Sablayan Prison and Penal Farm, Mindoro Occidental; and
- 7- Iwahig Prison and Penal Farm, Palawan.

The Bureau is headed by the Director of Corrections who is assisted by the: (1) Assistant Director for Administration and Rehabilitation and (2) Assistant Director for Prisons and Security. The Director and Assistant Directors of the Bureau are appointed by the President of the Philippines upon recommendation of the Secretary of Justice.

## Functions of the Director and Assistant Directors

The Director has the following functions:

- To act as adviser of the Secretary of Justice on matters relating to the formulation and execution of penal policies, plans, programs and projects;
- To administer and execute the laws relating to prisons and its inmates and enforce the rules and regulations governing the operations and management of prisons;
- To exercise administrative supervision of prisons;
- To recommend to the Board of Pardons and Parole inmates who are qualified for the grant of parole, pardon and other forms of executive clemency;
- To exercise supervision and control over the constituents units and personnel of the Bureau, and
- To issue directives and instructions in accordance with laws, rules and regulations that will effectively and efficiently govern the activities of the Bureau and its personnel.

The Assistant Directors perform the following functions:

- To assist the Director in the formulation and implementation of the Bureau's objectives and policies;
- To coordinate and ensure the economical, efficient and effective

administration of the programs and projects of the Bureau;

- To assume the duties of the Director in the latter's absence; and
- To perform such other function as may be assigned by the Director.

## PAROLE AND PROBATION ADMINISTRATION

*DOJ Agencies Building,  
NIA Road cor. East Avenue,  
Diliman, 1101 Quezon City*

*Tel: (+632) 927-6826 or 929-3145*

*Fax: (+632) 928-0235*

*Website: [www.probation.gov.ph](http://www.probation.gov.ph)*

### Mandate

To exercise general supervision over all probationers.

### Functions

- To establish a more enlightened and humane correctional system that will promote the reformation of offenders and thereby reduce the incidence of recidivism;
- To recognize that confinement of all offenders in prisons and other institutions with rehabilitation programs constitutes an onerous drain on the financial resources of the country;
- To provide a less costly alternative to the imprisonment of offenders who

are likely to respond to individualized, community-based treatment programs;

- To promote the correction and rehabilitation of an offender by providing him with individualized treatment;
- To provide an opportunity for the reformation of a penitent offender which might be less probable if he were to serve a prison sentence; and
- To prevent the commission of offenses.

The Administration is headed by the *Probation Administrator*, appointed by the President of the Philippines. His powers and duties include:

- To act as the executive officer of the Administration;
- To exercise supervision and control over all probation officers;
- To make annual reports to the Secretary of Justice, in such form as the latter may prescribe, concerning the operation, administration and improvement of the probation system;
- To promulgate, subject to the approval of the Secretary of Justice, the necessary rules relative to the methods and procedures of the probation process;
- To recommend to the Secretary of Justice the appointment of the subordinate personnel of his/her Administration; and
- To perform such duties and exercise such powers as may be necessary or incidental to achieve the objectives

of Probation Law of 1976 (Presidential Decree No. 968)

## PUBLIC ATTORNEY'S OFFICE

*4<sup>th</sup> & 5<sup>th</sup> Floors, DOJ Agencies Building, NIA Road corner East Avenue, Diliman, Quezon City*

**Tel:** (+632) 929-9436

**Email:** [pao-executive@yahoo.com](mailto:pao-executive@yahoo.com)

**Website:** [www.pao.gov.ph](http://www.pao.gov.ph)

### Mandate

To provide free legal assistance to indigent persons in criminal, civil, labor, administrative and other quasi-judicial cases.

### Organizational Structure

The PAO is an independent and autonomous office attached to the Department of Justice for the purposes of policy and program coordination. It has the following constituent units:

- 1- Office of the Chief Public Attorney and two (2) Deputy Chief Public Attorneys to serve as a "Deputy Chief Public Attorney for Administration" and placed in charge of three divisions, namely; Administrative; Financial Planning and Management; and Executive Division, while the other to serve as "Deputy Chief Public Attorney for Operations" and shall be

responsible for special and appealed cases; legal research; and field services and statistics upon the designation by the Chief Public Attorney. One of the deputies shall be designated as Deputy Chief Public Attorney for Luzon and the other Deputy Chief Public Attorney for Visayas and Mindanao;

- 2- Six (6) line divisions in the Central Office, namely: Administrative, Financial Planning and Management, Special and Appealed Cases, Legal Research and Statistics, Field Services and Statistics, and Executive Division; and
- 3- Regional, Provincial, City, and Municipal District Offices.

## OFFICE OF THE GOVERNMENT CORPORATE COUNSEL

*3rd Floor. MWSS Administration Bldg., Katipunan Road, Quezon City*

**Tel:** (+632)927-0030 loc. 219 and (+632)927-0035 loc. 201

**Telefax:** (+632)436-4405 and (02)436-4429

**Website:** [www.ogcc.gov.ph](http://www.ogcc.gov.ph)

### Mandate

To act as the principal law office of all government-owned and -controlled corporations (GOCCs), their subsidiaries, other corporate off-springs and government-acquired asset corporations.

## Organizational Structure

The Office of the Government Corporate Counsel (OGCC) is composed of the Government Corporate Counsel ("GCC"), the Deputy Government Corporate Counsel ("DGCC"), ten (10) Assistant Government Corporate Counsels ("AGCC"), and forty-five (45) Government Corporate Counsels ("GCA").

The OGCC is strategically divided into teams to meet the specialized needs of about six hundred (600) Government Corporations classified into the following sectors: (1) Gaming; (2) Economic Zones; (3) Information and Energy; (4) Environment and Water; (5) Banking; (6) Infrastructure and Transportation; (7) Agriculture and Trade; and (8) Housing. An additional team has been organized to handle Special Concerns.

### Specific Functions

- To exercise control and supervision over all legal departments or divisions of the various government corporations;
- To ensure consistency and/or harmony of the legal positions of the various GOCCs;
- To arbitrate issues between GOCCs; and
- To issue rules and regulations to effectively implement its objectives.

In addition, lawyers of the OGCC: (1) represent Government Corporations before the courts and quasi-judicial bodies; (2)

render legal opinions; (3) review contracts; (4) investigate administrative cases against officials of Government Corporations; and (5) act as hearing officers in disputes among Government Corporations.

## LAND REGISTRATION AUTHORITY

*DOJ Agencies Bldg., NIA Road corner East Avenue, Diliman, Quezon City*

*Telefax: (+632) 925-6601; (+632) 925-6603*

*Website: [www.lra.gov.ph](http://www.lra.gov.ph)*

### Mandate

The Land Registration Authority (LRA) is mandated to issue decrees of registration and certificates of titles and register documents, patents and other land transactions for the benefit of landowners, Agrarian Reform-beneficiaries and the registering public in general; to provide a secure, stable and trustworthy record of land ownership and recorded interests therein so as to promote social and economic well-being and contribute to national development.

### Functions

- Implement and protect the Torrens system of land titling and registration;
- Issue decrees of registration pursuant to final judgment of the courts in land registration proceedings and causes the issuance by a registrar of deeds the corresponding certificate of title;

- Issue all subsequent or transfer certificates of title which may either be issued judicially or administratively;
- Keep the title history or records of transaction involving titled or registered lands;
- Exercise control over the disposition or alienation of registered lands in accordance with existing government rules and regulations;
- Provide legal and technical assistance to the courts on land registration cases; and
- Extend assistance to other agencies of the government in the implementation of the agrarian program.

## PRESIDENTIAL COMMISSION ON GOOD GOVERNMENT

82 EDSA, IRC Building, Mandaluyong  
City 1550

Tel: (+632) 727-2927

Fax: (+632) 727-2926

Website: [www.pcg.gov.ph](http://www.pcg.gov.ph)

The Presidential Commission on Good Government (PCGG) is a quasi-judicial body composed of a Chairperson and four (4) Commissioners.

It is charged with the task of assisting the President in the recovery of ill-gotten wealth accumulated by former President Ferdinand E. Marcos, his immediate family, relatives,

subordinates and close associates, whether located in the Philippines or abroad, including the takeover or sequestration of all business enterprises and entities owned or controlled by them, during his administration, directly or through nominees, by taking undue advantage of their public office and/or using their powers, authority, influence, connection or relationship; the investigation of such cases of graft and corruption as the President may assign to the Commission from time to time; and the adoption of safeguards to ensure that the above practices shall not be repeated in any manner under the new government, and the institution of adequate measures to prevent the occurrence of corruption.

## OFFICE FOR ALTERNATIVE DISPUTE RESOLUTION

Department of Justice Building  
Padre Faura, Ermita, Manila 1000

Tel.: (+632) 523-8481 to 98

The Office for Alternative Dispute Resolution (OADR) is headed by an Executive Director, appointed by the President, taking into consideration the recommendation of the Secretary of Justice.

### Objectives

- Promote, develop and expand the use of alternative dispute resolution (ADR) in the private and public sectors; and

- Assist the government to monitor, study and evaluate the use by the public and the private sector of ADR, and recommend to Congress needful statutory changes to develop, strengthen and improve ADR practices in accordance with world standards.

### **Powers and Functions**

- To formulate standards for the training of the ADR practitioners and service providers;
- To certify that such ADR practitioners and ADR service providers have undergone the professional training provided by the office;
- To coordinate the development, implementation, monitoring, and evaluation of government ADR programs;
- To charge fees for their services; and
- To perform such acts as may be necessary to carry into effect the provisions of the "Alternative Dispute Resolution Act of 2004".

## **OFFICE OF THE SOLICITOR-GENERAL**

*OSG Building, 134 Amorsolo St., Legaspi Village, Makati City*

*Tel: (+632) 818-6301 to 09;*

*Fax: (+632) 817-6037*

*Email: [docket@osg.gov.ph](mailto:docket@osg.gov.ph)*

*Website: [www.osg.gov.ph](http://www.osg.gov.ph)*

### **Mandate**

To represent the Government of the Philippines, its agencies and instrumentalities and its officials and agents in any litigation, proceeding, investigation or matter requiring the services of lawyers.

### **Organizational Structure**

The Office of the Solicitor General is an independent and autonomous office attached to the Department of Justice. It is headed by the Solicitor General, who is the principal law officer and legal defender of the Government. The Solicitor General is assisted by the Legal Staff composed of fifteen (15) Assistant Solicitors General, who in turn head the thirty (30) Legal Divisions with ten (10) Solicitors and Trial Attorneys for each division.

### **Functions**

- To represent the Government in the Supreme Court and the Court of Appeals in all criminal proceedings; represent the Government and its officers in the Supreme Court, the Court of Appeals, and all other courts or tribunals in all civil actions and special proceedings in which the Government or any officer thereof in his official capacity is a party;
- To investigate, initiate court action, or in any manner proceed against any person, corporation or firm for the enforcement of any contract, bond, guarantee,

mortgage, pledge or other collateral executed in favor of the Government;

- To appear in any court in any action involving the validity of any treaty, law, executive order or proclamation, rule or regulation when in his judgment his intervention is necessary or when requested by the Court;
- To appear in all proceedings involving the acquisition or loss of Philippine citizenship;
- To represent the Government in all land registration and related proceedings. Institute actions for the reversion to the Government of lands of the public domain and improvements thereon as well as lands held in violation of the Constitution;
- To prepare, upon request of the President or other proper officer of the National Government, rules and guidelines for government entities governing the preparation of contracts, making of investments, undertaking of transactions, and drafting of forms or other writings needed for official use, with the end in view of facilitating their enforcement and insuring that they are entered into or prepared conformably with law and for the best interests of the public;
- To deputize, whenever in the opinion of the Solicitor General the public interest requires, any provincial or city fiscal to assist him in the performance

of any function or discharge of any duty incumbent upon him, within the jurisdiction of the aforesaid provincial or city fiscal;

- To deputize legal officers of government departments, bureaus, agencies and offices to assist the Solicitor General and appear or represent the Government in cases involving their respective offices, brought before the courts, and exercise supervision and control over such legal officers with respect to such cases;
- To call on any department, bureau, office, agency or instrumentality of the Government for such service, assistance and cooperation as may be necessary in fulfilling its functions and responsibilities and for this purpose enlist the services of any government official or employee in the pursuit of his tasks;
- To represent, upon the instructions of the President, the Republic of the Philippines in international litigations, negotiations or conferences where the legal position of the Republic must be defended or presented;
- To act and represent the Republic and/or the people before any court, tribunal, body or commission in any matter, action or proceeding which, in his opinion, affects the welfare of the people as the ends of justice may require; and
- To perform such other functions as may be provided by law.

## The Supreme Court of the Philippines

*Padre Faura St., Manila 10000*

*www. sc.judiciary.gov.ph*

*Tel.: (6-32) 522-5090 to 94*

*Telefax: (6-32) 526-8129*

*Email: pio@sc.judiciary.gov.ph*

Judicial power is vested not only with the Supreme Court of the Philippines as the highest judicial body but also in lower courts as may be established by law. The Supreme Court heads the systems of courts in the judiciary and is the court of last resort.

The different lower courts under the Judiciary Reorganization Law are the following:

- **Court of Appeals (CA)**
- **Regional Trial Courts (RTC)**
- **Metropolitan Trial Courts (MeTC)**
- **Municipal Trial Courts (MTC)**
- **Municipal Circuit Trial Court (MCTC)**

Not included in the reorganization were the **Court of Tax Appeals (CTA)** and special statutory court known as the **Sandiganbayan** and constitutional office known as the **Ombudsman**, as well as the **Shari'ah Courts for Muslims**. Together with the Supreme Court, the aforementioned tribunals make up the judicial department of the Philippine government.

The **Sandiganbayan** is the anti-graft court of the Philippines. It has jurisdiction over civil

and criminal cases involving graft and corrupt practices and such other offenses committed by public officers and employees, including those in government-owned or -controlled corporations, in relation to their office as may be determined by law. It is clear that the tribunal is charged with the direct responsibility of maintaining morality, integrity and efficiency in the public service.

The **Sandiganbayan** consists of a Presiding Justice, and eight Associate Justices sit in divisions of three Justices each, who shall be necessary to constitute a quorum and whose unanimous vote shall be required for its pronouncement of a judgment.

The **Office of the Ombudsman** is a constitutional office. The Ombudsman, as protector of the people, shall act promptly on complaints filed in any form or manner against public officials or employees of the Government, or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporation, and shall, in appropriate cases, notify the complainants of the actions taken and the result thereof.

To maintain the independence of the Judiciary, the following safeguards have been embodied in the Constitution:

- The Supreme Court is a constitutional body. It cannot be abolished nor may its membership or the manner of its meetings be changed by legislation.



- The members of the Supreme Court may not be removed except by impeachment.
- The Supreme Court may not be deprived of its minimum original and appellate jurisdiction as prescribed under Article VIII, Section 5, of the 1987 Philippines Constitution.
- The appellate jurisdiction of the Supreme Court may not be increased by law without its advice and concurrence.
- Appointees to the judiciary are now nominated by the Judicial and Bar Council and no longer subject to confirmation by the Commission on Appointments.
- The Supreme Court has administrative supervision over all lower courts and their personnel.
- The Supreme Court has exclusive power to discipline judges of lower courts.
- The members of the Supreme Court and all lower courts have security of tenure, which cannot be undermined by a law reorganizing the judiciary.
- They shall not be designated to any agency performing quasi-judicial or administrative functions.
- The salaries of judges may not be reduced during their continuance in office.
- The judiciary shall enjoy fiscal autonomy.
- The Supreme Court alone may initiate rules of court.
- Only the Supreme Court may order the temporary detail of judges.
- The Supreme Court can appoint all officials and employees of the judiciary



***SINGAPORE***

## SINGAPORE

### THE JUDICIARY

---

The Judiciary is one of the three pillars of the State. It administers the law independently of the Legislative and Executive arms. This independence is safeguarded by the Constitution of the Republic of Singapore.

The mission of the Judiciary is to superintend the administration of justice. Under the Constitution of the Republic of Singapore, judicial power in Singapore is vested in the Supreme Court and in such subordinate courts as may be provided for by any written law for the time being in force.

#### 1- THE SUPREME COURT

*Address: 1 Supreme Court Lane  
Singapore 178879*

*Tel: (65) 6336 0644*

*Fax: (65) 6337 9450*

*Website: <http://www.supcourt.gov.sg>*

*Email: [supcourt\\_qsm@supcourt.gov.sg](mailto:supcourt_qsm@supcourt.gov.sg)*

The Supreme Court consists of the Court of Appeal and the High Court. The Court of Appeal consists of the Chief Justice, who is also the President of the Court of Appeal, and the Judges of Appeal. The High Court consists of the Chief Justice, Judges and Judicial Commissioners. The Court of Appeal hears both criminal and civil cases and has appellate

jurisdiction. The High Court also has general supervisory and revisionary jurisdiction and power over all subordinate courts in any civil or criminal matter. The following matters are also dealt with by the High Court:

- Admiralty matters;
- Company winding-up proceedings;
- Bankruptcy proceedings; and
- Applications for the admission of advocates and solicitors.

The High Court is empowered to hear civil appeals from District Courts, Magistrates' Courts and Small Claims Tribunals. It also hears appeals from the decisions made in criminal cases heard before the District Courts, Magistrates' Courts and Juvenile Courts, as well as points of law reserved by special cases submitted by these Courts. In addition, it can try offences committed outside Singapore in certain circumstances. Generally, the Court of Appeal hears appeals from the High Court.

The Registrar of the Supreme Court has both judicial and administrative functions. He has, subject to the provision of any written law, similar powers as the Masters of the Queen's Bench Division of the High Court of England and Wales and, in addition, such further jurisdiction, powers and duties as may be prescribed by the Rules of Court. The Registrar is also the Sheriff of the Supreme Court.

## A. The Honourable the Chief Justice

The Honourable the Chief Justice is the Head of the Judiciary, where the judicial power of Singapore is vested in the Supreme Court and the Subordinate Courts. The Chief Justice also concurrently holds the following appointments as: Chairman, Presidential Council for Minority Rights; President, Legal Service Commission; as well as President, Singapore Academy of Law. The current Chief Justice of Singapore is Mr Chan Sek Keong. Born in 1937, Chief Justice Chan Sek Keong graduated from the University of Malaya in Singapore with a Bachelor of Laws (Hons) in 1961, and was called to the Bar a year later. He practised in the Federation of Malaya and Singapore for 24 years before being appointed a Judicial Commissioner of the Supreme Court of Singapore in July 1986. He was a Judge of the Supreme Court from July 1988 to April 1992, and then served as Attorney-General of Singapore from May 1992 to April 2006. He was also a Member of the Military Court of Appeal from 1971 to 1986, and was one of the Government's nominees to the Panels of Arbitrators and Conciliators of the International Centre for Settlement of Investment Disputes from 1980 to 1992. He was appointed the Chief Justice of Singapore in April 2006, and is concurrently the President of the Legal Service Commission, Chairman of the Presidential Council for Minority Rights and the President of the Singapore Academy of Law.

## B. Registrar, Supreme Court

The Registrar is the administrative head of the Judicial Branch of the Legal Service and the head of the Registry of the Supreme Court. He also exercises the powers and duties of the Permanent Secretary for the Judiciary. The current Registrar is Mr Foo Chee Hock. Under the sterling leadership of the Chief Justice and the active involvement of the Registrar, the Supreme Court has continued to maintain high standards of excellence in the administration of justice, through the institution of electronic litigation and proactive case management measures. The Registrar is committed to the enhancement of access to justice and the promotion of efficiency in the administration of justice. Mr Foo Chee Hock holds an LLM from the University of Cambridge. He is a member of the Integrated Electronic Litigation System (iELS) Steering Committee and the LawNet Management Committee. Prior to working in the Supreme Court, he was a Subordinate Courts Judge where he chaired the Committee to study the video-taping of trials, and was Vice-Chairman of the Technology Court Committee which constructed the Courts' first Technology Court, Technology Chambers and four Digital Recording Courts

## 2- THE SUBORDINATE COURTS

*Address: 1 Havelock Square  
Singapore 059724*

*Tel: 1800-JUSTICE (1800-5878423)*

*Fax:* (65) 6435 5983

*Website:* [www.subcourts.gov.sg](http://www.subcourts.gov.sg)

*Email:* [subct\\_qsm@subct.gov.sg](mailto:subct_qsm@subct.gov.sg)

The Subordinate Courts are a critical component of the judiciary, with the mission of providing an effective and accessible system of justice, inspiring public trust and confidence. The Subordinate Courts had undergone a reorganisation in September 2009, creating three distinct justice divisions, i.e. the Criminal, Civil and Family and Juvenile Justice Divisions and two supporting divisions, i.e. the Corporate and Court Services Division, and the Strategic Planning and Training Division.

More than 95% of all judicial matters in Singapore are dealt with in the Subordinate Courts, which hear civil, criminal, juvenile cases, and family matters. Under the law, the Subordinate Courts comprise District Courts, Magistrate's Courts, Coroner's Court, Juvenile Court and the Small Claims Tribunals. The District Courts and Magistrate's Courts exercise original criminal and civil jurisdiction. Some of the District Courts and Magistrate's Courts are also designated as specialist courts - these include the Family Court, Criminal Mentions Courts, Community Court, Traffic Court, Bail Court and Night Courts. The Small Claims Tribunals exercise civil jurisdiction for claims up to S\$10,000 (or with consent of parties, up to S\$20,000). The Family Court deals with all types of family proceedings in Singapore, including divorce, maintenance, division of

matrimonial assets and custody matters. With effect from 1 March 2010, the Family Court also handles all proceedings under the Mental Capacity Act.

Since 1992, the Subordinate Courts introduced a series of judicial reforms to ensure that justice administration is in tandem with the rapid socio-economic development of Singapore. Strategic application of management best practices is now part of judicial administration to ensure the relevance of the courts in the New Economy. The Subordinate Courts have institutionalised the judicial reform measures and now share this knowledge through the International Consortium for Court Excellence, of which the Subordinate Courts are one of the founding members. The Consortium conceived the International Framework for Courts Excellence (IFCE) to provide guidance for other courts to improve their performance through seven areas of excellence. The IFCE was launched in Singapore at the Asia-Pacific Courts Conference in October 2010. Domestically, the Subordinate Courts have tapped community resources to enrich various justice-related programmes and strengthen community links with community-focussed agencies, to better serve society.

### **A Chief District Judge**

Under the Subordinate Courts Act, the Chief District Judge has seniority over all other District Judges, Magistrates and staff of the

Subordinate Courts. He is the administrative head of the Subordinate Courts, having oversight of all the judicial officers and court officers therein. He is directly accountable to the Chief Justice. He may, with the concurrence of the Chief Justice, make directions of a general or particular nature on the distribution of business in the Subordinate Courts. He is also responsible for the apportionment of work among the officers of the Courts. In his judicial capacity, the Chief District Judge exercises the jurisdiction and powers under the written laws in adjudicating criminal, civil, and family cases. He also sits on the Probation Committee constituted under the Probation of Offenders Rules, the Rules Committee constituted under the Supreme Court of Judicature Act, and the LawNet Management Committee constituted under the Singapore Academy of Law Rules.

The current Chief District Judge is Mr Tan Siong Thye, who took office on 28 August 2008. The Chief District Judge led the Subordinate Courts from being court-centric to service-centric with emphasis on quality of justice. A court-centric culture had previously enabled the Subordinate Courts to have an effective case management that cleared the backlog of cases in the past. With a service-centric culture, the goal now is to provide the highest quality of service while maintaining the efficient functioning of the Courts. Various initiatives have since been undertaken to better serve court users. These include the establishment

of the Service Relations Unity to ensure sustainable quality services to court users, the introduction of centralised pre-trial conferences for optimal use of court resources, and the reduction of bail waiting time to 15 minutes from 5 to 6 hours. Two HELP Centres for litigants-in-person who may be unfamiliar with the legal processes and procedures were set up, and pro bono lawyers were co-opted to render legal advice to these court users. IT is critical to the everyday functions of the Subordinate Courts. Trial courts are now equipped with digital recording and transcription services to replace manual recording of proceedings. Wireless access in the courtrooms is provided to lawyers and prosecutors.

### **B Deputy Chief District Judge and Senior District Judges**

In the administration of the Subordinate Courts, the Chief District Judge is assisted by a Deputy Chief District Judge and Senior District Judges, each of whom oversees the management of one the following divisions: the Corporate and Court Services Division, the Criminal, Civil, and Family and Juvenile Justice Divisions. In addition, a senior judicial officer oversees the Strategic Planning and Training Division of the Subordinate Courts.

### **C Registrar, Subordinate Courts**

The Registrar of the Subordinate Courts is a

legally trained person appointed by the Chief Justice under the Subordinate Courts Act. He performs both judicial and administrative functions. In his judicial capacity, he has power to transact all such business and exercise all such authority and jurisdiction under the Subordinate Courts Act or the Rules as may be transacted and exercised by a Judge in Chambers with certain exceptions. He also has the statutory duties to control and supervise the various Registries of the Subordinate Courts, and to keep the books, indexes and registers of these Registries in whatever medium or mode he may determine.

The Registrar works closely with, and is accountable to, the Chief District Judge. The current Registrar is Deputy Chief District Judge Ms Jennifer Marie, who assumed office on 1 September 2011.

## THE MINISTRY OF LAW

*Address: The Treasury  
100 High Street #08-02  
Singapore 179434*

*Tel: (65) 6332 8840*

*Fax: (65) 6332 8842*

*Website: <http://www.minlaw.gov.sg>*

*Email: [contact@mlaw.gov.sg](mailto:contact@mlaw.gov.sg)*

The Ministry of Law's primary responsibility involves initiating, formulating and implementing the broad legal, land and intellectual property policies of the

Government. It is the Ministry's mission to ensure a sound legal infrastructure, optimise land resources and promote intellectual property to support Singapore's economic and social goals.

The key portfolio of the Ministry of Law comprises the following:

- Legislation Affairs;
- Law Reform;
- General Civil Law matters;
- Legal Profession and Legal Industry;
- Legal Aid;
- Bankruptcy and Companies Winding-Up;
- Public Trustee and Administration of Estates of Deceased Persons;
- Regulation of Moneylenders and Pawnbrokers;
- Payment of Motor Accident Compensation;
- Intellectual Property;
- Alternative Dispute Resolution;
- Community Mediation;
- Administration of State Lands;
- Compulsory Acquisition of Private Land;
- Registration of Land Transactions;
- Foreign Ownership of Residential Property;
- Land Surveys;
- Sale of Maps and Land Data; and
- Regulation of Land Surveyors.

### A- **Minister for Law and Senior Parliamentary Secretary for Law**

The Minister for Law, K Shanmugam is charged



with the responsibility of overseeing the overall development and formulation of Singapore's legal and land policies. His role is distinct from the Attorney-General, who is the Government's legal advisor and Public Prosecutor. In discharging his duties, the Minister for Law is accountable to Cabinet and Parliament for the matters under the Ministry's portfolio. The Minister for Law is deputed by the Senior Parliamentary Secretary for Law, Ms Sim Ann.

### **B- Permanent Secretary for Law and Deputy Secretary for Law**

The Permanent Secretary for Law, Mr Pang Kin Keong is responsible for the efficient administration of the Ministry of Law. The Permanent Secretary adopts what he considers the best organisation, methods and procedures for carrying out the functions of the ministry.

The Permanent Secretary is also responsible for reviewing the organisation, functions and activities of the ministry, and for taking steps to improve efficiency in every way he can. The Permanent Secretary is assisted by a Deputy Secretary, Mr Hugh Lim.

## **LEGAL GROUP**

The Legal Group comprises the Ministry's three legal divisions, namely the Legal Policy Division, the International Legal Division and the Legal Industry Division. Through its

divisions, the Legal Group undertakes to bring about a strong rule of law framework and legal services infrastructure. The Legal Group is headed by Ms Valerie Thean, Director-General (Legal Group).

### **1- LEGAL POLICY AND INTERNATIONAL LEGAL DIVISIONS**

The Legal Policy and International Legal Divisions provide the Minister for Law and Senior Parliamentary Secretary for Law with staff support on all legal matters. The Legal Policy Division carries out law reform for laws coming under the Ministry of Law's direct purview. The Division also formulates legal policy and scrutinises all proposed draft Bills from other government ministries before they are tabled in Parliament. The International Legal Division deals with international law matters and seeks to promote and protect Singapore's international legal interests.

#### **Directors**

Mr Francis Ng is Director (Legal Policy Division) while Ms Cheng Pei Feng is Director (International Legal Division). They are supported by a multidisciplinary team of officers.

### **2- LEGAL INDUSTRY DIVISION**

The Legal Industry Division is responsible for the overall policy, regulatory framework, promotion and strategic development of

Singapore's legal services industry. Areas under the Division's portfolio include: the regulatory policy and framework for local and foreign lawyers and law firms in Singapore, admission to the Singapore Bar, supply of lawyers, promotion and development of Singapore's legal and dispute resolution services, as well as development of Singapore's legal services and dispute resolution capacity and capabilities.

#### **Director**

Ms Gloria Lim is Director (Legal Industry Division) and she is supported by a multi-disciplinary team of officers.

### **3- LAND POLICY DIVISION**

The Land Policy Division is responsible for policy on land-related issues and seeks to optimise the use of scarce land resource. It assists the Permanent Secretary to oversee the operations of the Singapore Land Authority, which is the operational arm of the State in land-related administration and management matters.

The scope of areas covered by the Division includes the policies pertaining to optimisation of land resources in Singapore and the management of State Land and buildings.

#### **Director**

Mr Calvin Phua heads the Land Policy Division. In recent years, the Division has reviewed land

policies to promote efficient and effective use of State land to maximize economic and social opportunities for all.

### **4- PLANNING AND PERFORMANCE DIVISION**

The Planning and Performance Division (PPD) works with the Ministry's divisions, departments and statutory boards to formulate overall strategies for the Ministry. The division is responsible for managing the Ministry's strategic and futures planning processes, developing the Ministry's strategic governance systems, and formulating policies in the areas of insolvency, public trustee, moneylending, pawnbroking, legal aid and mediation.

#### **Director**

The Planning & Performance Division is headed by Mr Darius Lim. He is also concurrently the Ministry's Chief Data Officer.

### **5- INTELLECTUAL PROPERTY POLICY DIVISION**

The Intellectual Property Policy Division formulates policies pertaining to the creation of intellectual property infrastructure, environment and services, with the aim to establish Singapore as a hub that encourages creation, protection and exploitation of intellectual property. The Division works closely with the Intellectual Property Office of Singapore.

### Director

Mr Jason Chen, Director (Intellectual Property Policy Division) and his team review, formulate and develop policies to promote intellectual property in Singapore.

## DEPARTMENTS OF THE MINISTRY OF LAW

The two departments of the Ministry of Law are the Insolvency and Public Trustee's Office and the Legal Aid Bureau.

### **1- INSOLVENCY AND PUBLIC TRUSTEE'S OFFICE (IPTO)**

*Address* 45 Maxwell Road #05-11/#06-11  
The URA Centre (East Wing)  
Singapore 069118

*Tel* (65) 6325 1500  
(65) 6325 1415

*Website* <http://www.ipto.gov.sg>

*E-mail* [ipto\\_enquiry@ipto.gov.sg](mailto:ipto_enquiry@ipto.gov.sg)

The Insolvency & Public Trustee's Office (IPTO) administers the affairs of individual and corporate insolvency, the estates of deceased persons and proceeds of crime confiscated under specific legislation, and assesses the adequacy of motor accident compensation monies for accident victims. It also regulates the activities of moneylenders and pawnbrokers in order to protect the interests of borrowers and pawners. IPTO plays an important role in ensuring that a good and progressive legal framework is emplaced in

the provision of trustee services, and in building an insolvency regime that promotes a debt recovery system which supports both enterprise and ensures financial discipline. In its relentless pursuit to make IPTO a world class organisation, it adopts the Business Excellence Framework for organisational excellence. Its effort was rewarded when it received the Public Service Award for Organisational Excellence, in recognition of its achievement in attaining certification to Singapore Quality Class, ISO 9001:2000 Quality Management System and other Business Excellence niche standards for innovation, service and people (i.e. Innovation Class, Service Class and People Developer Standard).

### Official Assignee and Public Trustee

IPTO is headed by Ms Sia Aik Kor, who holds the appointments of Official Assignee, Official Receiver, Public Trustee and Registrar of Moneylenders and Pawnbrokers. She is assisted by a team of legal officers, managers and support staff.

### **2- LEGAL AID BUREAU (LAB)**

*Address:* 45 Maxwell Road #08-12  
The URA Centre, East Wing  
Singapore 069118

*Tel:* (65) 1800-3251424

*Fax:* (65) 6325 1402

*Website:* <http://www.lab.gov.sg>

*Email:* [lab\\_enquiry@lab.gov.sg](mailto:lab_enquiry@lab.gov.sg)

The Legal Aid Bureau, which is a department within the Ministry of Law, provides legal aid and advice to persons of limited means. It handles a wide variety of civil matters such as divorce, maintenance, custody of children, separation, wrongful dismissal, motor and industrial accident claims, probate, adoption, tenancy disputes and monetary claims.

To be eligible for legal aid, a person must:

- (a) be a Singapore citizen or permanent resident;
- (b) satisfy a Means test; and
- (c) have Merits in his/her case.

Guided by the Bureau's Core Values which are: Trust and Integrity, Passion and Compassion, Teamwork and Innovation and driven by its motivated staff, the Bureau has attained the following recognition: The Singapore Quality Class Star Award, ISO 9001:2008 standard and the Singapore Service Class Award.

### **Director**

The Bureau is headed by the Director of Legal Aid who is a legally qualified person. The position is currently held by Mr Tan Puay Boon. The Director administers the Legal Aid and Advice Act and the Regulations made thereunder. He provides leadership, policy directions and promotes a service-oriented culture in the department in accordance with the objectives of the Ministry of Law. The Director is assisted by a dedicated team

including legal officers, para-legals, interpreters and other support staff as well as a panel of private solicitors.

### **3- COMMUNITY MEDIATION UNIT (CMU)**

*Address: The URA Centre, East Wing  
45 Maxwell Road #01-13  
Singapore 069118*

*Tel: (65) 6325 1600 (Hotline)*

*Fax: (65) 6227 9201*

*Website: <http://www.minlaw.gov.sg/cmuc>*

*Email: [mLaw\\_hq\\_cmuc@mLaw.gov.sg](mailto:mLaw_hq_cmuc@mLaw.gov.sg)*

The Community Mediation Unit is a Unit set up to oversee the promotion and development of community mediation in Singapore. It oversees public education and outreach initiatives, manages the activities of the Community Mediation Centres (CMCs) and is also responsible for the selection, training, accreditation and appointment of volunteer mediators for the CMCs. The Unit is run by a team led by its current General Manager, Ms Elsie Tjoeng, who is also the Director of three CMCs.

### **Community Mediation Centres**

Governed by the provisions of the Community Mediation Centres Act, the Community Mediation Centres (CMCs) were set up since 1998 to encourage the use of mediation in Singapore to settle social, community and relational disputes. The CMCs handle

neighbourhood disputes, family disputes (excluding those involving family violence) and other relational conflicts. There are currently three main CMCs established in different parts of Singapore.

#### 4- STATUTORY BOARDS OF THE MINISTRY OF LAW

The two statutory boards of the Ministry of Law are the Intellectual Property Office of Singapore and the Singapore Land Authority.

##### A Intellectual Property Office of Singapore (IPOS)

*Address: 51 Bras Basah Road #04-01  
Manulife Centre  
Singapore 189554*

*Tel: (65) 6339 8616*

*Fax: (65) 6339 0252*

*Website: <http://www.ipos.gov.sg>*

*Email: [ipos\\_enquiry@ipos.gov.sg](mailto:ipos_enquiry@ipos.gov.sg)*

##### Our profile:

The Intellectual Property Office of Singapore (IPOS) is the lead government agency that formulates and administers intellectual property (IP) laws, promotes IP awareness and provides the infrastructure to facilitate the greater development of IP in Singapore.

It had its origins in 1937 as the Registry of TradeMarks and Patents where it then functioned largely as a regulator of trademarks

and the re-registration authority of UK-registered patents. Over the years, the role of the Registry grew in importance as did the increasing relevance and significance of intellectual property in society. It expanded its activities beyond the traditional regulatory functions to include a policy department, law reform, public education and the facilitation of IP initiatives.

On 1 April 2001, IPOS was converted to a statutory board under the Ministry of Law. The conversion gave IPOS greater autonomy and resources to better meet the challenges of maximising intellectual property as a critical resource in the new economy.

As IP regulator and policy advisor, IPOS is committed to maintaining a robust and pro-business IP regime for the protection and commercial exploitation of IP in Singapore.

As promoter for IP, IPOS works closely with public and private sector partners to raise awareness, and create capabilities and business opportunities for IP in Singapore.

##### Our core functions:

- To provide a sound legal and administrative framework for the promotion and protection of intellectual property;
- To formulate and review intellectual property rights' policies and legislation;
- To maintain and disseminate intellectual

- property information and documents;
- To represent the Singapore Government internationally on intellectual property matters;
- To train and nurture intellectual property agents;
- To collaborate with other organisations and IP offices on intellectual property programmes; and
- To promote awareness, respect and the effective use of intellectual property rights.

#### Chief Executive of IPOS

The head of the office is the Chief Executive of the Intellectual Property Office of Singapore. The position is currently held by BG(NS) Tan Yih San. He is also concurrently the Director-General, and Registrar of TradeMarks, Patents, Designs and Plant Varieties Protection.

### **B- SINGAPORE LAND AUTHORITY**

*Address: 55 Newton Road  
#12-01 Revenue House  
Singapore 307987*

*Tel: (65) 6323 9829*

*Fax: (65) 6323 9937*

*Website: <http://www.sla.gov.sg>*

*Email: [sla\\_enquiry@sla.gov.sg](mailto:sla_enquiry@sla.gov.sg)*

The Singapore Land Authority (SLA) is the national land authority for all State land. Its broad functions are to advise the Government

on all land-related matters including acquisition, allocation, tenures and disposal of State Lands. As the custodian of Government land, SLA is responsible for the management of all State Land and buildings, for implementing more efficient land administration functions such as land alienation, leasing, land acquisition, management of tenancies and vacant lands, and for maintaining the national land information database.

In this role, SLA makes available land for residential, commercial, educational, institutional, social and other purposes. It manages and optimises land use. The SLA works with the planning agencies as well as private sector business partners to identify new uses, develop rights concerning State Land, optimise efficiencies of every transaction and allocate more land based on sound economic principles. It also helps to better achieve a balance between economic development, flexibility for physical renewal of properties, social growth and cohesion and the protection of our nature reserves and parklands.

The SLA also acts as the national land registration authority. In this capacity, it administers the legal infrastructure for land administration (e.g. issuance of strata titles, registration of all land dealings and provision of land-ownership information services). It is also responsible for providing a regulatory

framework and maintaining the infrastructure for the survey of all lands in Singapore. SLA provides updated survey maps for use in land transactions. In addition, it manages and operates "Geospace" i.e. the government-wide geospatial information clearinghouse developed as part of Singapore's national spatial data infrastructure which SLA co-leads with the Infocomm Development Authority (IDA). Being a leading geospatial agency, SLA provides authoritative, comprehensive and easily accessible geospatial and land information. Better geospatial and land information together with effective land management in turn enhances the State's ability to optimise land use, ensure appropriate returns on the land and maintain confidence in the land administration system.

#### Chief Executive of SLA

SLA's Chief Executive is Mr Vincent Hoong. He is responsible for the proper administration and management of the functions and affairs of the Authority in accordance with the policy laid down by the Authority to whom he is accountable. The Authority consists of a Chairman and members drawn from the public and private sectors.

## **5- BOARDS AND TRIBUNAL OF THE MINISTRY OF LAW**

### **A- Appeals Board (Land Acquisition)**

*Address:* 2nd Level, Supreme Court Building  
St. Andrew's Road  
Singapore 178957

*Tel:* (65) 6883 0530

*Fax:* (65) 63340246

*Website:* <http://www.gov.sg/minlaw/appeal/appeal.html>

*Email:* [mlaw\\_ab\\_enquiry@mlaw.gov.sg](mailto:mlaw_ab_enquiry@mlaw.gov.sg)

The Appeals Board (Land Acquisition) was established under the provisions of the Land Acquisition Act, 1966, which came into force on 17 June 1967. The Board hears appeals in respect of awards of compensation made by the Collector of Land Revenue for land acquired under the Act. Under the previous legislation, appeals in respect of the Collector's awards were heard by the court. The Board may confirm, reduce, increase or annul the Collector's award or make any other order it sees fit. An appeal against the decision of the Board lies to the Court of Appeal upon any question of law.

#### *(a) Commissioner of Appeals and Assessors*

The Board consists of the Commissioner of Appeals sitting with two assessors where the appeal is against an award of S\$250,000.00 or more and of the Commissioner sitting alone or with two assessors as he thinks fit where it is against an award of less than S\$250,000.00. The Commissioner is appointed by the President and the assessors are selected by him from a panel, the members of which are

appointed by the Minister. The current Commissioner is Ms Foo Tuat Yien.

*(b) Registrar*

The principal officer of the Board is the Registrar who is appointed by the Minister. The Registrar is the head of administration and in addition hears interlocutory applications and gives directions to facilitate the hearing of appeals subject to an appeal to the Commissioner.

The current Registrar is Ms Chee Min Ping. She concurrently holds office as an Assistant Registrar of the Supreme Court.

## **B- Copyright Tribunal**

*Address: Intellectual Property Office of  
Singapore 51 Bras Basah Road  
#04-01 Plaza by the Park  
Singapore 189554*

*Tel: (65) 6339 8616*

*Fax: (65) 6339 0252*

*Website: <http://www.ipos.gov.sg>*

*Email: [ipos\\_enquiry@ipos.gov.sg](mailto:ipos_enquiry@ipos.gov.sg)*

The Copyright Tribunal is a forum for resolving certain disputes between copyright owners and users of copyright materials concerning the payment of equitable remuneration to copyright owners under the provisions of the Copyright Act. The Tribunal will also enquire into licence schemes which have been referred to it by licensors or persons wishing to acquire

licences. The procedures for submitting applications to the Tribunal are set out in the Copyright Tribunal (Procedure) Regulations.

*(a) President and Members*

The Copyright Tribunal is headed by a President and comprises four members, all of whom are appointed by the Minister. The current President is Judge Thian Yee Sze, the District Judge of the Singapore Subordinate Courts.

*(b) Secretary*

The Secretary of the Copyright Tribunal, Mr Sum Ying Yew provides administrative assistance to the Tribunal in the hearing and determining of applications received by the Tribunal.

## **C- Land Surveyors Board**

*Address: c/o Singapore Land Authority  
55 Newton Road  
#12-01 Revenue House  
Singapore 307987*

*Tel: (65) 6323 8176*

*Fax: (65) 6323 9791*

*Website: <http://www.tninlaw.gov.sg/lwb>*

*Email: [mLaw\\_lsb\\_enquiry@mLaw.gov.sg](mailto:mLaw_lsb_enquiry@mLaw.gov.sg)*

The functions of the Land Surveyors Board are to register surveyors, license corporations and partnerships which supply survey services in Singapore, approve assistant surveyors,



regulate the conduct of surveys, conduct examinations for registration as surveyors and develop and maintain the standard of professional conduct and ethics of the surveying profession.

(a) President

The Land Surveyors Board comprises five members. The President leads the Board in administering the Land Surveyors Act. His role covers policy formulation and review, strategic issues and professional matters. By virtue of Section 4 of the Land Surveyors Act, the Chief Surveyor, is the President of the Board. The incumbent President is Mr Soh Kheng Peng. The Board meets once a month.

(b) Registrar

The Board appoints a Registrar under Section 8 of the Act. The incumbent Registrar is Mr Chuah Kian Seng. He attends all meetings of the Board and records the proceedings. He conducts the correspondence and deals with such matters assigned by the President or by the Board. He signs all certificates of registration, practising certificates and licences. He records all entries of registration, cancellations and reinstatements in the registers. He maintains the Board's accounts and prepares the statement of accounts. The Registrar carries out the day-to-day functions of the Board.

## THE ATTORNEY-GENERAL'S CHAMBERS

*Address:* 1 Coleman Street #10-00,  
The Adelphi  
Singapore 179803

*Tel:* (65) 6336 1411

*Fax:* (65) 6332 5984

*Website:* <http://www.agc.gov.sg>

*Email:* [agc@agc.gov.sg](mailto:agc@agc.gov.sg)

The Attorney-General's Chambers is a vital component of Singapore's legal system. As principal legal advisor to the government, the Attorney-General plays an important role in upholding the Rule of Law in Singapore, and thus contributes to one of the key aspirations of her people: to build a democratic society based on the fundamental ideals of justice and equality.

The mission of the Attorney-General's Chambers is to enhance the rule of law and constitutional government in Singapore by providing sound legal advice and assistance in developing a fair and responsive legal system, furthering good public administration and protecting the interests of the state and of the people.

Article 35(7) of the Constitution of the Republic of Singapore states that it is the duty of the Attorney-General to "advise the Government upon such legal matters and to perform such other duties of a legal character, as may from time to time be referred to or assigned to him

by the President or the Cabinet and to discharge the functions conferred on him under the Constitution or any other written law”.

The Attorney-General is also the Public Prosecutor and is vested with the power by the Constitution, exercisable at his discretion, to institute, conduct or discontinue any proceedings for any offence. The Public Prosecutor has the control and direction of criminal prosecutions and proceedings, including the power to discontinue further prosecution at any stage of proceedings before the delivery of judgement.

There are six legal divisions in the Attorney-General’s Chambers: Civil Division, Criminal Justice Division, State Prosecution Division, Economic Crimes and Governance Division, International Affairs Division, and Legislation and Law Reform Division.

*(a) Attorney-General*

Under Article 35 of the Constitution, the Attorney-General is appointed by the President, acting on the advice of the Prime Minister. The Attorney-General is selected from among persons who are qualified for appointment as a Judge of the Supreme Court.

The present Attorney-General of Singapore is Mr Sundaresh Menon SC. He was appointed to the position on 1 October 2010.

Mr Menon was admitted as an advocate and solicitor of the Supreme Court of Singapore in 1987 and as an Attorney and Counsellor-at-law of the Bar of the State of New York in 1992. He was a partner in private practice with leading law firms from 1990 to March 2006 and was appointed Senior Counsel in January 2008.

During his term as Judicial Commissioner of the Supreme Court from April 2006 to March 2007, Mr Menon presided over several prominent criminal and civil cases in the High Court. He has also served as the Deputy Chairman of the Singapore International Arbitration Centre and has represented Singapore at UNCITRAL.

After his stint at the Bench, Mr Menon returned to a leading law firm as its Managing Partner until his appointment as the Attorney-General on 1 October 2010.

*(b) Solicitor-General*

The Solicitor-General works closely with the Attorney-General, in providing legal advice to the Government of Singapore. The Attorney-General and Solicitor-General are the Law Officers and Chief Legal Advisers of the Government.

Under Section 11(2) of the Criminal Procedure Code, the Solicitor-General also has all the powers of a Deputy Public Prosecutor and acts as the Public Prosecutor in the absence of the Attorney-General.

There are presently two Solicitors-General. The Solicitor-General is Mrs Koh Juat Jong, who has held the appointment since 11 April 2008. The Second Solicitor-General is Mr Lionel Yee, who was appointed to office on 1 January 2011.

#### A- Civil Division

The Civil Division provides the Government with a wide range of legal services. The Civil Division is the primary Division in AGC responsible for the Attorney-General's function of advising the Government of Singapore under Article 35(7) of the Constitution of the Republic of Singapore. In the role of the Government's legal adviser, the Civil Division advises the Government on a myriad of issues relating to, amongst other things, the formulation and implementation of public policies and Government initiatives, the Government's regulatory and governance functions, the Government's legal rights and liabilities, domestic legal disputes involving the Government or the Government's interests and amendments to the law.

The Civil Division is also in charge of the drafting and vetting of contracts, memoranda of understanding and other legal documentation involving the Government or the Government's interests. The Division also assists with negotiations of contracts, memoranda of understanding and other transactions involving the Government or the Government's interests. In respect of the

Government's procurement of goods and/or services, the Civil Division also advises the Government on its obligations under the Government Procurement Act and its subsidiary legislation.

The Civil Division represents the Government in civil proceedings commenced by or against the Government or which otherwise involve the Government's interests or the public interest. These proceedings include judicial review proceedings, Constitutional challenges, tortious actions, contractual claims, State land proceedings, land acquisition appeals, adoption and child protection proceedings, proceedings involving charities, disciplinary inquiries against public officers, mediations and other dispute resolution proceedings.

The main areas of the Civil Division's legal practice include Constitutional & Administrative Law, Civil Litigation, Land Acquisition, Government Procurement & Contracts, Government Finance and Community & Personal Law.

The Chief Counsel of the Civil Division is Mr David Chong (Senior Counsel).

#### CRIME CLUSTER DIVISIONS

The Crime Cluster Divisions, namely the Criminal Justice Division, the State Prosecution Division and, the Economic Crimes and Governance Division, support the work of the Attorney-General as Public Prosecutor.

The officers in the Crime Cluster Divisions who are gazetted as Deputy Public Prosecutors or

appointed as Assistant Public Prosecutors, assist the Attorney-General in his office as the Public Prosecutor in discharging a key constitutional function by providing an impartial and effective prosecution service committed to professional excellence and integrity.

### **B- Criminal Justice Division**

The Criminal Justice Division's (CJD) mission is to promote a just criminal justice system by pursuing a fair and impartial policy in the prosecution of offenders. The work of CJD can be broadly divided into criminal litigation and appeals, the rendering of advice on criminal justice matters to government departments and agencies and the oversight of prosecution conducted by Government Ministries.

CJD legal officers deal with all capital cases in the High Court and prosecutions related to drugs and other specialist crime in the Subordinate Courts. They also handle any appeals from these cases.

CJD legal officers also render legal advice on a myriad of criminal justice matters to government departments and agencies, and oversee prosecutions conducted by Ministries and Statutory Boards.

The CJD also houses Crime Cluster Directorates which provide operational and administrative support to the legal and advisory functions of the three Crime Divisions in the areas of litigation support, training and development, and knowledge management.

The Chief Prosecutor of the Criminal Justice Division is Mr Aedit Abdullah.

### **C- State Prosecution Division**

The State Prosecution Division's ("SPD") mission is to provide an impartial and effective State Prosecution service committed to professional excellence and integrity.

There are 4 Directorates in SPD, namely, High Court Litigation, Crimes Against Persons, Property Crime & Public Order Offences and Appellate Litigation.

SPD legal officers prosecute serious sexual offences in the High Court, assist the Coroner in Medical Negligence and other cases and handle prosecutions in the Subordinate Courts for a range of offences such as causing grievous hurt, cheating, rioting, etc. SPD officers also handle any appeals arising from these cases.

The SPD legal officers also evaluate evidence disclosed during the course of investigations, render legal advice to enforcement agencies and where necessary, direct further investigations to be carried out.

The Chief Prosecutor of the State Prosecution Division is Mr Ong Hian Sun.

### **D- Economic Crimes & Governance Division**

The Economic Crimes & Governance Division ("EGD") is responsible for prosecutions in the

Subordinate Courts and High Court, and all related appeals in respect of financial crimes and corruption cases investigated by the Commercial Affairs Department (CAD) and the Corrupt Practices Investigation Bureau (CPIB), respectively. EGD also deals with regulatory enforcement matters affecting the financial services sector, judicial review relating to criminal law proceedings and contempt of court cases.

EGD legal officers also exercise the Attorney-General's control and direction of criminal prosecutions by directing the CAD and CPIB in their investigations based on an evaluation of evidence presented. In addition, DPPs provide advice concerning financial regulatory enforcement matters, and work closely with the relevant agencies.

EGD maintains a satellite office in the CAD, to provide on-the-spot legal advice to their investigators, and to facilitate the disposition of cases involving complex economic crimes.

The DPPs of the Division are also concurrently State Counsel, and in that capacity represent the Attorney-General in judicial review of criminal matters and contempt cases, preparing the necessary papers, arguing in court as well as having conduct of any appeals. The Chief Prosecutor of the Economic Crimes and Governance Division is Ms Mavis Chionh.

### **E- International Affairs Division**

The International Affairs Division (IAD) provides legal advice to Ministries and Statutory Boards on international law, trade law, civil aviation law, maritime law and other international legal issues. The IAD also represents the Singapore Government in international disputes, bilateral and multilateral negotiations, trade-related proceedings, and drafts bilateral and multilateral legal instruments as well as assists and advises on the domestic implementation of Singapore's international legal obligations.

The Director-General of the International Affairs Division is Mr Lionel Yee.\

### **F- Legislation and Law Reform Division**

The Legislation and Law Reform Division (LLRD) is the central legislative drafting office of Singapore. It drafts and vets Government Bills and subsidiary legislation to give effect to Government policies, and maintains the official Government website for online publication of legislation. The LLRD also identifies and carries out law reform projects through systematic research, study and consultation with stakeholders. In addition, the LLRD assists the Law Revision Commission in revising legislation and publishing revised editions of the laws.

The Parliamentary Counsel of the LLRD is Mr Charles Lim.

## LEGAL SERVICE IN MINISTRIES & STATUTORY BOARDS

### 1- Legal Services, Ministry of Defence

*Address: Legal Services, Ministry of Defence  
303, Gombak Drive  
#B 1-20, Legal Services  
Singapore 669645*

*Tel: (65) 67682492*

*Fax: (65) 6768 4433*

*Website: <http://www.mindef.gov.sg/>*

*Email: [mfu@starnet.gov.sg](mailto:mfu@starnet.gov.sg)*

The Legal Services, Ministry of Defence (MINDEF) provides legal support to MINDEF and the Singapore Armed Forces (SAF) in legal matters. These include:

- advising on civil law, contracts, international law and military law;
- drafting legislation and regulations pertinent to MINDEF and the SAF;
- advising the Armed Forces Council on all legal aspects of military discipline and personnel matters;
- negotiating, drafting and vetting contracts and international law agreements;
- conducting military prosecutions; and
- raising awareness of legal issues through briefings, lectures and publications.

#### Director

The Director of Legal Services is a member of

the Singapore Legal Service and the representative of the Attorney-General as legal adviser to MINDEF and the SAF. He is appointed by the Armed Forces Council (on the advice of the Attorney-General) and is responsible for all legal matters in the SAF. By virtue of his office, the Director, Legal Services is also the Chief Military Prosecutor for the SAF. The current Director, Legal Services is Mr Hui Choon Kuen.

### 2- Law Division, Inland Revenue Authority of Singapore (IRAS), Ministry of Finance

*Address: 55 Newton Road  
Revenue House  
Singapore 307987*

*Tel: (65) 6351 2028*

*Fax: (65) 6351 2077*

*Website: <http://www.iras.gov.sg/>*

*Email: [Liu\\_Hern\\_Kuan](mailto:Liu_Hern_Kuan)*

The Division renders legal advice to the other divisions within the Inland Revenue Authority of Singapore (IRAS) on the taxes administered by IRAS, of which the main ones are Income Tax, Goods and Services Tax, Property Tax, Stamp Duties and Casino Tax. Officers of the Division represent IRAS in various civil proceedings before the tribunals (e.g. the Income Tax Board of Review, the GST Board of Review and the Valuation Review Board) and courts, draft tax legislation, prosecute tax offenders, and institute various processes to recover unpaid taxes. Besides advising on tax

laws, legal officers in the Division also advise on a broad range of legal issues affecting IRAS as a corporate entity.

### **Chief Legal Officer**

The Chief Legal Officer is Mr Liu Hern Kuan, who is a member of the senior management team in IRAS. As Chief Legal Officer, Mr Liu supervises the legal and tax matters conducted by legal officers of the Law Division. He also renders legal and tax advice on corporate and tax matters and appears as counsel for IRAS in tax related civil litigation cases before the various tax tribunals, the High Court and the Court of Appeal. Mr Liu has authored and co-authored books on income tax and annotated Singapore tax statutes.

### **3- General Counsel's Office, Monetary Authority of Singapore (MAS)**

*Address:* 10 Shenton Way  
MAS Building  
Singapore 079117

*Tel:* (65) 6225 5577

*Fax:* (65) 6227 5453

*Website:* <http://www.mas.gov.sg/>

*Email:* [gco@mas.gov.sg](mailto:gco@mas.gov.sg)

The Monetary Authority of Singapore (MAS) is the central bank and the integrated supervisor of the financial services industry. The mission of the General Counsel's Office (GCO) is to provide proactive legal advice to MAS and, in particular, assist in developing a best practice

regulatory framework to foster a sound and progressive financial centre in Singapore, and to maintain financial stability.

GCO advises MAS as a whole but with special emphasis on supervisory and regulatory matters. This includes assisting in the review, formulation and development of legal and regulatory frameworks in accordance with international best practice.

### **Head**

As the General Counsel, Mr Ng Heng Fatt oversees all the activities in GCO. The work ethos of GCO is to perform as a dynamic team of legal professionals in supporting MAS to fulfil its mission and objectives. GCO aims to provide legal services of outstanding quality which are creative and solution-oriented, to support MAS in developing Singapore as a world-class financial centre.

### **4- Accounting and Corporate Regulatory Authority (ACRA), Ministry of Finance**

*Address:* 10 Anson Road  
#05-01/15 International Plaza  
Singapore 079903

*Tel:* (65) 6248 6028

*Fax:* (65) 6225 1676

*Website:* <http://www.acra.gov.sg>

*Email:* [http://appiqs.acra.gov.sg/iqs/ask\\_acra.asp](http://appiqs.acra.gov.sg/iqs/ask_acra.asp)

The Accounting and Corporate Regulatory Authority (ACRA) is the national regulator of businesses and public accountants in Singapore. ACRA also plays the role of a facilitator for the development of businesses and the public accountancy profession.

ACRA was established as a statutory board on 1 April 2004, as a result of a merger between the then- Registry of Companies and Businesses (RCB) and Public Accountants Board (PAB).

The mission of ACRA is to provide a responsive and trusted regulatory environment for businesses and public accountants in Singapore.

ACRA's main functions are:

- (a) To administer the Accounting and Corporate Regulatory Authority Act, the Accountants Act, the Business Registration Act, the Companies Act, and the Limited Liability Partnership Act;
- (b) To report and make recommendations to, and advise the Government on, matters relating to the registration and regulation of business entities and public accountants;
- (c) To establish and administer a repository of documents and information relating to business entities and public accountants and to provide the public

with access to such documents and information;

- (d) To represent the Government internationally in matters relating to the registration and regulation of business entities and public accountants;
- (e) To promote public awareness about new business structures, compliance requirements, corporate governance practice and any matter under the purview of ACRA; and
- (f) To promote, facilitate and assist in the development of the accountancy sector including study, report, make recommendations to and advise the Government on all matters relating to the development and promotion of the accountancy sector.

#### **Chief Executive**

Ms Juthika Ramanathan is the Chief Executive of ACRA. She is legally trained and also appointed as the Registrar of Companies, Registrar of Businesses, Registrar of Public Accountants, Registrar of Limited Liability Partnerships and Registrar of Limited Partnerships, which are statutory appointments made under the respective legislation. As the Chief Executive of ACRA, she directs and oversees the operations of ACRA, formulates policies and considers law reforms related to businesses and public accountants to ensure that the regulatory structure facilitates businesses. In addition to her statutory



appointments, Ms Juthika Ramanathan also serves as a member of the ACRA Board, the Accounting Standards Council, the Pro-Tem Singapore Accountancy Council, the Corporate Governance Council, the Corporate Governance Regulatory Committee and the Executive Committee of the Corporate Registers Forum (International).

### 5- Legal Unit, Ministry of Home Affairs

*Address:* New Phoenix Park  
28 Irrawaddy Road  
Singapore 329560

*Tel:* (65) 64787010

*Fax:* (65) 62546250

*Website:* <http://www.mha.gov.sg/>

*Email:* [mha\\_feedback@mha.gov.sg](mailto:mha_feedback@mha.gov.sg)

Legal Division, Ministry of Home Affairs provides legal services and legal support to the Ministry HQ divisions and the MHA agencies (the Singapore Police Force, Prisons, the Singapore Civil Defence Force, the Immigration and Checkpoints Authority, Registry of Societies, the Internal Security Department and the Home Team Academy) in the performance of their statutory functions and duties. There are more than 50 statutes under the administration and policy oversight of MHA.

Besides providing legal advice on policy and operational matters, Legal Division officers vet and draft amendments to statutes, subsidiary

legislation, press statements, contracts, tenders and MOUs, review disciplinary cases and appeals, vet executive detention orders, attend quasi-judicial hearings and perform secretariat functions.

#### Senior Director

MHA Legal Division is headed by Senior Director/ Legal, Ms Teoh Ai Lin. She supervises a team of legal officers and support staff and manages the operations of the Legal Division.

### 6- Legal Services Department, Ministry of Manpower

*Address:* 18 Havelock Road, MOM Building  
#05-16, Singapore 059764

*Tel:* (65) 63171341

*Fax:* (65) 63171340

*Website:* <http://www.gov.sg/mom/>

*Email:* [mom\\_hq@mom.gov.sg](mailto:mom_hq@mom.gov.sg)

The mission of the Legal Services Department is to prosecute offenders for infringements under the Acts administered by the Ministry and to provide legal advice and support to the various departments in the Ministry and its Statutory Boards.

The functions of the Department include:

- conduct of prosecutions;
- advice the Ministry on legal issues in the conduct of enforcement activities and criminal matters;

- advise the Ministry and statutory boards (CPF Board, Workforce Development Agency) under the purview of the Ministry on legal issues arising out of policies and operational matters; provide legal advice, in particular, on employment law, workmen compensation claims, industrial relations and other manpower-related issues and commercial/ contractual matters concerning the Ministry;
- assist the Ministry in drafting and vetting of commercial documents, Cabinet memos and other legal documents;
- assist in the review and drafting of legislation administered by the Ministry;
- assist and advise the Ministry on international labour/ manpower issues; and
- provide legal education.

#### **Director**

Mr Kenneth Yap was appointed as Director, Legal Services since 1 January 2010. Legal Services has a current strength of 45 staff including 5 support staff. He supervises the conduct of prosecutions under the various Acts administered by the Ministry which include the Employment of Foreign Manpower Act, the Employment Act, the Employment Agencies Act, the Work Injury Compensation Act and the Workplace Safety and Health Act amongst others. Besides providing legal services to the Ministry, which includes the drafting of legal documents, review of

legislation and the provision of legal advice/ opinions on manpower issues, he also supervises a team of legal service officers who assist in the provision of such services. Concurrently, he presides as the Commissioner under the Workmen's Compensation Act and Employment Act to adjudicate on workmen's compensation and employment terms matters in the Labour Court. He is also a member of various committees concerning the review of legislation and policies in the Ministry.

#### **7- Legal Services Department, Central Provident Fund Board (CPF), Ministry of Manpower**

*Address: 79 Robinson Road  
CPF Building #32-00  
Singapore 068897*

*Tel: (65) 6229 3650*

*Fax: (65) 6224 5869*

*Website: <http://www.cpf.gov.sg>*

*Email: [naina\\_d.parwani@cpf.gov.sg](mailto:naina_d.parwani@cpf.gov.sg)*

The Central Provident Fund (CPF) Board is the trustee of the CPF, and is a statutory board under the purview of the Ministry of Manpower. The CPF is a fully-funded defined contribution scheme with individualised accounts. Over the years, the CPF system has evolved into a comprehensive social security savings scheme, providing for three essential elements of financial security: retirement, healthcare and home ownership. The CPF Board's mission is to enable Singaporeans to have a secure

retirement, through lifelong income, healthcare financing and home financing.

The Legal Services Department (LSD) renders legal advice in support of the Board's implementation of CPF policies. LSD's functions include:

- advising on CPF legislation and general law;
- advising on divorce matters involving a division of CPF-related matrimonial assets;
- drafting, vetting and advising on agreements, deeds and various other documents;
- drafting legislation for implementing various CPF policies and schemes; and
- providing legal education.

#### Principal Legal Officer

LSD is headed by Ms Naina Parwani, Principal Legal Officer. She leads a team of legal officers in providing legal support and ensuring that CPF Board's interests and objectives are legally protected and achieved.

### **8- Legal Department, Urban Redevelopment Authority (URA), Ministry of National Development**

*Address:* 45 Maxwell Road  
The URA Centre  
Singapore 069118

*Tel:* (65) 6221 6666

*Fax:* (65) 6226 3543

*Website:* <http://www.ura.gov.sg/>

*Email:* [ura\\_email@ura.gov.sg](mailto:ura_email@ura.gov.sg)

The Urban Redevelopment Authority (URA) is the national planning authority of Singapore. Its mission is to make Singapore a great city to live, work and play in. The URA carries out its mission by planning and facilitating the physical development of Singapore, in partnership with the community to create a vibrant, sustainable and cosmopolitan city of distinction.

URA is a statutory board under the Ministry of National Development. This Ministry is responsible for Singapore's physical development through long-term land-use planning, public housing, public works, urban redevelopment, parks and recreation and other aspects of the physical development of Singapore. URA has a crucial role in planning the nation's future. It prepares long-range, as well as more detailed, local area plans for physical development and then co-ordinates and guides efforts to bring these plans to reality.

The Legal Department within the Corporate Development Group of URA provides legal support and services to all Groups and Departments of URA to ensure that the activities and functions of URA are effectively carried out on a sound legal basis, and that the interests and objectives of URA are legally

protected and achieved. Its main areas of work include giving legal advice on national planning issues, reviewing and preparing legislation pertaining to URA work areas, and preparing and vetting legal documents such as leases, building agreements, agency and other contracts.

#### Deputy Director

The URA's Legal Department is headed by a Deputy Director Ms Loretta Fung Wai Ling. She is responsible for planning, directing and controlling the operations of the Legal Department in the provision of legal support and services for URA.

### **9 Legal Services Branch, Ministry of Education**

*Address: 1 North Buona Vista Drive  
Level 3, T3  
Singapore 138675*

*Tel: (65) 6879 5855*

*Fax: (65) 6879 7496*

*Email: moe\_legal\_services@moe.gov.sg*

The mission of the Legal Services Branch is to provide quick, accurate legal advice and assistance to the various departments in the Ministry Headquarters and to Government schools.

The functions of the Branch include:

- providing the Ministry Headquarters

and Government schools with advice on legal matters arising in their day-to-day operations, in areas such as Government policies, the exercise of regulatory and statutory functions, intellectual property, personnel and finance matters;

- assisting the Ministry in vetting and drafting contracts such as tenders, licences and other forms of agreements, as well as memoranda of understanding, Cabinet Memoranda and other documents;
- assisting the Ministry in its dealings with the 10 statutory boards under its purview;
- providing advice on, and assisting in the review of, legislation administered by the Ministry, and in the drafting and vetting of amendments thereto; and
- providing legal education.

#### Legal Services, Director

Ms Toh Hwee Lian was appointed as Legal Services Director in June 2009. She and her team of legal officers provide in-house legal advisory services to the Ministry and the team also serves as instructing solicitors to the Attorney-General's Chambers in litigation cases involving the Ministry.

### **10- Legal Branch, Ministry of Health**

*Address: 16 College Road  
College of Medicine Building  
Singapore 169854*

*Tel:* (65) 6325 9220  
*Fax:* (65) 6224 1677  
*Email:* moh\_info@moh.gov.sg

The mission of the Legal Branch is to provide quick, accurate and effective legal advice and assistance to the Ministry and its various departments.

The functions of the Branch include:

- providing the Ministry Headquarters and its various departments with inputs and comments on legal matters arising from policies and day-to-day operations, in areas such as healthcare policies, biomedical research and ethics, ethical standards for healthcare professionals and the exercise of regulatory and statutory functions;
- assisting the Ministry in vetting and drafting commercial documents such as tenders, licences and other forms of agreements, memoranda of understanding and other legal documents;
- assisting the Ministry with legal issues arising in its dealings with the statutory boards under its purview, as well as the various professional boards responsible for the conduct and discipline of healthcare professionals;
- providing advice on and assisting in the drafting, vetting and review of legislation administered by the Ministry, and in the

drafting and vetting of amendments thereto;

- providing advice on legal issues arising from regulatory and enforcement activities and criminal matters; and
- conduct of prosecutions.

#### Deputy Director

Mr Stanley Kok was appointed as Deputy Director, Legal Branch in September 2011.

### **11- Legal Services , Ministry of Information, Communication and the Arts**

*Address:* 140 Hill Street (MICA building),  
5<sup>th</sup> storey,  
Singapore 179369

*Tel:* (65) 6837 9485

*Fax:* (65) 6837 9444

*Email:* daphne\_CHANG@mica.gov.sg

Legal Services/MICA was established on 15 June 2011 to provide legal advice and assistance to all divisions and departments in MICA on various matters arising in the course of their work.

It also assists these divisions and departments in the vetting and drafting of Bills and subsidiary legislation under the purview of the Ministry, and gives legal inputs on proposed legislative amendments and policy matters.

It is currently headed by Ms Daphne Chang (Director, Legal Services/MICA).

## 12- Legal Services, National Heritage Board

*Address:* 61 Stamford Road #03-08  
Stamford Road Singapore 178892

*Tel:* (65) 6332 5493

*Fax:* (65) 6332 3568

*Email:* [nhb\\_legal@nhb.gov.sg](mailto:nhb_legal@nhb.gov.sg)

The National Heritage Board (NHB) is a statutory board under the Ministry of Information, Communications and the Arts. Its mission is to foster nationhood, identity and creativity through heritage and cultural development while making heritage an enriching part of everyone's life. The NHB operates seven leading museums and heritage interpretative centres as follows:

Asian Civilisations Museum  
Memories at Old Ford Factory  
National Museum of Singapore  
Peranakan Museum  
Reflections at Bukit Chandu  
Singapore Art Museum  
Singapore Philatelic Museum

The NHB also manages the National Archives of Singapore, which preserves and shares both public and private records of national or historical significance; as well as the Heritage Conservation Centre that provides state-of-the-art conservation services. The identification, preservation and protection of the national monuments of Singapore is also

under the charge of the NHB.

Legal Services/NHB was established on 1 January 2011 and is currently headed by Mr Eric Chin (General Counsel). Legal Services/NHB provides legal advice to support all the programmes and activities of the museums, institutions and divisions of the NHB such as exhibitions, outreach and training programmes, seminars, merchandising and publications. The legal work done includes drafting agreements for the commissioning, acquisition or loan of artworks and artefacts and for joint projects on exhibitions, training, multimedia applications and other forms of collaboration with local and international partners.

*THAILAND*

## THAILAND

### MINISTRY OF JUSTICE

---

#### **“Justice for All, All for Justice”**

*Government Complex,  
Rajaburi Direkridhhi Bldg., (Bldg. A)  
Chaeng Watthana Rd. Laksi,  
Bangkok 10210, Thailand*

*Tel.: 66 2 141 5128 Fax: 66 2143 8247*

*Website: www.moj.go.th*

Ministry of Justice is the main organization in justice system entrusted with the important missions that include: upholding, protecting and promoting the rights and liberties and well-being of people at all levels; ensuring public access to justice; specializing in the suppression and investigation of special cases, corruption as well as drugs related offenses; developing standards for the application of forensic science and for the administration of the criminal justice for offenders, drugs users and addicts; promoting restorative justice and alternative dispute resolution process for the public; enhancing the effectiveness of the execution of court's ruling, depository of pro-perty, insolvency and business reorganization; promoting justice network in all sectors of society; strengthening infrastructure for the legal and justice system development based on study, research and analysis; and developing standard for justice affairs and justice administrations as well as

justice personnel based on the principle of good governance.

#### **Minister of Justice**

*H.E. Police General Pracha Promnog*

*Tel.: 66 2 141 5409*

*Fax: 66 2 143 9881*

#### **Secretary to the Minister of Justice**

*Mr. Thirachai Wutitham*

*Tel.: 66 2 141 5408*

*Fax: 66 2 143 9882*

#### **Advisor to the Minister of Justice**

*Police Major General Kasem Ratanasunthorn*

*Tel.: 66 2 141 4949*

There are 10 agencies under the Ministry of Justice belonging to two slightly different categories: those under direct supervision of the Minister of Justice; and those under the regular control of the Ministry.

This section introduces the agencies under the first category: namely the Office of the Minister and the Office of the Narcotics Control Board.

#### **Office of the Minister**

*Ministry of Justice Government Complex,  
Rajaburi Direkridhhi Bldg., (Bldg. A), fl 9  
Chaeng Watthana Rd. Laksi,  
Bangkok 10210, Thailand*

*Tel.: 66 2 141 6435*

*Fax: (66) 2143 9883*

*Website: www.moj.go.th*



The Office of the Minister serves as a supporting unit to the Minister of Justice in administration and political performances by coordinating with other Ministries on policy-matters; conducting research and analysis; making recommendation; and reviewing petitions and complaints submitted to the Minister for consideration.

### **Office of the Narcotics Control Board (ONCB)**

*Dindaeng Rd.*

*Payathai District*

*Bangkok 10400 Thailand*

*Tel. (66) 2 247 0901-9*

*website: www.oncb.go.th*

The Office of the Narcotics Control Board acts as a national coordinating agency pertaining to well-rounded drug control matters in Thailand by monitoring and examining over the national drug epidemic; formulating national drug control strategy; supervising and directing drug law enforcement as stipulated in the codification of drug control laws; managing drug control work ranging from supply reduction, sustainable development, crop monitoring to demand reduction; and cooperating with international communities and organisations in fighting against illicit drugs.

Key roles and responsibilities of the ONCB include monitor the national drug epidemic; develop and review national drug control

strategy in response to existing drug situation; administer drug control efforts with rounded approach; supervise, follow up and evaluate the national drug control efforts in accordance with the national drug control strategy; administer drug law enforcement within the rule of law; perform crop monitoring along with sustainable development to reduce supply reduction; carry out asset seizure measures; act as a focal point of anti-drug campaigns and public relations and discharge other demand reduction activities; coordinate with international communities and organisations; carry out development of human resources, technical support and information technology on drug control work; and strengthen drug control networks among communities, NGOs and POs

### **ONCB Secretary-General**

*The current secretary-general of the ONCB is Police General Adul Saengsingkaew.*

*Tel. (66) 2 245 9401*

This section lists all agencies under the Ministry of Justice which belong to the second category.

### **Office of the Permanent Secretary of Justice**

*Ministry of Justice Government Complex*

*Rajaburi Direkridhdi Bldg., (Bldg. A), fl 8*

*Chaeng Watthana Rd. Laksi,*

*Bangkok 10210, Thailand*

*Tel.: 66 2 141*

*Fax: (66) 2143 8247*

*website: www.moj.go.th*

The Office of the Permanent Secretary of Justice serves a central role in coordinating policy development works of the Ministry by implementing and formulating the Ministry's policies and strategies; and also providing support to Provincial Justice Offices and the Justice Service Link, which is set up to provide legal assistance, information to the public, and to provide appropriate response to petitions and complaints.

### **Permanent Secretary of Justice**

*The current Permanent Secretary of Justice is Dr. Kittipong Kittayarak.*

*Tel. (66) 2 502 6887, (66) 2 502 6884*

### **Office of Justice Affairs**

*Government Complex*

*Ratthaprasasanabhakti Bldg.,(Bldg.B), fl 9  
Chaeng Watthana Rd. Laksi,  
Bangkok 10210, Thailand*

*Tel. (66) 141 3699*

*Fax: (66) 2 143 8933*

*website: [www.oja.go.th](http://www.oja.go.th)*

The Office of Justice Affairs serves a central agency in promoting integration and coordination among organizations in the justice system to achieve the effectiveness of the justice administration by developing policy and justice system; conducting study research and evaluation of law enforcement; serving as secretariat of the National Commission for Justice Administration Development in setting up the operation

guidelines for agencies in the justice process; promoting collaboration on technical and justice issues between both domestic and international agencies; and organizing forums to give an opportunity for public hearing upon the development of law and justice process.

### **Director-General of the Office of Justice Affairs**

*The current Director-General of the Office of Justice Affairs is Mr. Vitaya Suriyawong*

*Tel. (66) 2 141 3678*

### **Rights and Liberties Protection Department**

*Government Complex*

*Rajaburi Direkridhhi Bldg., (Bldg. A), fl 3  
Chaeng Watthana Rd. Laksi,  
Bangkok 10210, Thailand*

*120 Cheangwattana Road, Thungsohong,  
Laksi,Bangkok 10210, Thailand.*

*Telephone: (+66) 2 141 2999*

*Fax: (+66) 2 143 9660*

*website: [www.rlpd.go.th](http://www.rlpd.go.th)*

*E-mail: [rlpd@moj.go.th](mailto:rlpd@moj.go.th)*

The Rights and Liberties Protection Department has the following roles and responsibilities: developing the administration systems for the promotion and protection of the people's rights and liberties by raising public awareness of their own rights and liberties; designing the systems and measures for assisting victims of crimes; providing financial assistance for innocent injured persons and victims of crime in criminal cases;

promoting mechanisms for dispute settlement in the society; providing witness protection service in criminal cases in accordance with the Witness Protection Act; coordinating with the public and private sectors at both national and international levels on the protection or rights and liberties; and monitoring and evaluating the efforts to protect the rights and liberties.

### **Director-General of the Rights and Liberties Protection Department**

*The current Director-General of the Rights and Liberties Protection Department is*

*Mr. Pithaya Jinawat*

*Tel. (66) 2 141-2705, 141-2707*

### **Legal Execution Department**

*189/1 Bang khunnon Rd.,*

*Bangkok Noi District,*

*Bangkok 10700 Thailand*

*Tel: (66) 2 881 4999*

*Website: www.led.go.th*

The Legal Execution Department provides services regarding enforcement of judgments, administration of bankruptcy cases and deposit of property.

The current Director-General of the Legal Execution Department is

Mr. Wisit Wisitsora-at.

*Telephone: (66) 2 435 7396, (66) 2 881 4800*

*Fax: (66) 2 433 6011*

*E-mail: wisit\_1@led.go.th, wisit@moj.go.th*

### **Department of Probation**

*Government Complex*

*Rajaburi Direkridhdi Bldg., (Bldg. A) 4th & 6th Fl.,  
Cheangwattana Road, Laksi, Bangkok 10210,  
Thailand.*

*Telephone: (66) 2 141 4749*

*Fax: (66) 2 143 8826*

*E-mail: infocenter@probation.go.th*

*Website: www.probation.go.th*

**Responsibilities:** The Department of Probation is responsible for administering, by law, probation sanction: social investigation, supervision, rehabilitation, aftercare services in pre-trial, trial and post-trial stages of the criminal justice system; executing the drug rehabilitation in accordance with the Drug Addicts Rehabilitation Act; promoting the community-based corrections; developing system, measures and best practices for the community-based treatment of offenders; developing and administering the Department of Probation's policy and operation plan to coincide with the Ministry of Justice's as well as monitoring and evaluating the work performance of the Department's agencies; enhancing, encouraging, cooperating and coordinating the community involvement in crime prevention and best practices for offenders under supervision measure of the Department of Probation by means of community justice network or others; and operating any other duties and responsibilities authorized by law and assigned by the Ministry of Justice or the Cabinet.

## Director-General of the Department of Probation

The current Director-General of the Department of Probation is Mr. Charnchao Chaiyanukij.

Tele 66 2 141 4929

Fax: 66 2 143 8800

## Department of Juvenile Observation and Protection

Address: Government Complex  
Rajaburi Direkridhdi Bldg., (Bldg. A)  
5th Fl., Cheang Watthana Rd,  
Laksi, Bangkok 10210, Thailand

Telephone 0 2141 6473 – 4

Fax 0 2143 8473

Website: [www.djop.moj.go.th](http://www.djop.moj.go.th)

**Responsibilities :** The Department of Juvenile Observation and Protection is responsible for promoting and protecting the rights and liberties of juvenile offenders; strengthening family and community; performing legal proceedings in criminal and family cases; carrying out the administration related to the protection and rehabilitation of juveniles; encouraging cooperation from the community; establishing community network with public and private sectors at both domestic and international level to enhance participation and support in the juvenile justice system; conducting research and proposing legislation related to protection of juvenile's rights and liberties as well as the system and procedures for juveniles cases and treatment; and develop

human resources and administrative system to comply with the standard of public administration.

## Director-General of the Department of Juvenile Observation and Protection

The current Director-General of the Department of Juvenile Observation and Protection is Thawatchai Thaikeaw

## Department of Corrections

Address: Nonthaburi 1 Rd., Suan Yai District,  
Muang District, Nonthaburi Province  
11000

Telephone: 662 967 2222

Fax: 662 967 2222 ext. 821

Email: [foreign\\_affairs@correct.go.th](mailto:foreign_affairs@correct.go.th)

Website: [www.correct.go.th](http://www.correct.go.th)

**Responsibility:** The Department of Corrections is responsible for taking-in custody and providing treatment for offenders according to the court sentences under the principles of criminology, penology and in compliances with the UN Standard Minimum Rules for the Treatment of Prisoners by providing the offenders with education, vocational training, mental development and welfare in order to rehabilitate and support them to be decent citizens to the society.

## Director-General of Department of Corrections

The current Director-General of the Department of Corrections is Police Colonel

*Suchart Wong-ananchai,*

*Telephone: 662 967 3333*

*Fax: 662 967 3335*

### **Department of Special Investigation**

*128 Building, Moo 3, Chaeng Watthana Rd.,*

*Tunmgsong-Hong Sub-District,*

*Lak-si District, Bangkok 10210*

*Tel. (66) 2 831 9888*

*Fax: (66)2 975 9888*

*website: www.dsi.go.th*

**Responsibility:** The Department of Special Investigation (DSI) is a law enforcement agency specialized in the investigation of the criminal cases designated as “Special Cases” by the law. The missions of the DSI are to prevent, suppress, and control serious crimes, which have adverse effects on the nation’s economy, social stability, national security as well as those unlawful activities that may pose a threat to international affairs, in order to enhance and maintain the public’s trust, confidence, and welfare.

### **Director-General of the Department of Special Investigation**

*The current Director-General of the Department of Special Investigation is Mr.Tarit Pengdith*

*Tel. (66) 2 831 9888*

*Fax: 0 2975 9888*

*E-mail: tarit@dsi.go.th*

### **Central Institute of Forensic Science**

*Government Complex*

*Ratthaprasasanabhakti Bldg (Blg B),  
8th Floor (East),)*

*ChaengWathtana Rd, Laksi District,  
Bangkok 10210 Thailand*

*Tel. (66) 2 142 3491-2*

*Website: www.cifs.moj.go.th*

**Responsibility:** The Central Institute of Forensic Science has the following duties and responsibilities: conducting and developing the data-base in forensic science; supporting the prevention and suppression of special crimes; managing crime scene evidence as well as conducting crime scene investigation and postmortem in areas as requested by inquiry officers; establishing integrated network both at the domestic and international levels; developing the central system of evidence examination up to international standard; proposing the legislations and regulations related to forensic practices; acting as a central agency in receiving petitions and complaints from injures person with the cooperation from the Department of Special Investigation; promoting public awareness and cooperation regarding the role of forensic science in justice process; and establishing the Missing Person Identification Centre and National DNA Centre in order to integrate and develop the data base of all anti-crime agencies.

### **Director-General of the Central Institute of Forensic Science**

The current Director-General of the Central Institute of Forensic Science is Khunying Porntip Rojanasunan.

### **Office of the Public Sector Counter Corruption Commission**

*Ministry of Justice Building,  
Software Park Building, Chaeng Wattana Rd.,  
Pak Kret, Nonthaburi, 11120 Thailand*  
Tel. (66) 2 502 8299  
Fax: (66) 2502 8289  
Website: [www.moj.go.th](http://www.moj.go.th)

**Responsibility:** The Office of the Public Sector Counter Corruption Commission has been recently established to conduct an investigation and inquiry to prevent and suppress corruption in the public sector. The Office is also mandated with the responsibilities to promote public participation from all sectors of the society in preventing and suppressing corruption in the public sector; and set up the standards of practices according to the ethics of public sector officials.

### **Secretary-General of the Office of the Public Sector Counter Corruption Commission**

*The current Secretary-General of the Office of the Public Sector Counter Corruption Commission is Pol.Col. Dutsadee Arayawuth*  
Tel. (66) 2 502 8299  
Email: [dutsadee@pacc.go.th](mailto:dutsadee@pacc.go.th)

This section lists the agencies which are not under the Ministry of Justice, but are under the supervision of the Minister of Justice.

### **Anti Money Laundering Office (AMLO)**

*Phayathai Rd., Patumwan,  
Bangkok 10330 Thailand*  
Tel. (66) 2 219 3600  
Fax: (66) 2 219 3622  
website: [www.amlo.go.th](http://www.amlo.go.th)

**Responsibility:** The Anti Money Laundering Office is responsible for the investigation of financial transactions and undertaking of all possible measures to stop money laundering by taking action to prevent offenders from enjoying the proceeds derived from their criminal acts or corrupt activities; preventing and suppressing the offenders of money laundering in the public and private sectors at both domestic and international levels; building and strengthening regional and international cooperation amongst law enforcement agencies through mutual legal assistance to fight money laundering.

### **Secretary-General of the Anti Money Laundering Office**

*The current Secretary-General of the Anti Money Laundering Office is Pol. Col. Sihanart Prayoonrat*  
Tel. (66) 2 219 3600 ext 3001

### **Office of the Attorney General**

*Na-huppei Rd., Phra Nakorn District,  
Bangkok, 10200 Thailand*

Tel.: (66) 2 224 1505, (66) 2 224 8666

Fax: (66) 2 224 1505

Website: [www.attorney-general.go.th](http://www.attorney-general.go.th)

**Responsibility:** The Office of the Attorney General is an independent agency responsible for criminal prosecution, provision of legal advice to state agencies, and representation of government in court. Moreover, the OAG's other functions include administration of criminal justice, safeguarding national interests, protection of civil rights, provision of legal aid, research and legal development as well as international cooperation in all criminal matters, especially extradition, mutual legal assistance in criminal matters together with international justice in all mutual legal concern as the Attorney General being the Central Authority of the Kingdom of Thailand.

### Attorney General

The current Attorney General is Mr. Chulasingh Vasantasingh

Tel.: (66) 2 142 4598, (66) 2 224 7240,  
(66) 2 142 1556

Fax (66) 2 224 7045

E-mail : [ag@ago.go.th](mailto:ag@ago.go.th)

Finally the following section introduces a number of independent agencies that are entitled to receive support from the Ministry of Justice as provided by the law.

### Thai Bar Association

Address: 32/2-8 Moo 16 Kanjanapisek Road,  
Khet Taling Chan, Bangkok 10170 THAILAND

Telephone: 66 2 887 6801-7

Fax: 66 2 887 6839

Website: [www.thethaibar.org](http://www.thethaibar.org)

### Responsibilities :

The Thai Bar under the Royal Patronage was established in 1904 as an independent professional organization. The objects of the Thai Bar are generally to promote legal education and legal profession; to maintain the honour and independence of the bar; and to strengthen good relations and understanding within the legal profession. The Thai Bar is governed by an executive committee known as the Bar Council which consists of the President, the Vice-President, the Honorary Secretary and directors representing different standings at the Bar. The President of the Supreme Court serves the President of the Thai Bar while the President of the Court of Appeal and the Attorney-General serve as Vice-President.

In 1948, the Institute of Legal Education Thai Bar Association was founded under the umbrella of the Thai Bar in order to provide high quality training and professional development of all lawyers to ensure the highest standards of practice and ethical behaviors. Lawyer or graduated law student who can successfully pass the bar examination can be called "barrister-at-law".

## President of the Thai Bar

*The current president of Thai Bar Association is*

*Hon. Chief Justice Sobchok Sukharmna,*

*Telephone: 66 2 887 6826*

*Fax: 66 2 887 6839*

*E-mail: Secy-gen@thethaibar.org*

## The Lawyers Council Of Thailand

*Address: 7/89 Mansion 10, Rajdamnoen Avenue,  
Pranakorn District, Bangkok 10200, Thailand*

*Telephone: 662-629-1430*

*Fax: 662-282-9908*

*E-mail: President@lawyerscouncil.or.th*

*Website: www.lawyerscouncil.or.th*

**Responsibilities :** The Lawyers Council of Thailand (LCT) is a lawyers' profession body under the Lawyers Act B.E. 2528 (1985). LCT is an independent public organization which has the duty to provide legal aid to the public, providing lawyers to represent the underprivileged and providing legal advice to the people under distress as protection of rights and liberties under the Constitution. LCT is also the body to issue/revoke lawyer's license nationwide and take disciplinary action for violation of lawyer Code of Ethics.

## Secretary-General of the Lawyers Council Of Thailand

*The current President of the Lawyers Council Of Thailand is Mr. Dej-udom Krairit.*

*Tel. (66) 2 629 1430*

## The Court of Justice Of Thailand

### Directory of the Courts of Justice of Thailand

The Kingdom of Thailand adopts a democratic regime of government with the King as the Head of State and the Constitution is the supreme law of the state. The Constitution of the Kingdom of Thailand vests that the trial and adjudication of cases are the powers of the courts. Judges perform their duties in the name of the King assuring independence in adjudication of cases in accordance with the law.

The structure of the Courts of Justice is divided into two parts: administration and adjudication. Before August 20, 2000, the Ministry of Justice, responsible for the court administration, was to provide supports including budget, personnel and facilities. At present, the Office of the Judiciary, an independent organization and a juristic person, is the organization responsible for the administration of the Courts of Justice. This change will guarantee independence of the Thai Judiciary from political interference.

With respect to adjudication in judicial service, the Courts of Justice have power to try and adjudicate criminal, civil, bankruptcy and all cases that are not under the jurisdiction of other types of courts. When there is a problem of whether a particular case will fall under the ju-



jurisdiction of which type of courts, the Commission on Jurisdiction of Courts chaired by the President of the Supreme Court is authorized by the Constitution to make a decision. Such decision is final.

The Courts of Justice are classified into three levels comprising the court of first instances, the courts of appeal and the Supreme Court. The Courts of Justice have occasionally developed efficiency in handling cases. The developments fall into three ways, i.e., increase of number of courts, emergence of special divisions and branches in courts, establishment of specialized courts and promotion of alternative dispute resolution by setting up the Dispute Resolution Office.

The courts of first instance are categorized as general courts, juvenile and family courts and specialized courts. The general courts are empowered to try and adjudicate typical criminal and civil cases. Those courts are the Civil Court, the Criminal Court, the Bangkok South Civil Court, the Bangkok South Criminal Court, the Thon Buri Civil Court, the Thon Buri Criminal Court, provincial courts and municipal courts.

In the general courts, except the municipal courts, at least two judges form a quorum. An appeal against a judgment on questions of law and, subject to some conditions, questions of fact or an order of the general courts lies to the courts of appeal. With respect to the administration of the provincial courts and municipal

courts, the offices of the court of justice of region headed by the chief judges of that particular region, is responsible for the courts in the region in some extents. In the case where the office of the court of justice of a region becomes vacant or the chief judge's inability to perform official duties, the President of the Supreme Court will appoint a judge to be the chief judge of the office of the court of justice of that region.

A chief judge of any region is regarded as a judge of any court within the region having judicial power to try and adjudicate specific cases, such as cases concerning offences against public security, serious criminal offences, cases with large amount of claim and contempt of court. When it is necessary, the chief judge of the region has power to order a judge in the region who shall also agrees to work temporarily for not exceeding three months in another general court. The chief judge, however, shall inform the President of the Supreme Court immediately concerning such order.

The list below is for the key general courts located in Bangkok Metropolitan:

### **Civil Courts**

Under Thai law, the plaintiff shall bring a civil litigation to the court where the cause of action arises or where the defendant is domiciled. Where an immovable property is involved, the plaintiff shall bring a lawsuit to the court where such property is located, or where the defendant is domiciled. In Bangkok,

the court of first instance having jurisdiction over civil litigation include the Civil Court, the Bangkok South Civil Court, the Thon Buri Civil Court, the Min Buri Provincial Court, the Taling Chan Provincial Court and the Phra Khanong Provincial Court depending on a certain district where the cause of action arises or where the defendant is domiciled. However, the Civil Court has full discretion either to try and adjudicate civil cases occurring outside its territorial jurisdiction or to transfer the cases to a particular court having territorial jurisdiction.

### **The Civil Court**

*Address: Court Complex, Ratchadapisek Rd.,  
Chatuchak, Bangkok 10900,  
Thailand*

*Telephone 66 2541 2420-9*

*Fax: 66 2541 2383*

*E-mail: Civil.2@coj.go.th*

*Website: www.civil.coj.go.th*

### **Chief Judge of the Civil Court**

*Mr. Kasem Kasempanya*

*Tel.: 66 2541 2521*

*Fax: 66 2541 2520*

### **The Bangkok South Civil Court**

*Address: Charoenkrung 63 Road, Satorn,  
Bangkok 10120, Thailand*

*Telephone 66 2210 4005-6*

*Fax: 66 2210 4530*

*E-mail: civilsb.2@coj.go.th*

*Website: www.scvcourt.com*

### **Chief Judge of the Bangkok South Civil Court**

*Mr. Chaityuth Srijumnong*

*Tel.: 66 2211 5654*

*Fax: 66 2210 4570*

### **The Thon Buri Civil Court**

*Address: Ekachai Road., Jomthong, Bangkok  
10150, Thailand*

*Tel. 66 2415 0040-44*

*Fax: 66 2416 7146*

*E-mail: civiltb.2@coj.go.th*

*Website: www.civiltbc.coj.go.th*

### **Chief Judge of the Thon Buri Civil Court**

*Ms. Boonmee Thitasiri*

*Tel.: 66 2415 1434*

*Fax: 66 2416 7146*

### **Criminal Courts**

As regards criminal cases, the court in a district where an offence has been committed, alleged or believed to have been committed, or where an accused is domiciled or arrested, or where an inquiry official making an inquiry has jurisdiction over the cases. In Bangkok, courts of first instance handling criminal litigation include the Criminal Court, the Bangkok South Criminal Court, the Thon Buri Criminal Court, the Min Buri Provincial Court, the Taling Chan Provincial Court and the Phra Khanong Provincial Court depending on a certain district where an offence has been committed, alleged or believed to have been committed, or where an accused is domiciled or arrested, or where

an inquiry official making an inquiry. The Criminal Court also has discretion either to try and adjudicate criminal cases arising outside its territorial jurisdiction or to transfer the cases to a particular court having territorial jurisdiction over such cases.

### **The Criminal Court**

*Address:* Court Complex, Ratchadapisek Road, Chatuchak, Bangkok 10900, Thailand

*Tel.:* 66 2541 2284-91

*Fax:* 66 2541 22042

*E-mail:* [crim.2@coj.go.th](mailto:crim.2@coj.go.th)

*Website:* [www.crimc.coj.go.th](http://www.crimc.coj.go.th)

### **Chief Judge of the Criminal Court**

*Mr. Boon Tapanadul*

*Tel.:* 66 2541 0191

*Fax:* 66 2541 2141

### **The Bangkok South Criminal Court**

*Address:* Charoenkrung 63 Road, Satorn, Bangkok 10120, Thailand

*Telephone* 66 2210 9200

*Fax:* 66 2210 9233

*E-mail:* [crimsb.2@coj.go.th](mailto:crimsb.2@coj.go.th)

*Website:* [www.crimsb.coj.go.th](http://www.crimsb.coj.go.th)

### **Chief Judge of the Bangkok South Criminal Court**

*Mr. Wichai Eua-angkanakul*

*Tel.:* 66 2210 9210

*Fax:* 66 2210 9233

### **The Thon Buri Criminal Court**

*Address:* Ekachai Road, Jomthong, Bangkok 10150, Thailand

*Telephone* 66 2416 7246 *Fax:* 66 2415 3383

*E-mail:* [crimtb.2@coj.go.th](mailto:crimtb.2@coj.go.th)

*Website:* [www.crimtbc.go.th](http://www.crimtbc.go.th)

### **Chief Judge of the Thon Buri Criminal Court**

*Mr. Vacharin Patjekvinyusakul*

*Tel.:* 66 2415 1855

*Fax:* 66 2415 3383

### **Municipal Courts**

The primary function of municipal courts is to dispose of small cases quickly with a minimum formality and expense. The jurisdiction of these courts covers both criminal and civil matters. Criminal litigation under municipal courts involves any criminal offences punishable by a maximum of three years imprisonment, or fine not exceeding 60,000 Baht or both. For civil litigation, the amount of claims shall not exceed 300,000 Baht. The proceeding in municipal courts is emphasized on the speedy trial, therefore, the trial is uncomplicated and oral judgment or summarized judgment can be rendered. There are currently 26 municipal courts throughout the country and 5 of those are in Bangkok.

### **Provincial Courts**

Provincial courts exercise unlimited jurisdiction in all normal civil and criminal matters within their own provincial districts. For the purpose of expansion of services of the court

to remote areas, some provinces may have more than one provincial court. Each provincial court has a Chief Judge who is the head and responsible for the judicial matters. The director of the administrative office of a particular provincial court is responsible for court administration, under supervision of the Chief Judge. At present, there are 110 provincial courts nationwide.

### **Juvenile and Family Courts**

The juvenile and family courts consist of the Central Juvenile and Family Court and the provincial juvenile and family courts. In order to form a quorum, two career judges and two lay judges, provided that one of them shall be a woman. An appeal against a judgment or order of juvenile and family courts lies to the courts of appeal. At present, 77 juvenile and family courts conduct adjudication and judgment over juvenile and family matters throughout the country.

#### **The Central Juvenile and Family Court**

*Address: Rachinee Road, Pranakorn, Bangkok  
10200, Thailand*

*Tel. 66 2221 3161-70*

*Fax: 66 2225 2134*

*E-mail: [jvnc@coj.go.th](mailto:jvnc@coj.go.th)*

*Website: [www.jvnc.coj.go.th](http://www.jvnc.coj.go.th)*

#### **Chief Judge of the Central Juvenile and Family Court**

*Mrs. Pussapa Panomyunt*

*Tel.: 66 2622 0763*

*Fax: 66 2622 0763*

### **Specialized Courts**

There are 4 specialized courts in Thailand including the labour court, the tax court, the intellectual property and international trade court and the bankruptcy court. The establishment of the specialized court is to ensure that legal difficulties concerning specific or technical issues will be solved by a judge who possesses extensive knowledge of specific matters.

A quorum of two specialized courts, namely, the intellectual property and international trade court and the labour court consists of both career judges and lay judges. A lay judge is a layman recruited to work with career judges in adjudication of cases. At present, a single specialized court comprises the Central Tax Court, the Central Intellectual Property and International Trade Court and the Central Bankruptcy Court. Except the labour courts that consist of the Central Labour Court and the Labour Court of Region I – IX. An appeal against the judgment or order of a certain specialized court can be submitted directly to the Supreme Court where specialized divisions are established, namely, the Labour Division, the Tax Division, the Intellectual Property and International Trade Division and the Bankruptcy Division within the Supreme Court.

#### **The Central Labour Court**

*Address: Rama IV Road, Bangrak, Bangkok*

10500, Thailand

Tel: 66 2235 2471

Fax: 66 2237 8269

E-mail: [lbc@coj.go.th](mailto:lbc@coj.go.th)

Website: [www.lbc.coj.go.th](http://www.lbc.coj.go.th)

### **Chief Judge of the Central Labour Court**

Mr. Somchit Thongsri

Tel.: 66 2235 2476

Fax: 2237 8269

### **The Central Tax Court**

Address: Court Complex, Ratchadapisek Road, Chatuchak, Bangkok 10900, Thailand

Tel: 66 2541 2420

Fax: 66 2541 2542

E-mail: [taxc@coj.go.th](mailto:taxc@coj.go.th)

Website: [www.taxc.coj.go.th](http://www.taxc.coj.go.th)

### **Chief Judge of the Central Tax Court**

Mr. Chantavat Voratat

Tel.: 66 2541 2538

Fax: 66 2541 2542

### **The Central Intellectual Property and International Trade Court**

Address: Government Complex Commemorating H.M. the King's 80 Birthday Anniversary Building A., Floor 5 – 7, Laksi, Bangkok 10210, Thailand

Tel.: 66 2354 5150

Fax: 66 2644 7213

E-mail: [ipitc@coj.go.th](mailto:ipitc@coj.go.th)

Website: [www.ipitc.coj.go.th](http://www.ipitc.coj.go.th)

### **Chief Judge of the Central Intellectual Property and International Trade Court**

Mr. Maitree Sutapakul

Tel.: 66 2354 5106

Fax: 66 2644 7213

### **The Central Bankruptcy Court**

Address: Government Complex Commemorating H.M. the King's 80 Birthday Anniversary Building A., Floor 2 – 4, Laksi, Bangkok 10210, Thailand

Tel: 66 2286 1270

Fax: 66 2433 1581

E-mail: [cbc@coj.go.th](mailto:cbc@coj.go.th)

Website: [www.cbc.coj.go.th](http://www.cbc.coj.go.th)

### **Chief Judge of the Central Bankruptcy Court**

Mr. Anan Wongpraparatana

Tel.: 66 2141 1643

Fax: 66 2148 8700

### **Courts of Appeal**

Courts of appeal consist of the Court of Appeal and the Court of Appeal Region I – IX. The Court of Appeal handles an appeal against the judgment or order of all courts of first instance located in Bangkok, except the specialized courts. Meanwhile, the 9 regional courts of appeal handle an appeal against the judgment or order of all courts of first instance within certain respective region. This means that the jurisdictions of the regional courts of appeal shall be consistent with the jurisdictions of the courts of first instance in the same region.

The Court of Appeal also has the power to try and adjudicate cases relevant to election and revocation of election rights in the election of local councils and local administrators. Each court of appeal is headed by the president of the court assisted by vice-presidents of the court. At least three justices form a quorum. Each court of appeal has a research justice division that is to assist justices of the courts of appeal by examining of all relevant factual and legal issues of the cases and conducting legal researches to ensure uniformity and fair results.

### **The Court of Appeal**

*Address: Court Complex, Ratchadapisek Road, Chatuchak, Bangkok 10900, Thailand*

*Tel: 66 2541 2436-50*

*Fax: 66 2512 8307*

*E-mail: [appealc@coj.go.th](mailto:appealc@coj.go.th)*

*Website: [www.appealc.coj.go.th](http://www.appealc.coj.go.th)*

### **President of the Court of Appeal**

*Mr. Chaisit Trachoetham*

*Tel: 66 2541 2621*

*Fax: 66 2541 2628*

### **The Court of Appeal Region I**

*Address: Court Complex, Ratchadapisek Road, Chatuchak, Bangkok 10900, Thailand*

*Tel: 66 2541 2436-55*

*Fax: 66 2513 0714*

*E-mail: [appealc1@coj.go.th](mailto:appealc1@coj.go.th)*

*Website: [www.appealc1.coj.go.th](http://www.appealc1.coj.go.th)*

### **The President of the Court of Appeal Region I**

*Ms. Ploenchit Tungpulsakpul*

*Tel: 66 2541 2880*

*Fax: 66 2541 2980*

### **The Court of Appeal Region II**

*Address: Sukhumvit Road, Noen Phra Sub-District, Mueang District, Rayong Province 21000, Thailand*

*Tel: 66 3861 0545-50*

*Fax: 66 3861 0556*

*E-mail: [appealc2@coj.go.th](mailto:appealc2@coj.go.th)*

*Website: [www.appealc2.coj.go.th](http://www.appealc2.coj.go.th)*

### **The President of the Court of Appeal Region II**

*Mr. Chartchai Akkaravibul*

*Tel: 66 3861 0555*

*Fax: 66 3861 0553*

### **The Court of Appeal Region III**

*Address: Court Complex, Ratchadapisek Road, Chatuchak, Bangkok 10900, Thailand*

*Tel: 66 2541 22284-91*

*Fax: 66 2512 8353*

*E-mail: [appealc3.2@coj.go.th](mailto:appealc3.2@coj.go.th)*

*Website: [www.appealc3.coj.go.th](http://www.appealc3.coj.go.th)*

### **The President of the Court of Appeal Region III**

*Mr. Surasak Keereevichien*

*Tel: 66 2541 2348*

*Fax: 66 2512 8353*

### **The Court of Appeal Region IV**

*Address: Court Complex, Ratchadapisek*

Road, Chatuchak, Bangkok 10900,  
Thailand

Tel: 66 2541 2436-50

Fax: 66 2541 0157

E-mail: [appealc4.2@coj.go.th](mailto:appealc4.2@coj.go.th)

Website: [www.appealc4.coj.go.th](http://www.appealc4.coj.go.th)

#### **The President of the Court of Appeal Region IV**

Mr. Preeda Phoonkam

Tel: 66 2541 2714

Fax: 66 2541 0157

#### **The Court of Appeal Region V**

Address: 242 Superhighway Road, Wat Ket  
Sub-District, Mueang District 50000,  
Chiang Mai Province, Thailand

Tel: 66 5392 1940

Fax: 66 5392 1943

E-mail: [appealc5.1@coj.go.th](mailto:appealc5.1@coj.go.th)

Website: [www.appealc5coj.go.th](http://www.appealc5coj.go.th)

#### **The President of the Court of Appeal Region V**

Mr. Sriamporn Saligupta

Tel: 66 5392 1999

Fax: 66 5392 1948

#### **The Court of Appeal Region VI**

Address: Court Complex, Ratchadapisek  
Road, Chatuchak, Bangkok 10900,  
Thailand

Tel: 66 2541 2109-10

Fax: 66 2512 8275

E-mail: [appealc6@coj.go.th](mailto:appealc6@coj.go.th)

Website: [www.appealc6.coj.go.th](http://www.appealc6.coj.go.th)

#### **The President of the Court of Appeal Region VI**

Mr. Borworn Kulthanan

Tel: 66 2512 8310

Fax: 66 2512 8309

#### **The Court of Appeal Region VII**

Address: Court Complex, Ratchadapisek Road,  
Chatuchak, Bangkok 10900, Thailand

Tel: 66 2541 2106-14 Fax: 66 2512 8395

E-mail: [appealc7.2@coj.go.th](mailto:appealc7.2@coj.go.th)

Website: [www.appealc7.coj.go.th](http://www.appealc7.coj.go.th)

#### **The President of the Court of Appeal Region VII**

Mr. Chaiwat Viengteerawat

Tel: 66 2512 8390

Fax: 66 2512 8340

#### **The Court of Appeal Region VIII**

Address: Court Complex, Ratchadapisek  
Road, Chatuchak, Bangkok 10900,  
Thailand

Tel: 66 2541 2436-50

Fax: 66 2541 2760

E-mail: [appealc8@coj.go.th](mailto:appealc8@coj.go.th)

Website: [www.appealc8.coj.go.th](http://www.appealc8.coj.go.th)

#### **The President of the Court of Appeal Region VIII**

Mr. Eakachai Chinnapongse

Tel: 66 2541 2753-4

Fax: 66 2541 2757

#### **The Court of Appeal Region IX**

Address: Ekachai Road, Jomthong, Bangkok  
10150, Thailand

Tel: 66 2416 0756

*Fax:* 66 2416 0329  
*E-mail:* [appealc9@coj.go.th](mailto:appealc9@coj.go.th)  
*Website:* [www.appealc9.coj.go.th](http://www.appealc9.coj.go.th)

### **The President of the Court of Appeal Region IX**

*Mr. Pinij Sai Sa-ard*

*Tel:* 66 2416 2646  
*Fax:* 66 2416 0166

### **The Supreme Court**

The Supreme Court is the final court of appeal for all cases. The Supreme Court consists of the President a maximum of six Vice-Presidents, the Secretary and Justices. The President of the Supreme Court is also the head of the Courts of Justice. The Supreme Court also has the Research Justice Division that functions similar to the research justice divisions in the courts of appeal.

At least three justices of the Supreme Court form a quorum. The Court may, however, sit in a plenary session to determine cases that have exceptional impotence and have reasons for reconsideration or overruling of its own precedents. The quorum for the plenary session is no less than half of the total number of justices in the Supreme Court.

The Criminal Division for Persons Holding Political Position was set up as a result of the 2007 Constitution in order to act as a trial court in a case where the Prime Minister, a minister, a member of the House of the Representative, a senator or other political official is accused of

becoming unusual wealthy, committing malfeasance specified in the Criminal Code, performing duties dishonestly or being corrupted. During trial, a member or the House of Representative or a senator will be unable to claim the immunity. The quorum of the Division comprises nine justices of the Supreme Court whom will be selected by a plenary session of the Supreme Court on a case by case basis. A judgment shall be made by a majority of votes, provided that each justice constituting the quorum shall prepare a written opinion and give oral statement in the case deliberation. The judgment of the Division becomes final except when there is new evidence. In such case, the appeal shall be filed with the plenary session of the Supreme Court.

### **The Supreme Court**

*6 Ratchadamnoen Nai Road, Phra Nakhon, Bangkok 10200, Thailand*

*Tel:* 66 2221 3161-70  
*Fax:* 66 2226 6005  
*E-mail:* [scourt@supremecourt.or.th](mailto:scourt@supremecourt.or.th)  
*Website:* [www.supremecourt.or.th](http://www.supremecourt.or.th)

### **President of the Supreme Court**

*Mr. Sobchock Sukharomna*

*Tel:* 66 2224 1465  
*Fax:* 66 2224 1440

### **Vice- President of the Supreme Court**

*Mr. Withawit Hirunruchipong*

*Tel:* 66 2225 0521  
*Fax:* 66 2225 7369



*Mr. Oung-art Rojanasupot*

*Tel. 66 2226 4386*

*Fax: 66 2225 0520*

*ML. Riddhidheb Davakul*

*Tel. 66 2224 1516*

*Fax: 66 2224 6443*

*Mr. Montri Yodpanya*

*Tel. 66 2224 1488*

*Fax: 66 2221 0477*

*Mr. Pairoj Wayuparb*

*Tel. 66 2224 1489*

*Fax: 66 2225 0644*

*Mr. Peerapol Pichayawat*

*Tel. 66 2225 0519*

*Fax: 66 2225 0646*

### **The Office of the Judiciary**

Under the Constitution, the Office of the Judiciary is an independent secretariat of the Courts of Justice. The Office of the Judiciary is headed by the Secretary-General who will report directly to the President of the Supreme Court. The Secretary-General shall be appointed from a career judge under approval of the Judicial Commission. In the process of appointment of the Secretary-General, the President of the Supreme Court is empowered to instate and proceed to the King for the Royal Command of Appointment. The Office of the Judiciary has autonomy in personnel administration, budget and other activities provide by law. It is divided into several offices and divi-

sions. The central administration comprises 12 offices and 6 divisions. In the regional administration, there are 9 administrative offices of the courts of justice region I – IX and 248 court administrative offices nationwide. Undertaking administration of personnel and budget of the Courts of Justice, the Office of the Judiciary has done through three commissions, namely, the Judicial Commission, the Judicial Administration Commission and the Commission for Judicial Service.

### **The Office of the Judiciary**

*Address: Court Complex, Criminal Court Building, Ratchadapisek Road, Chatuchak, Bangkok 10900, Thailand*

*Tel. 66 2541 2861*

*Fax: 66 2512 8468*

*E-mail: ojta@coj.go.th*

*Website: www.coj.go.th*

### **Secretary-General**

*Mr. Wirat Chinwinigkul*

*Tel. 66 2541 2307*

*Fax: 66 2541 2306*

### **Deputy Secretary-General**

*Mr. Sarawut Benjakul*

*Tel. 66 2541 2315*

*Fax: 66 2541 2317*

*Mrs. Siriporn Kruapu*

*Tel. 66 2541 2044*

*Fax: 66 2541 2044*

Mr. Banharn Chongcharoenprasert

Tel. 66 2541 2270

Fax: 66 2541 2313

### **The Constitutional Court of Thailand**

Address : Government Complex  
Rajaburi Direkridhdi Bldg., (Bldg. A)  
Cheang Watthana Rd,  
Laksi, Bangkok 10210, Thailand

Telephone: 0-2141-7777

Fax: 0-2143-9522

E-MAIL: [occ@constitutionalcourt.or.th](mailto:occ@constitutionalcourt.or.th)

Website : <http://www.constitutionalcourt.or.th>

**Responsibilities :** The Constitutional Court of the Kingdom of Thailand has powers and duties in adjudicating and ruling constitutional cases.

**Administrative :** Mr. Chaowana Traimas Secretary-General of office of the Constitutional Court.

Telephone : 0-2141-7777

Fax: 0-2143-9522

E-MAIL: [occ@constitutionalcourt.or.th](mailto:occ@constitutionalcourt.or.th)

### **The Administrative Court of Thailand**

Address 120 Moo 3, Chaeng Watthana Rd.,  
Laksi, Bangkok 10210, Thailand

Telephone (66)-2141-1111

Fax (66)-2143-9822

Hotline 1355

Website [www.admincourt.go.th](http://www.admincourt.go.th)  
Responsibilities

The Administrative Court is an independent judicial organization separated from the Court of Justice. The Court has the competence to try and adjudicate the case involving a dispute between administrative agency or State official and private individual, either a dispute between an administrative agency, a State official themselves in connection with:

- the issuance of a rule or order or in connection with other unlawful acts,
- the negligence official duties required by the law to performed or performing such duties with unreasonable delay,
- a wrongful act or other liabilities arising from the exercise of power under the law or from a law, an order,
- neglecting of official duties or the performance of such duties with unreasonable delay,
- the case involving a dispute in relation to an administrative contract,
- the case prescribed by law to be submitted to the Court by an administrative agency or State official for mandating a person to do a particular act or refraining there from.

The administrative case is normally initiated in an Administrative Court of First Instance. An appeal made against a judgment or order of an Administrative Court of First Instance is to be filed directly at the Supreme Administrative Court.

***VIETNAM***

## VIETNAM

### MINISTRY OF JUSTICE

No 58-60 Tran Phu Street, Ha Noi,  
Vietnam

Tel: 844-62739321

Fax: 844-6279360

Website: [www.moj.gov.vn](http://www.moj.gov.vn)

The Ministry of Justice is the government agency performing the state management over legislative work and execution, law document supervision, law dissemination and education, civil judgment execution, judicial administration, legal support and other judicial activities nationwide; and public services in the branches or domains under the Ministry's state management.

#### MINISTERIAL LEADINGS

##### Minister of Justice

*H.E. Mr. Ha Hung Cuong*

##### Deputy Minister of Justice

*H.E. Mr. Hoang The Lien*

##### Deputy Minister of Justice

*H.E. Mr. Dinh Trung Tung*

##### Deputy Minister of Justice

*H.E. Mr. Nguyen Van Chinh*

##### Deputy Minister of Justice

*H.E. Ms. Nguyen Thuy Hien*

##### Deputy Minister of Justice

*H.E. Mr. Pham Quy Ty*

The organisations and units assisting the Minister in performing the State management functions include:

#### Department of International Cooperation

##### Director:

*Mr. Nguyen Khanh Ngoc*

##### Deputy Directors:

*Ms. Ha Phuong Lan, Ms. Dang Hoanh Oanh,  
Ms. Nguyen Thi Hao*

Tel: 844-62739525

Fax: 844-62739359

The Department of International Cooperation is an agency attached to the Ministry of Justice that has functions to assist the Minister of Justice in undertaking the unified management of cooperation activities with foreign countries in legislation and justice; be a focal point for undertaking external affairs of the Ministry as prescribed legislation.

#### Department of International Law

##### Director:

*Dr Hoang Phuoc Hiep*

##### Deputy Directors:

*Mr. Hoa Huu Long, Mr. Bach Quoc An and  
Mr. Nguyen Thanh Tu*

*Tel: 844-62739445*

*Fax: 844-62739359*

The Department of International Law is an agency attached to the Ministry of Justice that has functions to assist the Minister of Justice in undertaking the development of and participation in developing laws and appraising projects, drafts of international treaties, agreements and legal normative documents relating to international legislation in accordance with legal regulations.

### **Department of General Affairs on Legislative Development**

**Director:**

*Mr. Le Thanh Long*

**Deputy Directors:**

*Mr. Vo Van Tuyen and Mr. Nguyen Hong Tuyen*

*Tel: 844-62739385*

*Fax: 844-62739359*

The Department of General Affairs on Legislative Development is a body under the Ministry of Justice that performs the advisory function to the Minister in state management over legislative development, law implementation, and management over departments/units of legal affairs under government agencies in accordance with law.

### **Department of Criminal and Administrative Legislation**

**Standing Director:**

*Ms. Nguyen Thi Kim Thoa*

**Deputy Directors:**

*Mr. Nguyen Van Hoan*

*Tel: 844-62739405*

*Fax: 844-62739359*

The Department of Criminal and Administrative Legislation is an organization attached to the Ministry of Justice that has functions to assist the Minister of Justice in undertaking the development of, taking part in formulation of legislation and in appraisal of projects, drafts of legal normative documents on criminal matters, criminal procedures, administration, state apparatus, public affairs, non-governmental organizations and security, national defence; to perform administrative reform under the Ministry's competence in accordance with legal regulations.

### **Department of Civil and Economic Legislation**

*Director: Mr. Duong Dang Hue*

*Deputy Directors: Mr. Luong Duc Tuan and Mr. Nguyen Am Hieu*

*Tel: 844-62739425*

*Fax: 844-62739359*

The Department of Economic-Civil Legislation is an organization attached to the Ministry of Justice that has functions to assist the Minister of Justice in undertaking the development and appraisal of projects, drafts of legal

normative documents on civil, economic matters; state management over legal support for enterprises and the Club of enterprise legislation in accordance with legal regulations.

### **Department of Law Dissemination and Education**

**Director:**

*Mr. Nguyen Duy Lam*

**Deputy Directors:**

*Ms. Nguyen Thi To Hoa and Ms. Nguyen Thi Hoa*

*Tel: 844-62739465*

*Fax: 844-62739359*

The Department of Legal Dissemination and Education is an agency attached to the Ministry of Justice that has functions to advise, assist the Minister of Justice in undertaking the state management in legal dissemination and education, conciliation at grassroots level, and management, exploitation of legal bookcases in communes, wards, towns, organizations, units, enterprises, schools; management of press, publishing work of the Ministry, and undertaking dissemination programs on justice sector.

### **Department of Judicial Administration**

**Director:**

*Mr. Tran That*

**Deputy Directors:**

*Mr. Nguyen Quoc Cuong and*

*Mr. Nguyen Van Toan*

*Tel: 844-62739485*

*Fax: 844-62739359*

The Department of Judicial Administration is an organization attached to the Ministry of Justice that has functions to assist the Minister of Justice in undertaking the State management over the field of judicial administration including civil status, nationality, judicial records and certification.

### **Department of Judicial Support**

**Director:**

*Ms. Do Hoang Yen*

**Deputy Directors:**

*Mr. Nguyen Van Bon, Ms. Nguyen Thi Minh and Mr. Nguyen Khai Hung*

*Tel: 844-62739507*

*Fax: 844-62739359*

The Department of Judicial Support is an agency attached to the Ministry of Justice that has functions to assist the Minister of Justice in undertaking the state management in judicial support including lawyers, legislation consultancy, judicial verification, notarying, asset auction, commercial arbitration

### **Department of Planning and Finance**

**Director:**

*Mr. Nguyen Dinh Tap*

**Deputy Directors:**

*Mr. Pham Van Trong, Ms. Le Hai Yen,*

*Mr. Nguyen Tien Hung*

*Tel: 844-62739547*

*Fax: 844-62739359*

The Department of Planning and Finance is an organization attached to the Ministry of Justice assisting the Minister in performing the State management over planning and statistics; finance and accountancy; management and use of State's assets and investment in capital construction of the Ministry of Justice according to provisions of law.

### **Department of Personnel and Organization**

#### **Director:**

*Dr. Tran Van Quang*

#### **Deputy Directors:**

*Mr. Dinh Van Loc, Mr. Hoang Ngoc Thinh,*

*Mr. Nguyen Do Kien and Ms. Phan Thi Hong Ha*

*Tel: 844-62739365*

*Fax: 844-62739359*

The Department of Personnel and Organization is an organization attached to the Ministry of Justice assisting the Minister in performing the State management over organizational apparatus; payroll; officials, public employees and servants; training and fostering under the scope of management of the Ministry.

### **General Department of Execution of Civil Judgments**

#### **General Director:**

*Mr. Nguyen Van Luyen*

#### **Deputy General Directors:**

*Mr. Nguyen Thanh Thuy, Mr. Hoang Sy Thanh and Mr. Nguyen Van Son*

*Tel: 844-62739597*

*Fax: 844-62739359*

The General Department of Civil Judgment Enforcement is an organization attached to the Ministry of Justice which performs the functions of assisting the Minister of Justice in exercising the uniform management over civil judgment enforcement nationwide; exercising specialized management over civil judgment enforcement as stipulated by law.

### **Department of Examination of Legal Normative Documents**

#### **Director:**

*Mr. Le Hong Son*

#### **Deputy Directors:**

*Ms. Mai Thi Hoa and Mr. Dong Ngoc Ba*

*Tel: 844-62739655*

*Fax: 844-62739359*

The Department of Examination of Legal Normative Documents is an organization attached to the Ministry of Justice which performs the functions of assisting the Minister in exercising the uniform management over examination, review and systematization of legal normative documents; examining legal normative documents within the examining competence of the Ministry of Justice;

organizing the review and systematization of legal normative documents according to the provisions of law.

### **Department of Emulation and Commendation**

**Director:**

*Mr. Nguyen Ba Yen*

**Deputy Directors:**

*Mr. Pham Thai Ha, Mr. Le Van Duyen  
and Mr. Nguyen Anh Tuan*

*Tel: 844-62739565*

*Fax: 844-62739359*

The Department of Emulation and Commendation is a body under the Ministry of Justice that performs the advisory function to the Minister in state management over the cause of emulation and commendation that fall into the Ministry's jurisdiction in accordance with law.

### **Department of National Registry of Secured Transactions**

**Director:**

*Mr. Vu Duc Long*

**Deputy Directors:**

*Mr. Tran Dong Tung and Mr. Pham Tuan Ngoc*

*Tel: 844-62739675*

*Fax: 844-62739359*

The Department of National Registry of Secured Transactions is an organization of the

Ministry of Justice which performs the functions of assisting the Minister in exercising the uniform management over registration of secured transactions; organizing the registration of and information supply for secured transactions and other cases according to the provisions of law.

### **National Legal Aid Agency**

**Director:**

*Ms. Ta Minh Ly*

**Deputy Directors:**

*Mr. Tran Huy Lieu, Mr. Cu Thu Anh  
and Mr. Tran Quang Dai*

*Tel: 844-62739635*

*Fax: 844-62739359*

The National Legal Aid Agency is a body under the Ministry of Justice that performs the advisory function to the Minister in state management over legal aid in the national dimension; in implementation of professional management on legal aid in accordance with law.

### **Department of Child Adoption**

**Director:**

*Mr. Nguyen Van Binh*

**Vice Directors:**

*Mr. Nguyen Cong Khanh  
and Ms. Le Thi Hoang Yen*

*Tel: 844-62739695*

*Fax: 844-62739359*



The Department of Child Adoption is an organization of the Ministry of Justice which is established on the basis of the Department of International Child Adoption, and which performs the functions of assisting the Minister in exercising the State management over adoption; handling matters related to child adoption involving foreign elements according to the provisions of law.

### **Inspectorate**

#### **Director:**

*Mr. Ha Ke Vinh*

#### **Deputy Directors:**

*Mr. Nguyen Hong Dien, Mr. Nguyen Thang Loi and Mr. Hoang Quoc Hung*

*Tel: 844-62739575*

*Fax: 844-62739359*

The Inspectorate of the Ministry of Justice is an organization of the Ministry of Justice, which performs the functions of assisting the Minister in exercising the State management over the works of inspection, reception of citizens, handling of complaints and denunciation, prevention and combat against corruption within the management competence of the Ministry of Justice; undertake administrative inspection and specialized inspection in domains under the State management of the Ministry of Justice as prescribed by law.

### **Office of the Ministry of Justice**

#### **Director:**

*Mr. Le Hong Son*

#### **Deputy Directors:**

*Mr. Dam Van Tuan, Mr. Tran Tien Dung and Mr. Do Duc Hien*

*Tel: 844-62739321*

*Fax: 844-62739359*

The Office of the Ministry of Justice is a body under the Ministry of Justice that performs the advisory function to the Minister in leading, guiding, monitoring and management over the activities of the Ministry, the Branch; in formulation, synthesization, monitoring and supervision over the performance of the Ministry, of the Branch; It shall organize the performance of administrative work, to manage the in-and-out documents; to archive; to manage the technical infrastructure, assets, budget; to ensure working facilities, conditions to serve all performance of the Ministry and the internal management. The Office has its own seal and account in accordance with law.

### **Representative Office of the Ministry of Justice**

#### **Deputy Director:**

*Mr. Nguyen Thai Phuc*

*Tel: 848-38224543*

*Fax: 848-38224543*

The Representative Office of the Ministry of Justice in Ho Chi Minh City is the unit under the Ministry of Justice. The Representative

Office was established on the basis of the Permanent Unit of the Ministry's Office in Ho Chi Minh City. The Representative Office's functions are : To represent the Ministry of Justice in operations, in working relationship with organizations, agencies, individuals in provinces, centrally managed cities from Ninh Thuan upwards in the scope mentioned in this Decision and in specific tasks assigned by the Minister; to advise, assist the Minister to perform State management tasks over judicial fields in the Southern area as provided in this Decision and as assigned by the Minister; to cooperate with units under the Ministry to perform tasks in the fields of work falling with the management scope of the Ministry; and to ensure the conditions, working facilities in accordance with the working plan of the Ministry in the Southern area

### **Institute of Law Science**

**Director:**

*Mr. Le Hong Hanh*

**Deputy Directors:**

*Mr. Vo Dinh Toan and Mr. Nguyen Van Hien*

*Tel: 844- 35739006*

*Fax: 844-38237473*

The Institute of Law Science is the State scientific research body subordinate to the Ministry of Justice. The Institute's function is to study strategies, mechanisms, policies for development, improvement and implementation of law; development of the justice branch to meet the needs of State management

of the Ministry of Justice; to contribute to carrying out the administrative reform, judicial reform and building-up Vietnamese socialist State based on Rule of Law; to advise and assist the Minister of Justice to manage legal scientific research as provided by laws.

### **Hanoi Law University**

**Rector:**

*Mr. Hoang The Lien*

**Vice Rectors:**

*Ms. Nguyen Ngoc Hoa, Mr. Truong Quang Vinh and Ms. Nguyen Kim Phung*

*Tel 844-8344018*

*Fax: 844-8343266*

Hanoi Law University, a public university in the system of national education of the Socialist Republic of Vietnam, is a unit of the Ministry of Justice, having the functions of training law at undergraduate and postgraduate levels; doing scientific research, disseminating and consulting law.

### **Judicial Academy**

**Director:**

*Mr. Phan Chi Hieu*

**Deputy Directors:**

*Dr. Nguyen Van Huyen, Mr. Chu Hai Thanh and Dr. Nguyen Van Dung*

*Tel: 844-38360451*

*Fax: 844-38361267*

## Vietnam Law Newspaper

### Editor in Chief:

*Mr. Dao Van Hoi*

### Vice Editors in Chief:

*Mr. Dang Ngoc Luyen, Mr. Vu Hoang Diep  
and Ms. Tran Huong Mai*

*Tel: 844-37245180*

*Fax: 844-37245466*

Vietnam Law Newspaper is the organ of Ministry of Justice that has functions to inform about activities of the Ministry and Judicial sector, internal and international issues on politics, economic, socio-cultural; to disseminate and popularize directions, policies and laws of the Party and the State, activities of drafting and implementing laws and judicial missions to serve management requirement of the Ministry of Justice, to meet with society's demand on information, research and study on laws and operation of Judicial Branch, contributing to improve effectiveness and efficiency of state management by law, to promote democracy and to build Vietnam socialist rule-of-law state.

## Democracy and Law Journal

### Editor in Chief:

*Mr. Nguyen Van Tuan*

### Vice Editors in Chief:

*Ms. Phan Thi Tuyet Mai and Mr. Dang Vu Huan*

*Tel: 844-62739737*

*Fax: 844-62739359*

Democracy and Law Journal is an agency of the Ministry of Justice, which performs information function and is a research forum for discussion about jurisprudence, theoretical and practical information on drafting and implementing laws and judicial missions, contributing to dissemination of the Party's policies and law of the State, serving the requirements of state management, meeting the people's demand on legal research and understanding so as to enhance the effectiveness and efficiency of state management by law, to strengthen legal system, to promote democracy, to implement social equality and to build a Vietnam socialist rule of law state.

## Informatics Center

### Director:

*Mr. Nguyen Tien Dung*

### Deputy Director:

*Mr. Nguyen Chi Dung*

*Tel: 844-62739715*

*Fax: 844-62739359*

The Department of Information Technology is an organization attached to the Ministry of Justice which is established based on the Informatics Center of the Ministry of Justice, and which performs the functions of assisting the Minister in exercising the uniform management over application of information technology within the justice sector, organizing the application of information technology in

the domains under the management of the Ministry, and providing information technology services in accordance with the provisions of law.

### **Judicial Publishing House**

**Director:**

*Mr. Nguyen Tat Vien*

**Deputy Directors:**

*Mr. Nguyen Kim Tinh and Mr. Tran Manh Dat*

*Tel: 844-37676755*

*Fax: 844-37676745*

The Judicial Publishing House is a publishing agency operating in the cultural and spiritual fields with the function of publications serving the requirement of state management of the Ministry of Justice, so as to satisfy the demand to study, understand laws, train, foster law officials, disseminate and educate laws contributing to build up the State based on Rule of Law in Viet Nam

### **Vi Thanh Law Junior College**

**Rector:**

*Mr. Le Tien Chau*

*Tel: 84-7113870188*

Vi Thanh Law Junior College, a unit under the Ministry of Justice, has the functions to provide junior law training and professional training for officials and staffs of judicial sector, and legal research.

### **Buon Ma Thuot Law Junior College**

**Rector:**

*Mr. Hoang Ngoc Thinh*

**Deputy Rector:**

*Mr. Nguyen Hung Vua*

*Tel: 84500-3977379*

*Fax: 84500-3977379*

Buon Ma Thuot Law Junior College, a unit under the Ministry of Justice, has the functions to provide junior law training and professional training for officials and staffs of judicial sector, and legal research.

### **National Centre for Criminal Records**

**Director:**

*Mr. Nguyen Thanh Son*

**Deputy Directors:**

*Mr. Ngo Ngoc Thanh and Ms. Do Hoang Lan*

*Tel: 844-62739489*

*Fax: 844-62739359*

The National Centre for Criminal Records assists the Minister in development, management of the national criminal record data.

### **Department of State Compensation**

**Director:**

*Mr. Nguyen Thanh Tinh*

**Deputy Director:**

*Mr. Tran Viet Hung*

Tel: 844-62739438

Fax: 844-62739359

Department of State Compensation assists the Minister of Justice in performing the state management on the compensation in the fields of administrative management and judgment execution; in cooperating with the Supreme People's Court and the Supreme People's Procuracy in conducting the management of compensation in legal proceedings; and performing the administration of the (state) compensation.

### **SUPREME PEOPLE'S COURT**

No 48 Ly Thuong Kiet, Ha Noi, Vietnam

Tel: 844-39363528

Fax: 844-32321095

Under the Law on Organisation of the People's Courts, the Supreme People's Court is the Highest judicial body of the Socialist Republic of Vietnam.

### **ORGANISATION**

#### **Supreme People's Court**

**Mr. Truong Hoa Binh**

*Chief Justice*

**Mr. Dang Quang Phuong**

*Standing Deputy Chief Justice*

**Mr. Tran Van Tu**

*Deputy Chief Justice*

**Mr. Tu Van Nhu**

*Deputy Chief Justice*

**Mr. Tran Van Do**

*Deputy Chief Justice*

**Mr. Bui Ngoc Hoa**

*Deputy Chief Justice*

**Mr. Tuong Duy Luong**

*Deputy Chief Justice*

**Mr. Tong Anh Hao**

*Deputy Chief Justice*

**Mr. Nguyen Son**

*Deputy Chief Justice*

The Chief Justice of the Supreme People's Court shall be elected, dismissed or removed by the National Assembly on the Proposal of the State President; and is responsible before the National Assembly and is to report to the National Assembly. During the time when the National Assembly is not in session, he/she is responsible and reports to the Standing Committee of the National Assembly and the State President; and answers questions of the members of the National Assembly.

The Deputy Chief Justices of the Supreme People's Court are appointed, dismissed and

removed by the State President on the proposal of the Chief Justice of the Supreme People's Court.

The term of the Chief of Justice of the Supreme People's Court is the term of the National Assembly which is five years.

### **Justices' Committee**

Central Military Court, Criminal Division, Civil Division, Economic Division, Labour Division, Administrative Division and Appellate Division.

In any necessary, the Standing Committee of the National Assembly may establish other specialised courts on the request of the Chief Justice of the Supreme People's Court.

### **Function**

The Supreme People's Court is responsible for guiding other lower courts to apply laws uniformly and consistently; summarising court experiences; reviewing judgments of all level courts; reviewing judgments of the special court and other courts, unless otherwise provided by law when such courts are established; submitting draft laws to the National Assembly; and draft ordinances to the Standing Committee of the National Assembly in accordance with the provisions of the law.

### **Powers of the Supreme People's Court**

- To hear cases in reviewing or re-opening proceedings for judgments and decisions that have come in force and are protested under the provisions of the procedural law;
- To hear appeals and protests against judgments and decisions of the directly lower courts that have not yet come into force but have been appealed or protested; and
- To deal with other matters as provided by law.

## **SUPREME PEOPLE'S PROCURACY**

*No 48 Quang Trung Street, Ha Noi, Vietnam*

*Tel: 844-38255058*

*Fax: 844-38255400*

*Website: [www.vksndtc.gov.vn](http://www.vksndtc.gov.vn)*

In accordance with the 2002 Law on Organisation Supreme People's Procuracy, the Supreme People's Procuracy is a state body that exercise the right to prosecution and control of judiciary activities, and the right to contribute to the strict and uniform implementation of laws.

### **Organisation**

#### **The Supreme People's Procuracy**

**Mr. Nguyen Hoa Binh**

*Procurator General*

**Mr. Hoang Nghia Mai***Standing Deputy General Procurator***Mr. Tran Phuoc Toi***Deputy General Procurator***Ms. Nguyen Thi Thuy Khiem***Deputy General Procurator***Mr. Le Huu The***Deputy General Procurator***Mr. Tran Cong Phan***Deputy General Procurator*

The Procurator General of the Supreme People's Procuracy shall be elected, dismissed or removed by the National Assembly on the proposal of the State President; responsible before and report to the National Assembly. During the time when the National Assembly is not in session, he (she) is responsible and reports to the Standing Committee of the National Assembly and the State President; answers the questions of the members of the National Assembly.

The term of the Procurator General of the Supreme People's Procuracy is the term of the National Assembly.

The Deputy General Procurators of the Supreme People's Procuracy are appointed, dismissed and removed by the State President on the proposal of the Procurator General of

the Supreme People's Procuracy.

**The People's Procuracies of the provinces and centrally-run cities;****The People's Procuracies of the rural districts, urban districts, provincial capitals, provincial cities****The Military Procuracies.****Functions**

- Exercising the right to prosecution and control of law observance in the investigation of criminal cases by investigating bodies and other agencies tasked to conduct a number of investigating activities;
- Investing some types of offences against judiciary activities, committed by officials of judicial bodies;
- Exercising the right to prosecution and control of law observance in adjudication of criminal cases;
- Controlling the settlement of civil, marriage and family, administrative, economic and labour cases as well as other matters under the provisions of law;
- Controlling the law observance in the execution of judgments and decisions of the People's Courts;
- Controlling the law observance in the custody, detention, management and education of imprisonment debtors.

**In Charge of Publication**

H.E. MR. PHOV SAMPHY

**In Charge of Contents and Editors**

MR. CHAN SATHA

**Reviews**

MR. KU KHEMLIN

MR. BUNYAY NARIN

MRS. PEN SOMETHEA

**Assistant**

MR. KHIM TONGKHUONG

**Founded**

MINISTRY OF JUSTICE OF THE KINGDOM OF CAMBODIA

Printing House

KIM LONG PRINTING HOUSE





