



ASEAN
GOVERNMENT LAW DIRECTORY
6TH EDITION

PREFACE

The ASEAN Government Law Directory was first proposed at the 6th ASEAN Senior Law Officials Meeting held on 3-4 November 1999 in Singapore. Recognising the diversity of constitutional and legal structures in ASEAN Member States, it was agreed that the ASEAN Government Law Directory could serve as an information basis for ASEAN Member States. The Lao People's Democratic Republic, as the Chair of the ASEAN Senior Officials Meeting (ASLOM) and the ASEAN Law Ministers Meeting (ALAWMM) has published an updated version of the ASEAN Government Law Directory as mandated by the 10th ALAWMM held on 12 October 2018 to be used and utilized by all ASEAN Member States to check of each ASEAN Member States' Law Directory.

The ASEAN Government Law Directory consists of information of the key office holders in the legal establishment of each ASEAN Member State. It sets out the structure of the government, which emphasizes on the key legal departments and its responsibilities. It is hoped that the 6th Edition of the ASEAN Government Law Directory can serve as reference tool for communication and cooperation amongst ASEAN Member States.



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BRUNEI DARUSSALAM



ASEAN
GOVERNMENT LAW DIRECTORY
6TH EDITION

THE ATTORNEY GENERAL'S CHAMBERS

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

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ATTORNEY GENERAL

The Attorney General of Brunei Darussalam is the Honourable Dato Paduka Haji Hairol Arni Haji Abdul Majid. He was appointed on 9th August 2018.

Principal legal advisor

The Attorney-General is the principal legal adviser to the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam. Under Article 81(2) of the Constitution of Brunei Darussalam, 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. He is assisted by the Solicitor General, Assistant Solicitors General, counsel and legal officers, in advising and representing the Government in civil and criminal cases.

Instituting criminal proceedings

Under section 374(1) of the Criminal Procedure Code, the Attorney-General shall also be the Public Prosecutor vested with the power under the Constitution to institute, proceed and discontinue once instituted, any criminal proceedings. 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 along with rendering advice in their investigations.

Drafting legislation

The Attorney-General is also responsible for the drafting of legislation through the Legislation and Research Division, who works closely with other Government Ministries and Departments.

SOLICITOR GENERAL

The present Solicitor General is Madam Zuraini Haji Sharbawi.

ASSISTANT SOLICITOR GENERAL

There are at present two Assistant Solicitors General:

1. Madam Datin Hajah Hasnah Haji Ibrahim;
and
2. Madam Nor Hashimah Haji Muhammed Taib.



DIVISION OF WORK

There are currently five (5) divisions in the Attorney General's Chambers:

1. Civil Division;
2. Criminal Justice Division;
3. International Affairs Division;
4. Legislation and Research Division; and
5. Administrative and Finance Division.

CIVIL DIVISION

The Civil Division is headed by Madam Hajah Suhana Haji Sudin, Principal Counsel and comprises of three Advisory units, Debt Recovery Unit and Registry Unit.

The Advisory Units advise all Government Ministries, department and agencies (including statutory bodies) on a wide range of matters and legal issues.

Each Advisory Unit is responsible to provide legal services such as drafting, vetting and negotiating of contracts, deeds, memorandum of understandings and other legal documents and instruments, statutory interpretation and advisory work (including legislative proposals) for a wide range of matters that include land, agriculture, finance (including Islamic finance), oil and gas, defence, public health and environment, education, social welfare, employees provident fund, information communication and technology, electronic transactions, civil aviation, taxation, labour, ports, licences, tenancies and leases, government tenders and strategic procurements as well disciplinary actions against public officers.

The Civil Division also represents the Government in legal proceedings and alternative dispute resolution, including arbitration. The Debt Recovery Unit (DRU) plays a significant role in assisting the Government to recover debts owed to it, such as unpaid Government loans, rents, hospital charges, utility bills and municipal rates. Where litigation works are

outsourced to an external legal firm, the DRU officers will act as instructing solicitor and will also participate in the handling of the case at all stages, e.g. drafting affidavits and conducting witness interviews. The DRU also acts on behalf of the Attorney General under the Legal Profession Act in relation to the admission of new and foreign lawyers.

CRIMINAL JUSTICE DIVISION

The Criminal Justice Division is headed by Madam Suriana Haji Radin, Principal Counsel.

The Criminal Justice Division is a division under the Attorney General's Chambers that carries out the function of the Attorney General in his capacity as the Public Prosecutor. Officers of the Criminal Justice Division act as Deputy Public Prosecutors (DPPs) under the authority of the Public Prosecutor and exercise prosecutorial discretion in determining charges to be brought against defendants in criminal cases. The Division consists of three Litigation Units and one Special Duties Unit

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 prosecutions for all criminal offences committed in Brunei Darussalam, with a view to ensuring that the interests and safety of members the public are upheld at all times. The Criminal Justice Division also works closely with the various Law Enforcement Agencies in Brunei Darussalam in supervising and evaluating the results of their investigations and rendering legal advice 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, and include conducting seminars, lecturers 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 to Schools, Higher Educational Institutions and Private Agencies as well as Community Groups.

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 agreements from the context of domestic criminal law. The Criminal Justice Division is also involved in the negotiation of international agreements on criminal related matters. Officers of the Criminal Justice Division also attend International and Regional Conferences, Meetings and Workshops relating to Criminal Justice, amongst others, the International Association of Prosecutors (IAP), the Asia-Pacific Asset Recovery Interagency Network (ARIN-AP), the Asia-Pacific Group on Money Laundering (APG) and the Heads of Prosecuting Agencies Conference (HOPAC).

The Criminal Justice Division also works together with the Legislation and Research Division in reviewing, drafting and amending criminal law related legislation.

INTERNATIONAL AFFAIRS DIVISION

The Division is headed by Madam Elma Darlini Haji Sulaiman, Senior Counsel, and is comprised of four units that are each responsible for providing advice, coordination and action on specific areas in international law, namely, Economic Unit, Political Unit, Security Unit and Social-Cultural Unit.

The Economic Unit specialises in legal issues relating to the economic development of Brunei Darussalam that includes trade, investment, financial services, transport, tourism and intellectual property. The Unit is actively

involved in negotiations for all free trade agreements that Brunei Darussalam is party to. It also assists relevant government agencies in the drafting and vetting of bilateral and multilateral economy related agreements, and advises on matters relating to Brunei Darussalam's memberships to international organisations such as the International Monetary Fund, World Trade Organisation and Asia Pacific Economic Cooperation (APEC).

The Political Unit advises on Brunei Darussalam's diplomatic and political relations bilaterally, regionally and multilaterally, and ensures that such relations are consistent with Brunei Darussalam's laws, regulations and policies. Bilateral issues include political relations, land and maritime boundaries, visa exemptions, diplomatic privileges and immunities and legal cooperation. On a regional and multilateral level, the Unit advises on institutional aspects of regional and international organisations and also prepares position papers and national implementation reports that may be required for Brunei Darussalam to fulfil its obligations as a member of an organisation.

The Security Unit handles all matters pertaining to international cooperation and agreements that affect the security of Brunei Darussalam and its protection from international acts of violence, crime and harm. Matters under its purview include anti-terrorism, transnational crime, defence, and maritime security, transfer of prisoners, mutual legal assistance and extradition. The Unit represents the Attorney General's Chambers in the National Committee on Maritime Security and works closely with the Criminal Justice Division of the Attorney General's Chambers in the discharge of any responsibilities relating to international cooperation to combat and prevent crime, and in the preparation of reports for Brunei Darussalam's progress in implementing various international criminal conventions.



The Social-Cultural Unit focuses on regional and international matters that have a bearing upon cooperation on social welfare and cultural issues in Brunei Darussalam. It advises on Memorandums of Understanding and agreements on a wide range of matters that include consular matters, health, education, sports, labour, gender equality, women, children and the environment.

LEGISLATION AND RESEARCH DIVISION

The Legislation and Research Division is headed by Madam Pengiran Hajah Siti Rahmah Pengiran Haji Mohammad, Principal Counsel. The Division is divided into two Units, namely, Legislative Drafting Unit and Research Unit.

The Legislative Drafting Unit is responsible for drafting principal and subsidiary legislation required by the Government and statutory bodies to give effect to the policies of the Government of His Majesty the Sultan and Yang Di-Pertuan, in accordance with the Constitution of Brunei Darussalam and existing laws, regulations, policies, local customs and traditions.

The Legislative Drafting Unit is also involved in the preparation of the Malay texts of the legislation by working closely with the Translation Unit.

The Research Unit is responsible in preparing standard drafts, including Notifications, and conducts research on law-related matters as guidance for policy makers to formulate effective legislation. The Unit is also responsible for matters related to Legislative Council sessions and giving presentations on the Constitution of Brunei Darussalam, Law-Making Process etc.

The Research Unit works closely with the Law

Revision Unit and BruLaw Unit (both under the Research Unit) for the periodic revision of

the laws of Brunei Darussalam through the law revision process and the uploading of the laws onto the Attorney General's website respectively.

ADMINISTRATION AND FINANCE DIVISION

The Administration and Finance Division is responsible for ensuring the effective and efficient administration of the Attorney General's Chambers, by managing the non-legal administrative matters and human resource development for the Chambers.

The Division has two units under its purview, namely, Development and Communication Unit and Archive Unit. The Division also handles all media coverage on Attorney General's Chambers events and activities.

MUTUAL LEGAL ASSISTANCE SECRETARIAT

The Mutual Legal Assistance (MLA) Secretariat is the focal point in receiving requests on a reciprocal basis from foreign countries and is responsible in transmitting them to the relevant domestic law enforcement agencies in line with the requirements of the Criminal Matters Order 2005.

Types of assistance rendered include the 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.

In extradition matters, the Secretariat is also responsible in ensuring that requests are made in accordance with the Extradition Order, 2006, and that all necessary information is included in the requests to and from Brunei Darussalam.

Mutual Legal Assistance Secretariat

3rd Floor,



Attorney General's Chambers

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Brunei Darussalam

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atikah.junaidi@agc.gov.bn

christopher.ng@agc.gov.bn

THE JUDICIARY

Address: High Court, Supreme Court Building,
Jalan Raja Isteri Pengiran Anak Saleha, BA 1910

Bandar Seri Begawan

Negara Brunei Darussalam

Tel: (673) – 2 243939 to 46

Fax: (673) – 2 241984

Email: courts@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, and the Intermediate Court and the Subordinate Courts. The current Chief Justice is the Honourable Dato Paduka Steven Chong Wan Oon.

SUPREME COURT

Court of Appeal

The Court of Appeal is the highest Appellate Court for criminal cases and civil cases. However, in civil cases, parties to litigation may agree to refer the decision of the Court of Appeal to the Judicial Committee of Her Majesty's Privy Council in London. The Court of Appeal is presided by the President and two Judges. It hears appeal from the High Court and the Intermediate Court.

High Court

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

The High Court also hears cases in 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 to administer the admission of advocates and solicitors in Brunei Darussalam and the issuance of the annual Practising Certificates.

Intermediate Court

The Intermediate Court hear cases in Civil and Criminal matter. In Criminal cases, the Intermediate Court can hear cases where offences are punishable with imprisonment not exceeding 20 years. The Court can impose whipping and fine, but does not have the jurisdiction to hear offences involving Capital Punishment. In Civil cases, the Intermediate Court can hear claims of up to \$300,000. The decision made by the Intermediate Court are appealable to the Court of Appeal.

Subordinate Courts

The Subordinate Courts include Magistrate Courts, Juvenile Courts and Small Claims Tribunals.

The Magistrate Courts adjudicate both Civil and Criminal cases. Majority of cases are heard by the Magistrates' Courts. They are situated in all four (4) districts of Brunei Darussalam, namely, in Bandar Seri Begawan, Kuala Belait, Tutong and Temburong.

Juvenile Court

The Juvenile Court is presided by a Juvenile Court Magistrate., which sits in all four (4)



districts, namely, Bandar Seri Begawan, Tutong, Kuala Belait and Temburong. The Juvenile Court deals with three (3) categories of cases, namely, criminal offences committed by juveniles 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.

Small Claims Tribunal

The Small Claims Tribunal was established on to provide an efficient, informal and inexpensive forum to resolve contractual disputes such as sales of goods, provision for services and claims arising from damages to property. The Tribunal has jurisdiction to hear claims of not exceeding BND \$10,000.

The fee for filing a claim in Small Claims Tribunal is nominal. The fee for claims not exceeding \$5,000 is \$10.00. Whereas for claims exceeding \$5,000.00, the filing fee is \$20.00.

The Small Claims Tribunal has two stages process, namely, the Consultation Stage and the Adjudication Stage. During the Consultation Stage, parties are able to negotiate and reach an amicable settlement. In the event negotiation failed during the consultation stage, the dispute will then be referred to an adjudicator.

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 in all four (4) districts, namely, the Brunei-Muara District, Belait District, Tutong District and Temburong District.

Syariah Courts are able to hear both criminal and civil cases where written law confers jurisdiction on to the Syariah Courts. Decisions of the Syariah Subordinate Courts are appealable to the Syariah High Court. Appeals from the Syariah High Court may be heard in the Syariah Court of Appeal.

The Syariah Courts also hear applications for the Adoption of children and inheritance concerning Muslims families.

A further function of the Syariah Courts is the administration of the admission of Syar'ie lawyers. The Syar'ie Lawyers Committee was established to assist the Chief Syar'ie Judge to deal with matters relating to Syar'ie lawyers, such as the issuing of Syar'ie Lawyer Certificate and the Certificate of Annual Practice and to regulate the discipline of the Syar'ie Lawyer as stipulated under Syariah Court (Syar'ie Lawyers) Rules 2002.

The administration of the Syariah Courts is managed by four 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 Rujū'.

Syariah Court of Appeal

The Syariah Court of Appeal is the highest Appellate Court for Syariah cases. It deals with the appeal and revisionary cases from the Syariah High Court, both in civil and criminal cases. An appeal or revisionary in the Syariah Appeal Court is heard and determined by a Chairman and any of the Syariah Appeal Court



Judges as specified by the Chief Syar'ie Judge. The Chief Syar'ie Judge or in his absence, the most senior amongst the Syariah Appeal Court Judges, will be Chairman in every proceeding in the Syariah Appeal Court.

Syariah High Court

The Syariah High Court has unlimited jurisdiction in criminal and civil cases in Syariah matters. It also hears appeal from the Syariah Subordinate Courts.

Syariah Subordinate Courts

The Syariah Subordinate Courts hear both criminal and civil cases in Syariah matters. The Syariah Subordinate Courts sit in all four (4) districts, namely, the Brunei-Muara District, Belait District, Tutong District and Temburong District. In the criminal jurisdiction, the Court may hear cases where offences are punishable under the Syariah Penal Code Order 2013(S69/2013) which carries the maximum punishment not exceeding \$28,000 or an imprisonment of not exceeding 7 years or both. In matters relating to Islamic Family Law, the Courts' may hear cases where the maximum punishment is not exceeding \$10,000 or an imprisonment of not exceeding 7 years or both. Under the Courts' civil jurisdiction, it is able to hear all actions and proceedings which the Syariah High Court is empowered to hear, with a value of not exceeding \$500,000.00.

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

The Registry deals with the application for marriages, registrations, issuing marriages certificates, divorce certificates, annulment and ruju' certificates. It also conducts investigation on all requirements of "Syara" relating to a marriage and ruju

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)2242566

Fax: (673)2238898

Website: <http://www.religiousaffairs.gov.bn/>

The Department of Syari'ah Affairs is headed by a Director, and is assisted by an Assistant Director. The Department is comprised of the Administration, Halal Food Control and Family Counselling.

The functions and responsibilities of the Department are as follows:

- Ensuring food and consumable items sold in the market are halal and sacred;
- Inspecting and examining meat to ensure they are slaughtered in compliance with syari'ah;
- Carrying out services of family counseling and pre-marriage courses; and
- Ensuring Muslims in the country upholds the Islamic religion according to Ahli Sunnah Wal Jamaah and Mazhab Syafie.

The Department of Syariah Affairs 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 sold the market;
- To ensure meats distributed in the country conform with the halal requirements;



- To assist the society in matters pertaining to Islamic family; and
- To update programmes relating to faith / aqidah.

**ISLAMIC LEGAL UNIT,
MINISTRY OF
RELIGIOUS AFFAIRS**

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

Tel: (673) 2382525; (673)-2-381399

Fax: (673) 2371401 Website:
<http://www.religiousaffairs.gov.bn/>

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

To ensure the smooth running of its tasks, the Unit is divided into five (5) divisions, namely, Administration Division, Adaptation Division, Drafting Division, Prosecution Division and Legal Advice Division.

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 render Islamic legal advice to government agencies, non- governmental organizations, individuals and public sectors; and
- To provide clear explanations regarding Islamic Laws presently in force in Brunei Darussalam.

**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) 2382541

Fax: (673) 2381141

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

The Department is established to meet the Government’s printing requirements, amongst others, printing of law materials such as Government Gazettes, Law Revisions of Brunei Darussalam, Judgments of the Courts of Brunei Darussalam, Deeds, Instruments of Appointment; general materials such as forms, folders, letterhead, receipts, cards, books, magazines, diaries, reports, prospectors, leaflets, brochures and pamphlets; Religious Books such as Mushaf Al-Quran, Surah Yassin, Takhtim and Dzikir, and Security Printing such as certificates, licences and authorization cards.



CAMBODIA



ASEAN
GOVERNMENT LAW DIRECTORY
6TH EDITION

THE MINISTRY OF JUSTICE

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

E-mail: justice@camnet.com.kh

Website: <http://www.moj.gov.kh/>

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<https://www.facebook.com/mojcambodia/?f=ts>

Minister of Justice

In this 6th mandate of the new government, His Excellency ANG Vong Vathana is Minister of Justice of the Ministry of Justice of the Kingdom of Cambodia. The Ministry of Justice has jurisdiction to guidance and governance on the judiciary of the Kingdom of Cambodia.

The Ministry of Justice has functions and duties as following:

- To protect independence of Judges to carry out their duties;
- To ensure the fairness and equity for all individuals before the law;
- To organize and review the functioning of court administration and prosecution office;
- To organize, direct, manage and review the prosecution office;
- To ensure the proper operation of the courts;
- To ensure the enforcement of laws and decisions of the courts and prosecutions;
- To follow-up, monitor the implementation of laws, judgments, and all decisions made by courts and prosecution offices;
- To organize, manage and compile courts decisions;

- To inspect the courts and prosecution offices when there are complaints filed by natural person or legal entity;
- To ensure the functioning of the General Secretariat of the Supreme Council of Magistracy;
- To monitor detention centers and prisons to make sure that the laws have been applied;
- To prepare the bills and other regulations relating to judicial matters;
- To review and provide legal opinions on the bills of other ministries and institutions;
- To prepare and draft the instructions to apply the laws regarding judicial matters;
- To direct and supervise the Royal Academy for Judicial Professions;
- To direct and oversee the judicial assistants and staff working in the judiciary;
- To research, conduct training, educate, and disseminate laws in judicial matters;
- To monitor the education and dissemination on laws in judicial matters;
- To involve with international relationship and relevant legislations concerning judicial matters;
- To monitor and issue the criminal records
- To receive and prepare the application for pardon in accordance with laws;
- To manage all civil servants working under the supervision of the Ministry;
- To supervise judicial officers and other professionals in judicial matters;
- To handle the budget for the Ministry of Justice, courts, prosecution offices, Access to Justice Offices, and the Supreme Council of Magistracy.

The Ministry of Justice consists of the following structures:

1. Cabinet of the Minister;
2. General Secretariat;



3. General Department of Court Administration Affairs;
4. General Department of Prosecution and Criminal Affairs;
5. General Department of Civil Affairs;
6. General Department of Justice Development;
7. General Inspectorate of Court Affairs; and
8. Department of Internal Audit.

The Cabinet of the Minister

The Cabinet of Minister is in charge of undertaking missions determined by Sub-Degree No.20 ANK/BK, dated 30th April 1996, on the Organizing and Functioning of the Ministry and the State Secretariat.

General Secretariat

The General Secretariat has duties to assist the Ministry in coordination and management of administration affairs, personnel, planning, statistics, finance and information technology of the Ministry and other subordinate institutions, except the court administration institution.

General Secretariat consists of four departments as following:

- Department of Administration Affairs;
- Department of Financial Affairs;
- Department of Personnel Affairs; and
- Department of Consolidation Report, Archive and Information Technology.

a) Department of Administration Affairs

The Department of Administration Affairs has the following duties:

- To coordinate administration management at central level, and between the central level and base units;
- To ensure administrative effectiveness and safety, and social affair management at the Ministry;

- To organize meetings, conferences, seminars, protocols and other ceremonies within the Ministry;
- To organize and maintain infrastructures of the Ministry;
- To monitor security, order, and cleanliness within the Ministry;
- To monitor and manage the traffic of administrative documents of the Ministry;
- To prepare the information service;
- To coordinate with newspapers and medias;
- To prepare and publish the bulletins for the Ministry;

b) Department of Financial Affairs

The Department of Financial Affairs has the following duties:

- To manage budget and finance of the Ministry of Justice and the other subordinate institutions, except the budget and finance of the court administration institution;
- To gather all requests, prepare the incomes and expenses, manage equipment, handle construction works of the Ministry and the subordinate institutions, except the court administration institution;
- To collect and coordinate all incomes and expenditures of the Ministry;
- To manage all movable and immovable properties, inventories and stocks belong to the Ministry;
- To regularly manage the invoices and accounting works;
- To manage and handle the incomes in accordance with the financial law;
- To organize computing system for financial activities and operational accounts;
- To operate the public procurement of the Ministry;
- To propose the economic, social, and public investment planning for the Ministry;



- To propose budget planning for the Ministry and follow-up the operations;

c) Department of Personnel Affairs

Department of Personnel Affairs has the following duties:

- To manage all civil servants working for the Ministry of Justice in collaboration with the Ministry of Public Functions, except the personnel of court administration institution;
- To prepare for recruitment, appointment, promotion, transfer, retirement in accordance with the laws;
- To prepare and propose for the working medals and other honorable gifts to the leaders, civil servants and foreign legal experts at the Ministry for their good performance.
- To determine the official ranks and personnel numbers including all information relevant to activities of the subordinate institutions the Ministry;
- To prepare all the administration documents for professional management;
- To prepare personnel statistics and information for the operation;

d) Department of Consolidation Report, Archive and Information Technology

The Department of Consolidation Report, Archive and Information Technology has the following duties:

- To apply the instructions and decisions of the Royal Government on the tasks relevant to development of information and telecommunication technology;
- To organize, establish, and strengthen strategy and policy of information and telecommunication technology with efficiency and transparency;

- To manage the general tasks relevant to development of the information and telecommunication technology for judicial matters;
- To organize, manage, connect networks, repair, and maintain hardware and software of computer system belonging to the Ministry to ensure efficiency of database management for enhancing the judiciary;
- To organize and monitor the websites and other social networks of the Ministry and courts;
- To propose the strategic plan for the information technology;
- To have cooperation with national, regional, and international frameworks relevant to development of information and telecommunication technology for the Ministry and judicial system as the whole;
- To hold training and dissemination on the use of information technology management, computer programs for the officials in the Ministry and public servants working in judicial field;
- To collect and compile all the documents for dissemination on the information technology system;
- To organize, compile, and manage database system of the Ministry and involve with system development;
- To organize, monitor and develop the library of the Ministry;
- To administer the filing system for the administration documents of the Ministry and the decisions of the courts;
- To create the effective security and filing system for the Ministry and courts;

General Department of Court Administration Affairs

The General Department of Court Administration Affairs has roles and duties to assist the Ministry of coordination, management,



monitoring court administration, and prosecution. These include public affairs, administrative proceedings, financial affairs, personnel affairs, research, dissemination, and training on the laws in the court administration affairs. The General Department promote an awareness of using technology as the tools for supporting the administrative works, registration and case management to foster and ensure the fairness.

The General Department of Court Administration Affairs consists of four departments:

- Department of Court Administration Affairs;
- Department of Court Financial Affairs;
- Department of Court Personnel Affairs; and
- Department of Research, Dissemination, and Training on Court Administration.

a) Department of Court Administration Affairs

The Department of Court Administration Affairs has the following duties:

- To communicate and coordinate on administrative tasks with the central institution and the court administration institutions;
- To coordinate for supporting administrative service management to the courts and prosecution offices;
- To coordinate the management and instruction on the administrative tasks including public affairs, registration system, deposit system, case management, and administrative procedure to the courts and prosecution offices;
- To ensure effectiveness, administrative safety, public order, and management of social works for the courts and prosecution offices;
- To prepare regulations relevant to the organization and functioning of the court administrations;

- To cooperate with the foreigner, organizations and other institutions on the tasks associated with the administration, case management and the public affairs of the courts and prosecution offices;
- To receive, compile, deposit, and publish the court judgments;
- To receive, compile, deposit, and publish the reports, statistics, and data of the tasks of personnel, administration, and finance of the court administration institution;
- To review the administrative process of the administration institution of the courts and prosecution offices;
- To review and advise on complaints or intervention application relevant to the court administration institution and may conduct inspection as needed;
- To organize the meetings, conferences, seminars to collect all information and experiences to develop the administration system of the courts and prosecution offices;
- To follow-up, monitor, and evaluate the effectiveness of the administrative management and case management of the courts and prosecution offices;
- To develop the information management and other technologies necessary to facilitate and ensure the efficiency of the system management and administrative proceedings of the courts and prosecution offices;
- To organize, manage, connect networks, repair, maintain computers, information technology tools and software of the courts and prosecution offices to ensure effectiveness of data management and to promote the process of justice services;
- To coordinate, follow-up, and guide, monitor, and evaluate the efficiency of the management, deposit, security, and bail of court administration institution;

b) Department of Court Financial Affairs



The Department of Court Financial Affairs has the following duties:

- To coordinate, prepare budget and financial management for the operations of the courts and prosecution offices;
- To coordinate and manage the supporting financial services to the operations of the courts and prosecution offices;
- To participate in defending budget planning of the courts and prosecution offices;
- To manage, monitor, and guide the courts and prosecution offices on financial affairs;
- To collect and handle the income of the administration institution of the courts and prosecution offices which are litigation costs, filing fees, and other revenues in accordance with the laws;
- To coordinate, receive the request, prepare income and expenses, manage the incomes and expenditures, equipment and organize the repairmen to the courts and prosecution offices;
- To coordinate, monitor and manage all the movable and immovable properties, inventories and stocks for the courts and prosecution offices;
- To coordinate and monitor the public procurement, receive and distribute equipment to courts and prosecution offices;
- To coordinate and manage the invoice and accounting works regularly;
- To coordinate, manage and handle income in accordance with the financial law;
- To organize in computing system for the financial activities and operational accounts;
- To organize budget, finance and public investment plans for establishing the other regional Appellate Courts;
- To organize economic, social, and public investment plans for the courts and prosecution offices;
- To participate in disseminating and training relevant to the court financial affairs;

- To make action report for month, trimester, semester, 09 months, year to the supervisory office; and
- To carry out other duties entrusted by the Minister.

c) Department of Court Personnel Affairs

The Department of Court Personnel Affairs has the following functions:

- To manage all the personnel including the administration officials, legal experts, and the staff of the courts and prosecution offices;
- To coordinate and manage the supporting services the process of courts and prosecution offices;
- To organize the recruitment, appointment, promotion, transfer the administrative officials and the personnel of the administration institution and the courts and prosecution offices in according with the laws;
- To prepare and propose the working medals and other honorable gifts for the officials and personnel of the court administration institution for their good performance;
- To determine the official ranks and staff numbers including all information relevant to activities of the courts and prosecution offices;
- To prepare all administrative letters for management of professions and functions as well as other documents relating to personnel affairs of the courts and prosecution offices;
- To involve in evaluation of the requirements of human resources, training to the administrative officials and personnel of the court administration institution;
- To take part in organizing dissemination and training on the subjects relevant to personnel tasks of the court administration;
- To set plan for determining the number judges, prosecutors, and other court



professions according to the proportion of the people living in the municipality and province for the operation of courts and prosecution offices;

- To manage the officials and interns of court administration institution who carry out their duties at the courts, prosecution offices, and other institutions;
- To prepare the plan and the human resource requirement to operate the regional appellate courts;
- To determine and manage the wage regime and other bonus regimes of the courts and prosecution offices;
- To follow-up, monitor and evaluate the effectiveness of the personnel management affairs of the court and prosecution offices;

d) Department of Research, Dissemination, and Training on Court Administration

The Department of Research, Dissemination, and Training on Court Administration has the following duties:

- To create the vision for strengthening, moderating and developing the court administration management system as a whole in the Kingdom of Cambodia;
- To research and evaluate the requirements of dissemination, training;
- To organize the human resources capacity building programs and other relevant training to ensure the effectiveness of the performance of the court administration institution;
- To organize dissemination and training on subjects concerning to the court administration affairs to the officials of the courts, prosecution offices, and the relevant officials;
- To do research on the process of the court administration system of other countries and

compile the documents and file them in the library of the Ministry and publish them;

- To propose the plan for selecting and training the officials, interns, and personnel of the court administration institution;
- To coordinate and select the staff of the court administration for study and exchange program abroad;
- To coordinate and cooperate with Ministry of Justice and civil societies as well as international organizations involving in disseminations, training and capacity building of officers of court administration;
- To set the plan for training courses for court administration officials under the Ministry of Justice;
- To study and evaluate the efficiency of the disseminations and training on court administration;
- To organize dissemination works on court administration via other Medias;
- To compile law documents and commentary on court administration for the dissemination and training in effective ways;
- To organize and manage printing works on regulations involving in court administration;

General Department of Prosecution and Criminal Affairs

The General Department of Prosecution and Criminal Affairs have roles and duties to assist Ministry in coordination and examine on prosecution affairs, criminal affairs, juvenile justice affairs, amnesty, pardon, release on bail, and research, dissemination affairs, training on laws in criminal justice matters and also preparing strategic plan to develop the technical works in criminal justice matters under the whole of jurisdiction networks.

The General Department of Prosecution and Criminal Affairs consists of 6 departments:



- Department of Prosecution and Punishment Implementation Affairs;
- Department of Criminal Affairs and Juvenile Justice;
- Department of Criminal Records Affairs;
- Department of Mutual Legal Assistance in Criminal Matters and Extradition;
- Department of Legislative Affairs and Criminal Statistic; and
- Department of the Research, Dissemination and Law Training in Criminal Matters.

a) Department of Prosecution and Punishment Implementation Affairs

The Department of Prosecution and Punishment Implementation Affairs has the following duties:

- To arrange the action plans and working programs for the Department of Prosecution affairs including strengthening the efficient work of the Department;
- To examine and rehabilitate the judicial police officers;
- To coordinate, follow-up and monitor the works and law implementation activities of the prosecution offices at all levels;
- To issue and examine the implementation on criminal policies and also take necessary measures to assure the effectiveness of this works implementation;
- To review and take necessary actions on work management and arrange the evidence items in courts and prosecution offices including the auction the items;
- To follow-up and examine every decision involving the charge and hold a pending case;
- To follow-up and review all decisions relevant to prosecution and charge dropping;
- To follow-up, review, and evaluate the execution of judgments, and decisions of courts and prosecutions of all levels;

- To monitor the detention centers and prisons to enforce the law;
- To follow-up and monitor the punishment enforcement;
- To examine and provide comments on the intervention request involving with other prosecution offices and may conduct inspection if necessary;
- To participate in drafting laws and regulations involving the prosecution affairs;
- To participate in examining and giving comments on the drafted laws and regulations organized by the Ministry or other institutions involving in prosecution affairs;
- To communicate with national and international organizations in prosecution affairs and human rights.

b) Department of Criminal Matters and Juvenile Justice

The Department of Criminal Affairs and Juvenile Justice has the following duties:

- To organize the action plans and working activities of the department as well as taking the measures to strengthen the working effectiveness of the department;
- To organize and manage the amnesty and release on bail;
- To examine and give comments on the application for pardon and amnesty;
- To prepare documents and draft the Royal Decrees to the National Committee for pardon and amnesty;
- To prepare documents and Prakas for the National Committee to review and decide on the application for the release on bail;
- To review and follow-up the implementation of the Royal Decree on pardon and amnesty;
- To study and compile of Juvenile Friendship Procedures to be implemented in all courts;



- To study and compile the national and international criminology data system in connection with juvenile affairs;
- To participate in organizing the vocational training relevant to the juvenile affairs to the judges and prosecutors and other law enforcement officials;
- To provide legal aid for juvenile and the poor people;
- To strengthen and monitor the implementation of the Juvenile Friendship Procedures for minors at the trial courts;
- To enhance and oversee the law enforcements including detention, criminal punishment, rule enforcement for juvenile;
- To participate in drafting legislation and regulations relevant to the criminal affairs;
- To take part in the relevant Ministries for negotiation on the international conventions and treaties involving the criminal matters;

c) Department of Criminal Record Affairs

The Department of Criminal Record Affairs has the following duties:

- To organize the action plan and working schedules for the department and take necessary steps to strengthen the working effectiveness of the department;
- To organize, manage, and store criminal record lists;
- To prepare, monitor and handle the Criminal Record Book,
- To register the fact sheets of all type of punishments;
- To response to the factsheet relevant to the persons who were born abroad and the persons whose identities cannot certified or doubtful;
- To ensure the rehabilitation into the society;
- To review the date of the punishment execution or physical punishment;

- To organize the application form for the criminal record to the nationals and foreigners;
- To disseminate information and formalities for criminal record application on computer system;
- To provide guideline to fill in the criminal record application and attached documents to nationals and foreigners;
- To issue the bulletin numbers 1, 2, and 3;
- To translate foreign languages on the criminal records;
- To receive and review the criminal record application from national and international and other institutions;
- To compare the recorded extract in parts or the whole which was registered in criminal record list or criminal bulletin;
- To examine and receiving the notification from the prison about the date of serving punishment or physical punishment;
- To review and receive notification from the prisons about the date of sentence execution and physical punishment;
- To receive notification from National Treasury about the date for penalty payment and proceeding fees;
- To be responsible for the Issuing Book number to be registered on criminal bulletin;
- To arrange, manage, and deposit the corresponding documents and other materials of the department;

d) Department of Mutual Legal Assistance in Criminal Matters and Extradition

The Department of Mutual Legal Assistance in Criminal Matters and Extradition has the following duties:

- To prepare the action plans and working schedules of the department and take



- necessary steps to strengthen working effectiveness of the department;
- To organize and coordinate the requests for mutual legal assistance in criminal matters, extradition and the transfer of prisoners;
 - To ensure the operations and functioning of cooperation with international criminal court and guarantee the enforcement of the Initial Submission in criminal matters in the international level;
 - To examine, discuss, and prepare the draft international treaties involving mutual legal assistance in criminal matters, extradition and transfer of prisoners with other parties;
 - To coordinate and arrange with other expertise departments of the Ministry on any legal documents involving in cooperation programs, memorandum of understanding, extradition and legal agreements in criminal matters;
 - To communicate with international institutions, Ministries, or other agencies on terrorism, anti-drug, anti-money laundering, human trafficking, human smuggling and other transnational crimes;
 - To manage the database system and follow-up the requests for assistance to ensure the solution with effectiveness and expeditiousness;
 - To involve with experience exchange, participating in workshop, and meeting in Cambodia and abroad involving mutual legal assistance in criminal matters, extradition, transfer of prisoners and transnational crimes;
 - To organize technical training on procedure of mutual legal assistance in criminal cases, extraditions, and transnational crimes;
 - To disseminate internal treaties covering reciprocal legal assistance in criminal matters, extradition, transfer the prisoners, and United Nations Convention concerning transnational crime;

- To organize strategic plan in long, medium, and short term and programs with development partners;
- To arrange report on mutual legal assistance in criminal matters, extradition, and transfer of prisoners;

e) Department of Legislative Affairs and Criminal Statistics

The Department of Legislative Affairs and Criminal Statistics has the following duties:

- To create the vision to strengthen, improve, and develop legal system in criminal matters;
- To research, review, and give comments on the issues related to criminal affairs;
- To organize action plan and working programs of the department and take action to strengthen the working effectiveness of the department;
- To draft laws and regulations relating to the organization and functioning of the courts, prosecution offices, and regulations related to criminal matters;
- To review and follow-up the enforcement of law in criminal matters;
- To prepare commentary for some main criminal laws for dissemination;
- To organize the list of legal questionnaire and answers involving basic rights of person in court procedure for dissemination;
- To propose the project of drafting laws and other regulations involving criminal matters;
- To cooperate with foreign institutions and other organizations on national and international legislative affairs involving criminal cases;
- To review and provide opinion on requests concerning the application of the Criminal Code and Code of Criminal Procedure;
- To conduct dissemination and training on laws relating to criminal matters;
- To study and compile database on national and international criminology;



- To collect data on judgments, criminal judgments and other decisions involving criminal cases in all levels of courts;

f) Department of Research, Dissemination and Law Training in Criminal Matters

The Department of Research, Dissemination, and Law Training in Criminal Matters has the following duties:

- To organize action plans and working programs of the department and take measure to strengthen the working effectiveness of the department;
- To research and evaluate the situation of the need for dissemination, training on law concerning criminal matters;
- To propose plans and arrange programs on disseminations, to train on law in criminal cases to the court officials, law enforcement personnel, officials under Ministry of Justice, legal professionals and the publics;
- To research on process of criminal justice system of other countries to make documents to store them in the library of the Ministry and publish them;
- To coordinate with other related organizations in training for judges, prosecutors, clerks, notaries, bailiffs and assistant judicial officials in criminal matters;
- To facilitate and cooperate with the Ministry of Justice and civil society organizations involving disseminations, training in criminal matters to promote and strengthen the human resources capacity;
- To organize the dissemination of laws in criminal matters through Medias;
- To compile legal documents and explanation in criminal matters for effectively disseminate and training;
- To organize and publish legal regulation involving criminal matters;

- To manage and distribute law books, legal documents and other related documents for criminal development;

General Department of Civil Affairs

The General Department of Civil Affairs has duties to assist the Ministry in coordination, and management of civil affairs, family matters, registration of spouse property, registration of legal entity in accordance with law, research, disseminations, and training laws in civil matters, mediation mechanism and local justice, as well as prepare a strategic plan for technical development of civil matters on its jurisdiction network.

The General Department of Civil Affairs consists of 5 departments:

- Department of Legislative Affairs and Civil Statistics;
- Department of Registration and Deposit Affairs;
- Department of Mediation and Local Justice;
- Department of Mutual Legal Assistance in Civil Matters; and
- Department of Research, Dissemination, and Legal Training in Civil Matters.

a) Department of Legislative Affairs and Civil Statistics

The Department of Legislative Affairs and Civil Statistics has the following duties:

- To draft bills and regulations involving in civil affairs;
- To monitor and provide comments on issues involving in civil affairs;
- To make project of drafting laws and regulations involving in civil matters;
- To cooperate with foreign and other organizations on national and international legislation involving in civil cases;



- To monitor and provide comments for the bills of the Ministry and relevant institutions involving in civil matters, commercial laws, social laws, and intellectual property rights;
- To coordinate and follow-up the implementation of decisions involving civil cases;
- To review, consult, negotiate, and conclude the international treaties involving in private laws, social laws, and intellectual property rights;
- To conduct dissemination and training on laws relating to civil matters;
- To collect and compile data on judgments and decisions involving in civil cases of all courts;

b) Department of Registration and Deposit Affairs

The Department of Registration and Deposit Affairs has the following duties:

- To prepare legal regulations, formalities, and procedures for registration of contract, spouse property, legal entity, deposit, security, and bailment in accordance with the Civil Code and Code of Civil Procedure;
- To prepare, manage, handle, and monitor the systems of registration of contract, spouse property, legal entity, deposit, security, and bailment in accordance with the Civil Code and Code of Civil Procedure;
- To participate in monitoring and giving comments on the bills and regulations involving in registration of spouse property, legal entity, deposit, security, and bailment;
- To educate and disseminate citizens and organizations on registration system of contract, spouses property, legal entity, deposit, security, and bailment;
- To conduct dissemination and technical training involving in registration of spouse property, legal entity, deposit, security, and bailment;

- To develop and monitor information technology works and other necessary technologies to push and enhance the effectiveness of database system management of registrations of spouse property, legal entity, deposit, security, and bailment;
- To compile and publish documents involving in registration of spouse property, legal entity, deposit, security, and bailment;
- To follow-up, monitor and evaluate the work effectiveness of registration of spouse property, legal entity, deposit, security, and bailment.

c) Department of Mediation and Local Justice

The Department of Mediation and Local Justice has functions and duties as following:

- To oversee and establish Justice Service Centers in municipality, district, Khan and also strengthen and develop mediation mechanisms at local level to enhance access to justice for people and provide justice services closer to people;
- To ensure legal consultation services and coordinate to provide proper due process of alternative dispute resolutions mechanisms (ADR);
- To participate in dissemination and training programs on laws and procedures of ADR for authorities and people living in municipal, district/Khan, and commune/Sangkat;
- To organize training programs on technical skills of mediation to strengthen capacity of subordinate officers and concerned authorities;
- To oversee and provide opportunity to officials to participate in training, local and international study tours;
- To draft laws and regulations relation to the operation of Justice Service Center and mediation at local level;



- To conduct monitoring and evaluation, and prepare plan, and vision for developing justice sector for subnational level in Municipality, District/Khan, Commune/Sangkat;
- To cooperate with local and international development partners to technical and financial supports;
- To conduct monitoring and evaluation on the effectiveness of the dispute solution and consultation process;
- To conduct research, compile and publish documents related to technical procedure of mediation and other legal services;
- To provide mediation services in place where the responsible Justice Service Center or commune committee cannot solve or the local unit so request;
- To monitor and solve the administrative issues happened in any Justice Service Center with concerned local authority;
- To prepare budget plan for operation and development of Justice Services Centers;
- To participate in defending budget plan of justice services center;
- To manage infrastructures, property, and equipment of justice services center;
- To manage, coordinate, monitor and evaluate the operation of justice services center;
- To manage officers of justice services center, including to recruit, appoint, replace, punish, and terminate officers of justice services center;
- To prepare award and medal for officers of justice services center;

d) Department of Mutual Legal Assistance in Civil Matters

The Department of Mutual Legal Assistance in Civil Matters has functions and duties as following:

- To prepare action plans and working plan for the Department;

- To prepare and coordinate the request for mutual legal assistance in civil matters;
- To coordinate and ensure well process of international cooperation involving in implementation of international investigation of civil matters, implementation of court decision in civil matter, and International Arbitrations awards;
- To study, discuss, and prepare international treaty involving in mutual legal assistance in civil matters;
- To cooperate with concerned units in the Minister to prepare any cooperation program documents, MOU, and agreement in civil matters;
- To manage database system related to MLA request;
- To conduct exchange visits, participate in seminars and other meetings involving in mutual legal assistance in civil matters inside and outside the country;
- To participant in preparing technical training programs on mutual legal assistance in civil matters;
- To participate in organizing dissemination program on international treaty involving in mutual legal assistance in civil matters;
- To prepare long, medium, and short-term strategic;

e) Department of Research, Dissemination, and Law Training on Civil Matters

The Department of Research, Dissemination, and Legal Training on Civil Matters has functions and duties as following:

- To research and evaluate situation of the need of disseminations, law training, and on service training in civil matters;
- To propose and Organize the program of disseminations, law training and on service training in civil matters for court officers, law



- enforcement personnel, and the Ministry's officials, legal professions, and publics;
- To research on process of civil justice system of other countries to compile documents for archiving at the Ministry library and publishing;
 - To coordinate and cooperate with the Ministry of Justice, civil organizations, and international organizations involving in disseminations, training, and on service training to enhance capacity of human resources in civil matters;
 - To cooperate with relevant institutions to provide training to judges, prosecutors; court clerks, notaries, bailiffs and justice assistance officers in civil matters;
 - To research and evaluate the effectiveness of disseminations and law training in civil matters;
 - To organize to disseminate on Laws related to civil matters via media;
 - To compile legal documents and explanations on civil matters for effective disseminations;
 - To organize and publishing all regulations involving civil matters.

General Department of Justice Development

The General Department of Justice Development has roles and duties to assist the Ministry on international relation affairs, coordination, management and monitoring the justice assistants in order to promote and develop stronger and effective justice sector.

General Department of Justice Development has six departments as following:

- Department of International Relations and Development Partners;
- Department of Notary;
- Department of Bailiff;
- Department of Court Clerk;
- Department of Administrator, Interpreter, and Expert; and
- Department of Research and Planning.

a) Department of International relations and Development Partners

The Department of International Relations and Development Partners has functions and duties as following:

- To coordinate all foreign affairs related to the Ministry of Justice;
- To cooperate with Ministries, institutions and development partners in justice sector;
- To make relations with other foreign countries in justice sector;
- To coordinate, seek, and manage national and international aids/funding for justice development;
- To study, collect all the need requirements and prepare plan for justice development seeking national and international supports;
- To be in charge of coordination of ASEAN affairs;
- To manage the programs of cooperation, MOU and other agreements in justice sector with other countries and international organizations;
- To cooperate, coordinate, translate the request for services documents related to the legal assistance and draft of international treaties;
- To legalize the copies of foreign languages documents.

b) Department of Notary

The Department of Notary has functions and duties as following:

- To coordinate, manage and monitoring all the notaries in Cambodia;
- To draft laws and regulations concerning to the status profession of notary;



- To cooperate with the concerned institutions to conduct training and perfecting training for building capacity of notary;
- To coordinate and ensure the smooth and effective professional performance of notary;
- To conduct need assessment of notary;
- To participate in organizing and recruiting notary;
- To coordinate and preparing procedure to appoint and punish notary and, terminate notary from their profession according to the applicable laws;
- To manage of formality, proceeding, and relevant documents in establish notary office and to be a notary;
- To receive and advise on application form to become a notary or to establish notary offices;
- To study and conduct research to set up notary offices;
- To manage, and determine the location for individual notary or notary office to open the office;
- To examine and legalize buying-sale, transferring the notary office or transferring shareholder of the notary offices;
- To monitor and prepare documents for punishment or termination notary profession;
- Coordinating, examine and settle any issues concerning to the notary profession;

c) Department of Bailiff

The Department of Bailiff has functions and duties as following:

- To coordinate, manage and monitor all the bailiffs in Cambodia;
- To draft laws and regulations concerning the status of the bailiff's profession;
- To cooperation with the concerned institutions to conduct training and perfecting training for bailiffs;
- To organize and ensure the smooth and effective performance of bailiff's profession;

- To conduct need assessment of bailiffs;
- To Participate in organizing and recruiting bailiffs;
- To coordinate and manage appointment, punishment, and termination from the bailiff profession according to the applicable laws;
- To coordinate, examine and settle other issues concerning to the bailiff profession.

d) Department of Court Clerk

The Department of Court Clerk has functions and duties as following:

- To coordinate, manage and monitoring all the court clerks in Cambodia;
- To manage court clerk administration, profession and retirement;
- To establish the status and other laws and regulations concerning to the court clerks;
- To set up monitoring system to check court clerk performance;
- To conduct need assessment of court clerks;
- To coordinate and ensure the smooth and effective performance of court clerk;
- To assess the needs of court clerks;
- To participate in preparation and recruitment of the court clerks;
- To cooperate with other concerned institutions to conduct training and perfection training for court clerks;
- To coordinate and prepare laws and procedures for appointment, punishment, termination of court clerk according to the applicable laws;
- To coordinate, examine and settle the other issues concerning to the court clerk profession.

e) Department of Administrator, Interpreter, and Expert

The Department of Administrator, Interpreter, and Expert has functions and duties as following:



- To coordinate, manage and monitor all administrators, interpreters and experts in Cambodia in according to the applicable laws;
- To establish laws and other orders on bankruptcy;
- To establish laws and regulations regarding the professional experts statute working in bankruptcy matters, interpreters, and others experts;
- To participate with relevant ministries to draft commercial laws, banking laws, and so on;
- To take part in managing and monitoring the punishment procedure of administrators, interpreters and others experts;
- To provide instructions and conduct monitoring administrators, interpreters and others experts;
- To prepare and coordinate the management, licensing, and withdrawing license of administrators, interpreters and others experts;
- To set up qualification and criteria to rehabilitate as administrators, interpreters and experts;
- To study to determine the authority of the administrator, interpreters and experts;
- To study to set up remuneration for administrator, interpreters and experts.

f) Department of Research and Planning

The Department of Research and Planning has functions and duties as following:

- To develop vision, policy, and planning for justice development;
 - To develop Ministry's work plans for justice development in long, medium and short-term;
 - To implement the Royal Government's policies and decisions related to justice development;
- To prepare Ministry's work plans to implement the policy of legal and judicial reforms;
 - To study other country court system to gain idea for judicial development in Cambodia;
 - To compile, publish and disseminate of the research documents of court system of other countries;
 - To cooperate with relevant institutions to conduct dissemination, training and perfection training to the Ministry's officials to prepare their long, medium, and short term work plans to implement the Royal Government's policies and decisions on judicial development.

General Inspectorate of Court Affairs

The General Inspectorate of Court Affairs has roles and function as following:

- To conduct regular inspection on the performance of the institutions under the Ministry;
- To conduct regular inspection of the operation of all types and levels of the courts;
- To carry out an inspection when there is any complaint from an individual or legal entities against any courts, then report to the minister for decision.
- To make reports to the Minister on law enforcement of all types and level of the courts and other institutions under the Ministry of Justice which have been inspected, with recommendations and actions to minister of the Ministry of Justice to ensure the proper performance of those institutions;
- To monitor and evaluate the effectiveness improvement the enforcement measurements for inspected institutions;
- To examine and mediate the administrative cases among officers within the ministry;



- To participate in monitoring and provide recommendations related to the issue of Judges, court clerks, and bailiffs;
- To examine and make recommendations on the complaints related to the discipline of Judges, court clerks, and bailiffs, and inspect as needed;
- To coordinate and communicate with other institutions and agencies, and can request any individuals for cooperation to ensure the effectiveness of inspection affairs;

Department of Internal Audit

The Department of Internal Audit subordinate to the Minister of Justice responsible for applying its obligation as defined in Sub-degree number 40 ANK/BK dated 15 February 2005 on the organization and functioning of the internal audit throughout the institutions, ministries and public establishment.

Central Authority of Ministry of Justice

- H.E. ANG Vong Vathana, Minister of Justice, as Chairman
- H.E. KIM Santepheap, Secretary of State, as Vice-Chairman
- H.E. CHIN Malin, Under-Secretary of State, as Permanent Vice-Chairman

Email: chinmalin@yahoo.com

H.E. TANHEANG Davann,

Director General of Justice Development, as Permanent Member and Head of Secretariat

Email: tdavann@yahoo.fr

The Ministry of Justice re-established the Central Authority on 12 April 2017 which has the General Department of Justice Development as Secretariat to facilitate mutual legal assistances in extradition, transfer of the sentenced person, criminal, civil, and commercial matters.

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

- Reviewing and Facilitating on the requests of mutual legal assistances in extradition, transfer of the sentenced person, criminal, civil, and commercial matters;
- Forwarding the requests to relevant agencies and returning them to the requesting parties;
- Recording information and following up the received and forwarded requests by guaranteeing the effective and expeditious solution;
- Being a focal point to handle all issues concerning legal assistances;
- Communicating directly or by diplomatic channels with national and international institutions in mutual legal assistance;
- Reviewing and facilitating on translation of the requests for produce documents, cases, evidence, and documents relating to legal assistance;
- Preparing data of the requests for legal assistance and legal documents in Database and uploading on the website of Ministry of Justice;
- Keeping confidentiality of the requests for assistance, contents, and other supporting documents, granting natures, and methods taken for the execution;
- Securing information and preventing evidence from any loss and unauthorized modification, disclosure, and usage;
- Preparing action plan for facilitation development, expenses, study tour, workshop, meeting in Cambodia and abroad;
- Seeking development partners for aid in training on human resources;
- Strengthening cooperation with national and international institutions for mutual legal assistance operation;
- Doing monthly, quarterly, semester, nine months, and yearly reports.



THE SUPREME COUNCIL OF MAGISTRACY (SCM)

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State House Norodom BLVD, Phnom Penh
Cambodia.

Tel: (855-23) 726 151

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The Supreme Court:

H.E. Dith Munty- Chief Justice

Address: Sothearos Blvd, Sangkat Chaktomuk,
Khan Daun Penh, Phnom Penh, Cambodia

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Fax: (855-23) 212826

E-mail: Infor@Supremecourt.gov.kh

Website: www.supremecourt.gov.kh

The Prosecutor General's Office of Supreme Court:

H.E. Chea Leang- Prosecutor General

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The Court of Appeals:

H.E. You Bunleng- President

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E-mail: appealcourtpp@yahoo.com

The Prosecutor General to the Court of Appeals:

H.E. Ouk Savuth- Prosecutor General

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INDONESIA



ASEAN
GOVERNMENT LAW DIRECTORY
6TH EDITION

THE MINISTRY OF LAW AND HUMAN RIGHTS

The Ministry of Law and Human Rights has the duty to the President in organizing the government duties in the area of Law and Human Rights.

- In carrying out the above-mentioned duties, the Ministry's functions are to:
- Formulate, establishment and implementation of policies in the field of legislation, administrative legal affairs, correctional, immigration, intellectual property and human rights;
- Coordination the implementation of duties, to give guidance and provision of administrative support to all organizational elements in the Ministry of Law and Human Rights.
- Managing state goods or property which is the responsibility of the Ministry of Law and Human Rights;
- Supervision over the implementation of duties within the Ministry of Law and Human Rights;
- Implementation of technical guidance and supervision over the implementation of the Ministry of Law and Human Rights affairs in the region;
- Implementation of national legal guidance;
- Implementation of research and development in the field of law and human rights;
- Implementation of human resources in the field of law and human rights;
- Implementation of technical activities in national scale;
- The implementation of duties in the region;

The Ministry of Law and Human Rights consist of:

- The Minister ;
- The Secretariat General;

- The Inspectorate General
- The Directorate General of Legislation;
- The Directorate General of Legal Administrative Affairs;
- The Directorate General of Correctional Institutions;
- The Directorate General of Immigration;
- The Directorate General of Intellectual Property;
- The Directorate General of Public Judicial Agencies and State Judicial Administration;
- The Directorate General of the Protection of Human Rights;
- The National Law Development Agency;
- The Expert Staff in the Sector Economics;
- The Expert Staff in the Sector of Politics and Security;
- The Expert Staff in the Sector of Inter-institutional Relations;
- The Expert Staff in the Sector of Social;
- The Expert Staff in the Sector of Strengthening Bureaucratic Reform.

Officials Profile in the Ministry of Law and Human Rights

- Minister – Mr. Yasonna Hamonangan Laoly;
- Secretary General – Mr. Bambang Rantam Sariwanto
- Inspector General – Mr. Aidir Amin Daud
- Director General of Human Rights – Mr. Mualimin Abdi
- Director General of Legislation – Mr. Widodo Ekatjahjana
- Director General of Immigration – Mr. Ronny Frengky Sompie
- Director General of Correctional Institutions – Mr. I Wayan Kusmiantha Dusak
- Director General of Administrative Legal Affairs – Mr. Cahyo Rahadian Muzhar
- Director General of Intellectual Property Rights – Mr. Freddy Harris



- Director General of Human Rights – Mr. Mualimin Abdi
- Head of Research and Development of Human Rights – Mr. Y. Ambeg Paramarta
- Head of National Law Development Agency – Ms. Enny Nurbaningsih
- Head of Development of Human Resource in Law and Human Rights – Mr Mardjoeki
- Expert Staff in the Sector of Social – Mr. Wicipto Setiadi
- Expert Staff in the Sector of Politics and Security – Mr. F. Haru Tamtomo
- Expert Staff in the Sector of Economics – Mr. Asep Kurnia
- Expert Staff in the Sector of Strengthening Bureaucratic Reform – Mr. Mamun
- Expert Staff in the Sector of Inter-Institutional Relations – Mr. Agus Hariadi

Directorate General of Legislation

Address: Gedung Ditjen. Peraturan Perundang-undangan Lt. 1 Jl. HR. Rasuna Said Kav 6-7 Jakarta Selatan - Indonesia

Tel: +62 21 526 4516

Fax: +62 21 526 5480

E-mail: humas.djpp@gmail.com

Duties:

Organize the formulation and implementation of policies in the field of legislation in accordance with the provisions of legislation

Functions:

- Formulation of policies in the field of designing, harmonization, enactment and publication, litigation of legislation, facilitation of drafting of legislation in the region according to regional demand, and the drafting of legislative drafters;
- Implementation of policies in the field of designing, harmonization, enactment and

publication, litigation of legislation, facilitation of drafting of legislation in the region according to regional demand, and the drafting of legislative drafters;

- Provision of technical guidance and supervision in the field of designing, harmonization, enactment and publication, litigation of legislation, facilitation of drafting of legislation in the region at the request of the region and the drafting of legislative drafters;
- Implementation of monitoring, evaluation and reporting in the field of designing, harmonization, enactment and publication, litigation of legislation, facilitation of drafting of legislation in the region as per regional request and the drafting of legislative drafters;
- Implementation of administration in the Directorate General of Legislation;
- Implementation of other functions provided by the Minister.

Directorate General of Legal Administrative Affairs

Address: Gedung Sentra Mulia, Jl. H.R. Rasuna Said Kav. X-6/8, 3rd & 6th Floor, Jakarta Selatan, DKI Jakarta, 12940

Tel: +62 21 29023282/72

E-mail: humas@ahu.go.id

Website: portal.ahu.go.id

Duties:

Organizing the formulation and implementation of policies in the field of administrative services general law in accordance with the provisions of legislation.

Functions:

- The formulation of policies in the field of criminal law and daktiloscopy, international law and central authority, civil law and constitutional law and information



technology and communication in accordance with the provisions of the law;

- Implementation of policies in the field of criminal law and dactiloscropy, international law and central authority, civil law and constitutional law and information technology and communication in accordance with the provisions of the law;
- Providing technical guidance and supervision in the field of criminal law;
- Implementation of monitoring, evaluation and reporting in the field of criminal law and dactiloscropy, international law and central authorities, civil law and constitutional law and information technology and communications
- Implementation of Administration in the Directorate General of Legal Administrative Affairs;
- Implementation of Other Functions Provided by the Minister.

Directorate General of Correctional Institutions

Address: Jalan Veteran Nomor 11, Jakarta Pusat 10110

Tel: +62 21 3857611 ext. 205

Fax.: +62 21 3857615

E-mail : ppid.ditjenpas@gmail.com,
ppid_ditjenpas@yahoo.com,
humasditjenpas@yahoo.co.id

Website: <http://www.ditjenpas.go.id/>

Duties:

Organizing the formulation and implementation of policies in the field of correctional in accordance with the provisions of legislation.

Functions:

- The formulation of policies in the field of registration, prison services, coaching of convict, client counseling, detention of children, managing state confiscation objects, security and order, health and care of prisoners and detainees and information technology of correctional institutions;
- Implementation of policies in the field of registration, prison services, coaching of convict, client counseling, detention of children, managing state confiscation objects, security and order, health and care of prisoners and detainees and information technology of correctional institutions;
- Provision of technical guidance and supervision in the field of registration, prison services, coaching of convict, client counseling, detention of children, managing state confiscation objects, security and order, health and care of prisoners and detainees and information technology of correctional institutions;
- Implementation of monitoring, evaluation and reporting in the field of registration, prison services, coaching of convict, client counseling, detention of children, managing state confiscation objects, security and order, health and care of prisoners and detainees and information technology of correctional institutions;
- Implementation of administration in the Directorate General of Correctional Institutions.
- Implementation of other functions provided by the Minister.

Directorate General of Immigration

Address: Jl. H. R. Rasuna Said Kav.X-6 Nomor 8, Kuningan-Jakarta Selatan.

Tel: +62 21 5225029/ 5225028

E-mail: humas@imigrasi.go.id

Website: <http://www.imigrasi.go.id>



Duties:

Organizing the formulation and implementation of policies in the field of immigration in accordance with the provisions of legislation.

Functions:

Formulation of policies in the field of law enforcement and security of immigration, immigration services and facilities, country crossings and foreign immigration cooperation and immigration information technology:

- Implementation of policies in the field of law enforcement and security of immigration, immigration services and facilities, country crossings and foreign immigration cooperation and immigration information technology;
- Provision of technical guidance and supervision in the field of law enforcement and security of immigration, immigration services and facilities, country crossings and foreign immigration cooperation and immigration information technology;
- Implementation of monitoring, evaluation and reporting in the field of law enforcement and security of immigration, immigration services and facilities, country crossings and foreign immigration cooperation and immigration information technology;
- Implementation of administration in the Directorate General of Immigration;
- Implementation of other functions provided by the Minister.

Directorate General of Intellectual Property

Address Jl. H.R. Rasuna Said Kav. 8-9, RT.16/RW.4, Karet Kuningan, Kota Jakarta Selatan, Daerah Khusus Ibukota Jakarta 12940.

Tel: +62 21 57905619

E-mail: humas.hki@gmail.com

Website: <http://www.dgip.go.id/>

Duties:

Organize the formulation and implementation of policies in the field of intellectual property in accordance with the provisions of legislation.

Functions:

- Formulation of policies in the field of intellectual property protection, completion of intellectual property registration application, investigation, dispute resolution and complaints of intellectual property infringement, cooperation, intellectual property promotion, and information technology in the field of intellectual property;
- Implementation of policies in the field of intellectual property protection, completion of intellectual property registration application, investigation, dispute resolution and complaints of intellectual property infringement, cooperation, intellectual property promotion, and information technology in the field of intellectual property;
- Provision of technical guidance and supervision of policies in the field of intellectual property protection, completion of intellectual property registration application, investigation, dispute resolution and complaints of intellectual property infringement, cooperation, intellectual property promotion, and information technology in the field of intellectual property;
- Implementation of monitoring, evaluation and reporting of policies in the field of intellectual property protection, completion of intellectual property registration application, investigation, dispute resolution and complaints of intellectual property infringement, cooperation, intellectual property promotion, and information



technology in the field of intellectual property;

- Implementation of administration in the Directorate General of Intellectual Property;
- Implementation of other functions provided by the Minister.

Directorate General of Human Rights

Address: Jl. HR. Rasuna Said Kav.4-5, Kuningan, Jakarta Selatan, 12940

Tel: +62 21 2521344, +62 21 2526174, +62 21 2526153

Fax.: +62 21 2522915

Website: www.ham.go.id

Duties:

Organizing the formulation and implementation of policies in the field of human rights in accordance with the provisions of legislation.

Functions:

- The formulation of policies in the field of human rights promotion, public communication services, cooperation, dissemination, strengthening and information of human rights and coordination of the formulation of indicators and profiles of human rights development;
- Implementation of policies in the field of human rights promotion, public communication services, cooperation, dissemination, strengthening and information of human rights and coordination of the formulation of indicators and profiles of human rights development;
- Provision of technical guidance and supervision in the field of human rights promotion, public communication services, cooperation, dissemination, strengthening and information of human rights and coordination of the formulation of indicators and profiles of human rights development;

- Implementation of monitoring evaluation and reporting in the field of human rights promotion, public communication services, cooperation, dissemination, strengthening and information of human rights and coordination of the formulation of indicators and profiles of human rights development;
- Implementation of administration in the Directorate General of Human Rights;
- Implementation of other functions provided by the Minister.

Inspectorate General

Address: Gedung Sentra Mulia, Jl. H.R. Rasuna Said Kav. X-6/8, 15th & 16th Floor, Jakarta Selatan, DKI Jakarta, 12940

E-mail: itjen@kemenkumham.go.id

Website: <http://itjen.kemenkumham.go.id/>

Duties:

Organizing internal control in the Ministry of Law and Human Rights

Functions:

- Preparation of internal supervisory technical policy within the Ministry of Law and Human Rights;
- The implementation of internal controls within the Ministry of Law and Human Rights on performance and finances through audit, review, evaluation, monitoring and other monitoring activities;
- Implementation of supervision for specific purposes of Ministerial assignment;
- Preparation of the result report within the Ministry of Law and Human Rights;
- Implementation of administration in the Inspectorate General;
- Implementation of other functions provided by the Minister.



National Law Development Agency

Address: Jl. Mayjend Soetoyo No.10 - Cililitan, Jakarta Timur.

Tel: +62 21 8091908

Fax.: +62 21 8011753

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

Duties:

Organizing the development of national law in accordance with legislation.

Functions:

- Preparation of technical policies, programs and budgets in the field of national legal development;
- Implementation of legal analysis and evaluation, legal planning, counseling and legal aid and documentations and legal information network;
- Monitoring, evaluation and reporting, implementation of legal analysis and evaluation, legal planning, counseling and legal aid and documentation and legal information network;
- Implementation of administration in the National Law Development Agency;
- Implementation of other functions provided by the Minister.

Agency of Research and Development of law and human rights

Address: Jl. Raya Gandul No.4, RT.5/RW.6, Gandul, Cinere, Kota Depok, Jawa Barat 16514.

Tel: +62 21 7540077, +62 21 7540124

Fax.: +62 21 75437092015

Website: <http://bpsdm.kemenkumham.go.id>

Duties:

Organizing research and development in the field of law and human rights.

Function:

- Preparation of technical policies, programs and budgets, assessment, research and development in the field of law and human right;
- Research, research and development in the field of law and human rights;
- Monitoring, evaluating and reporting the research and development in the field of Law and Human Rights;
- Implementation of administration in the National Law Development Agency;
- Implementation of other functions provided by the Minister.

SUPREME COURT

Address: Jl. Merdeka Utara, Jakarta Pusat

Tel: +62 21 3454546

Fax: +62 21 3454546

Website : www.mahkamahagung.go.id

Duty/ authority of The Supreme Court

- Oversee the administration of justice throughout Indonesia in order for it to function properly and reasonably.
- Observe the actions and conduct of judges as well as courts.
- Issue reprimands in the event is required.
- Has the authority to request reports and information from all courts, both civilian and military, the Attorney General, and other Public Prosecutor officials.
- As the first and last resort to adjudicate disputes regarding the competency to adjudicate.

The Board of Supreme Court



1. Chief Justice of The supreme court of the Republic Indonesia – Mr. Muhammad Hatta Ali;
2. Vice Chief Justice of The Supreme Court For Judicial Matters – Mr. Mohammad Saleh;
3. Vice Chief Justice of The Supreme Courts for Non Judicial Matters – Mr. Suwardi;
4. Chairman of The Criminal law Chamber of The Supreme Court – Mr. Artidjo Alkostar;
5. Chairman of The Civil Law Chamber of The Supreme Court – Mr. Djafni Djama;
6. Chairman of The Religious Affairs Chamber of The Supreme Court – Mr. Abdul Manan;
7. Chairman of The State Administration Chamber of The Supreme Court – Mr. Imam Soebechi;
8. Chairman of The Military Judiciary Chamber of The Supreme Court – Mr. Timur P. Manurung;
9. Chairman of The Development Chamber of The Supreme Court – Mr. Takdir Rahmadi;
10. Chairman of the Supervision Chamber of the Supreme Court – Mr. Syarifuddin.

Function of Supreme Court Administration of justice Function

As the Highest State Court, the Supreme Court is a cassation court that has the duty to cultivate uniformity in the implementation of law by means of decisions on cassation and reconsideration to preserve that all laws and legislation throughout the territory of the Republic of Indonesia are administered justly, appropriately, dan correctly.

In addition to its duty as a Court of Cassation, the Supreme Court has the authority to examine and decide at the first and final level:

- All disputes regarding the competency to adjudicate.
- Motion for reconsideration of the court decision that has become legally final and binding

- (Articles 28, 29,30,33 and 34 of the Law on the Supreme Court No. 14 of 1985)
- All disputes arising due to seizure of a foreign vessel and its cargo by a Republic of Indonesia battleship under the applicable regulation (Article 33 and Article 78 of Law No. 14 of 1985 on the Supreme Court).

Closely related to the administration of justice function is the right of judicial review, which is the authority to examine/ appraise regulations of law beneath Statue level, regarding whether a regulation when reviewed based on its contents (material) is in conflict or not with a regulation of a higher level (Article 31 of Law No. 14 of 1985 on the Supreme Court).

Supervisory Function

The Supreme Court performs the highest level of supervision towards the administration of law at all areas of the judiciary with the aim of justice administered by the Courts are performed meticulously and reasonably, based on the principle of administration of justice which simple, straightforward, dan economical, without diminishing the freedom of the Judge in examining and deciding a case (Article 4 and Article 10 of Law No. 14 of 1970 on Judicial Power).

The Supreme Court also performs supervision

Towards of the operations of the Court, and conduct of Judges, as well as the actions of Court Officials in the performance of their duties in relation to the implementation of the main responsibility of Judicial Powers, namely in respect to the receipt, examination, adjudication, and completion of each and every case submitted to them, and request information regarding matters in relation to the technicalities of the administration of justice as well as providing warnings, reprimands and guidance when it necessitates without diminishing the



freedom of the Judge (Article 32 Law No. 14 of 1985 on the Supreme Court).

Towards Legal Counsel and Notary insofar it concerns the administration of law (Article 36 Law No. 14 of 1985 on the Supreme Court).

Regulatory Function

The Supreme Court may arrange further matters required for the continuity of administration of justice, should there be found matters not sufficiently regulated in the Law on the Supreme Court as a complement to fill deficiencies or a vacuum in law, which is required for the continuity of the administration of justice (Article 27 of Law No. 14 of 1970, Article 32 of Law No. 14 of 1985).

The Supreme Court may prepare its own regulation on proceedings should it be deemed necessary to suffice procedural law already regulated by Statute.

Supervisory Function

The Supreme Court provides counsel or considerations in the field of law to other State Supreme Agencies (Article 37 Law No. 14 of 1985 on the Supreme Court). The Supreme Court provides counsel to the President as Head of State within the context of the granting or declination of (Article 35 Law No. 14 of 1985 on the Supreme Court).

Furthermore in the First Amendment of the 1945 Constitution of the Republic of Indonesia Article 14 Paragraph (1), the Supreme Court is granted the authority to provide consideration to the

President as Head of State to bestow rehabilitation in addition to clemency. However, in providing legal consideration regarding rehabilitation, until present time, legislative regulations which arrange its performance is not yet available.

The Supreme Court has the authority to request information from, and provide guidance to, courts in the administration of law at all areas of the judiciary in order to implement the provision of Article 25 of Law No. 14 of 1970 on Principal Provisions of Judicial Powers. (Article 38 Law No. 14 of 1985 on the Supreme Court).

Administrative Function

The Judicatory Bodies (General, Religious Court, Military Tribunal and State Administrative Courts) as referred to in Article 10 paragraph (1) Law No. 14 of 1970, organizationally, administratively, and financially, until current time are still subordinated by their respective Departements, although according to Article 11 paragraph (1) of Law Number 35 of 1999 they have already been reassigned as being under the authority of the Supreme Court.

The Supreme Court has the authority to regulate duties and responsibilities, organization structure, and work procedures of the Court Registrar (Law No. 35 of 1999 on Amendment of Law No. 14 of 1970 on Principal Provisions of Judicial Powers).

Other Functions

In addition to the main responsibility of the receipt, examination, adjudication, and completion of each and every case submitted to them, based on Article 2 paragraph (2) of Law Number 14 of 1970 as well as Article 38 of Law Number 14 of 1985, the Supreme Court is also given other duties and authorities by virtue of the Law.

The Registrar

Main Task

The Office of the Registrar of the Supreme Court has the duty of providing support in judicial technical and administration fields to the Supreme Court Justice Council in examining, adjudicating and deciding cases, as



well as performing the completion Supreme Court decision administration.

Function

The Office of the Registrar of the Supreme court performs the functions of:

- 1) Coordination of the provision of support in judicial technical and administration fields;
- 2) Coordination of case financial administration affairs in the confinement of the Supreme Court;
- 3) Implementation of support provision in judicial technical and administration fields;
- 4) Coordination of case financial administration affairs in the confinement of the Supreme Court;
- 5) Implementation of support provision in judicial technical and administration fields;
- 6) Performance of case minutes recording;
- 7) Development of technical and evaluation agencies;
- 8) Performance of Office of the Registrar administration.

Office of the Registrar Secretariat

The Office of the Supreme Court Registrar Secretariat is led by a Secretary of the Office of the Registrar. The position of Secretary of the Office of the Supreme Court Registrar is an echelon II structural position.

The Main Task of the Office of the Registrar Secretariat is provision of administrative support to all elements within the confinement of the Registrar's Office. Whereas its functions are:

- 1) Coordination performance of plan and work program preparation
- 2) Performance of personnel affairs
- 3) Performance of financial affairs
- 4) Performance of logistical affairs administration

To perform these functions, the Office of the Registrar Secretariat, consists of

- Planning and Personnel Section;
- Finance Section;
- General Affairs;
- Functional Post Section

Junior Case Registrar

Based on Article 18 of Law Number 4 Year of 2004, the Office of the Supreme Court Registrar is led by a Registrar and assisted by several junior registrars and acting registrars. The Supreme Court has seven (7) Junior Case Registrars: Junior Registrar for Civil Cases, Junior Registrar for Specific Civil Cases, Junior Registrar for Criminal Cases, Junior Registrar for Specific Criminal Cases, Junior Registrar for Religious Civil Cases, Junior Registrar for State Administration Cases, and Junior Registrar for Military Cases.

The main task of the junior case registrar is to perform judiciary administration activities in the areas of cassation and reconsideration cases pursuant to technical guidance determined by the Supreme Court Registrar. Whereas the functions of the junior case registrar are in principle:

- 1) Performance of cassation and reconsideration cases registration;
- 2) Performance of cassation and reconsideration cases distribution that have been registered for forwarding to Team Junior Registrar subsequent to approval of the Chief Justice of the Supreme Court;
- 3) Performance of return receipt of case files that have been decided and recorded from the Team, for return to the submitting Court;
- 4) Performance of delivery of Supreme Court decision copy including the case file bundle A to the submitting Court;



- 5) Performance of evaluation and reporting on the protocol and implementation of cassation and reconsideration cases;
- 6) Performance of archiving of case files that have been decided;
- 7) Performance of Registrar's Office administration.

Team Junior Case Registrar

To provide technical and administrative to the Panel of Supreme Court Justices, the Supreme Court has twelve (12) Team Junior Case Registrars or in daily practice is known as Assistant Coordinator (Ascor). The number of Team Junior Case Registrars are in accordance to the number of Supreme Court leadership which consists of 1 Chief Justice, 2 Deputy Chief Justices, and 9 Junior Chief Justices. The aforementioned Supreme Court leadership ex officio becomes team leader in case handling process.

The names of the Team Junior Registrars are as follows: Team A Junior Registrar (Chief Justice of the Supreme Court), Team B-1 Junior Registrar (Deputy Chief Justice of the Supreme Court for Judicial Affairs) Team B-2 Junior Registrar (Deputy Chief Justice of the Supreme Court for Non Judicial Affairs), Team C Junior Registrar (Junior Chief Justice for State Administration Judiciary Affairs), Team D Junior Registrar (Junior Chief Justice for Specific Civil Cases), Team E Junior Registrar (Junior Chief Justice for Religious Civil Cases), Team F Junior Registrar (Junior Chief Justice for Civil Cases), Team G Junior Registrar (Junior Chief Justice for Criminal Cases), Team H Junior Registrar (Junior Chief Justice for Military Judiciary Affairs), Team I Junior Registrar (Junior Chief Justice for Specific Criminal Cases), Team J Junior Registrar (Junior Chief Justice for Supervision), and Team K Junior Registrar (Junior Registrar for guidance).

Subsequent to the Supreme Court implementing the chamber system by virtue of Decree of the

Chief Justice of the Supreme Court Number 142/KMA/SK/ IX/2011, restructuring was conducted in the "group" in handling cases from the team system to the chamber system. The Supreme Court formed five (5) chambers for case examination, namely: the civil, criminal, religious, military and state administration chambers. In the aforementioned chamber system the leadership ex officio becoming Team Leader in case handling process is no longer practiced. Only management overseeing technical aspects become head of chamber. This change has also influenced the existence of the Team Junior Registrar in the case handling process at the Supreme Court.

Substitute Registrar

Substitute Registrar is a complementary organ of a panel of Justices whose main task is to assist the panel in recording the proceedings. Substitute Registrars in the Supreme Court are appointed from judges of first instance court, who must have at least 10 (ten) years course of serving as judge. They are positioned in each of the Justices and serve their role as assistant of a Justice.

Other duties of the Substitute Registrar are

1. To perform recording on case dossier received by the Team Junior Chief Registrar;
2. To type the draft of decision based on the deliberation meeting of a Panel of Justices;
3. To submit the typed decision to the First Reader of Justice in the Panel for further examination or correction;
4. To perform finalization of a case which has been decided by the team panel of Justices.

Functional Position Group

In the organizational structure of the Registrar's Office, a group of functional position is formed, which consists of judiciary institutional position and operator. Operator is an officer who types



decision draft using a template prepared by a Substitute Registrar. Meanwhile, the judiciary institutional position is an officer who manage case files administration. These two groups of officers is, in fact, have performed their functions, but yet have not been stipulated as functional positions.

General Judiciary

The General Judiciary is one of the judicial powers for people in search of justice, which is any and all persons, whether an Indonesian citizen or of foreign nationality seeking justice from a court of law in Indonesia. Judicial powers in the circle of the General Judiciary, are performed by:

- a. District court, which is a court of the first instance, domiciled in the Capital of a Regency/ Municipality, with its jurisdiction covering the Regency /Municipality area. The composition of the District Court, consists of the Management (Head and Deputy Head), Member Judges, Registrar, Secretary, and Bailiff;
- b. Appellate Court, which is a court of the appellate level, is domiciled in the Capital of a Province, with its jurisdiction covering the Provincial area. The composition of the Appellate Court, consists of the Management (Head and Deputy Head), Member Judges, Registrar, and Secretary.

Judicial powers in the circle of the General Courts, culminates at the Supreme Court as the Highest State Court. Judiciary technical guidance, organization, and finance is performed by the Supreme Court.

Specific Court within the circle of General Judiciary

Human Rights Court (HR)

The Human Rights Court has the task and competency to examine and decide on cases of

severe human rights violations. The Human Rights Court also has the authority to examine and decide on cases of severe human rights violations committed outside of the territory of the Republic of Indonesia by an Indonesian national. As an exception, the Human Rights Court also has the authority to examine and decide on cases of severe human rights violations committed by a minor who has not reached the age of 18 at the time the crime was committed. The Human Rights Court is domiciled in the territory of a Regency or Municipality with the jurisdiction covering the jurisdiction of the pertinent district court. For the Special Capital Region of Jakarta, the Human Rights Court is domiciled in the respective areas of the pertinent District Court.

At the time the Law on the Human Rights Court was enacted, the Human Rights Court was established in Central Jakarta, Surabaya, Makassar, and Medan.

Juvenile Court

A session in the Juvenile Court is called a Juvenile Session, with the task and authority to examine, decide, and resolve juvenile cases as specified in the Law on Juvenile Court. The age limit for a juvenile delinquent to be brought to trial in a juvenile court, shall be at least 8 years of age and at maximum 18 years, and has never married.

What is meant by a juvenile delinquent is a minor that has committed a crime or an act which has been determined as prohibited for a minor, whether by the applicable law or according to other statutory regulations present and in effect in the concerned society. A minor committing a crime jointly with an adult shall be brought to the juvenile court, whereas the adult shall be tried in a court for adults.

Anti-Corruption Court



The Anti-Corruption Court is situated within the confinement of the general court in accordance with Law Number 30 Year of 2002 on the Corruption Eradication Committee. The Anti-Corruption Court has the task and competency to examine and decide on anti-corruption cases whose indictment is submitted by the Corruption Eradication Committee (KPK, Komisi Pemberantasan Korupsi).

Industrial Relations Court (IRC)

The Industrial Relations Court has the task and competency to examine and decide:

- 1) At the first instance regarding disputes;
- 2) At the first and final instance regarding interest;
- 3) At the first instance regarding employment relationship termination;
- 4) At the first and final instance regarding disputes between employee/ labor unions in a company.

Pursuant to Article 59 paragraph (1) of Law Number 2 Year of 2004 on Settlement of Industrial Relation Disputes accordingly an Industrial Relations Court was established at each Regency/Municipality District Court which is located in the Provincial capital. The composition of an Industrial Relations Court at the District Court consists of: Judge, ad-hoc Judge, Junior Registrar and Alternate Registrar. Whereas the composition of the Industrial Relations Court at the Supreme Court consists of Supreme Court Justice, Ad-Hoc Supreme Court Justice at the Supreme Court, and Registrar.

Commercial Court

The Commercial Court has the task and authority to examine and decide on a petition to declare bankruptcy and suspension of debt payment obligation, and also has the authority to examine and decide on other cases the field of

commerce perniagaan, and its determination is carried out based on a Government Regulation.

Commercial Court to examine and decide on cases at the first instance based on a Panel of Judges. Concerning other cases in commerce, the Chief Justice of the Supreme Court may determine the type and value of a case which at the first instance is examined and decided by a Solitary Judge In the execution of duties, the Commercial Court Judge is assisted by a Court Registrar or an Alternate Registrar.

Towards the decision of the Commercial Court at the first instance concerning a petition to declare bankruptcy and suspension of debt payment obligation, it may only be submitted for cassation to the Supreme Court. Examination of request for cassation is performed by a Panel of Judges specifically formed to examine and decide on a case which has become within the scope of authority of the Commercial Court.

Fisheries Court

Indonesia is an archipelago with a coastal line of 95,181 km or the second longest in the world after Canada. Its expansive waters stretches to two thirds of the Indonesian territorial terrain or approximately 5.8 million km², and containing a capture fisheries resource potential in excess of 6.4 million tons/year, followed by high sea capture fisheries production of approximately 4.7 tons/ year. This immense marine potential has made the government find it necessary to establish a fisheries court to minimize theft of fish and other marine resources. The case being, illegal fishing and destructive fishing have in fact caused devastation of marine and fisheries resources as well as the environment, with the effect of massive social and economic losses.

The Fisheries Court is within the scope of the general courts having the authority to examine, adjudicate, and decide on crimes in relation to fisheries. This is in accordance with the mandate



of Article 71 of Law Number 45 Year of 2009 on Fisheries.

The establishment of this court was supported by Article 78 paragraph (1) which stated that judges of the Fisheries Court consists of Career and Ad Hoc Judges. The Fisheries Court is attached to the District Courts of North Jakarta, Medan, Pontianak, Bitung, and Tual. In court proceedings performance, the Fisheries Court has a jurisdiction in accordance to the jurisdiction of the pertinent district court.

RELIGIOUS AFFAIRS JUDICIARY

Religious Court

Religious judiciary is an executant of judicial powers for the people of Moslem belief seeking justice in civil cases of a particular nature.

Judicial powers in the confinement of the Religious Judiciary, are performed by:

- 1) The Religious Court is a court of the first instance to examine, decide and resolve cases among Moslems on the subjects of marriage, inheritance, testamentary, grant (hibah), benefaction (wakaf), and charity (shadaqah) pursuant to Islamic law. The Religious Court is domiciled in the Municipality or Capital of a Regency, with its jurisdiction covering the Municipality or Regency area. The composition of the Religious Court, consists of the Management (Head and Deputy Head), Member Judges, Registrar, Secretary, and Bailiff;
- 2) The Religious Appellate Court, which is a court of the appellate level, is domiciled in the Capital of a Province, and its jurisdiction covers the Provincial area. The Religious Appellate Court is a court of the appellate level towards cases decided by a Religious Court, and constitutes as a court of the First and Final instance regarding disputes on adjudication competency between Religious Courts in its jurisdiction. The composition of

the Religious Appellate Court, consists of the Management (Head and Deputy Head), Member Judges, Registrar, and Secretary. Judicial powers in the confines of the Religious Court, culminates at the Supreme Court as the Highest State Court. Judiciary technical guidance, organization, administration, and finance for the Religious Court is performed by the Supreme Court, with the observance of the counsel and consideration of the Minister of Religion and the Indonesian Ulema Council (MUI, Majelis Ulama Indonesia).

Syariah Courts of Nanggroe Aceh Darussalam Province

In Law Number 18 Year of 2001 on Special Autonomy for the Aceh Special Territory Province as Nanggroe Aceh Darussalam Province, it is cited that the Islamic Syariah Judiciary which is part of the national judiciary system and carried out by the Syariah Court and Provincial Syariah Court.

The Syariah Court and Provincial Syariah Court of Nanggroe Aceh Darussalam Province is designated by virtue of Presidential Decree No. 11 Year of 2003. Based upon the aforementioned Presidential Decree, the existing Religious Court in Nanggroe Aceh Darussalam

Province is modified to become Syariah Court whereas the Religious Appellate Court of Banda Aceh becomes the Provincial Syariah Court.

The jurisdiction of the Syariah Court is the areas formerly administered by the Religious Court in Nanggroe Aceh Darussalam, whereas the jurisdiction of the Provincial Syariah Court was formerly the jurisdiction of the Appellate Court of Banda Aceh.

STATE ADMINISTRATION JUDICIARY



State Administration Court (PTUN, Pengadilan Tata Usaha Negara)

The State Administration Court is an executant of judicial powers for people seeking justice in State Administration disputes.

The understanding of State Administration is state administration exercising functions to conduct governmental affairs (activities that are executive in nature), at the national and regional levels. Whereas what is meant by State Administration dispute is the dispute arising between people or civil legal entities with a State Administration Official or Institution, as a consequence of the issuance of the State Administration Decree.

In this context, the State Administration Official or Institution is the Institution or Official exercising the functions of governmental affairs pursuant to laws in effect, whereas the State Administration Decree is a written order issued by the State Administration Official or Institution containing State Administration legal action based on laws and regulations in effect, which are concrete, individual, and final in nature causing legal consequences for a person or civil legal entity.

Tax Court

Tax Court is a judicatory body implementing judicial authority for the Taxpayer or Tax Guarantor seeking justice on tax disputes. The Tax Court is domiciled in the Nation's Capital City and the court session is conducted at its place of domicile.

If deemed necessary, a Tax Court session may be held at another location, and such location shall be designated by the Head of the Tax Court.

The Tax Court is a court of the first and final instance in to examining and deciding on tax disputes. Towards 1 Decision, only 1 Petition of Appeal may be submitted. Appeal shall be

supplemented with explicit reasons, and state the date of receipt of the decision letter being appealed. To the Petition of Appeal is attached a copy of the decision letter being appealed. Judiciary technical guidance for the Tax Court is performed by the Supreme Court. Whereas organization, administration, and finance guidance for the Tax Court is carried out by the Ministry of Finance.

If deemed necessary, a Tax Court session may be held at another location, and such location shall be designated by the Head of the Tax Court.

MILITARY JUDICIARY

The Military Judiciary is an executant of judicial powers in the confinement of the Armed Forces to enforce law and justice with observance of the interest of national defense and security.

Judicial authority in the confinement of the Military Judiciary, are performed by

- a. Military Court, is a court of the first instance in relation to criminal cases whose defendant holds the rank of Captain and less;
- b. Military Appellate Court, which is a court of the appellate level for criminal cases decided at the first level by a Military Court. The Military Appellate Court is also a Court of the First Instance for criminal cases whose defendant or one of the defendants holds the rank of Major and above, and dispute claims of Armed Forces Administration;
- c. The Military Principal Court, which is a court of the appellate level for criminal cases and dispute of Armed Forces Administration decided at the first level by a Military Appellate Court.

The domicile of the Military Principal Court is in the Capital of the Unitary State of the Republic of Indonesia with its jurisdiction of throughout the territory of the Republic of Indonesia.



Whereas the name, domicile, and jurisdiction of other courts are determined by a decree of the Commander of the Armed Forces of Republik of Indonesia.

Judicial powers in the confinement of the Military Judiciary, culminates at the Supreme Court as the Highest State Court. Judiciary technical guidance for Military Courts are performed by the Supreme Court, whereas personnel guidance and development from a military aspect as members of the Armed Forces of the Republic of Indonesia, is performed by the Commander of the Armed Forces of Republik of Indonesia. The State Administration Court is an executant of judicial powers for people seeking justice in State Administration disputes.

THE ATTORNEY GENERAL'S OFFICE OF THE REPUBLIC OF INDONESIA

Address: Sultan Hasanuddin No. 1, Kebayoran Baru, Jakarta Selatan – Indonesia.

Tel: +62 21 722 1269

E-mail : humas.puspenkum@kejaksaan.go.id

Legal Basis of AGO

The Attorney General's Office of the Republic of Indonesia (AGO) is established on 19 August 1945, two days after Indonesia declared the independence over the colonialism by Netherland for 350 years and Japan for 3.5 years. The first legal basis of AGO was Government Regulation (Peraturan Pemerintah) Number 2 Year of 1945.

In the early years after the country's independence, AGO was institutional government under of the Supreme Court which is ruled and mention on the Article 24 constitution. The first regulation that specifically ruled AGO was Law Number 15 Year 1961 regarding Provision of teh AGO and then

changed with Law Number 5 Year 1991 regarding AGO. In line with the reforms taken place in Indonesia, the Law Number 5 Year 1991 regarding AGO was amended and replaced with Law Number 16 Year 2004 regarding AGO.

Preface of AGO

The Attorney General's Office of the Republic of Indonesia is government institution which implementing the power of the country in the field of prosecution and other competencies according to the law. (Article 2, 1 Law No. 16 Year 2004).

Attorney General is selected/elected, appointed and dismissed by President of the Republic of Indonesia. Main duties of AGO is to implementing prosecution independently related with the case which proceed on the court in the purpose of law enforcement.

Prosecutor is a functional official authorized by Law to act as public prosecutors and to execute court decisions and other authorities under the law. Prosecutor is appointed and dismissed by the Attorney General.

Prosecution is the act of the public prosecutor to hand over criminal case to the competent district court according to the procedures which is ruled on the Criminal Procedure Code.

The power to prosecute criminal cases is organized by the Attorney General's Office, the High Prosecution Office, and the Public Prosecutor's Office/District Prosecution Office. The Attorney General's Office is located at the Capital City of the Republic of Indonesia and the jurisdiction covering the territory of Indonesia. The High Prosecutor's Office is located at the Capital of the Province and the jurisdiction covers the territory of the Province. As for District Prosecution Office is located at Capital of the District and the jurisdiction covers the territory of the District/City.

The Structure of AGO



The structure of The Attorney General's Office of the Republic of Indonesia are consist of the Attorney General's Office, the High Prosecution Office, and the Public Prosecutor's Office/District Prosecution Office.

The Attorney General's Office of the Republic of Indonesia, comprises

- Attorney General
- Vice Attorney General
- Expert Staff & Professional Expert
- Deputy Attorney General of Advancement
- Deputy Attorney General of Intelligence
- Deputy Attorney General of General Crimes
- Deputy Attorney General of Special Crimes
- Deputy Attorney General of Civil and State Administration
- Deputy Attorney General of Supervision
- Training and Education Center
- Research and Development Center
- Legal Information Center
- Criminal Statistics Data and Information Technology Center
- Assets Recovery Center
- High Prosecution Office
- District Prosecution Office
- Deputy Attorney General of Advancement, comprises :
- Deputy Attorney General
- Secretary of Deputy Attorney General of Advancement
- Internal Affairs Bureau
- Legal and International Relations Bureau
- Planning Bureau
- Financial Bureau
- General Bureau
- Equipment Bureau
- Criminal Statistics Data and Information Technology Center
- Assets Recovery Center
- Head of State Administration on Deputy Attorney General of Advancement

- Head of Preparation of reports and assessment programs
- Head of Section
- Head of Subsection
- Functional Prosecutor
- Staff

Deputy Attorney General of Intelligence, comprises

- Deputy Attorney General
- Secretary of Deputy Attorney General of Intelligence
- Directorate of State Financial Addressing and Crime Countermeasures (Directorate I)
- Directorate of Political, Socio-Cultural and Organizational Resources (Directorate II)
- Directorate of Information security, monitoring, technology and intelligence production (Directorate III)
- Legal and Information Center
- Coordinator on Deputy Attorney General of Intelligence
- Head of State Administration on Deputy Attorney General of Intelligence
- Head of Preparation of reports and assessment programs
- Head of Sub Directorate
- Task Force of Intelligence
- Functional Prosecutor
- Staff

Deputy Attorney General of General Crimes, comprises

- Deputy Attorney General
- Secretary of Deputy Attorney General of General Crimes
- Directorate of Crimes Against Persons and Properties
- Directorate of Crimes Against State Security and Public Orders
- Directorate of Others General Crimes
- Coordinator on Deputy Attorney General of General Crimes



- Head of State Administration on Deputy Attorney General of General Crimes
- Head of Preparation of reports and assessment programs
- Head of Sub Directorate
- Task Force of Terrorism and Transnational Crimes
- Task Force of Natural Resources
- Functional Prosecutor Staff

Deputy Attorney General of Special Crimes, comprises

- Deputy Attorney General
- Secretary of Deputy Attorney General of Special Crimes
- Directorate of Investigation
- Directorate of Prosecution
- Directorate of Executions and Examinations
- Coordinator on Deputy Attorney General of Special Crimes
- Head of State Administration on Deputy Attorney General of Special Crimes
- Head of Preparation of reports and assessment programs
- Head of Sub Directorate
- Task Force on Case Handling and Settlement (P3TPK) Functional Prosecutor
- Staff

Deputy Attorney General of Civil and State Administration, comprises

- Deputy Attorney General
- Secretary of Deputy Attorney General of Civil and State Administration
- Directorate of Civil
- Directorate of State Administration
- Directorate of Recovery and Protection of Rights
- Coordinator on Deputy Attorney General of Civil and State Administration
- Head of State Administration on Deputy Attorney General of Civil and State Administration

- Head of Preparation of reports and assessment programs
- Head of Sub Directorate
- Functional Prosecutor
- Staff

Deputy Attorney General of Supervision, comprises

- Deputy Attorney General
- Secretary of Deputy Attorney General of Supervision
- Inspector I
- Inspector II
- Inspector III
- Inspector IV
- Inspector V
- Deputy Inspector
- Head of State Administration on Deputy Attorney General of Civil and State Administration
- Head of Preparation of reports and assessment programs
- Functional Prosecutor
- Staff

Training and Education Center, comprises

- Head of Training and Education Center
- Secretary of Training and Education Center
- Head of State Administration
- Head of Preparation of reports and assessment programs
- Training of Management and Leadership Center
- Training of Technical Functional Center
- Functional Prosecutor
- Staff

Research and Development Center, comprises

- Head of Research and Development Center
- Head of State Administration



- Head Section of Research
- Head Section of Review Assessment and Development
- Head of Subsection
- Functional Prosecutor
- Staff

Legal Information Center, comprises

- Head of Legal Information Center
- Head Section of Administration
- Head Section of Counseling and Legal Information
- Head Section of Mass Media Relations
- Head Section of Government Institution and Non-Government Organization Relations
- Head of Subsection
- Functional Prosecutor
- Staff

Criminal Statistics Data and Information Technology Center, comprises

- Head of Legal Information Center
- Head Section of Administration
- Head Section of Data Management and Criminal Statistics
- Head Section of Technology Application and Development
- Head of Subsection Preparation of reports and assessment programs
- Head of Subsection
- Functional Prosecutor
- Staff

Assets Recovery Center, comprises

- Head of Assets Recovery Center
- Head Section of Assets Recovery I
- Head Section of Assets Recovery II
- Head Section of Administration
- Head of Subsection
- Functional Prosecutor
- Staff

High Prosecution Office, comprises

- Head of High Prosecution Office
- Vice Head of High Prosecution Office
- Assistant for Advancement on High Prosecution Office
- Assistant of Intelligence on High Prosecution Office
- Assistant of General Crimes on High Prosecution Office
- Assistant of Special Crimes on High Prosecution Office
- Assistant of Civil and State Administration on High Prosecution Office
- Assistant of Supervision on High Prosecution Office
- Coordinator on High Prosecution Office
- Head of State Administration on High Prosecution Office
- Head of Section under the 6 (six) Assistant on High Prosecution Office, divided by duties and responsibilities of the Assistants.
- Treasurer/Financial Manager
- Functional Prosecutor on High Prosecution Office
- Head of Internal Employee Affairs
- Staff
- Honorer

District Prosecution Office, comprises

- Head of District Prosecution Office
- Head Section of Intelligence
- Head Section of Criminal Crimes
- Head Section of Special Crimes
- Head Section of Civil and State Administration
- Head Section for Advancement
- Head Branch of District Prosecutor Office (dependable for which area have an Branch of District Prosecutor Office, especially the jurisdiction is on huge port)
- Treasurer/Financial Manager



- Functional Prosecutor on District Prosecution Office
- Head of Internal Employee Affairs
- Staff
- Honorer

Duties and Authorities

Based on Article 30 of Law Number 16 Year 2004 regarding the Attorney of the Republic of Indonesia, there are the duties and authorities of AGO.

In the criminal field

- To Prosecute;
- To Implement the court order from judges and verdict which is final & legally binding;
- To Conduct supervision on the implementation of conditional rulings, supervisory verdicts, and conditional release decisions;
- To Conduct investigations of certain crimes under the law;
- To Completes a particular case file and could perform additional checks before submission to the court, the implementation of which is coordinated with the investigator.
- Making legal advice and consideration to President of the Republic of Indonesia regarding Extradition and Mutual Legal Assistance matters.

In the civil and administrative fields of the country

The Attorney General's Office with special powers/authority may act either inside or outside the court for and on behalf of the state or government.

In the field of public order and public order, the Public Prosecution Service also organizes activities:

- To increase the awareness of law on the community or society;

- Safeguarding law enforcement policies;
- Supervision/Surveillance on the circulation of printed matter;
- Surveillance of a religious beliefs that may endanger society and state;
- Prevention of misuse and / or desecration of religion;
- Legal research and development as well as criminal statistics.

In the International Field

Making a good cooperation, networking and coordination with foreign law enforcement institutions to exchange of legal matters information, training and education to develop human resources.

To participate in International Meeting or Workshop on Law Enforcement/ Cooperation which is held by International Organization.

THE NATIONAL OMBUDSMAN

Address: Jl. H.R. Rasuna Said Ka. C.19, Gedung Upindo Lt. Dasar, 5, 6, 7, Jakarta Selatan, Jakarta 12940, Indonesia

Tel: +62 21 52960894, +62 21 52960907

E-mail : humas@ombudsman.go.id

Website: www.ombudsman.go.id

Based on Law Number 37 Year 2008 concerning the Ombudsman of the Republic of Indonesia, the Ombudsman of the Republic of Indonesia is a state institution which has the authority to oversee the implementation of public service either by state organizers and government including those held by state owned enterprises, private entities or individual who assigned to perform certain public service that part or all of their funds are sourced from the state's



revenue and expenditure budget and or local revenue and expenditure budgets.

The Ombudsman of the Republic of Indonesia is an independent state institution and has no organic relationship with other state institution and government agencies and in carrying out its duties and authority, free from any other interference and powers (article 2 of Law Nom 37 of 2008 on the Ombudsman of the Republic of Indonesia).

In carrying out its duties and authorities, The Ombudsman of the Republic of Indonesia is based on

- Appropriateness;
- Justice;
- Non-discrimination;
- Impartial;
- Accountability;
- Balance;
- Openness;
- Confidentiality.

Objectives of the Ombudsman of the Republic of Indonesia

- To establish a democratic, just and prosperous legal state;
- Encourage an effective and efficient, honest, open, free from corruption, collusion and nepotism of the state and government;
- Improving the quality of state service in all areas so that every citizen will gain greater justice, security and well-being;
- Creating and enhancing efforts to eradicate and prevent maladministration practices, discrimination, collusion, corruption and nepotism;
- Enhance the culture of national law, the awareness of community law and the rule of law that imply truth and justice.

In achieving the objectives, the Ombudsman of the Republic of Indonesia has duties

- Receiving reports on alleged maladministration in the provision of public services;
- Conduct a substantial examination of the report;
- Follow up on the report covered in the scope of the Ombudsman of the Republic of Indonesia;
- Investigate on its own initiative against alleged maladministration in the delivery of public services;
- Coordinate and cooperate with state agencies or other government agencies as well as community and private institutions;
- Build network;
- Prevent maladministration in the delivery of public services; and
- Perform other tasks assigned by law.

In performing the functions and duties of the Ombudsman of the Republic of Indonesia is authorized

- Requesting verbal and / or written information from the reporting party, reported party, or other related parties concerning report submitted to the Ombudsman of the Republic of Indonesia;
- Examining decisions, correspondence, or other documents contained in the reporting party or the reported party to obtain the truth of a report;
- Request clarification and / or copies or photocopies of documents required from any agency for examination of reports from the reported party's agency;
- Calling the reporting entity, the reported party and other parties related to the report;



- Complete the report through mediation and conciliation at the request of the parties;
- Making recommendations on the report's settlement, including recommendations to pay compensation and / or rehabilitation to the injured party;
- In the public interest announcing the findings, conclusions, and recommendations;
- Submit advice to the President, regional hgead, or other state administration leaders for the improvement and perfection of the organization and / or procedures for public services;
- Submitting suggestions to the House of Representatives and / or the President, the regional House of Representatives and / or regional heads so that other laws and regulations are amended in order to prevent maladministration.

Structure of the Ombudsman of the Republic of Indonesia are

1. The leader of the Ombudsmand of the Republic of Indonesia shall consists of:
 - 1 (one) chariman concurrently member
 - 1 (one) vice chairman concurrently member, and 7 (seven) members.
2. In carrying out its duties and authority, the leader of the Ombudsman of the Republic of Indonesia shall be assisted by the assistant team of the Ombudsman of the Republic of Indonesia;

3. In the case of administrative support the Ombudsman of the Republic of Indonesia shall be assisted by a secretariat headed by a secretary-general consisting of 3 (three) bureaus: bureau of planning, supervision and cooperation: consist of 3 (three) sections and 5 (five) subdivisions;
 - Administrative bureau, information system and report: consist of 4 (four) sections and 9 (nine) sub sections;
 - General bureau: consist of 3 (three) sections and 8 (eight) sub sections.

Vision

The authoritative, effective and fair of The ombudsman of the Republic of Indonesia.

Mission

- Strengthening institutions;
- Improving the quality of public services of the Ombudsman of the Republic of Indonesia;
- Increase community participation;
- Encouraging the improvement of the quality of public services of the Ombudsman of the Republic of Indonesia
- Increase community participation;
- Encouraging the improvement of the quality of public services;
- Strengthening eradication and prevention of maladministration



LAO PEOPLE'S DEMOCRATIC
REPUBLIC



ASEAN
GOVERNMENT LAW DIRECTORY
6TH EDITION

MINISTRY OF JUSTICE

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The Ministry of Justice's primary responsibilities include drafting laws, examining the drafted laws submitted by line ministries, formulating legislative plans, collecting legal information, conducting legal research to develop existing laws, disseminating the laws, 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. The Ministry of Justice also supervises legal professions, the Lao Bar Association and the development of legal education.

The Ministry of Justice comprises of 12 Departments as follows

1. Cabinet Office
2. Organization and Personal Department
3. Inspection Department
4. International Cooperation Department
5. Legislation Department
6. Law Dissemination Department
7. Judicial System Promotion Department
8. Judgment Execution Department
9. Notary Department
10. Law Review and Assessment Department
11. Economic Arbitration Center
12. National Institute of Justice

Ministerial Ranks

H.E. Sasy SANYVONG, *Minister of Justice*

H.E. Suemsouk SIMPHAVONG,
Vice-Minister of Justice

H.E. Bounsavad BOUPHA,
Vice-Minister of Justice

H.E. Phayvy SYBOUALYPHA,
Vice-Minister of Justice

Cabinet Office

Mr. Khamphone SIPASEUTH, *Chief*

Mr. Leexiong LEEEXAYTOU, *Deputy Chief*

Mr. Khamphou THIRAKUL, *Deputy Chief*

Mr. Sengphachanh VONG PHOTHONG,
Deputy Chief

Organization and Personnel Department

Mr. Bountha SONGYERTHAO,
Director General

Mr. Khamseuth VILAPHANH,
Deputy Director General

Mr. Souvanhnapha SOUKVILAY,
Deputy Director General

Inspection Department

Mr. Bounmek BANNAVONG,
Director General

Mr. Khamphet OUNHEUAN,
Deputy Director General

Mr. Xayyasack KEOMANYVONG,
Deputy Director General

International Cooperation Department

Mr. Ketsana PHOMMACHANE,
Director General

Mrs. Saykhit VISISOMBAT,
Deputy Director General



Mr. Sommay SYOUDOMPHAN,
Deputy Director General

Mr. Bounmy BOUPHALIVANH,
Deputy Director General

Legislation Department

Mr. Inthapanya KHIEWVONGPHACHANH,
Director General

Mr. Souliya SIDAVONG,
Deputy Director General

Mr. Phannola THONGCHANH,
Deputy Director General

Mr. Somboun VONGPHACHAN,
Deputy Director General

Law Dissemination Department

Mr. Phouthone KEODOUANGMANY,
Director General

Mrs. Sisouda SOPHAVANHDEE,
Deputy Director General

Mr. Bounlom DOUANGMALA,
Deputy Director General

Ms. Khonesavanh SAVALY,
Deputy Director General

Judicial System Promotion Department

Mr. Chomkham BOUPHALIVANH,
Director General

Mr. Vikone BOUNVILAY,
Deputy Director General

Mr. Sisouphanh THONGSAITHALA,

Deputy Director General

Mr. Bounxouang THAVISACK,
Deputy Director General

Judgment Execution Department

Mr. Kongsy SAYSOUTHSA,
Director General

Mr. Souphy NORINTHA,
Deputy Director General

Mr. Sengphet LIEMPHACHANH,
Deputy Director General

Mr. Latsamy PHETLAVANH,
Deputy Director General

Notary Department

Mr. Thai LORBLIAYAO,
Director General

Mr. Salermsai SAYYAMOONTY,
Deputy Director General

Mr. Niem SOUPHANHKHAMMAVONG,
Deputy Director General

Law Review and Assessment Department

Mr. Nalonglith NORASING,
Director General

Mr. Bounkhong PHANVONGSSA,
Deputy Director General

Mr. Phetsamone THANNOUVONG,
Deputy Director General

Economic Arbitration Center



Mrs. Duangmani LAOMAO,

Director General

Mr. Amnouyphone PHANYASAVATH,

Deputy Director General

Mr. Pasong VONGDEUAN,

Deputy Director General

Mr. Beevang CHONGCHER,

Deputy Director General

National Institute of Justice

Mr. Bounta S.PHABMIXAY,

Director General

Mr. Sivisay PHASANPHONE,

Deputy Director General

Mr. Viengphet
SENGSONGYIALOFAICHONG,

Deputy Director General

Mr. Kaithiphachanh DOUANGPHACHANH,

Deputy Director General

Mrs. Phetsamay XAYMOUNGKHOUN,

Deputy Director General

JUDICIARY

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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. There are two different types of courts in Lao PDR such as people's court and military court. The military court is in charge of adjudicating the cases that involve to the military matter. The President of the Supreme Military Court also holds the position of the deputy Chief Justice of the Lao People's Supreme Court. There are four different levels of people's courts namely: the people's Supreme Court, regional courts, provincial and Vientiane capital courts and summary courts. The courts have function to adjudge cases in order to augment legality, social order dispose of, and 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.

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 courts.

People's Supreme Court consists of seven departments and six court chambers

1. Cabinet Office
2. Organization and Personnel Department
Administration Inspection and Court Statistic Department
3. Inspection Department
4. Finance Department
5. Planning and International Cooperation Department
6. Judicial Research and Training Institute (JRTI)



7. Civil Court Chamber
8. Criminal Court Chamber
9. Commercial Court Chamber
10. Family Court Chamber
11. Labour Court Chamber
12. Juvenile Court Chamber

President and Vice Presidents of the People's Supreme Court

Hon. Khamphanh SITTHIDAMPHA,

President

The President of the People's 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.

Hon. Khampha SENGDARA,

Vice-President

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.

Hon. Bounkhouang THAVISACK,

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.

Hon. Khamphanh Bounphakhom

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.

Cabinet Office

Mr. Phongurn CHANTHANAKHONE, *Chief*

Mr. Khounsouvanh SOUTHAMMAVONG, *Deputy Chief*

Ms. Chanthai XAYYAVONG, *Deputy Chief*

Personnel and Organization and Department

Mr. Kang TEMSOMBATH, *Director General*

Mr. Sakon XAYYALATH,

Deputy Director General

Administration Inspection and Statistic Court Department

Mr. Phomsouvanh PHILACHANH,

Director General

Inspection Department

Mr. Phomma SOUVANNAPHONE,

Director General

Finance Department

Mr. Phommaha PANYANOUDETH,

Director General

Department of International Relations and Cooperation

Mr. Anisack VANGVICHITH,

Director General

Judicial Research and Training Institute (JRTI)

Ms. Souksavath BOUNMASENG,

Director General

Civil Court Chamber

Mr. Chanthaly DOUANGVILAY,

President

Family Court Chamber

Mr. Bounheng PHIMMANYVONG,

President



Labour Court Chamber

Mrs. Keson PHANHLAK,

President

Criminal Court Chamber

Mr. Khamxay CHITAKONE,

Mr. President

Juvenile Court Chamber

Mr. Sisavanh LOUANGLATH, *President*

Commercial Court Chamber

Mr. Simmaly SYVONGXAY,

President

PEOPLE'S HIGH COURTS

The People's High Courts have been recently established by the Law on Amendment of the Law on the People's Court. There are three designated People's High Courts: the People's High Court of Northern Part situated in Luangprabang Province, the People's High Court of Central Part located in Vientiane City, and the People's High Court of Southern Part which is situated in Champasack Province. The People's High Courts hear the first-instance cases appealed from the provincial courts and Vientiane Capital Courts.

The People's High Courts are divided into Civil Chamber, Commercial Chamber, Criminal Chamber, Family Chamber, and Juvenile Chamber. Each Chamber comprises a president, vice-presidents, judge assisted judges and court's registrars. All People's High judges are appointed and removed by the Standing Committee of the National Assembly, upon the proposal of the President of the Supreme Court Judges.

PEOPLE'S PROVINCIAL COURTS AND THE VIENTIANE CAPITAL COURT

The people's provincial courts and Vientiane Capital court are part of the judicial system of the Loa 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 Court.

Each people's provincial court (Vientiane Capital 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. Each chamber comprises a president, vice-president, and judges.

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 Prosecutors.

1. Office of the Public Prosecutor is divided into:
2. Office of the Supreme Public Prosecutor
3. Office of the Appellate Public Prosecutor
4. Office of the Public Prosecutor at provincial and city level
5. Office of the Public Prosecutor at district level
6. Office of the Military Prosecutor.



OFFICE OF THE SUPREME PEOPLE'S PROSECUTOR

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Mr. Khamsane SOUVONG,

Supreme People's Prosecutor

Mr. Xaysana KHOTPHOUTHONE,

Deputy Supreme People's Prosecutor

Mr. Bounyang CHANDALASANE,

Deputy Supreme People's Prosecutor

Mr. Khamkongouthen KEOMANO,

Prosecutor Assistant

Cabinet Office

Mr. Sisounthone SORPHABMIXAY,

Cabinet Chief

Mr. Chanthaboun PHENGGKHAMSAI,

Deputy Chief

Mr. Somphonexay MUEANGPAK,

Deputy Chief

Mr. Bounthavy SISENDY,

Deputy Chief

Prisons Inspection Department

Mr. Onchan MANYVANH,

Director General

Mr. Nosavanh SYHALATH,

Deputy Director General

Mr. Khamla SOUVAT,

Deputy Director General

Organization and Personnel Department

Mr. Somboun LATSABOUASY,

Director General

Mr. Kongphet LATHBOUNHUEANG,

Deputy Director General

Ms. Phonethip SAVARY,

Deputy Director General

Finance Department

Mr. Somphou PHOTHISA,

Director General

Mr. Sisouphanh SIVANHTHONG,

Deputy Director General

Planning and International Cooperation Department

Ms. Bounthai PANKEO,

Director General

Mr. Khamphet SOMVOLACHITH,

Deputy Director General

Mr. Soutsaka BOUNMANIT,

Deputy Director General

Inspection Department

Mr. Sonesavanh SENGAPHAY,

Director General

Mr. Phouvieng VONGXAY,

Deputy Director General

Ms. Bouakham PADAPDY,

Deputy Director General



Civil Inspection Department

Mr. Bounthan BOUNTHAVILAY,

Director General

Mr. Boualy PHETMIXAY,

Deputy Director General

Mr. Xaysana LATSAVONG,

Deputy Director General

Criminal Inspection Department

Mr. Chanthy POLYVANH,

Director General

Mr. Koulata PHIMMASEN,

Deputy Director General

Mr. Souphasith LORVANHXAY,

Deputy Director General

Institute for Research and Training of People's Prosecutor

Mrs. Phonphet OUNKEO,

Director General

Mr. Khamphay KOUMPHONPHAKDI,

Deputy Director General

PRIME MINISTER'S OFFICE

Department of Secretariat

Address: Lanexang Avenue Vientiane Capital,
Lao PDR

Tel : +856-21-21-4966

+856-21-90-0625

Fax : +856-21-900623

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. Thongloun SISOULITH 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.



MALAYSIA



ASEAN
GOVERNMENT LAW DIRECTORY
6TH EDITION

ATTORNEY GENERAL'S CHAMBERS

Address: No. 45, Persiaran Perdana
Precint 4 62100 Putrajaya,
Malaysia.

Tel : +603-88722000

Fax : +603-88905670

Website: 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.

Attorney General of Malaysia

The Attorney General is the principal legal adviser to the Government. The current Attorney General is the Honorable Mr. Tommy Thomas.

His role and responsibilities are provided for in Article 145 of the Federal Constitution as follows:

Attorney General 145

1. The Yang di-Pertuan Agong 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 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 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.
4. Federal law may confer on the Attorney General power to determine the courts in which or the venue at which any proceedings which he has power under Clause (3) to institute shall be instituted or to which such proceedings shall be transferred.
5. 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.
6. Subject to Clause (6), the Attorney General shall hold office during the pleasure of the Yang di-Pertuan Agong 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 may determine.
7. 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 favourable 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 three (3) Solicitors General of Malaysia in the Attorney General’s Chambers:

Solicitor General

The Honorable Solicitor General, Datuk Engku Nor Faizah Engku Atek 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 responsible for civil matters, interviews, intakes, transfers, postings and promotions of officers and any other duties directed by the Attorney General. The Solicitor General is also responsible for supervising the Drafting Division, Law Revision and Law Reform Division and Syariah and Harmonisation of Law Division for the Legislative Sector as well as the Management Division.

Solicitor General II

Datuk Siti Zainab Omar, who is carrying out duties of Solicitor General II, is responsible for supervising the Advisory Division, Research Division and International Affairs Division for Advisory Sector.

Solicitor General III

Dato’ Mohamad Hanafiah Zakaria, who is carrying out duties of Solicitor General III, is responsible for supervising the Appellate and Trial Division, Civil Division and Prosecution Division for the Litigation Sector.

COMPOSITION OF THE ATTORNEY GENERAL’S CHAMBERS

There are ten (10) Divisions and one (1) Inspectorate Litigation Sector under the Attorney General’s Chambers –

Advisory Division

Head of Advisory Division

Datuk Siti Zainab Omar (Carries out duties of Solicitor General II)

Objective

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.

Functions

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.

Appellate and Trial Division

Head of Appellate and Trial Division

Dato' Mohamad Hanafiah Zakaria (Carries out duties of Solicitor General III)

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.

Functions

- 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.

Civil Division

Head of Civil Division

Dato' Amarjeet Singh Serjit Singh

Objective

- 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.

Functions

- 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 the Notaries Public Act 1959 (Revised 1973).
- Represent the Attorney General in petitions for admissions as advocates and solicitors pursuant to the Legal Profession Act 1976 [*Act 166*].

Prosecution Division

Head of Prosecution Division

Mr. Manoj Kurup

Objective

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.

Functions

- 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.

Drafting Division

Parliamentary Draftsman

Dato' Ilani Mohamad Ibrahim

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.

Functions

- 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.

Law Revision and Law Reform Division

Commissioner of Law Revision and Law Reform

Dato' Siti Zawahir Mohamed

Objective

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

Functions

- Reprint laws in both the national language 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.

International Affairs Division

Head of International Affairs Division

To' Puan Azian Mohd Aziz

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.

Functions

- 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.

Research Division

Head of Research Division

Dato' Chan Seong Gnoh

Objective

To undertake comprehensive and professional research of the highest quality.

Function:

Conducting comprehensive, systematic and effective legal and historical research to produce precise, sound and comprehensive research and legal opinion.

Syariah and Harmonisation of Law Division

Head of Syariah and Harmonisation of Law Division

Dr. Arik Sanusi Yeop Johari

Objective

To ensure that the legal services rendered in relation to Syariah-related issues are effective and efficient in line with the current needs.

Function

- Preparing legal opinions, second legal opinions, feedbacks, comments and inputs in relation to Syariah-related issues.
- Vetting legal documents such as agreements and memoranda of understanding in relation to Syariah-related issues.
- Providing comments on policy papers, including Cabinet Papers, in relation to Syariah-related issues.
- Vetting and studying the issues related to hukum Syarak and Syariah law in relation to bills and subsidiary legislation.
- Conducting research and making proposals for standardization and coordination of Syariah laws between the States.
- Conducting research and making proposals for harmonisation between civil laws and Syariah laws in order to resolve conflict of



jurisdiction between civil court and Syariah court.

- Representing Ministries, Departments and agencies in civil cases before the Syariah courts.
- Assisting the Civil Division in the handling of cases in relation to Syariah-related issues in civil courts.
- Preparing inputs for bodies, institutions and committees of which the Attorney General or the Attorney General's Chambers is a member.
- Conducting Syariah Community Conferences and Syariah Community Meetings to obtain views, feedbacks and inputs in relation to Syariah-related issues.

Management Division

Head of Management Division

Mr. Noor Mohd Huzaila Abdul Majid

Objective

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

Functions

- To provide support services to the Department in General Administration, Asszet and Security, Human Resource Management, Financial, Budget and Procurement Management, Resource Centre and ICT Management matters.
- Acting as Secretariat for Government Moveable Assets Management Committee, Government Immoveable Assets

Management Committee, Energy Management Committee, Creativity and Innovation Committee, Department Safety Committee, AGC's Strategic Plan Committee, Joint Departmental Councils (MBJ), Head of Department Meeting, Building Maintenance Meeting, Service Providers Meeting, Human Resource Development Panel Meeting, Judiciary and Legislation Services Commission Meeting, Disciplinary Board Management Group (No. 2) Meeting, Disciplinary Board Supportive Group (No. 1) Meeting, Disciplinary Board Supportive Group (No. 2) Meeting, Promotion Board Meeting, Main Search Committee Meeting, Training Committee, Trust Account Committee, Financial and Account Management Committee, Revision and Monitoring Allocation Expenditure Committee, Ministry's OBB Implementation Committee (MOIC), Revision and Monitoring Allocation Expenditure Committee (Books acquisition), ICT Steering Committee, ICT Technical Committee, AGC Portal Management Committee, Execute Service Circulars and Government Orders.

Inspectorate

Director of Inspectorate

Dato' Azizah Mahamud

Objectives

- To undertake supervision on all matters relating whether directly or indirectly to prosecution especially on posts and human resources matters connected to the posts of Deputy Public Prosecutors.
- To undertake supervision on all matters relating whether directly or indirectly to civil proceedings especially on posts and human



resources matters connected to the posts of Federal Counsel.

Functions

- To scrutinize and analyse the number of posts of Deputy Public Prosecutors and Federal Counsels at the Attorney General's Chambers in order to better execute the functions of prosecutions and civil litigation in accordance with work-load throughout Malaysia.
- To recommend appropriate suggestions to overcome problems relating to the shortage of Deputy Public Prosecutors and Federal Counsels to achieve a balance between the numbers of officers and the rate of disposal of cases as determined by the Courts.
- To prepare reports on inspections, visits and also investigations undertaken at offices of State Directors of Prosecution and premises used for "House as Office for Deputy Public Prosecutors who are posted in certain districts" and suggest improvements thereon.
- To scrutinize and update Public Prosecutor's Orders and Attorney General's Orders with respect to the functions of Deputy Public Prosecutors and Federal Counsels to ensure that Public Prosecutor's Orders and Attorney General's Orders do not overlap, are still relevant and in force.

THE JUDICIARY

Address : Federal Court of Malaysia
 Palace of Justice Precint 3
 62506 Putrajaya

Telephone : +603-88803500/3900

Facsimile : +603 88803886

Website : www.kehakiman.gov.my

Objectives

To implement fair, of quality, transparent and efficient administration of justice in accordance with the Federal Constitution and other laws of Malaysia.

Functions

- To ensure compliance with the Federal Constitution.
- To uphold justice in accordance with the laws of Malaysia.
- To adjudicate and resolve legal matters arising between individuals as well as individuals and the state.
- To interpret the laws of Malaysia when necessary.

COMPOSITION OF THE JUDICIARY

Chief Justice of the Federal Court Malaysia

The Right Honourable Tan Sri Datuk Seri Panglima Richard Malanjum

President of the Court of Appeal

The Right Honourable Tan Sri Dato' Sri Ahmad Haji Maarop

Chief Judge of Malaya

The Right Honourable Tan Sri Zaharah Ibrahim

Chief Judge of Sabah and Sarawak

The Right Honourable Datuk David Wong Dak Wah

Chief Registrar for the Federal Court of Malaysia

The Honourable Dato' Sri Latifah Haji Mohd Tahar

THE LEGAL AID DEPARTMENT

Director General



Datuk Haini Hassan

62692 Putrajaya

Address : Legal Aid Department

Telephone: +603-88851250

Prime Minister's Department
Level 1, Legal Affairs Building
Precint 3, Federal Government

Facsimile : +603-8885 1303

Website : www.mdi.gov.my

Administrative Centre
62692 Putrajaya

Telephone : +603-88851000

Facsimile : +603-88851829/1830/1831

Website : www.jbg.gov.my

Objectives

To provide legal aid services as perscribed under the Legal Aid Act 1971.

Functions

- To provide legal advice on all legal matters as specified in the Fourth Schedule to the Legal Aid Act 1971 [Act 26].
- To represent or provide legal assistance in proceedings in all courts in Malaysia within the jurisdiction as provided for in the Second Schedule (criminal jurisdiction) and the Third Schedule (civil jurisdiction) to the Legal Aid Act 1971.
- To provide mediation services.
- To promote legal awareness to members of the public on their rights under the law.

THE MALAYSIAN DEPARTMENT OF INSOLVENCY

Director General

Dato' Umar Saifuddin Jaafar

Address : Level 2-3, Legal Affairs Building

Precint 3, Federal Government

Administrative Centre

Objectives

- Strengthening the administration, services and enforcement of the insolvency management.
- Strengthening the application and the implementation of the insolvency laws.
- Strengthening the ability and capacity of Malaysian Department of Insolvency.
- Strengthening the co-operation and strategic partnership.

Functions

To administer the affairs of debtors and bankrupts pursuant to Insolvency Act 1967 [*Act 360*] and Insolvency Rules 1969.

- To act as Provisional Liquidator or appointed Liquidator for companies that has been wound up pursuant to the Companies Act 2016 [*Act 777*] and Companies Rules (Winding-up) 1972.
- To administer the affairs of societies that has been deregistered pursuant to the Societies Act 1966 [*Act 335*] and Societies Rules 1984.
- To administer the affairs of trade unions that have been deregistered pursuant to the Trade Unions Act 1959 [*Act 262*] 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 Insolvency Act 1967, company directors pursuant to the Companies Act 2016, the Societies Act 1966, 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



Insolvency Act 1967 and the Companies Act 2016.

- 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 the financial and insolvency accounting affairs as well as asset realization activities provided under the Insolvency Act 1967, the Companies Act 2016, the Financial Procedure Act 1957 [*Act 61*] or the Treasury Instructions.
- 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 OF MALAYSIA

Chief Executive Officer

Dato' Zahrah Abd Wahab Fenner

Address : Menara SSM@Sentral
No. 7, Jalan Stesen Sentral 5
Kuala Lumpur Sentral
50623 Kuala Lumpur

Telephone : +603-22994400

Facsimile : +603-22994411

Hotline: +603-2299 4400

E-mail : enquiry@ssm.com.my

Website : www.ssm.com.my

Objectives

Optimizing process improvement by identifying and developing new processes to ensure quality in service delivery.

- Utilizing agile technology platform by providing efficient registry services in embracing digital technology and encouraging rapid and flexible response to change.
- Providing a high performance culture by setting clear expectations, defining employees' roles, creating a trusting environment, and encouraging employees' growth and development.
- Providing a trusted environment by ensuring the nation is the preferred destination for business.
- Integrating sustainable value by creating organizational sustainability.

Functions

- To ensure that the provisions of the Companies Commission of Malaysia Act 2001 [*Act 614*] 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 and to encourage and promote corporate responsibility and business sustainability.

- 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 analysed 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

Dato' Anita Harun

Address : Lot 5, Persiaran Universiti,
Seksyen 15 43650 Bandar Baru Bangi,
Selangor Darul Ehsan, Malaysia

Telephone : +603-89243400

Facsimile : +603-89261231

Website : www.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 to ensure a service that is fair, efficient and effective through systematic and planned training.

Functions

- To plan and conduct judicial and legal 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 and legal areas with a view towards publication.

ASIAN INTERNATIONAL ARBITRATION CENTRE

(Formerly known as The Kuala Lumpur Regional Centre for Arbitration)

Director

Datuk Professor Sundra Rajoo

Address : Asian International Arbitration
Centre Bangunan Sulaiman Jalan Sultan
Hishamuddin 50000 Kuala Lumpur, Malaysia

Telephone : +603-22711000

Facsimile : +603-22711010

Website : www.aiac.world

Functions:

- To promote domestic and international commercial arbitration in Malaysia and the world.
- To render assistance in the conduct of ad hoc arbitrations as the default appointing authority pursuant to the laws of Malaysia.
- To administer arbitrations and other alternative dispute resolution (ADR) services conducted through the adoption of the AIAC Arbitration Rules and other bespoke dispute resolution and dispute management services such as the AIAC Fast Track



Arbitration Rules, the AIAC Islamic Arbitration Rules as well as the AIAC Mediation Rules.

- To act as the administering authority for adjudication proceedings under the Construction Industry Payment & Adjudication Act 2012 and a service provider for the Asian Domain Name Dispute Resolution Centre (ADNDRC).
- To serve as a multi-purpose global hub not just in the field of arbitration but also for holistic ADR services in the region and beyond.
- To co-ordinate and assist the activities of existing arbitral institutions in the Asia-Pacific region and foster collaboration amongst global and national institutions to improve existing frameworks in conflict and dispute resolution.
- To spearhead pioneering projects for the benefit of the ADR community including dispute avoidance initiatives such as the Standard Form of Contracts for the construction industry, as well as leading the transformation in contemporary areas such as sports and investment arbitration.
- To establish and lead the promotion and development of ADR in the region through multiple capacity building initiatives in Asia and throughout the world, such as the establishment of the Asian Institute of Alternative Dispute Resolution (AiADR).



MYANMAR



ASEAN
GOVERNMENT LAW DIRECTORY
6TH EDITION

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 ASEAN Government 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 29th 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 28th 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.

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.

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 subsection (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 Pyidaungsu Hluttaw, the Speaker of the Pyithu Hluttaw or the Speaker of the Amyotha Hluttaw, 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, “fi ling appeal or revision, if it is necessary to fi le 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, “fi ling 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 subsections (d) and (e) of section 36 and to carry out other criminal and legal matters under subsections (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, fi ling revision under sub-section (n) of section 36 and submitting in accord with the stipulations if it is considered that an appeal should be fi led 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



ASEAN
GOVERNMENT LAW DIRECTORY
6TH EDITION

GOVERNMENT STRUCTURE

The Republic of the Philippines is a Constitutional democracy, with the President as Head of State. The President and Vice-President are elected by the people for a six-year term. The national government has three co-equal branches that exercise the corollary system of checks and balances and preserve the doctrine of separation of powers.

To achieve these purposes, the (1) Executive branch (the law-enforcing body) is to the enforcement of laws and may not enact or apply them; the (2) Legislative branch (the law-making body) is generally limited to the enactment of laws and may not enforce or apply them; and the (3) and the (3) Judicial branch (the law-interpreting body) is to the application of laws and may not enact or enforce them.¹

EXECUTIVE BRANCH

Executive power is exercised by the government under the leadership of the President, or through his Cabinet or Department Secretaries. It is the exercise of this power that the President of the Philippines assumes a plenitude of authority². The President as the Head of State and Chief Executive of the Republic of the Philippines assumes the leadership in the conduct of public and governmental affairs. This leadership is displayed by him/her not only in the enforcement of laws, including enactment of rules and regulations, but also in the conduct of foreign affairs, the command of the armed forces, the administration of the government and even the crystallization of public opinion on vital issues³. Verily, the President's powers include (1) appointing and removal powers; (2) military power/command of the armed forces; (3) pardon; (4) issuance of amnesty; (5)

borrowing; (6) diplomatic; (7) budgetary and (8) all other powers vested in him by the Constitution and the law.

The Vice-President is eligible for the position of member of the Cabinet and when appointed as such does not need confirmation by the Commission on Appointments. This is intended to prevent him/her from becoming a mere presidential stand-by.⁴

LEGISLATIVE BRANCH

Legislative power is vested in bicameral legislature: (1) The Senate or the Upper Chamber; and (2) The House of Representatives or the Lower Chamber.

- a) The Senate of the Philippines consists of twenty-four member Senators. Each Senator is elected for a term of six years. However, of the first twenty-four senators elected under the 1987 Philippine Constitution, only the top twelve garnering the most votes served for a six-year term. The other twelve served only for three years. Thereafter, twelve senators are elected, or re-elected to serve the full six-year term. The continuity of the life of the Senate is intended to encourage the maintenance of Senate policies as well as guarantee that there will be experienced members who can help and train newcomers in the discharge of their duties.⁵
- b) The House of Representatives is currently composed of 291⁶ Congressmen, who were elected from legislative districts apportioned among the provinces, cities and the Metropolitan Manila area in accordance with the number of their respective inhabitants, and on the basis of a uniform ratio and progressive ratio, and

¹ Isagani A. Cruz, *Philippine Political Law*, 1998 ed., page 57

² *Ibid.*, page 185

³ *Ibid.*, page 200

⁴ *Ibid.*, page 190.

⁵ *Ibid.*, page 113-114

⁶ www.congress.gov.ph/members



those who, as provided by law, shall be elected through a party-list system of registered national, regional and sectoral parties or organization. The 50 Party-List Representatives shall be filled by selection or election from the labor, peasant, urban poor, indigenous cultural communities, elderly, handicapped, veterans, overseas workers, women, youth, professionals and such other sectors as may be provided by law, except religious sector.⁷

JUDICIAL BRANCH

THE SUPREME COURT OF THE PHILIPPINES

Judicial power is vested not only in 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. The Supreme Court is the only constitutional court. All the lower courts or courts below the Supreme Court are of statutory creation.

The different lower courts under the Judiciary Reorganization Law are the Court of Appeals (CA) and the Regional Trial Courts (RTC). The First-Level Courts include: Metropolitan Trial Courts (MeTC); Municipal Trial Courts in Cities (MTCC); Municipal Trial Courts (MTC); Municipal Circuit Trial Courts (MCTC).

The Supreme Court is a constitutional body. It can neither 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 has both original and appellate jurisdiction. It has administrative supervision over all courts and court personnel and this power is exercised through the Office of the Court Administrator. The Supreme Court

has the exclusive power to promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts, the admission to the practice of law, the integrated bar, and legal assistance to the underprivileged.⁸

The Supreme Court of the Philippines is located at Padre Faura St., Manila 1000 Philippines, and may be reached through +632.522.5090 or +632.526.8129 or e-mail address: pio@sc.judiciary.gov.ph or via its website: www.sc.judiciary.gov.ph.

THE COURT OF APPEALS OF THE PHILIPPINES

The Court of Appeals is the second highest tribunal in the Philippines. It reviews the decisions of the Regional Trial Courts and quasi-judicial agencies.

The Court of Appeals of the Philippines is located at Maria Orosa St., Ermita 1000 Manila, Philippines, and may be reached through +632.524.1241 to 52 or e-mail address: coc_ca_manila@yahoo.com or via its website: www.ca.judiciary.gov.ph.

THE COURT OF TAX APPEALS

The Court of Tax Appeals (CTA) exercises original appellate jurisdiction over (1) decisions of the Commissioner of Internal Revenue, in cases involving disputed assessments, refunds of internal revenue taxes, fees or other charges, penalties imposed in relation thereto, or other matters arising under the National Internal Revenue Code or other law or part of law administered by the Bureau of Internal Revenue; (2) decisions of the Commissioner of Customs, in cases involving liability for customs duties, fees or other money charges; seizure, detention or release of property affected; fines, forfeitures

⁸Sec

<http://sc.judiciary.gov.ph/aboutsc/SC%20Brief%20Overview.pdf> (last accessed: 18 September 2018)

⁷ Ibid., page 117-118



or other penalties imposed in relation thereto; or other matters arising under the Customs Law or other law or part of law administered by the Bureau of Customs [Republic Act No. 1125, (1954), Sec. 7]; (3) automatic review of cases where decisions of the Commissioner of Customs favorable to the taxpayer are elevated to the Secretary of Finance (Republic Act No. 1464, Sec. 2315); and (4) decisions of the Secretary of Trade and Industry, in cases involving non-agricultural products, commodities or articles, or the Secretary of Agriculture, in cases involving agricultural products, commodities or articles, in connection with the imposition of the Anti-Dumping Duty, Countervailing and Safeguard Duty [Republic Act Nos. 8751 and 8752, (1999) Section 301 (a) and (p), and Republic Act No. 8800].

It also exercises appellate jurisdiction in (1) criminal cases involving violations of the National Internal Revenue Code, the Tariff and Customs Code and Customs Modernization and Tariff Act (Republic Act No. 10863); (2) decisions of the Regional Trial Courts (RTC) in local tax cases; (3) decisions of the Central Board of Assessment Appeals (CBAA) in cases involving the assessment and taxation of real property; and (4) collection of internal revenue taxes and customs duties the assessment of which have already become final.

The CTA of the Philippines is located at the National Government Center, Agham Road, North Triangle, Diliman, Quezon City 1104, Philippines and may be reached through +632.920.4249 or via its website www.cta.judiciary.gov.ph.

THE SANDIGANBAYAN

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. The tribunal is charged with the direct responsibility of maintaining morality, integrity and efficiency in the public service. It 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 the pronouncement of a judgment.

The Sandiganbayan is located at the Centennial Building, Commonwealth Ave. cor. Batasan Road, Quezon City, Philippines, and may be reached through +632.951.4502 or e-mail address: info@sb.judiciary.gov.ph or sb.judiciary.gov.ph or via its website www.sandiganbayan.gov.ph.

THE OFFICE OF THE OMBUDSMAN

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.

The Office of the Ombudsman of the Philippines is located at the Ombudsman Building, No. 60 Agham Road, Diliman, Quezon City, Philippines, and may be reached through +632.479.7300 or via its website www.ombudsman.gov.ph/pab@ombudsman.gov.ph.

THE NATIONAL LABOR RELATIONS COMMISSION

The National Labor Relations Commission (NLRC) is a quasi-judicial body tasked to promote and maintain industrial peace by resolving labor and management disputes



involving both local and overseas workers through compulsory arbitration and alternative modes of dispute resolution. It is on the same level as the Court of Appeals.

The NLRC is located at PPSTA Building, No. 5 Banawe cor. P. Florentino Sts., Quezon City, Philippines, and may be reached through +632.781.78.59 or via its website: www.nlrc.dole.gov.ph.

THE CONSTITUTIONAL COMMISSIONS

The three Constitutional Commissions in the Philippines are: (1) Civil Service Commission (www.csc.gov.ph); (2) Commission on Elections (www.comelec.gov.ph); (3) Commission on Audit (www.coa.gov.ph). To ensure the independence of these bodies, safeguards are prescribed in the Philippine Constitution.

THE CIVIL SERVICE COMMISSION

The Civil Service Commission (CSC) is the central personnel agency of the government. As such, it is empowered to establish a career service and adopt measures to promote morale, efficiency, integrity, responsiveness, progressiveness and courtesy in the civil service.⁹ It was created to insulate the civil service from the evils of the spoils system. To be beholden to no political patrons and loyal only to the people it is sworn to serve.

CSC is located at Constitution Hills, Batasang Pambansa Complex, Diliman 1126 Quezon City, Philippines, and may be reached through +632.931.8092 or +63917.839.8272 or e-mail address: webmaster@webmail.csc.gov.ph or via its website: www.csc.gov.ph.

THE COMMISSION ON ELECTIONS

The purpose of the Commission on Elections (COMELEC) is to be a more effective instrument in maintaining the secrecy and sanctity of the ballot as the concrete expression of the will of the sovereign people. The powers and functions of the COMELEC include: (1) enforce election laws; (2) decide on election contests; (3) decide on administrative questions; (4) deputize law enforcement agencies; (4) register political parties; and (6) improve elections.

COMELEC is located at Palacio del Gobernador Bldg., Gov. Luna St., Intramuros Manila 1002, Philippines, and may be reached through +632.559.99.44 or e-mail address: info@comelec.gov.ph or via its website: www.comelec.gov.ph.

THE COMMISSION ON AUDIT

The Commission on Audit (COA) is the watchdog of the financial operations of the government. Its mandate is to ensure that public funds and properties are validly, efficiently and conscientiously used. It exercises exclusive and broad auditing powers over all government entities or trustees, without any exception.¹⁰

The COA is located at Commonwealth Avenue, Quezon City, Philippines, and may be reached through +632.931.9207 or +632.931.9268 or e-mail address: coaweb@coa.gov.ph or its website www.coa.gov.ph.

THE DEPARTMENT OF JUSTICE

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

⁹ 1987 Philippine Constitution, Article IX, Section 3.

¹⁰ National Amnesty Commission vs. Commission on Audit, G.R. No. 156982, 8 September 2004



crimes, prosecution of offenders and administration of the correctional system.

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

The powers and functions of the DOJ include:

- Act as principal law agency of the government and as legal counsel and representative thereof, whenever required;
- Investigate the commission of crimes, prosecute offenders and administer the probation and correction systems;
- Extend free legal assistance/ representation to indigents and poor litigants in criminal cases and non-commercial/civil disputes;
- Provide immigration and naturalization regulatory services and implement the laws governing citizenship and admission and stay of aliens;
- Provide legal services to the national government and its functionaries, including government-owned or controlled corporations and their subsidiaries; and
- Perform such other functions as may be provided by law.

OFFICES WITHIN THE DEPARTMENT OF JUSTICE

OFFICE OF THE CHIEF STATE COUNSEL (Legal Staff)

Upon the request of national government functionaries, including the Office of the President and various legislative committees, the Legal Staff prepares opinions, memoranda, comments, legal studies on difficult questions of law attending the performance of the requesting parties' respective functions, which opinions, albeit advisory in nature, is attendant with legal, social, economic and political and security implications.

The Legal Staff prepares 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 agencies¹¹; constitutionality/legality of municipal tax ordinances¹²; grant of special non-immigrant visas and exemption from the Anti-Dummy Law (Commonwealth Act No. 108, as amended); citizenship cases transmitted by the Bureau of Immigration to the Department for review, and processes applications for refugee or stateless status determination¹³; as well as acts upon requests for extradition, mutual legal assistance in criminal matters and transfer of sentenced persons.

The Legal Staff also prepares, 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 conducts legal studies as well as prepares working drafts for *ad hoc* bodies, committees or task forces sitting as members or representatives of the Secretary or of the Department.

The Legal Staff participates 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) and the Department of Trade and Industry (DTI), especially those involving negotiations of treaties and other international agreements.

¹¹ Under Presidential Decree No. 292, now Sections 66 to 71, Chapter 14, Book III of the 1987

Administrative Code of the Philippines

¹² R.A. No. 7160, The Local Government Code of the Philippines (1991)

¹³ Pursuant to the obligations of the Philippines as a signatory to the 1951 Refugee Convention and the 1967 Protocol Relating to the Status of Refugees and the 1954 Convention Relating to the Status of Stateless Persons, the Refugee and Statelessness Persons Protection Unit (RSPPU) was established in the DOJ, with the state counsels from the Legal Staff as Determination Officers.



The Legal Staff is located at the 3rd Floor, DOJ Main Bldg., Padre Faura St., Ermita, Manila 1000, Philippines and may be reached through or +632.523.15.05 or fax at +632.525.2218 or e-mail address: dojlegalstaff@gmail.com or via the DOJ website: www.doj.gov.ph.

OFFICE OF THE PROSECUTOR GENERAL

The Office of the Prosecutor General (OPG) assists the Secretary of Justice in the performance of the powers and functions of the DOJ relative to its role as the prosecution arm of the government. The OPG implements the provisions of laws, executive orders and rules and carry out the policies, plans, programs and projects of the Department relative to the investigation and prosecution of criminal cases.

The OPG also assists the Secretary in exercising supervision and control over the National Prosecution Service as constituted under Presidential Decree No.1275, as amended; and performs such other functions as may be provided by law or assigned by the Secretary.

The OPG is located at the 1st Floor, DOJ Main Bldg, Padre Faura St., Ermita, Manila 1000, Philippines, and may be reached through +632.525.09.52 or e-mail address: (let's ask the office email ad) or via the DOJ website: www.doj.gov.ph.

BOARD OF CLAIMS

The Board of Claims (BOC) was created by virtue of Republic Act No. 7309. It is mandated to administer the Victims Compensation Program which provides a certain amount of monetary compensation for victims of violent crimes and unjust imprisonment or detention, with the objective of recompensing, to a certain extent, the damage to the lives of those who suffered from lawlessness and grave injustice.

The BOC is located at the Department of Justice Annex Building, Padre Faura St., Ermita,

Manila 1000, Philippines, and may be reached through +632.536.0447 or via the DOJ website: www.doj.gov.ph.

BOARD OF PARDONS AND PAROLE

The Board of Pardons and Parole (BPP), created pursuant to the Administrative Code of 1997, handles and reviews the grant of parole to qualified prisoners and thereafter to recommend to the President of the Philippines the grant of executive clemency in the forms of absolute pardon, conditional pardon and commutation of sentence. It also undertakes/assists in the full rehabilitation of parolees/pardonees.

The BPP is composed of the Secretary of Justice as Chairman and six members consisting of: the Administrator of the Parole and Probation Administration as ex-officio member, a sociologist, a clergyman, an educator, a person with training and experience in correction work, and a member of the Philippine Bar; *Provided*, that one of them is a woman. The members of the BPP are appointed by the President upon the recommendation of the Secretary and hold office for a term of six (6) years, without prejudice to reappointment.

The BPP is located at the Mezzanine Floor, DOJ Agencies Building, NIA Road corner East Avenue, 1101 Diliman, Quezon City Philippines, and may be reached through +632.927.2688 or +632.920.78.90 or e-mail address: bpp.doj@gmail.com or bpp@doj.gov.ph or via the DOJ website: www.doj.gov.ph

OFFICE FOR COMPETITION

The Office for Competition (OFC) was established under Executive Order No. 45, series of 2011, which designated the DOJ as Competition Authority. On 21 July 2015, Republic Act No. 10667, otherwise known as the Philippine Competition Act, was signed into law to promote free and fair competition as well



as curb the pernicious effects of cartels, such as price fixing, bid rigging, output restriction and market allocation, on consumers and the economy.

As the DOJ specialized unit on antitrust/competition matters, the OFC is mandated to conduct preliminary investigation and prosecute criminal violations of Republic Act No. 10667 and other competition-related laws. It is also tasked to implement the criminal aspect of the leniency program to strengthen competition enforcement in the country. The OFC is under the Office of the Secretary of Justice.

The OFC is located at the 2nd Floor, JDC Center, Engracia Reyes Street, Ermita, Manila 1000, Philippines, and may be reached through e-mail address: competition@doj.gov.ph or via the DOJ website www.doj.gov.ph.

OFFICE OF CYBERCRIME

The Office of Cybercrime (OOC), which was created under Republic Act No. 10175 or the Cybercrime Prevention Act of 2012, is the focal agency in formulating and implementing law enforcement investigation and prosecution strategies in curbing cybercrime and cyber-related offenses nationwide.

As provided in its implementing rules and regulations, the OOC acts, among others, as a competent authority for all requests for assistance for investigation or proceedings concerning cybercrimes, facilitates the provisions of legal or technical advice, preservation and production of data, collection of evidence, giving legal information and location of suspects; acts on complaints/referrals, and causes the investigation and prosecution of cybercrimes and other violations of the Act; issues preservation orders addressed to service providers; administers oaths, issues subpoena and summons witnesses to appear in an

investigation or proceedings for cybercrime; requires the submission of timely and regular reports including pre-operation, post-operation and investigation results, and such other documents from the Philippine National Police and the National Bureau of Investigation for monitoring and review; undertakes the specific roles and responsibilities of the DOJ related to cybercrime under the Implementing Rules and Regulations of Republic Act No. 9775 or the “Anti-Child Pornography Act of 2009”; and performs such other acts necessary for the implementation of the Act.

The OOC is located at the 3rd Floor, JDC Center, Engracia Reyes Street, Ermita, Manila 1000, Philippines, and may be reached through its e-mail address: cybercrime@doj.gov.ph or via the DOJ website: www.doj.gov.ph.

WITNESS PROTECTION, SECURITY AND BENEFIT PROGRAM

The Witness Protection, Security and Benefit Program (WPSBP) was created pursuant to Republic Act No. 6981 (Witness Protection, Security and Benefit Act of 1991). The Program was created to encourage persons who have witnessed or have knowledge of the commission of crimes to testify before a court or quasi-judicial body, or an investigating authority, by protecting them from reprisals and economic dislocation.

All proceedings involving application for admission into the WPSBP and the action taken thereon shall be confidential in nature. No information or documents given or submitted in support thereof shall be released except upon written order of the DOJ or the proper court.

The WPSBP is located at Department of Justice, Padre Faura St., Ermita St., 1000 Manila, Philippines, and may be reached through +632.5238481 local 287 or fax +632 524.9345 or email address:



wpp.secretariat2013@gmail.com or via the DOJ website: www.doj.gov.ph.

INTER-AGENCY COUNCIL AGAINST TRAFFICKING

The Inter-Agency Council against Trafficking (IACAT) was created by Republic Act No. 9208, otherwise known as the “Anti-Trafficking in Persons Act of 2003”.

The IACAT is composed of the Secretary of Justice as Chair, Department of Social Welfare and Development (DSWD) Secretary as Co-Chair, and members from particular line Departments/Agencies and Non-Government Organizations (NGOs).

The IACAT is mandated to formulate, promulgate, initiate, coordinate and monitor policies, programs, projects, activities and other courses of action that will prevent and suppress trafficking in persons, as well as monitor/coordinate the implementation of Republic Act No. 9208.

The IACAT conducts many different projects geared towards the elimination of trafficking in persons in the Philippines, prevention of the occurrence of trafficking, the protection and rehabilitation of victims and conviction of trafficking offenders.

The IACAT is located at the 3rd Floor, Programs Building, Department of Justice, Padre Faura St., Ermita St., 1000 Manila, Philippines, and may be reached through +632.5238481 local 216 or fax +632 526.2748 or email address: contactus@iacat.net or via the DOJ website: www.doj.gov.ph.

COMMITTEE FOR THE SPECIAL PROTECTION OF CHILDREN

The Committee for the Special Protection of Children (CSPC) was created by Executive Order No. 275 s. 1995, as amended by Executive Order No. 53, s. 2011.

The Committee is composed of the Secretary of Justice as Chair, the DSWD Secretary as Co-Chair, with the following as members: Chairperson of the Commission on Human Rights; Secretary of Foreign Affairs; Secretary of Labor and Employment; Secretary of Tourism; Secretary of the Interior and Local Government; Secretary of Health; Secretary of Education; Commissioner of Immigration; Director of the National Bureau of Investigation; Chief of the Philippine National Police; Prosecutor General; and Three (3) representatives of non-government or private organizations working and/or advocating for the protection of children and members from particular line Departments/Agencies and NGOs.

The CSPC is located at the Department of Justice, Padre Faura St., Ermita St., 1000 Manila, Philippines, and may be reached through the DOJ website: www.doj.gov.ph.

INTER-AGENCY COMMITTEE ON EXTRA-LEGAL KILLINGS, ENFORCED DISAPPEARANCES, TORTURE, AND OTHER GRAVE VIOLATIONS TO THE RIGHT TO LIFE, LIBERTY, AND SECURITY OF PERSONS

The Committee, otherwise known as the “AO 35 Task Force” and Chaired by the Secretary of Justice, was created under Administrative Order No. 35, s. 2012, with the mandate to undertake inventory, investigation, prosecution, monitoring and reporting of extra-legal killings, enforced or involuntary disappearances, torture, and other grave human rights violation cases, involving right to life, liberty and security of persons.

The AO 35 Task Force is composed of the Secretary of Justice as Chairperson, with the following as members: Chairperson, Presidential Human Rights Committee (PHRC); Secretary, Department of the Interior and Local Government (DILG); Secretary, Department of



National Defense (DND); Presidential Adviser on the Peace Process (PAPP); Presidential Adviser for Political Affairs (PAPA); Chief of Staff, Armed Forces of the Philippines (AFP); Director General, Philippine National Police (PNP); Director, National Bureau of Investigation (NBI).

The Committee shall undertake the following:

- a) Inventory of cases: i. unsolved cases; ii. Cases under investigation; iii. Cases under preliminary investigation; and iv. Cases under trial. Simultaneously, the Committee shall also source data of cases from non-government sources, specifically independent and non-partisan international and national human rights organizations and groups. In determining which cases are to be included in the inventory;
- b) Investigation of unsolved cases;
- c) Monitoring and reporting to the Committee of cases under investigation, preliminary investigation, and trial;
- d) Investigation and prosecution of new cases;
- e) Action upon the cases; and
- f) Submission of report to the President.

The AO 35 Task Force is located at the Department of Justice, Padre Faura St., Ermita St., 1000 Manila, Philippines, and may be reached through the DOJ website: www.doj.gov.ph.

ATTACHED AGENCIES OF THE DEPARTMENT OF JUSTICE:

NATIONAL BUREAU OF INVESTIGATION

The main objective of the National Bureau of Investigation (NBI) is the establishment and maintenance of a modern, effective and efficient investigative service and research agency for the purpose of implementing fully the principal functions provided under Republic Act No. 157, as amended.

The NBI is a government entity that is civilian in character and national in scope. Its vision is a world-class investigative institution - dynamic, respected and committed to the high ideals of law and order while its mission is to provide quality investigative and forensic services to the people through advanced methods and equipment in the pursuit of truth and justice.

The NBI 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 NBI is located at the NBI Building, Taft Avenue, 1000 Manila, Philippines, and may be reached through +632.526.12.94 or email address: director@nbi.gov.ph or via its website: www.nbi.gov.ph.

BUREAU OF CORRECTIONS

The Bureau of Corrections (BuCor) is charged with the custody and rehabilitation of national offenders, that is, those sentenced to serve a term of imprisonment of more than three (3) years.

The BuCor is mandated to carry out the institutional rehabilitation programs of the government for national offenders. It is composed of seven (7) operating institutions strategically located all over the country. These are as follows:

- New Bilibid Prison (NBP), Muntinlupa City
- Correctional Institution for Women (CIW), Mandaluyong City
- Leyte Regional Prison, Abuyog, Leyte
- Davao Prison and Penal Farm, Panabo, Davao del Norte
- San Ramon Prison and Penal Farm, Zamboanga City



- Sablayan Prison and Penal Farm, Sablayan, Mindoro Occidental
- Iwahig Prison and Penal Farm, Puerto Princesa City, Palawan

The BuCor is headed by the Director of Corrections, who is assisted by the: (1) Deputy Director for Administration; (2) Deputy Director for Security and Operations; and (3) Deputy Director for Reformation. The Director and Deputy Directors of the BuCor shall be appointed by the President of the Philippines, upon the recommendation of the Secretary of Justice.

The BuCor is located at the New Bilibid Prison Reservation, 1770 Muntinlupa City, Philippines, and may be reached through +632.809.80.73 +632.807.2368, or e-mail address: bucordo1114@gmail.com or via its website: www.bucor.gov.ph.

BUREAU OF IMMIGRATION

In accordance with the Administrative Code of 1987, the Commission on Immigration and Deportation was renamed Bureau of Immigration (BI). Under this Code, the Bureau is composed of three (3) structural units, namely: the Office of the Commissioner, the Board of Commissioners, and the Board of Special Inquiry. These groups act as a collegial body and exercise quasi-judicial powers with respect to the entry and stay of foreign nationals in the Philippines.

The BI is principally responsible for the administration and enforcement of immigration, citizenship and alien admission and enforcement of registration laws in accordance with the provisions of the Philippine Immigration Act of 1940, as amended, including the enforcement of alien registration laws, and the exclusion, deportation and repatriation of aliens.

The BI is headed by a Commissioner and assisted by two (2) Associate Commissioners.

The BI is located at Magallanes Drive, Intramuros, Manila, Philippines 1002 and may be reached at +632.527.32.48 or e-mail address: bicomsec@gmail.com or via its website: www.immigration.gov.ph.

PAROLE AND PROBATION ADMINISTRATION

The Parole and Probation Administration (PPA) provides a less costly alternative to imprisonment of offenders who are likely to respond to individualized community-based treatment programs.

The PPA exercises general supervision over all probationers.

The functions of the PPA include:

- To administer the parole and probation system;
- To exercise supervision over probationers, parolees and pardonees ; and
- To promote the correction and rehabilitation of criminal offenders.

The PPA is located at the DOJ Agencies Building, NIA Road corner East Avenue, Diliman, 1101 Quezon City, Philippines and may be reached through +632.927.6826 or +632.928.0235 or e-mail address: aocentraloffice@gmail.com or via its website: www.probation.gov.ph.

LAND REGISTRATION AUTHORITY

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.

The LRA is located at the DOJ Agencies Building, NIA Road cor. East Avenue, Diliman, 1101 Quezon City, Philippines and may be reached through +632.925.66.03 or e-mail address: lra_admin@lra.gov.ph or via its website: www.lra.gov.ph.

OFFICE FOR ALTERNATIVE DISPUTE RESOLUTION

The Office for Alternative Dispute Resolution (OADR) was created under Republic Act No. 9285 (The Alternative Dispute Resolution Act of 2004). The OADR was established primarily to promote, develop and expand the use of alternative dispute resolution (ADR) in the private and public sectors. ADR includes arbitration, mediation, conciliation, early neutral evaluation, mini-trial, and any combination thereof. The OADR is likewise mandated 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.

The powers of the OADR include the formulation of standards for the training of ADR practitioners and service providers; the establishment of training programs for ADR providers and practitioners; the development, implementation, monitoring, and evaluation of all government ADR programs; and the accreditation and certification of ADR providers and practitioners.

The OADR is located at the 2nd Floor, DOJ Programs Building, Padre Faura St., Ermita, Manila 1000, Philippines, and may be reached through +632.5238481 local 372 or via its website: www.oadr.doj.gov.ph.

PUBLIC ATTORNEY'S OFFICE

The Public Attorney's Office (PAO) exists to provide the indigent litigants, the oppressed, marginalized and underprivileged members of the society free access to courts, judicial and quasi-judicial agencies, by rendering legal services, counseling and assistance in consonance with the Constitutional mandate that free access to courts shall not be denied to any person by reason of poverty in order to ensure the rule of law, truth and social justice as components of the country's sustainable development.

The PAO is headed by the Chief Public Attorney who is assisted by two (2) deputy Chief Public Attorneys. It has regional offices throughout the country and each office is headed by a Regional Public Attorney who is assisted by an Assistant Regional Public Attorney.

The PAO is located at the DOJ Agencies Building, NIA Road corner East Avenue, Diliman, 1101 Quezon City, Philippines, and may be reached through +632.924.13.96 or e-mail address: pao_executive@yahoo.com or via its website www.pao.gov.ph.

OFFICE OF THE GOVERNMENT CORPORATE COUNSEL

The Office of the Government Corporate Counsel (OGCC) is the principal law office of government-owned or controlled corporations, their subsidiaries, other corporate offsprings and government acquired asset corporations; and exercises control and supervision over all legal departments or divisions maintained by said corporations and such powers and functions as are now or may hereafter be provided by law.

The OGCC is located at the 3rd Floor, MWSS Building,, Katipunan Road Balara, 1105 Quezon City, Philippines, and may be reached through +632.434.13.49 +632.436.44.57 or e-mail address: info@ogcc.gov.ph or



records@ogcc.gov.ph or via its website:
www.ogcc.gov.ph.

OFFICE OF THE SOLICITOR GENERAL

The Office of the Solicitor General (OSG) is an independent and autonomous office and it is attached to the DOJ for budgetary purposes. It is the legal representative of the government of the Republic of the Philippines, its agencies and instrumentalities and its officials and agents in any litigation, proceeding investigation or matter requiring the services of a lawyer before the local court systems or international fora.

The OSG is tasked to represent the government, its agencies, officials and agents in legal proceedings or in any matter requiring the services of a lawyer.

The OSG is located at 134 Amorsolo St., Legaspi Village, 1229 Makati City, Philippines, and may be reached through +632.988.1634 or fax +632.816.63.54 or e-mail address: docket@osg.gov.ph or secretariat.osg@gmail.com.

PRESIDENTIAL COMMISSION ON GOOD GOVERNMENT

The Presidential Commission on Good Government (PCGG) 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 PCGG 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.

The PCGG is located at No. 82 IRC Building, EDSA, Mandaluyong City, Philippines, and may be reached through +632.727.2928 or via its website: www.pcg.gov.ph.



SINGAPORE



ASEAN
GOVERNMENT LAW DIRECTORY
6TH EDITION

THE JUDICIARY

The Judiciary is one of the three branches of government in Singapore, namely the Executive, the Legislature and the Judiciary. The Judiciary administers the law independently of the Legislative and Executive arms. This independence is safeguarded by the Constitution of the Republic of Singapore.

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.

The Supreme Court

Address : 1 Supreme Court Lane Singapore
178879

Tel : (65) 6336 0644

Fax : (65) 6337 9450

Website: <http://www.supremecourt.gov.sg>

Email: supcourt_qsm@supcourt.gov.sg

The Supreme Court consists of the Court of Appeal and the High Court, and hears both civil and criminal matters. The Supreme Court Bench consists of the Chief Justice, Judges of Appeal, Judges, Senior Judges, International Judges and Judicial Commissioners.

Court of Appeal

The Court of Appeal generally hears appeals against the decisions of the High Court in both civil and criminal matters. The Chief Justice sits in the Court of Appeal with the Judges of Appeal. A Judge, Senior Judge, International Judge and Judicial Commissioner may sit in the Court of Appeal at the request of the Chief Justice.

High Court

The High Court exercises original and appellate jurisdiction in civil and criminal cases. It hears cases in the first instance as well as cases on appeal from the State Courts. The court's jurisdiction is as follows:

- Civil cases where the claim exceeds S\$250,000
- Probate matters if the estate exceeds S\$5,000,000
- Ancillary matters in family proceedings where assets equal S\$1,500,000 or more

In criminal cases, the High Court is empowered to try all cases. In general, the High Court tries cases where the offences are punishable by death or with imprisonment terms exceeding 10 years.

The High Court can also hear points of law in special cases submitted by a District Court or Magistrate Court. The High Court can reverse decisions from the State Courts, or ask the State Courts to conduct a new trial on the matter.

Singapore International Commercial Court (SICC)

The SICC is a division of the High Court and part of the Supreme Court of Singapore designed to deal with transnational commercial disputes. Generally, the SICC has the jurisdiction to hear and try an action if: the claim in the action is of an international and commercial nature;

- a) the parties to the action have submitted to the SICC's jurisdiction under a written jurisdiction agreement; and
- b) The parties to the action do not seek any relief in the form of, or connected with, a prerogative order (including a mandatory order, a prohibiting order, a quashing order or an order for review of detention).



The SICC may also hear cases which are transferred from the High Court. SICC proceedings may be heard by either one or three judges. Appeals from the SICC will be heard by the Court of Appeal which will consist of either three or five judges. Admiralty matters; Company winding-up proceedings; Bankruptcy proceedings; and Applications for the admission of advocates and solicitors.

The High Court has jurisdiction to try all offences committed in Singapore and may also try offences committed outside Singapore in certain circumstances. In addition, the High Court has general supervisory and revisionary jurisdiction over all subordinate courts in any civil or criminal matter.

The Honorable the Chief Justice

The Honorable the Chief Justice is the head of the Judiciary.

The State Courts

Address: 1 Havelock Square

Singapore 059724

Tel : (65) 1800 5878423

Fax : (65) 6435 5913

Website: <https://www.statecourts.gov.sg>

Email:

STATECOURTS_Registrar@StateCourts.gov.sg

The State Courts (formerly the “Subordinate Courts”) are a critical component of the Singapore Judiciary. The mission of the State Courts is to serve society with quality judgments, timely dispute resolution and excellent court services.

As the courts of first instance, the State Courts handle about 90 per cent of all judicial matters in Singapore. The State Courts comprise the District Courts, Magistrates’ Courts, Coroners’

Court, Small Claims Tribunals and Employment Claims Tribunals. The District and Magistrates’ Courts exercise original criminal and civil jurisdiction. The Small Claims Tribunals exercise jurisdiction in certain category of claims up to S\$10,000 (or with the consent of parties, up to S\$20,000). Administratively, some of the District and Magistrates’ Courts are designated as specialized courts to deal with cases and case flow more efficiently and effectively. These specialized courts include the Criminal Mentions Courts, Bail Court, Community Court, Traffic Court, Coroners’ Court and Night Courts. In addition, the State Courts hear community disputes through the Community Disputes Resolution Tribunals, salary-related disputes at the Employment Claims Tribunals, and administer matters and applications for protection from harassment. The Centre for Dispute Resolution, which offers alternative dispute resolution services for the whole range of matters in the State Courts, is also part of the State Courts.

Presiding Judge of the State Courts

The State Courts are headed by Justice See Kee Oon, Presiding Judge of the State Courts. Justice See was appointed as a High Court Judge with effect from 31 January 2017. He was appointed the Chief District Judge of the then-Subordinate Courts in October 2013. Following the renaming of the Subordinate Courts to the State Courts in March 2014, the appointment of “Chief District Judge” was re-designated as “Presiding Judge of the State Courts”. This appointment is held by a Judge or Judicial Commissioner of the Supreme Court. In April 2014, he was appointed Judicial Commissioner and concurrently appointed the Presiding Judge of the State Courts.

The Presiding Judge is the administrative head of the State Courts, overseeing all the judicial officers and court administrators therein. He is directly accountable to the Chief Justice and may,



with the concurrence of the Chief Justice, make directions of a general or particular nature on the distribution of business in the State Courts. He is also responsible for the apportionment of work among the officers of the Courts. In his judicial capacity, the Presiding Judge exercises the jurisdiction and powers conferred by law, hearing cases in the Supreme Court and State Courts.

Deputy Presiding Judge and Registrar of the State Courts

The Presiding Judge of the State Courts is assisted by the Deputy Presiding Judge, who concurrently serves as the Registrar of the State Courts.

The Family Justice Courts

Address: 3 Havelock Square Singapore

059725

Fax : (65) 6435 5112

Website: <http://www.familyjusticecourts.gov.sg>

Email : FJCourts_QSM@fjcourts.gov.sg

The Family Justice Courts were established on 1 October 2014 and comprise the Family Division of the High Court, the Family Courts and the Youth Courts.

These specialist courts deal with the full suite of family-related cases including divorce and related matters, family violence cases, adoption and guardianship cases, Youth Court cases, applications for deputyship under the Mental Capacity Act, and probate and succession matters. Mediation and counselling and specialist services are made available across a wide range of cases, to provide emotional support to parties involved in family proceedings and facilitate amicable resolutions on disputed issues. Judges may refer parties for mediation at any stage in the proceedings as appropriate, with the aim always to encourage

parties to resolve their disputes holistically, with less stress and acrimony.

High Court Family Division

The High Court Family Division mainly hears appeals against decisions from the Family Courts and the Youth Courts. It may also hear any class or description of family proceedings as directed by the Chief Justice, in exercise of its original jurisdiction.

Family Courts

The Family Courts hear all family proceedings except those under the Children and Young Persons Act (Cap 38, Rev 2001 Rev Ed). It is the court of first instance for such family proceedings.

Youth Courts

The Youth Courts are the courts of first instance for proceedings under the Children and Young Persons Act (Cap 38, Rev 2001 Rev Ed).

Presiding Judge, Family Justice Courts

The Presiding Judge is the head of the Family Justice Courts and he/she is also a Judge or Judicial Commissioner of the Supreme Court. The Presiding Judge of the Family Justice Courts may sit in any Family Court or Youth Court and act as a judge thereof, in which case he/she shall have all the jurisdiction, power and privileges of such a judge. The Presiding Judge has oversight of all the judicial officers and court officers of the Family Justice Courts. The Presiding Judge is directly accountable to the Chief Justice. He/she may, with the concurrence of the Chief Justice, make directions of a general or particular nature on the distribution of business in the Family Justice Courts.

The current Presiding Judge of the Family Justice Courts is Justice Debbie Ong. She took office on 1 October 2017. The Presiding Judge



of Family Justice Court has seniority over all other District Judges.

Registrar, Family Justice Courts

The Family Justice Courts Registry is headed by the Registrar, who is assisted by the Deputy Registrar and Assistant Registrars. The current Registrar is Deputy Presiding Judge Chia Wee Kiat, who assumed the position on 1 October 2014.

The Registrar performs both judicial and administrative functions. In the Registrar's judicial capacity, the Registrar has the power to transact all such business and exercise authority and jurisdiction under the Family Justice Courts Act or the Rules as may be transacted and exercised by a Judge in Chambers with certain exceptions.

In an administrative capacity, the Registrar ensures the smooth daily operation of the Registries. The Registrar has the statutory duties to control and supervise the various Registries of the Family Justice Courts. All powers and duties conferred and imposed on the registrar may be exercised and performed by the deputy registrar or any assistant registrar.

Divisions in Family Justice Courts

The Registrar is assisted by Group Managers/Directors of the Divisions. There are three Justice Divisions, namely, the Family Dispute Resolution Division, the Family Division and the Family Protection and Support Division. These divisions are supported by the Strategic Planning and Research Division. The administration functions are managed by the Supreme Court.

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 : oneminlaw@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, optimize 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:

- Administration of Affairs of Insolvent Persons and Insolvent Companies.
- Administration of Personal Injury Compensation in Motor Accident Cases.
- Administration of Un-nominated Central Provident Fund Moneys, Estates of Deceased Persons, and Moneys held in Trust for Minor and Other Beneficiaries
- Accreditation of Intellectual Property Agents and Advisers.
- Intellectual Property Rights Policies.
- Intellectual Property Rights Services Industry Development.
- Registration of Designs, Patents, Plant Varieties and Trade Marks.
- Acquisition, Forfeiture and Resumption of Private Land.
- Alienation and Management of State Land.
- Collective Sales relating to Strata Developments.
- Foreign Ownership of Residential Properties.
- Geospatial Information, Infrastructure and Industry Development.
- Land Reclamation and Foreshore Matters.



- Land Survey and Mapping (including Global Positioning System Network Infrastructure) Matters.
- Registration of Transactions relating to Land Titles and Deeds.
- Legal Matters.
- Civil Justice (including Family Justice).
- Constitutional Matters.
- Coordinating Government Bills Program.
- Criminal Justice Framework.
- International Civil and Criminal Judicial Assistance (including).
- Extradition, Mutual Assistance in Criminal Matters and Enforcement of Foreign Maintenance Orders).
- Legal Affairs and Policies.
- Legal Aid.
- Legal Framework for Community Disputes Resolution.
- Matters relating to the United Nations Act.
- Legal Services Industry.
- Alternative Dispute Resolution.
- International Legal Services Trade Policy.
- Legal Services Industry Development.
- Legal Services Sector Regulation.
- Community Mediation Services.
- Registration of Bills of Sale.
- Regulation of Moneylenders and Pawnbrokers.
- Regulation of Precious Stones and Metal Dealers for the purposes of Anti-Money Laundering and Countering the Financing of Terrorism.

Minister for Law and Senior Minister of State for Law

The Minister for Law, Mr 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 Minister of State for Law, Mr Edwin Tong.

Permanent Secretary for Law and Deputy Secretary for Law

The Permanent Secretary for Law, Mr Ng How Yue is responsible for the efficient administration of the Ministry of Law. 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 Han Kok Juan with effect from 1 November 2015.

Legal Group

The Legal Group comprises the Ministry's three legal divisions, namely the Legal Policy Division, the International Legal Division and the Policy Advisory 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 Joan Janssen, Director-General of the Legal Group and Ms Tammy Low Director (Legal Group).

A. Legal Policy and International Legal Divisions

The Legal Policy and International Legal Divisions provide the Minister for Law and Senior Minister of State 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.

Ms Sarala Subramaniam is Director (Legal Policy Division) and Ms Natalie Morris-Sharma is Director (International Legal Division). Mr Zhuo Wenzhao is Second Director (Legal Policy Division and International Legal Division). They are supported by a team of legally trained officers.

B. Policy Advisory Division

The Policy Advisory Division provides legal expertise and advice to the policy divisions in the Ministry. The Division advises on legal aspects of policy formulation and implementation in a broad spectrum of areas including regulation of the legal industry, intellectual property, land, and community legal services which include legal aid, insolvency and community mediation. As trusted partners of the policy divisions, the officers work closely with the policy divisions to shape policy, drive law reform and execute policy initiatives in the focus areas. The officers also review and modernize existing legislation in these focus areas.

Ms Sharon Ong is Director (Policy Advisory Division) and she is supported by a team of legally trained officers.

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.

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

Land Policy Division

The Land Policy Division is responsible for the development and review of policies to optimize the use of land resources to advance Singapore's economic and social objectives. 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.

Mr. Kevin Wong heads the Land Policy Division, and he is supported by a multidisciplinary team of officers.

Intellectual Property Policy Division

The Intellectual Property Policy Division, in collaboration with the Intellectual Property Office of Singapore, formulates policies pertaining to the creation of intellectual property infrastructure, environment and services. These include addressing issues pertaining to (amongst others) IP laws, expertise and the IP marketplace. IPPD aims to establish Singapore as a hub that encourages creation, protection and utilization of intellectual property, and support an innovation-driven economy. The Division is led by Mr Simon Seow, Director (Intellectual Property Policy Division) and staffed by a multidisciplinary team.



Community Legal Services Division

The Community Legal Services Division is responsible for policy development in the areas of insolvency, public trustee, moneylending, pawn broking, legal aid, pro bono legal services and community mediation, and anti-money laundering and countering the financing of terrorism for the precious stones and metals dealers sector. The division oversees policy matters of the Legal Aid Bureau, Insolvency and Public Trustee's Office, Community Mediation Unit, and Anti-Money Laundering and Countering the Financing of Terrorism Division. The Community Legal Services Division also oversees the administration of government funding for the Criminal Legal Aid Scheme, which is run by the Law Society Pro Bono Services, a charity arm of the Law Society of Singapore.

Ms Leow Lay May is Director (Community Legal Services) and he is supported by a multidisciplinary team of officers.

Departments of the Ministry of Law

The departments of the Ministry of Law are the Legal Services Regulatory Authority, the Insolvency and Public Trustee's Office, the Legal Aid Bureau, and the Community Mediation Unit, and the Anti-Money Laundering and Countering the Financing of Terrorism Division.

Legal Services Regulatory Authority

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

Tel : (65) 6332 8840

Fax : (65) 6332 8842

Website : www.mlaw.gov.sg

Email : mlaw_lsra@mlaw.gov.sg

The Legal Services Regulatory Authority is helmed by the Director of Legal Services, who oversees the regulation of all law practice entities and the registration of foreign lawyers in Singapore.

The Legal Services Regulatory Authority performs the following key functions:

- Licenses or registers all law practice entities;
- Sets and reviews the business criteria and licence conditions relevant to different law practice structures;
- Oversees the compliance by law practice entities of the business criteria and licence conditions;
- Approves collaborative arrangements of Singapore Law Practices involving foreign ownership, profit-sharing or concurrent practice; and
- Registers foreign-qualified lawyers and regulated non-practitioners.

Ms Joan Janssen (concurrently Director-General, Ministry of Law) is the Director of Legal Services while Ms Gloria Lim (concurrently Director, Legal Industry Division) is Registrar of the Legal Services Regulatory Authority. They are supported by a multidisciplinary team of officers.

Insolvency and Public Trustee's Office and Registries of Moneylenders & Pawnbrokers (IPTO)

Address : 45 Maxwell Road #07-11

The URA Centre (East Wing)

Singapore 069118

Tel : (65) 1800-2255 529



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

The Insolvency & Public Trustee's Office (IPTO) administers and regulates individual and corporate insolvencies, the estates of deceased persons and proceeds of crime confiscated under specific legislation, and assesses the adequacy of motor accident compensation monies for unrepresented accident victims. It also licenses and 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.

IPTO is headed by Mr Tan Boon Heng, who holds the appointments of Official Assignee, Official Receiver, Public Trustee and Registrar of Moneylenders and Pawnbrokers. He is assisted by a team of legal officers, managers and support staff.

Legal Aid Bureau (LAB)

Address : 45 Maxwell Road #07-12

The URA Centre, East Wing

Singapore 069118

Tel : (65) 1800-2255 529

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

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.

The Bureau is headed by the Director of Legal Aid who is a legally qualified person. The position is currently held by Ms Lim Hui Min. The Director administers the Legal Aid and Advice Act and the Regulations made thereunder. She 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, paralegals, and other support staff as well as a panel of private solicitors.

Community Mediation Unit (CMU)

Address : 45 Maxwell Road #07-11

The URA Centre (East Wing)

Singapore 069118

Tel : (65) 1800-2255 529

Fax : (65) 62211802

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

The Community Mediation Unit (CMU) manages the activities of the Community Mediation Centre (CMC), which include the provision of community mediation services by a panel of volunteer community mediators to members of the public to amicably resolve relational, social, and community disputes. The goal of community mediation is to cultivate a more harmonious, civil, and gracious society. CMU also oversees, selection, training, accreditation, and appointment of volunteer community mediators, as well as. The promotion of community mediation in Singapore. The Unit is headed by Ms Elsie



Tjoeng and she is assisted by a team of managers and support staff.

Anti-Money Laundering and Countering the Financing of Terrorism Division (ACD)

Address : 45 Maxwell Road #07-11
The URA Centre (East Wing)
Singapore 069118

The Anti-Money Laundering and Countering the Financing of Terrorism Division (ACD) is a newly established division. It will be in charge of regulating and supervising precious stones and metals dealers (PSMDs) for the purposes of mitigating money laundering and terrorism financing risks within the sector.

ACD is led by Mr Paramjit Singh and he is assisted by a team of policy and operations officers.

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.

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

The Intellectual Property Office of Singapore (IPOS) is an innovation agency that uses its IP

expertise and networks to drive Singapore's future growth. IPOS' focus is on helping enterprises grow through IP and innovation strategies, developing skills and expertise in these areas, and creating a vibrant ecosystem where today's ideas become tomorrow's asset.

It had its origins in 1937 as the Registry of Trade Marks 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.

Our core functions:

- To provide a sound legal and administrative framework for the promotion and protection of innovation and intellectual property;
- To formulate and review intellectual property rights' policies and legislation;
- To represent the Singapore Government internationally on intellectual property matters;
- To collaborate with innovation stakeholders and other IP offices to grow the innovation and intellectual property ecosystem; and
- To train and nurture innovation and intellectual property professionals;
- To promote awareness, respect and the effective use of intellectual property rights.

The head of the office is the Chief Executive of the Intellectual Property Office of Singapore. The position is currently held by Mr. Tang Heng Shim Daren. He is also concurrently the Director-General, and Registrar of Trade Marks, Patents, Designs and Plant Varieties Protection.



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

The Singapore Land Authority (SLA) is the primary agency in Singapore responsible for safeguarding and optimizing the use of State land and properties. With about 11,000 ha of State land and 5,000 state properties under its management, the SLA contributes to the economic and social development of Singapore by letting out these land parcels and properties for a variety of uses such as residential, commercial, educational, institutional, and social and other purposes. As part of its developmental function, the SLA plays a critical role in land administration and rejuvenation for the State by executing land-related operations such as. Land sales and lease management, acquisition of private land, and management of State land and properties.

As the national authority for land ownership, the SLA performs a key regulatory function in ensuring an accurate and definitive Land Titles Registry. It is also responsible for the creation and maintenance of a high integrity and reliable cadastral survey system to ensure that property boundaries are defined legally and unambiguously.

Being the leading agency for geospatial information systems in Singapore, the SLA is instrumental in Singapore's push to become a Smart Nation by spearheading the development of national geospatial capability as well as

driving the adoption of geospatial technologies in the public, private and people sectors. As the custodian of definitive land data repository in Singapore, the SLA provides authoritative, comprehensive and easily accessible geospatial and land information to support policy formulation and inter-agency planning for future land use.

The SLA's Chief Executive is Mr Tan Boon Khai. He is responsible for the proper administration and management of the functions and affairs of the Authority in accordance with the role and responsibilities set out in the Singapore Land Authority Act.

Boards and Tribunal of the Ministry of Law

Appeals Board (Land Acquisition)

Address : 1 Supreme Court Lane

Level 2M

Singapore 178957

Tel : (65) 63323906/63325237

Fax : (65) 68830530

Website : <http://www.appealsboard.gov.sg>

Email : ab_enquiry@ab.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.



The Board consists of the Commissioner or Deputy 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 or Deputy 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 and Deputy Commissioner are appointed by the President and the assessors are selected by him from a panel, the members of which are appointed by the Minister of Law. The current Commissioner is Mr Chia Wee Kiat.

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 Mr Teo Guan Kee. He concurrently holds office as an Assistant Registrar of the Supreme Court.

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

The Copyright Tribunal is a forum for resolving disputes between licensors who are in the business of collectively administering licenses for different copyright owners and users of copyright materials. The Tribunal's jurisdiction is set out in Part VII of the Copyright Act (Cap. 63) and includes the power to resolve disputes relating to license schemes and ascertain the equitable remuneration to copyright owners

when copyright materials are made by persons under various circumstances. The Tribunal has the power to refer to the High Court any matter that comes before it for the determination on a point of law, either at its own volition or at the request of any party to the matter. The procedures for submitting applications to the Tribunal are set out in the Copyright Tribunal (Procedure) Regulations.

The Copyright Tribunal is headed by a President and comprises ten members, all of whom are appointed by the Minister. The current President is Judge James Leong, the District Judge of the Singapore State Courts.

The Secretary of the Copyright Tribunal, Ms Trina Ha, provides administrative assistance to the Tribunal in the hearing and determining of applications received by the Tribunal.

Land Surveyors Board

Address : c/o Singapore Land Authority 55 Newton Road #12-01 Revenue House

Singapore 307987

Tel : (65) 64783593

Fax : (65) 6323 9937

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

Email: 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, 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.

The Land Surveyors Board currently comprises a President and six members. The President leads the Board in administering the Land Surveyors Act. His role covers policy



formulation and review, strategic issues and professional matters. The Chief Surveyor, is the President of the Board. The President is Mr Soh Kheng Peng. The Board meets once a month.

The Board appoints a Registrar under Section 8 of the Act. The Registrar of the Board is Mr Derek Chan. 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 Upper Pickering Street

Singapore 058 288

Tel : (65) 6908 9000

Fax : (65) 6538 9000

Website : <http://www.agc.gov.sg>

The mission of the Attorney-General's Chambers (AGC) is to serve Singapore's interests and uphold the rule of law through sound advice, effective representation, fair and independent prosecution, and accessible legislation. As principal legal advisor to the government, the Attorney-General plays an important role in upholding the rule of law in Singapore.

There are five legal divisions in AGC: the Civil Division, the Criminal Justice Division, the Financial and Technology Crime Division, the International Affairs Division, and the Legislation Division.

Attorney-General

Under Article 35 of the Constitution, the Attorney-General is appointed by the President on the advice of the Prime Minister. The President may exercise his discretion in deciding whether to accept the Prime Minister's advice. 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 Lucien Wong, SC. He graduated with a Bachelor of Laws (Honours) degree from the University of Singapore in 1978 and was admitted to the Singapore Bar in 1979. He commenced legal practice at Drew and Napier in the following year and became partner in 1982. From 1987 to 1998, Mr Wong was a partner at Allen and Gledhill. In 1998, he took over the helm of the firm as managing partner and in 2012, he became the chairman and senior partner.

He was appointed Deputy Attorney-General and Senior Counsel on 19 December 2016 and assumed office as the Attorney-General of the Republic of Singapore on 14 January 2017.

Deputy Attorney-General

The Office of the Deputy Attorney-General was established pursuant to the Constitution of the Republic of Singapore (Amendment) Act 2014. A Deputy Attorney-General's role is to perform such legal duties of the Attorney-General as is assigned to him or her. There are presently two Deputy Attorneys-General.

Deputy Attorney-General Mr Lionel Yee Woon Chin, SC, graduated with a Bachelor of Arts in Law from Downing College, the University of Cambridge, UK in 1998 and obtained a Master of Laws (International Legal Studies) degree from the New York University, USA in 1999. He was admitted as an advocate and solicitor of the Supreme Court in 1993. Mr Yee started his legal practice in the AGC in 1991.



He has held appointments in the Civil Division, the International Affairs Division and the Criminal Justice Division of AGC and the Ministry of Law. He was the Director-General of the International Affairs Division from 2008 to 2012.

Mr Yee served as the Second Solicitor-General from 1 January 2011, before being appointed Judicial Commissioner on 1 February 2013. He was appointed Senior Counsel in January 2013.

Mr Yee was appointed Solicitor-General on 1 February 2014 and assumed office as Deputy Attorney-General on 14 January 2017.

Deputy Attorney-General Mr Hri Kumar Nair, SC, was a director at Drew and Napier and has more than 25 years of experience as a litigator. He was appointed Senior Counsel in 2008 and is recognised as an expert in dispute resolution in arbitration. His main areas of practice include banking and finance, fraud and complex corporate disputes.

Between 2006 and 2015, Mr Nair served as a Member of Parliament in the Bishan-Toa Payoh Group Representation Constituency and was Chairman of the Law and Home Affairs Government Parliamentary Committee. He assumed office as the Deputy Attorney-General on 1 March 2017.

Solicitor-General

The Solicitor-General is the equivalent of a Permanent Secretary to AGC. He is responsible for the proper administration and management of the functions, duties and affairs of AGC in accordance with the policy and directions laid down by the Attorney-General and Deputy Attorney-General.

Mr Kwek Mean Luck, SC, is the Solicitor-General of Singapore. Mr Kwek was awarded the Public Service Commission (Overseas Merit Scholarship) scholarship to read Law at the University of Cambridge, where he graduated

with a Bachelor of Arts from Fitzwilliam College, Cambridge University in 1995. He obtained a Master of Laws from Harvard University under the Lee Kuan Yew Scholarship in 2000. He was admitted as an Advocate and Solicitor of the Supreme Court in 2002. He was awarded the Eisenhower Fellowship in 2012.

Mr Kwek began his legal career in the Supreme Court in 1998, serving first as a Justices' Law Clerk in the Supreme Court, and subsequently as Senior Assistant Registrar, Supreme Court and District Judge, Subordinate Courts (now State Courts).

He has held appointments in the Ministry of Trade and Industry as Deputy Secretary (Industry), in the Public Service Division of the Prime Minister's Office as Deputy Secretary (Development) and in the Civil Service College as Dean and the Chief Executive Officer.

Mr Kwek was appointed Second Solicitor-General on 1 July 2015 and Senior Counsel on 9 January 2017. He assumed office as the Solicitor-General on 14 January 2017.

Among other things, he conducts training programmes for young AGC officers, assists in the international initiatives of AGC and provides views on matters that may be referred to him from time to time.

Civil Division

Officers of the Civil Division provide the Government with a wide range of legal services. Apart from providing legal advice on diverse civil matters, they also represent the Government in civil litigation, inquiries, legal or quasi-judicial proceedings, arbitration, and dispute resolution proceedings including mediations and negotiations. In addition, the Civil Division is responsible for discharging non-criminal common law and statutory functions of the Attorney-General, such as the Protector of Charities and guardian of the public interest. Officers of the Civil Division also act



for gazetted statutory bodies in judicial review proceedings.

Chief Counsel

The current Chief Counsel of the Civil Division is Mr David Chong Gek Sian, SC.

Criminal Justice Division

The Criminal Justice Division (CJD) is one of two Divisions in AGC responsible for the discharge of the functions of the Attorney-General as the Public Prosecutor. Its mission is to promote a just criminal justice system by pursuing a fair and impartial policy in the prosecution of offenders. CJD comprises four Specialist Groups. The Division prosecutes all criminal cases in the Court of Appeal, High Court and State Courts(except those relating to financial and technology offences), and renders legal advice to Ministries, Governmental departments and agencies on criminal matters.

Legal Officers of CJD are gazetted as Deputy Public Prosecutors (DPPs) and Assistant Public Prosecutors (APPs). Under the authority of the Public Prosecutor, both DPPs and APPs conduct inquiries and criminal prosecutions in the State Courts and High Court, and argue appeals in the High Court and the Court of Appeal. DPPs in CJD also give legal advice to law enforcement agencies, advise the Government and statutory bodies on criminal and quasi-criminal matters, and review penal legislation.

Chief Prosecutor

The current Chief Prosecutor of CJD is Mr Kow Keng Siong and the current Second Chief Prosecutor of CJD is Ms Lee Lit Cheng.

Financial and Technology Crime Division

The Financial and Technology Crime Division (FTCD) is the other Division in AGC

discharging the functions of the Attorney-General as the Public Prosecutor. It shares the same mission as CJD.

As a specialist division, FTCD focuses on financial crimes ranging from securities fraud and money laundering to corruption and criminal breach of trust, as well as a broad range of cybercrimes.

Legal Officers of the FTCD are gazetted as (DPPs) and (APPs). Under the authority of the Public Prosecutor, both DPPs and APPs conduct inquiries and criminal prosecutions in the State Courts. DPPs in FTCD also render legal advice, and help review and propose improvements to criminal legislation.

Chief Prosecutor

The current Chief Prosecutor of FTCD is Mr Tan Ken Hwee.

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. IAD also represents the Singapore Government in international disputes, bilateral and multilateral negotiations, and 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.

Director-General

The current Director-General of the IAD is Ms Daphne Hong.

Legislation Division

The Legislation Division is Singapore's central law drafting office. The Legislation Division provides law drafting and legislative services to all Government departments, Organs of State



and more than 60 statutory boards, and performs regular compilation of amended legislation through law revision. The Legislation Division also provides comprehensive, free on-line public access to Singapore legislation through the Singapore Statutes Online website.

Chief Legislative Counsel

The current Chief Legislative Counsel of the Legislation Division is Mrs Owi Beng Ki. She is concurrently a Deputy Solicitor-General.

ASEAN Legal Information Authority (ALIA)

International Affairs Division Attorney-General's Chambers 1 Upper Pickering Street Singapore 058288 Republic of Singapore

Fax : (65) 6702-0513

Email : agc_iad@agc.gov.sg

Legal Service in Ministries & Statutory Boards Legal Services Department Ministry of Communications and Information

Address : 140 Hill Street 5th floor, Old Hill Street Police Station Singapore 179369

Tel : (65) 6837 9655

Fax : (65) 6837 9480

Email: MCI_Legal_Services@mci.gov.sg

The Legal Services Department (“LSD”) advises and provides legal support to the divisions of the Ministry (including the Cyber Security Agency of Singapore and Design Singapore Council) and its senior management. The LSD supports the Ministry in a wide range of areas including the exercise by the Ministry of its regulatory and statutory functions, the statutory interpretation of legislation under the Ministry’s purview, and its policy deliberations on

amendments to legislation as well as issues relating to implementation and administration of newly amended or promulgated legislation. The LSD also provides legal support to the Ministry in its dealings with the statutory boards under its purview

(Namely the Infocommunications Media Development Authority of Singapore, and the National Library Board).

The LSD advises on, drafts and reviews contractual and quasi-contractual documents including procurement contracts, grant agreements, license agreements, scholarship agreements, memoranda of understanding and website terms of use.

The work of the LSD covers a wide range of legal issues including statutory interpretation, constitutional and administrative law, contract law, tort law and intellectual property law.

Director, Legal Services

The LSD is currently headed by Ms Daphne Chang.

Legal Services, Ministry of Defense

Address : Legal Services, Ministry of Defence MINDEF Building 303, Gombak Drive #B1-20 Singapore 669645

Tel : (65) 6768 2492

Fax : (65) 6768 4433

Website: <http://www.mindef.gov.sg>

Email: mfu@starnet.gov.sg

Legal Services, Ministry of Defence (MINDEF) provides the following legal advice and support to MINDEF and the Singapore Armed Forces (SAF): advising on civil law, international law and military law; drafting and vetting legislation and regulations, general orders and directives; advising on military law, discipline and



personnel matters; negotiating, drafting and vetting contracts, MOUs and other legal instruments; conducting military prosecutions; and conducting legal training for MINDEF and SAF personnel.

Director, Legal Services of MINDEF and SAF

The current Director, Legal Services is Ms Teoh Ai Lin. She is a Singapore Legal Service legal officer appointed by the Armed Forces Council as Director, Legal Services of MINDEF and SAF, and is ex officio the Chief Military Prosecutor of the SAF.

Legal Services Branch Ministry of Education

Address : 1 North Buona Vista Drive
Level 3 Singapore 138675

Tel : (65) 6879 5855

Fax : (65) 6879 7496

Email: moe_legal_services@moe.gov.sg

The Legal Services Branch of the Ministry of Education provides legal support to its senior management, the various divisions in the Ministry, and all Government Schools.

The Branch provides legal input on the Ministry's policy deliberations and advises the Ministry on its dealings with statutory boards under its purview, non-Government schools and various other institutions that provide education. It also renders legal advice to the Ministry's divisions and Government Schools on a wide spectrum of legal issues, including procurement processes, contract documentation and memoranda of understanding.

The Branch works closely with the Attorney-General's Chambers on various matters,

including litigation and legal education for officers in the Ministry.

Director, Legal Services Branch

The Branch is currently headed by Mr Loke Shiu Meng. It is currently staffed by six legal officers and two legal executives.

Law Division Inland Revenue Authority of Singapore (IRAS) Ministry of Finance

Address : 55 Newton Road
Revenue House Singapore 307987

Tel : (65) 6351 2022

Fax : (65) 6351 2028

Website : <http://www.iras.gov.sg/>

The Inland Revenue Authority of Singapore ("IRAS") is a statutory body established under the Ministry of Finance, and is tasked with administering, assessing, collecting and enforcing the payment of taxes.

The Law Division comprises three (3) branches and its key functions are to provide legal advice and legislative drafting on the full range of tax matters concerning various tax types, including individual and corporate income tax, goods and services tax, property tax and stamp duty. The Law Division represents IRAS in tax-related litigation at the first-instance tribunals, the High Court, and the Court of Appeal.

It is also responsible for the prosecution of tax offenders. The Law Division also advises on administrative and constitutional law matters involving IRAS, and provides corporate legal support to IRAS for intellectual property, contracts, and tort and procurement matters.

Chief Legal Officer



The Chief Legal Officer is Mr Alvin Koh, who is responsible in supervising the litigation and the wide range of work that the division undertakes. Mr Alvin Koh is also a member of the

Legal Department 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 : legal_dept@mas.gov.sg

The Legal Department (LD) is part of the Managing Director's Office within MAS.

LD oversees legal matters in MAS. This encompasses advising on issues emanating from MAS' role as central bank and financial regulator, and its role in developing Singapore as an international financial center. This includes assisting MAS departments in developing and reviewing regulatory frameworks, drafting statutory and regulatory instruments and agreements, and supporting international engagements of MAS

Head

As the General Counsel, Mr Paul Yuen oversees all the activities in LD. The work ethos of LD is to perform as a dynamic team of legal professionals in supporting MAS to fulfil its mission and objectives. LD 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.

Accounting and Corporate Regulatory Authority (ACRA)

Address : 10 Anson Road #05-01/15
International Plaza

Singapore 079903

Helpdesk : (65) 6248 6028

Website : <http://www.acra.gov.sg>

BizFile Website: <http://www.bizfile.gov.sg>

The Accounting and Corporate Regulatory Authority is the national regulator of business entities, public accountants and corporate service providers in Singapore. ACRA promotes a trusted and vibrant environment for businesses to thrive and flourish. ACRA's goal is to make good corporate governance, high quality financial reporting and audit, the hallmarks of our corporate sector.

ACRA's core functions are:

- To administer the Accounting and Corporate Regulatory Authority Act (Cap 2A), the Accountants Act (Cap 2), the Business Names Registration Act (Cap 32), the Companies Act (Cap 50), the Limited Liability Partnerships Act (Cap 163A) and the Limited Partnerships Act 2008 (Act 37 of 2008);
- To report and make recommendations to, and advise the Government on matters relating to the registration and regulation of business entities, public accountants and corporate service providers;
- To establish and administer a repository of documents and information relating to business entities, public accountants and corporate service providers; and to provide access to the public to such documents and information;
- To represent the Government internationally in matters relating to the registration and regulation of business entities, public accountants and corporate service providers ; and



- To provide a responsive and forward-looking regulatory environment for business entities, public accountants and corporate service providers conducive to enterprise in Singapore; and
- To promote public awareness about new business structures, compliance requirements, corporate governance practice and any matters under ACRA's purview.

Registrar

Mr Ong Khiaw Hong is the Chief Executive of ACRA since 1 Apr 2017. He also performs the statutory functions of the Registrar of Companies, Businesses, Limited Liability Partnerships, Limited Partnerships, Public Accountants and Corporate Service Providers.

Competition and Consumer Commission of Singapore

Address : 45 Maxwell Road #09-01
The URA Centre Singapore 069118

Tel : (65) 6325 8282

Fax : (65) 6224 6929

Website : <http://www.ccs.gov.sg/>

Email : ccs_feedback@ccs.gov.sg

The Competition and Consumer Commission of Singapore ("CCS") was set up in 2005 as the main competition agency for the administration and enforcement of generic competition policy and law and competition advocacy. Its mission is making markets work well to create opportunities and choices for businesses and consumers in Singapore. The CCS administers the Competition Act, which embodies the three main tenets of competition law:

- The prohibition against agreements which have the object or effect of preventing, restricting or distorting competition in

Singapore, including price-fixing, colluding on tenders or division of markets;

- The prohibition against the abuse of market dominance by one or more undertakings; and
- The prohibition against mergers and acquisitions which have resulted, or may be expected to result in, a substantial lessening of competition within Singapore.

The CCS investigates cases involving infringements of these prohibitions, as well as deals with applications by private parties seeking decisions or guidance as to whether their activities infringe, or are likely to infringe, these prohibitions. Apart from enforcing the three main prohibitions under the Competition Act, the CCS seeks to promote a culture of competition throughout the Singapore economy, by actively working closely with government agencies to advise and engage them on competition matters, as well as raising awareness of competition law and policy through outreach to the business community, and the general public. The CCS also represents Singapore internationally, on competition matters.

Legal Division

The Legal Division provides CCS with the legal expertise necessary for CCS to fulfil its mission. Specifically, the Legal Division applies rigorous legal analysis in all investigations and notifications under the Competition Act.

It also undertakes critical review of the Competition Act, subsidiary legislation and CCS's guidelines, performs all in-house legal advisory work required in the execution of CCS's functions and represents CCS in all court and appeal proceedings.

Enforcement Division

The Enforcement Division provides CCS with the enforcement and intelligence capability for CCS to fulfil its mission. Specifically, the Enforcement Division takes the lead in



enforcement action and works closely with the Legal Division to ensure rigorousness in all investigations and notifications under the Competition Act. As all officers in the Enforcement Division are legally trained, they too, with the Legal Division, carry out the review of the Competition Act, subsidiary legislation and CCS's guidelines, as well as perform court and appellate work.

Business and Economics (BE) Division

The BE Division provides expert economics inputs and analysis to investigations and competition cases, working closely with the Legal & Enforcement Divisions to ensure the process of detection, investigation, decision and enforcement of decision is fair, thorough, robust and timely. It also advocates pro-competitive business practices to professional bodies and business communities.

Policy and Markets (PM) Division

The PM Division works closely with other government agencies to engage and advise them on national competition matters.

In addition, the Division conducts market studies and surveillance, as well as collaborates with academic and research institutions and think tanks on suitable areas of research on competition policy, economics or law.

Corporate Affairs (CA) Division

The CA Division provides financial, human resource, information services & technology, and other necessary office administrative and operational support to the Commission.

Strategic Planning (SP) Division

The work of the SP Division encompasses strategy development, corporate

communications, international affairs and organisational excellence. The SP Division works in close partnership with other divisions to chart long-term organisation growth, formulate strategies, track organisation performance, as well as to formulate strategies and execute programmes in the areas of advocacy, outreach, external communications and international engagement.

Chief Executive

Mr Toh Han Li was appointed as the Chief Executive of the CCS on 1 October 2013, and presides over the administration, operation and management of the CCS generally, including supervising the investigation and assessment of all cases handled by the CCS. He is assisted by Mr Lee Cheow Han, Assistant Chief Executive (Legal & Enforcement) and Ms. Ng Ee Kia, Assistant Chief Executive (Policy, Business & Economics).

Legal Division Ministry of Home Affairs

Address : New Phoenix Park 28
Irrawaddy Road Singapore
329560

Tel : (65) 6478 7010

Fax : (65) 6254 6250

Website : <http://www.mha.gov.sg/>

Email : MHA_feedback@mha.gov.sg

The Legal Division ("LD") of the Ministry of Home Affairs ("MHA") provides legal advice to MHA and its departments, including the Singapore Police Force, Singapore Civil Defence Force, Immigration and Checkpoints Authority, Singapore Prison Service, Central Narcotics Bureau, and the Home Team Academy.

LD supports the ministry in all its legal needs, and advises on operational and policy matters



relating to over 50 statutes that come under the purview of MHA, and covering various aspects of the law including criminal, tort, contract, and public and administrative law. LD assists in policy formulation, the vetting and drafting legislative amendments relating to the statutes administered by MHA, and also supports MHA and its departments by drafting and reviewing procurement contracts, agreements and cross-border memoranda of understanding. Mr Leong Kwang Ian is the Senior Director in the Ministry of Home Affairs, and oversees LD.

Legal Services Division Ministry of Manpower

Address : 18 Havelock Road, MOM
Building #04-01, Singapore
059764

Tel : (65) 63171341

Fax : (65) 63171340

Website : <http://www.mom.gov.sg>

The mission of the Legal Services Division is “administering justice through fair prosecution and adjudication, and providing effective legal solutions to advance MOM’s mission”.

The Division comprises three main branches with Prosecution, Adjudication and Civil advisory functions as follows -

- **Prosecution** – the exercise of prosecutorial discretion and the conduct of prosecutions for offences under all legislation administered by the Ministry; advising the Ministry on general legal queries pertaining to conduct of enforcement activities and criminal matters;
- **Adjudication** – imposing administrative financial penalties for the infringements prescribed under the Employment of Foreign Manpower Act and the Employment Act for regulatory breaches; adjudicating work injury

compensation claims under the Work Injury Compensation Act;

- **Civil Advisory & Legislation** – advising the Ministry on general legal queries; reviewing legislation administered by the Ministry and drafting amendments to implement policy changes; interpreting, drafting and vetting contractual documents including contracts for the procurement of goods and services, and other legal documents;
- **Generally**, liaising with the Ministry’s Statutory Boards and the Attorney-General’s Chambers on legal matters; and providing legal education and research to the Ministry.

Divisional Director

Mr Lee Jwee Nguan was appointed Divisional Director of LSD on 1 April 2017. He oversees the Prosecution, Adjudication and Civil Advisory & Legislation branches, and is concurrently appointed the Commissioner for Foreign Manpower.

Legal Services Group Central Provident Fund Board (CPF)

Address : 238A Thomson Road Legal
Services Group #22-00

Tower A Novena Square

Singapore 307664

Tel : (65) 6202 2347

Fax : (65) 62503528

Website : <http://www.cpf.gov.sg>

Email : Naina.Parwani@cpf.gov.sg

The Central Provident Fund Board (“**CPF Board**”) is the trustee of the Central Provident Fund (“**CPF**”). CPF is a social security savings scheme jointly supported by employees, employers, self-employed persons and the Singapore government. The CPF Board’s mission is to enable Singaporeans to have a



secure retirement through lifelong income, healthcare financing and home financing.

The various schemes administered under the Central Provident Fund Act (“CPF Act”) are:

- CPF Contribution for Employees
- Self-Employed Scheme
- CPF LIFE
- Retirement Sum Scheme
- CPF Withdrawals At Age 55
- Public Housing Scheme
- Private Properties Scheme
- Home Protection Insurance Scheme
- MediSave
- Withdrawal of MediSave for ElderShield
- Dependants’ Protection Insurance Scheme
- CPF Nomination Scheme
- CPF Education Scheme
- CPF Investment Scheme
- Division of CPF-related Assets In Matrimonial Proceedings
- Workfare Income Supplement Scheme

The Legal Services Group (“LSG”) provides all groups and departments in CPF Board with the legal support to ensure that CPF Board is able to implement its policies and carry out its mission backed by sound legal principles. It also provides legal support for schemes that CPF Board administers on behalf of other ministries such as the MediShield Life Scheme (MediShield Life Scheme Act), the GSTV Scheme (implemented via the Goods and Services Tax Voucher Act), the Pioneer Generation Scheme (implemented via the Pioneer Generation Fund Act) and the Silver Support Scheme (implemented via the Silver Support Scheme Act).

The work of LSG can be categorized into the following broad areas:

- a) **Legislative and Policy** - LSG assists in advising on policy matters and works closely with the Attorney General’s Chambers in

drafting legislative amendments relating to the CPF Act and over 60 pieces of subsidiary legislation made under the CPF Act as well as providing input on other legislation where CPF Board acts as administrator;

- b) **Contracts & Vetting** – this involves drafting, vetting and advising on a wide range of general procurement contracts, contracts relating to fund management, IT contracts, service level agreements, memorandums, deeds of indemnity, non-disclosure agreements, powers of attorney and court orders;
- c) **General Advisory** – this covers all other aspects where legal advice is needed. The more common areas are advising on operational and compliance issues in relation to the CPF Act and its subsidiary legislation, conduct of enforcement and investigations in relation to non-payment of CPF contributions, corporate governance, employment law, tort, criminal, administrative law and family law;
- d) **Legal Education** – providing legal education to CPF Board staff through Board-wide talks on general areas of laws, talks targeted at specific departments, contract workshops, e-learning and legal updates; and
- e) **Overseeing CPF Board’s Panel of Law Firms** – managing CPF Board’s Panel of Law Firms to ensure effective outsourcing of legal matters and liaising with external counsel when external legal advice is required.

The officers in LSG work as a team to support the business and management of CPF Board by providing quality value-added legal advice.

The current head of the Legal Services Group is General Counsel Ms Naina D.Parwani, who is a member of the senior management team in CPF Board.

Legal Department Workforce Singapore Agency (WSG) Ministry of Manpower



Address : 1 Marina Boulevard #18-01
 One Marina Boulevard
 Singapore 018989

Tel : (65) 6512 1261 / 6307 7420

Fax : (65) 6512 1322

Website : <http://www.wsg.gov.sg>

Email : tay_min_si@wsg.gov.sg/
goh_chern_fern@wsg.gov.sg

The Workforce Singapore Agency (“WSG”) serves as Singapore’s national body in the employment facilitation and enterprise development. WSG’s mission is to enable individuals to adapt and help employers to transform to cope with structural economic shifts.

The Legal Department of WSG provides legal services and advice to various divisions within WSG. This includes the drafting of legal documents for the implementation of various schemes administered by WSG, and advice on enforcement rights. WSG’s legal department is currently staffed by two legal counsels.

Legal Department Skills Future Singapore Agency (SSG) Ministry of Education.

Address : 1 Marina Boulevard #18-01
 One Marina Boulevard
 Singapore 018989

Tel : (65) 6307 7411

Fax : (65) 6512 1322

Website : <http://www.ssg.gov.sg>

Email : eng_soon_jieh@ssg.gov.sg

The Skills Future Singapore Agency (the “Agency”) drives and coordinates the

implementation of the national Skills Future movement, and administers the Private Education Act (Chapter 247A) and the Skills Development Fund in accordance with the Skills Development Levy Act (Chapter 306).

The Legal Department of the Agency provides legal services and advice to the various divisions of the Agency, including the drafting of legal documentation for the implementation of various schemes administered by the Agency, and provision of legal advice on enforcement matters. The Agency’s legal department is currently staffed by two legal counsels and headed by Mr. Eng Soon Jieh.

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

The Urban Redevelopment Authority (URA) is Singapore’s land use planning and conservation agency. It is a statutory board under the Ministry of National Development (MND). URA’s mission is ‘to make Singapore a great city to live, work and play’. URA strives to create an endearing home and a vibrant and sustainable future city through far-sighted planning and innovation, in partnership with the community. Its multi-faceted role includes being the main government land sales agent. Through the sale of State land, it attracts and channels private capital investment to develop sites to support economic and social development. URA also partners the community to enliven our public



spaces to create a car-lite, people-friendly and liveable city for all to enjoy. In shaping a distinctive city, URA also promotes architecture and urban design excellence

The Legal Department of URA provides legal support and services to all Groups and departments of URA so as 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.

Director

The URA's Legal Department is headed by Mr Michael Goh. He is supported by a team of legal counsel and administrative staff, who are responsible for planning, directing and controlling the operations of the Legal Department in the provision of legal support and services for URA.

Legal Office, Ministry of Health

Address : 16 College Road College of
Medicine Building

Singapore 169854

Tel : (65) 6325 9220

Fax : (65) 6325 1744

Website : <http://www.moh.gov.sg>

Email : moh_info@moh.gov.sg

The Legal Office of the Ministry of Health ("MOH"), established in 2005, provides a variety of legal services – including legal advice, litigation support, , drafting and vetting of agreements and other legal documents, and conducting prosecutions – to MOH's senior

management, its divisions, and (where appropriate) statutory bodies under MOH's purview.

Director (Legal)

Ms Chua Ying-Hong was appointed Director, Legal Office, on 17 October 2016. She is supported by a team of legal officers and management executives.

Legal Unit Ministry of Culture, Community and Youth

Address : 140 Hill Street, #03-00,
Old Hill Street Police Station,
Singapore 179369

Tel : (65) 6837 8971/2

Fax : (65) 6837 8970

Email : MCCY_Legal@mccy.gov.sg

The Ministry of Culture, Community and Youth seeks to inspire Singaporeans through the arts and sports, deepen a sense of identity and belonging to the nation strengthen community bonds, engage youths and promote volunteerism and philanthropy in Singapore.

The Legal Unit provides legal services to all the departments and the senior management of the Ministry, including the Ministry's autonomous agency, the National Youth Council. The core functions of the Unit include:

- Advising on legal matters arising from the Ministry's operations, including the discharge of its statutory and regulatory functions;
- Drafting and vetting a wide variety of legal documents;
- Providing legal input on policy deliberations;
- Assisting in the review of legislation under the purview of the Ministry; and
- Promoting legal awareness in the Ministry.



Senior Director, Legal Unit

The Legal Unit is helmed by Senior Director Ms Melinda Moosa. She is assisted by two legal officers and a legal executive.

Legal Services National Heritage Board

Address : 61 Stamford Road #03-08
Stamford Court
Singapore 178892

Tel : (65) 63324822

Email : nhb_legal@nhb.gov.sg

The National Heritage Board (NHB) is a statutory board under the Ministry of Culture, Community and Youth. Its mission is to preserve and celebrate the shared heritage of our diverse communities, for the purpose of education, nation-building and cultural understanding. The NHB operates eight leading museums and heritage institutions as follows:

Museums under NHB:

- Asian Civilizations Museum
- National Museum of Singapore
- Peranakan Museum
- Reflections at Bukit Chandu
- Singapore Philatelic Museum

Heritage Institutions under NHB:

- Sun Yat Sen Nanyang Memorial Hall
- Malay Heritage Centre
- Indian Heritage Centre

The NHB also manages 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 Ms Louisa Tan. 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.

Ministry of National Development

Legal Services Unit

Address : 5 Maxwell Road #21-00 & #22-00 Tower Block, MND Complex Singapore 069110

Telephone : +65 6222 1211

Website : <http://www.mnd.gov.sg>

Email : mnd_hq@mnd.gov.sg

The Legal Services Unit of the Ministry of National Development (“MND”) provides legal advice to the MND in support of the MND’s vital role in planning and developing our nation’s use of land. MND guides Singapore’s land use planning, urban redevelopment and building conservation, delivers affordable and quality public housing solutions, develops an efficient construction industry to ensure a safe, quality and sustainable built environment, provides and manages parks, open spaces and the conservation of nature areas, maintains a high standard of primary food safety and animal and plant health, as well as protects consumer interest by raising the professionalism in the real estate agent industry. The LSU is headed by Ms Crystal Ong. She is supported by Mr Jonathan Ee.



Council for Estate Agencies

Legal Department

Address : 480 Lorong 6 Toa Payoh
 #13-01 HDB Hub East Wing
 Singapore 310480

Tel : +65 6643 2555

Website : <http://www.cea.gov.sg>

The Council for Estate Agencies (“CEA”) is a statutory board under the Ministry of National Development. CEA administers the regulatory framework for the real estate agency industry in Singapore. CEA’s functions and duties are as follows:

- To administer the licensing and registration regime for estate agents and salespersons;
- To regulate and control the practice of estate agents and salespersons in estate agency transactions;
- To promote the integrity and competence of estate agents and salespersons through CEA’s Codes of Practice and Ethics;
- To equip consumers with the necessary information to make informed decisions in property transactions involving the services of salespersons;
- To administer the examination and continuing professional development framework; and
- To conduct investigation and disciplinary proceedings in relation to offences and unsatisfactory conduct or misconduct in relation to estate agency work.

The Legal Division of CEA provides advice on the enforcement of the Estate Agents Act and handles the prosecution of criminal offences before the State Courts, and ethical breaches under the Code of Ethics and Professional Client Care and Code of Practice for Estate Agents before the Disciplinary Committee. The Division also advises on legal policy work including the enhancement of the regulatory

framework, imposition of practice guidelines and amendment of regulations, as well as operational matters such as licensing or revocation issues and contract related matters. In addition, the Legal Division oversees the administration of the Disciplinary Panel.

The CEA’s Legal Division is headed by Mr Timothy Kho. He oversees the Legal Division in their prosecutorial work and all other areas of legal advice.

Housing & Development Board

Legal Group

Address : 480 Lorong 6 Toa Payoh
 Singapore 310480

Telephone : +65 6490 1111

Website : <http://www.hdb.gov.sg>

Email : hdb@mailbox.hdb.gov.sg

The Housing & Development Board (“HDB”) is Singapore’s public housing authority and a statutory board under the Ministry of National Development. HDB’s mission is to provide affordable homes of quality and value; create vibrant and sustainable towns and promote the building of active and cohesive communities.

The Legal Group in HDB is headed by Ms Balakrishna Madhubala. The Legal Group provides legal support and services to all Groups in HDB to ensure a seamless operation and that the legal interests of HDB are protected. The Group also provides conveyancing services to members of the public in representing them in the sale and purchase of their flats. Its key legal services include litigation support, prosecution of offences under the Housing & Development Act and various other legislation, conveyancing services, drafting and vetting agreements, reviewing and amending the Housing & Development Act, town councils, building



construction, upgrading, corporate matters, intellectual property, data sharing/protection, development and management of HDB Land and general land acquisition matters.

Building & Construction Authority

Legal Department

Address : 52 Jurong Gateway Road

#11-01 Singapore 608550

Telephone : +65 6342 5222

Website : <http://www.bca.gov.sg>

Email : bca_enquiry@bca.gov.sg

The Building and Construction Authority (“BCA”) is a statutory board under the Ministry of National Development, championing the development of an excellent built environment for Singapore. “Built environment” refers to buildings, structures and infrastructure in our surroundings that provide the setting for the community’s activities.

The Legal Department of BCA (“BCA Legal”) provides legal support to BCA by providing solutions that are aligned with BCA’s objectives and policy considerations. BCA Legal renders advice in relation to legislation, contracts, investigation and enforcement. BCA Legal also assists to solve problems that BCA faces in the course of carrying out its duties. Over and above the day-to-day core work, BCA Legal also provides training to colleagues in relation to legal skills and raises their awareness of potential legal liabilities.

The BCA Legal Department is headed by Ms Meet Kaur. She is responsible for setting the direction and goals of the department and oversees the work and projects undertaken by the department. Ms Sangeetha Pusphanathan supports the General Counsel and facilitates the execution of the department’s role and functions.

National Parks Board

Legal Services & Prosecution Branch

Address : 1 Cluny Road

Singapore 259569

Telephone : +65 6471 7808

Website : <http://www.nparks.gov.sg>

Email : nparks_mailbox@nparks.gov.sg

The National Parks Board (“NParks”) is the national parks and greenery authority of Singapore. It is a statutory board under the Ministry of National Development. NParks’ mission is to create the best living environment through excellent greenery and recreation, in partnership with the community. NParks carries out its mission by providing and enhancing the greenery of Singapore and actively engaging the community to make green spaces an integral part of the lifestyle. As the lead agency in nature conservation, NParks aims to conserve representative eco-systems and enhance biodiversity in the urban landscape.

The Legal Services and Prosecution Branch of NParks provides legal support and services to all divisions of NParks so as to ensure that the activities and functions of NParks are effectively carried out on a sound legal basis, and that the interests and objectives of NParks are legally protected and achieved. Its main areas of work include providing legal advice on national parks and greenery issues, reviewing and preparing legislation, and vetting legal documents such as building and maintenance contracts, leases and tenancy agreements, agency agreements and other contracts. It also performs board secretariat work and conducts investigations into offences and prosecution of offenders.

NParks’ Legal Services and Prosecution Branch is headed by Ms Elaine Phua who is assisted by a team of Legal Counsel and Prosecutors.



Agri-Food & Veterinary Authority of Singapore

Legal Services Section

Address : 52 Jurong Gateway Road
#14-01 Singapore 608550

Telephone : +65 6805 2992

Website : <http://www.ava.gov.sg>

The Agri-Food & Veterinary Authority of Singapore (“AVA”) is a statutory board under

the Ministry of National Development. AVA’s role is to ensure food supply resilience and food safety, safeguard the health of animals and plants, harness agrotechnology and facilitate agri-trade.

The Legal Services Section of AVA provides legal advice on civil and criminal matters to the various divisions within AVA. The Section is headed by Mr Edwin Ignatious and he is assisted by Ms Joan Lim.



THAILAND



ASEAN
GOVERNMENT LAW DIRECTORY
6TH EDITION

MINISTRY OF JUSTICE

Justice for All, All for Justice

Chaeng Watthana Rd, Laksi, Bangkok 10210, Thailand

120 Government Complex, Rajaburi Direkridhhi Bldg. (Bldg. A)

Tel.: (66) 2 141 5128 Fax: (66) 2 143 8247

Website: www.moj.go.th

The Ministry of Justice is responsible for justice system administration, enhancing and promoting justice in the society and any other tasks in which the law stipulates to be under the responsibility of the Ministry of Justice or its agencies. There are 11 agencies under the Ministry of Justice, 3 Public Organizations and 2 agencies that the Minister of Justice is in charge in accordance with the law with the Thai Bar Association Act B.E. 2507 (A.D. 1964)

Office of the Minister

The Office of the Minister is responsible for information collection and analysis with a view to preparing recommendations for the consideration by the Minister. The Office also supports the Minister in his administrative and political duties by collaborating with other Ministries, the Parliament and public; reviews petitions and complaints submitted to the Minister; and performs other tasks as may be required by the law, the Ministry or the Cabinet.

Address: 120 Government Complex, (Bldg. A) Rajaburi Direkridhhi Bldg., Fl. 9 Chaeng Watthana Rd, Laksi, Bangkok 10210, Thailand

Tel.: (66) 2 141 6435

Fax.: (66) 2 143 9883

Website: <https://www.moj.go.th/home-om>

Office of the Permanent Secretary for Justice

The Office of the Permanent Secretary for Justice is responsible for coordinating and developing strategies and policies of the Ministry through research, data collection and analysis for policy-making; translating the policy of the government and that of the Minister into action plan so as to oversee, evaluate, and coordinate among the Ministry's various units.

Address: 120 Government Complex, (Bldg. A) Rajaburi Direkridhhi Bldg. Fl., 8 Chaeng Watthana Rd, Laksi, Bangkok 10210, Thailand

Tel.: (66) 2 141 5100

Fax.: (66) 2 143 8289 - 90

Website: www.moj.go.th

Office of Justice Affairs

The Office of Justice Affairs has a mandate to enhance the entire justice system through research, analysis and evaluation the enforcement of various laws so as to make recommendations to the National Commission for Justice Administration Development.

Address: Government Complex, (Bldg. B) Rathaprasasanabhakti Bldg. Fl., 9 Chaeng Watthana Rd, Laksi, Bangkok 10210, Thailand

Tel.: (66) 2 141 3666

Fax.: (66) 2 143 8933

Website: www.oja.go.th

Department of Special Investigation

The Department of Special Investigation (DSI) is responsible for criminal investigation and crime suppression by specialized officer in cases designated as "special cases", namely cases that offenders have criminal networks across countries supported by criminal organizations specialized in high technology or the cases that



may cause serious impact upon national economy, security and society.

Address: Chaeng Watthana Rd, Laksi, Bangkok 10210, Thailand

Tel.: (66) 2 8319888

Fax.: (66) 2 975 9888

Website: www.dsi.go.th

Central Institute of Forensic Science

The Central Institute of Forensic Science (CIFS) is responsible for supporting investigation process through provision of forensic evidence, verification of identity of individuals, tracking disappeared persons and unidentified /deceased bodies, developing the DNA database which is used for match various offences in solving criminal cases.

Address: Government Complex, (Bldg. B) Rattaprasasanabhakti Bldg. Fl., 9 Chaeng Watthana Rd, Laksi, Bangkok 10210, Thailand

Tel.: (66) 2 142 3491-2

Fax.: (66) 2 143 9068

Website: www.cifs.moj.go.th

Rights and Liberties Protection Department

The Rights and Liberties Protection Department is responsible for promoting, protecting and guaranteeing the people's rights and liberties in accordance with human right standards; providing legal and financial aid such as lawyer fees, bails and court fees, from the Justice Fund. Further, providing remedial measures for assisting innocent injured persons or victims in criminal cases in accordance with the Act on Compensation of the Victim and Remuneration and Expense for the Defendant of B.E. 2544 (A.D. 2001)

Address: Government Complex, (Bldg. A) Rajaburi Direkridhdi Bldg. Fl. 3, Chaeng Watthana Rd, Laksi, Bangkok 10210, Thailand

Tel.: (66) 2 141 2794

Fax.: (66) 2 143 9681

Website: www.rlpd.go.th

Legal Execution Department

The Legal Execution Department is responsible for proceeding the legal execution in civil cases, bankruptcy cases, and business reorganization in accordance with the court's order; managing the process of deposit, impounding, selling the assets of the debtors in bankruptcy cases; and also supervising the procedure of business reorganization in order to ensure that creditors or other stakeholders will surely receive fair compensations.

Address: 189/1 Bangkhunnon Rd., Bangkok-Noi District, Bangkok 10700, Thailand

Tel.: (66) 2 881 4999

Fax.: (66) 2 433 0801

Website: www.led.go.th

Department of Probation

The Department of Probation is responsible for investigating, supervising and monitoring, rehabilitating and supporting offenders before, during and after trial; as well as, implementing rehabilitation programs for offenders who are drug addicts.

Address: Government Complex, (Bldg. A) Rajaburi Direkridhdi Bldg. Fl. 4, fl.6 Chaeng Watthana Rd, Laksi, Bangkok 10210, Thailand

Tel.: (66) 2 141 4749

Fax.: (66) 2 143 8822

Website: www.probation.go.th



Department of Juvenile Observation and Protection

The Department of Juvenile Observation and Protection is responsible for rehabilitating and protection children and youth who have entered the juvenile justice system, and for reintegrating them back into society.

Address: Government Complex, (Bldg. A) Rajaburi Direkridhdi Bldg., Fl. 5 Chaeng Watthana Rd, Laksi, Bangkok 10210, Thailand

Tel.: (66) 2 141 6470

Fax.: (66) 2 143 8473

Website: <http://www.djop.go.th/>

Department of Corrections

The Department of Corrections is responsible for the detention and treatment of offenders according to the court's sentences; as well as, providing offenders with education, vocational training, mental development and welfare with a view to rehabilitating and reintegrating them back to society.

Address: 222 Nonthaburi 1 Rd., Suan Yai Sub-District, Muang District, Nonthaburi Province, 11000, Thailand

Tel.: (66) 2 967 2222

Fax.: (66) 2 967 3305

Website: www.correct.go.th

Office of Narcotics Control Board (ONCB)

The Office of Narcotics Control Board is an agency under the Ministry of Justice that reports directly to the Minister of Justice. The Office is responsible for coordinating and implementing national drug control policy; promoting coordination with public and private sectors; as well as, international community so as to prevent and suppress drug problem. The Office

also supervises, carries out asset seizures, publicizes and monitors the performance of drug control-related agencies.

Address: 5 Dindaeng Rd., Payathai District, Bangkok, 10400 Thailand

Hotline 1386

Tel.: (66) 2 247 0901-19

Fax.: (66) 2 246 8526, (66) 2 247 7217

Website: www.oncb.go.th

Public Organizations within the Ministry of Justice

Thailand Institute of Justice

The Thailand Institute of Justice (TIJ) aims to serve as promoter of change to enhance the criminal justice system and instill a culture of lawfulness in Thailand and the wider international community. Building on Thailand's engagement in the United Nations Commission on Crime Prevention and Criminal Justice (UN CCPCJ) and under the guidance of Her Royal Highness Princess Bajrakitiyabha Mahidol, TIJ was established in 2011 by the Royal Thai Government.

At the core of TIJ is the promotion of criminal justice system reform through the implementation of international standards and norms related to vulnerable groups in contact with the justice system. TIJ also promotes the coordination among domestic justice institutions and strengthens regional cooperation in Southeast Asia. Since May 2016, TIJ has also been officially recognized by the United Nations Office on Drugs and Crime (UNODC) as a member of the United Nations Crime Prevention and Criminal Justice Programme Network of Institutes (PNIs).

Address: 16th Floor, GPF Building (Tower B), Witthayu Road, Pathum Wan Bangkok, Thailand, 10330



Tel.: +662 118 9400

Fax.: +662 118 9425, 26

Email: info@tijthailand.org

Website: www.tijthailand.org/

Thailand Arbitration Center (THAC)

THAC was established to provide arbitration service to resolve civil and commercial disputes in Thailand and other countries. The complete services provided consists of dispute management and general affairs including venue and other facilities with global standard. THAC aims to support and promote the international system of arbitration, to become a centre of arbitration known widely for stipulating independent services on arbitration and to improve arbitration center in Thailand in order to meet the same standard as arbitration institutions in other countries.

Address: Thailand Arbitration Centre 689 Pirat Tower, 26 fl, Sukumvit Rd., Yannawa, Bangkok 10110

Tel.: (66) 2 018 1615

Fax.: (66) 2 018 1632

Website: www.thac.or.th

Lawyers Council of Thailand

The Lawyers Council of Thailand is an independent public organization and a lawyer's profession body under the Lawyers Act B.E. 2528 (A.D. 1985). The Council 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. The Council is also the body to issue/revoke lawyer's license nationwide and take disciplinary action for violation of lawyer Code of Ethics. Address: 249 Mansion10,

Phaholyothin Rd., Bangkhen, Bangkok 10220, Thailand

Tel.: (66) 2 522 7124-27

Fax.: (66) 2 522 7143-47

Website: www.lawyerscouncil.or.th

The Thai Bar Association

The Thai Bar Association 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 know 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 servers as the President of the Thai Bar while the President of the Court of Appeal and the Attorney-General serve as the Vice-President.

In 1948, the Institute of Legal Education Thai Bara 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 behaviours. Lawyer or graduated law student who can successfully pass the bar examination can be called "barrister-at-law".

Address: 32/2-8 Moo 16 Kanjanapisek Rd., Taling-Chan District, Bangkok 10170, Thailand

Tel.: (66) 2 887 6801-9

Fax.: (66) 2887 6839

Website: www.thethaibar.org



Independent agencies according to the Constitutions are:

The Office of the Attorney General

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 Office'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 mutual legal concern as the Attorney General being the Central Authority of the Kingdom of Thailand.

Address: Government Complex, (Bldg. A) Rajaburi Direkridhdi Bldg. Chaeng Watthana Rd, Laksi, Bangkok 10210, Thailand

Tel.: (66) 2 142 1444

Fax.: (66) 2 143 9546

Website: www.ago.go.th

Email: [Inter@ago.go.th/](mailto:Inter@ago.go.th)
inter.affairs@hotmail.com

The Court 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 an independent is divided into two parts:

administration and adjudication. The Courts of Justice have an independent secretariat, namely, the Office of the Judiciary and report directly to the President of the Supreme Court.

The Office of the Judiciary

An independent organization and a juristic person. The Office is responsible for the administration of the Court of Justice. The Office of the Judiciary has autonomy in personnel administration, budget and other activities provide by law. It is divided into several offices and divisions. 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.

Address: Court Complex, Criminal Court Building, Ratchadapisek Road, Chatuchak, Bangkok 10900, Thailand

Tel.: (66) 2541 2861 2258

Fax.: (66) 2512 8468

E-mail: ojta@coj.go.th

Website: www.coj.go.th

With respect to adjudication in judicial service, the Courts of Justice have the 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 jurisdiction of which type of courts, the Commission on the Jurisdiction of Courts chaired by the President of the Supreme Court is authorized by the Constitution to make



decision. Such decision is final. The Court of Justice is classified into three levels comprising the Court of First Instance, the Courts of Appeal and the Supreme Court.

The Court of First Instance is categorized as general courts, Juvenile and Family Courts and the Specialized Courts. The general courts are empowered to try and adjudicate typical criminal and civil cases. These 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:

The 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.

Address: Court Complex, Ratchadapisek Rd., Chatuchak, Bangkok 10900, Thailand

Tel.: (66) 2541 2420-8

Fax.: (66) 2541 2388

E-mail: Civil.2@coj.go.th

Website: www.civil.coj.go.th

The Criminal Court

As regards to 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.

Address: Court Complex, Ratchadapisek Rd., Chatuchak, Bangkok 10900, Thailand

Tel.: (66) 2541 2284-90

Fax.: (66) 2512 8346

E-mail: crim.2@coj.go.th

Website: www.crimc.coj.go.th

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 to remote areas, some provinces may have more than one provincial court.

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. 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.

The 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.

Address: Kamphaengphet Rd., Chatuchak, Bangkok 10900, Thailand

Tel.: (66) 2272 5201, (66) 2272 5223 – 5

E-mail: jvnc@coj.go.th

Website: www.jvnc.coj.go.th

The Court of Appeal

The 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.

Address: Court Complex, Ratchadapisek Road, Chatuchak, Bangkok 10900, Thailand

Tel.: (66) 2541 2436-50

Fax.: (66) 2512 8307

E-mail: appealc@coj.go.th

Website: www.appealc.coj.go.th

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.

Address: Office of the President of the Supreme Court Government Complex, (Bldg. A) Rajaburi Direkridhdi Bldg. Chaeng Watthana Rd, Laksi, Bangkok 10210, Thailand

Tel.: (66) 2 142 4926

Website: www.supremecourt.or.th

4 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 Labor Court

The Central Labor Court was established under the Act on the Establishment of and Procedure for the Labor Court B.E. 2522 (1979). The Court is responsible for all labor law cases and related employment matters including all types of labor disputes especially ones dealing with the issues of labor protection, unfair discrimination, and labor relations; appeals against decisions made by Labor officials on labor matters or by the Minister; cases arising from wrongful acts between employers and employees in connection to labor disputes or work performance; and any labor disputes that the Minister of the Interior requires Court to decide on.

All Central Labor Court appeals go directly to the Supreme Court; however, it only hears appeals on questions of law in a labor court's judgment or order, and appeals must be submitted within 15 days of the date of the Court's judgment or order.

Address: 404 Rama IV Road, Bangrak, Bangkok 10500, Thailand

Tel.: (66) 2235 1500-8

Fax.: 66 2235 2471

E-mail: lbc@coj.go.th

Website: www.lbc.coj.go.th

The Central Tax Court

The Central Tax Courts is responsible for all tax disputes cases. There is a Tax Appeal Committee whose empowered is to reaffirm, repeal, reverse and amend any tax assessment.

However, if a taxpayer is not satisfied with the decision of the Tax Appeal Committee, an appeal can be issued to the Tax Court within 30 days from receiving the decision from the Committee. However, before any tax matter can be brought before a Tax Appeal Committee, a taxpayer must remit any outstanding taxes or fines related to the case to the tax authorities unless the plaintiff has an Injunction Order from the Governor of the Revenue Department.

All appeals against the Tax Court's verdicts go directly to the Supreme Court, and appeals must be submitted within 30 days of the date of the Tax Court's judgment or order. However, a party cannot appeal a case under THB 50,000 on questions of fact unless the presiding judges authorize it.

Address: Court Complex, Ratchadapisek Road, Chatuchak, Bangkok 10900, Thailand

Tel.: (66) 2541 2420-29

Fax.: (66) 2541 2542

E-mail: taxc@coj.go.th

Website: www.taxc.coj.go.th

The Central Intellectual Property and International Trade Court

The Central Intellectual Property and International Trade Court adjudicates both civil and criminal cases regarding intellectual property and civil cases regarding international trade for all of Thailand on. The criminal cases are related to property for trademark, copyright and patent infringement under the Trademark Act, the Copyright Act, and the Patent Act while the civil cases are on technology transfer and licensing agreements.

The international trade cases covered by the Court include civil cases relating to international sales, exchange of goods or financial instruments, international services, international carriage, insurance and other related transactions



as well as civil and criminal cases dealing with the layout-design of integrated circuits, scientific discoveries, trade names, geographical indications, trade secrets and plant varieties protection. Further, all the appeals from the Central Intellectual Property and International Trade Court go directly to the Supreme Court and appeals must be submitted within 30 days of the date of the Court's judgment or order.

Address: Government Complex, (Bldg. A) Rajaburi Direkridhdi Bldg. Fl.5-7 Chaeng Watthana Rd, Laksi, Bangkok 10210, Thailand

Tel.: (66) 2141 1910

Fax.: (66) 2143 8722

E-mail: ipitc@coj.go.th

Website: www.ipitc.coj.go.th

The Central Bankruptcy Court

The Central Bankruptcy Court (the "Bankruptcy Court") was established the same year on the premise that bankruptcy cases are significantly different from general civil cases, have an impact on the economy, and should be decided by career judges who possess competent knowledge and are experienced in bankruptcy and financial matters. The Bankruptcy Court adjudicates both civil and criminal cases regarding all rehabilitations and bankruptcies. Located in Bangkok, it is the Court of First Instance for all bankruptcy matters with jurisdiction over the entire Kingdom.

Judicial proceedings and trial hearings in the Bankruptcy Court are video recorded to help streamline the entire process, and the Court has the power to incorporate new processes without going through the complex procedure of amending the Civil Code. The Bankruptcy Court has also adopted new IT systems to further accelerate proceedings including the use of electronic equipment and express mail in court communications. The Court can also give

provincial courts the authority to issue search and arrest warrants. An appeal against any judgment or order of the Bankruptcy Court in reorganization cases or any civil cases related to it must be submitted to the Supreme Court within one month of the Court's judgment or order.

Address: Government Complex, (Bldg. A) Rajaburi Direkridhdi Bldg. Fl. 2-4 Chaeng Watthana Rd, Laksi, Bangkok 10210, Thailand

Tel.: (66) 2141 1561

Fax.: (66) 2 143 4700

E-mail: cbc@coj.go.th

Website: www.cbc.coj.go.th

The Constitutional Court

The Constitutional Court of the Kingdom of Thailand has powers and duties in adjudicating and ruling constitutional cases.

Address: Government Complex, (Bldg. A) Rajaburi Direkridhdi Bldg. FL. Chaeng Watthana Rd, Laksi, Bangkok 10210, Thailand

Tel.: (66) 2141 7777

Fax.: (66) 2143 9522

E-mail: occ@constitutionalcourt.or.th

Website: www.constitutionalcourt.or.th

The Administrative Court

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: y the issuance of a rule or order or in connection with other unlawful acts, y the negligence official duties required by the law to performed or performing such duties with unreasonable delay, y a



wrongful act or other liabilities arising from the exercise of power under the law or from a law, an order, y neglecting of official duties or the performance of such duties with unreasonable delay, y the case involving a dispute in relation to an administrative contract, y 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.

Address: Chaeng Watthana Rd, Laksi, Bangkok 10210, Thailand

Tel.: (66)-2141-1111

Fax.: (66)-2143-9822

Hotline 1355

Website www.admincourt.go.th

Office of Public Sector Anti-Corruption Commission (PACC)

The Office of Public Sector Anti-Corruption Commission is an agency under the Ministry of Justice that reports directly to the Minister of Justice. The Office is responsible for preventing and suppressing corruption cases in the public sector. PACC has a direct mandate to receive and review complaints and petitions accusing government officers -from the rank of director and lower- of corruption or misconduct.

Address: 99 Software Park Bldg., Chaeng Watthana Rd., Pakkret District, Nonthaburi Province 11120, Thailand Hotline: 1026

Tel.: (66) 2 502 6670-80

Fax.: (66) 2 502 6132

Website: www.pacc.go.th

Anti-Money Laundering Office (AMLO)

The Anti-Money Laundering Office is an agency not under the Ministry of Justice but reports directory to the Minister of Justice. AMLO is responsible for monitoring, inspecting, investigating, researching and analyzing reports and information pertaining to financial transactions, in order to cease the networks of money laundering crimes.

Address: 442 Phayahtai Rd., Patumwan, Bangkok 10330, Thailand

Tel.: (66) 2 219 3600

Fax.: (66) 2 219 3622

Website: www.amlo.go.th



VIET NAM



ASEAN
GOVERNMENT LAW DIRECTORY
6TH EDITION

MINISTRY OF JUSTICE

No 58-60 Tran Phu Street, Ha Noi, Viet Nam

Tel: 844-62739321

Fax: 844-6279360

Website: www.moj.gov.vn

The Ministry of Justice is an organ of the Government, which has the function to perform the State management over law development and implementation; post-review of legal normative documents; control of administrative procedures; legal dissemination and education; execution of civil and administrative judgments; judicial administration; judicial affairs support; the State compensation in nationwide administration, execution of judgments and other judicial works; administration of law implementation related to handling of administrative violations; and public services in areas within the Ministry's mandate.

Leadership of the Ministry of Justice

Minister of Justice

H.E. Mr. Le Thanh Long

Deputy Minister of Justice

H.E. Mr. Tran Tien Dung

Deputy Minister of Justice

H.E. Mr. Phan Chi Hieu

Deputy Minister of Justice

H.E. Mr. Nguyen Khanh Ngoc

Deputy Minister of Justice

H.E. Mrs. Dang Hoang Oanh

Organizations and structure:

There are 35 departments and units supporting the Minister in performing the State management functions as follows:

Department of International Cooperation

Acting General Director: Mr. Nguyen Huu Huyen

Deputy Directors: Mrs. Duong Thien Huong, and Mrs. Tran Thu Huong

Legal officier in chagre of ASEAN: Mrs. Nguyen Minh Hang

Incharge Deputy Head of Asian, Affrican and Oceanic Affairs Division

International Cooperation Department (email: hangnm@moj.gov.vn)

Tel: 844-62739525

Fax: 844-62739359

The Department of International Cooperation has the mandate to support the Minister of Justice in undertaking the consistent management of international cooperation in the legal field; administration of foreign affairs and foreign protocols of the Ministry as prescribed legislation.

Department of International Law

Director: Mr. Bach Quoc An

Deputy Directors: Mr. Nguyen Duc Kien, Ms. Pham Ho Huong and Ms. Nguyen Linh Kha

Tel: 844-62739450

Fax: 844-62739359

The Department of International Law has the mandate to support the Minister of Justice in performing international legal works, including: law development, participation in law development, appraisal of draft international treaties, international agreements and relevant legal normative documents related to international laws; participation in international



disputes settlement in accordance with the laws; and the State administration of legal assistance.

Department of General Affairs on Legislative Development

Director: Mr. Nguyen Hong Tuyen

Deputy Directors: Mr. Vo Van Tuyen, Mr. Tran Anh Duc and Mr. Tran Van Dat

Tel: 844-62739391

Fax: 844-62739359

The Department of General Affairs on Legislative Development has the mandate to support the Minister in performing the State management over law development and legislative works in accordance with the laws; proposing key orientations to improve the legal system and organization of law implementation.

Department of Criminal and Administrative Legislation

Deputy Directors: Mr. Nguyen Van Hoan, Mr. Tran Van Dung, Ms. Nguyen Thi Hanh

Tel: 844-62739405

Fax: 844-62739359

The Department of Criminal and Administrative Legislation has the mandate to support to the Minister of Justice in law development, participation in law development and appraisals of draft legal normative documents on criminal, administrative fields and organization of the State apparatus.

Department of Civil and Economic Legislation

Director: Mr. Nguyen Thanh Tu

Deputy Directors: Mr. Luong Duc Tuan, Mr. Le Dai Hai, Mr. Nguyen Hong Hai

Tel: 844-62739425

Fax: 844-62739440

The Department of Civil and Economic Legislation has the mandate to support the Minister of Justice in law development, participation in law development and appraisals of draft legal normative documents on civil and economic fields; the State administration of legal aids for enterprises and the Enterprise Legislative Club in accordance with the laws.

Department of Legal Dissemination and Education

Director General: Mr. Le Ve Quoc

Deputy Directors: Mr. Uong Ngoc Thuan, Mrs Phan Hong Nguyen and Ms. Ngo Quynh Hoa

Tel: 844-62739465

Fax: 844-62739480

The Department of Legal Dissemination and Education has the mandate to support the Minister of Justice in performing the State management over legal dissemination and education; grassroot conciliations; development of law access for communes, districts and towns; development and implementation of village regulations and conventions of villages, mountainous villages, hamlets and residential clusters.

Bureau of Civil Status, Nationality and Authentication

Director: Mr. Nguyen Cong Khanh

Deputy Directors: Ms. Luong Thi Lanh, Ms. Tran Thi Le Hoa

Tel: 844-62739490

Fax: 844-62739490



The Bureau of Civil Status, Nationality and Authentication, whose original was the Department of Judicial Administration, has the mandate to support the Minister of Justice in performing the State management and organizing law implementing on civil status, nationality and authentication in accordance with the laws and authorization of the Minister.

Bureau of Judicial Affairs Support

Director: Ms. Do Hoang Yen

Deputy Directors: Mr. Nguyen Thi Hoa, Mr. Vu Van Doan, Ms. Nguyen Thi Mai

Tel: 844-62739504

Fax: 844-62739504

The Bureau of Judicial Affairs Support, whose original was the Department of Judicial Affairs Support, has the mandate to support the Minister in performing the State management and organizing law implementation in the judicial affairs support field, including: lawyer profession, legal consultancy, notary, legal expertise, property auction and commercial arbitration in accordance with the laws and authorization of the Minister.

The Bureau of Judicial Affairs Support is a legal entity with the headquarter located in Hanoi, and has its own seal and bank account as prescribed by the laws.

Department of Planning and Finance

Director: Mr. Phan Anh Tuan

Deputy Directors: Mr. Nguyen Huy Hung, Mr. Nguyen Tien Hung

Tel: 844-62739547

Fax: 844-62739560

The Department of Planning and Finance has the mandate to support the Minister in performing the State management over planning

and statistics; finance and accountancy; management and use of the State's assets and development investment of the Ministry in accordance with the laws.

Department of Personnel and Organization

Director: Mr. Nguyen Quang Thai

Deputy Directors: Mr. Nguyen Do Kien, Ms. Phan Thi Hong Ha, Mr. Nguyen Van Vu

Tel: 844-62739365

Fax: 844-62739365

The Department of Personnel and Organization has the mandate is to support the Minister in performing the management over organizational structure; personnel; officials, public servants and staff; trainings and re-trainings for officials of the Ministry and justice sector in accordance with the laws.

General Bureau of Civil Execution

General Director: Mr. Mai Luong Khoi

Deputy General Directors: Mr. Nguyen Thanh Thuy, Mr. Nguyen Van Luc and Mr. Nguyen Van Son

Tel: 844-62739595

Fax: 844-62739630

The General Bureau of Civil Execution has the mandate to support the Minister in performing the nationwide State management and specialized management over civil and administrative judgment execution in accordance with the laws.

The General Bureau of Civil Execution is a legal entity with the headquarter located in Hanoi, and has its own seal and bank account at the Vietnam State Treasury.



Bureau of Legal Normative Documents Post - Review

Director: Mr. Dong Ngoc Ba

Deputy Directors: Mr. Hoang Xuan Hoan, Mr. Pham Van Dung and Ms. Nguyen Thi Thu Hoe

Tel: 844-62739655

Fax: 844-62739670

The Bureau of Legal Normative Documents Post – Review has the mandate to support the Minister in performing the State management over examination, review, systematization, consolidation and codification of the legal normative documents; performing examination of legal normative documents under the examination power of the Minister; organizing review, systemization, consolidation and codification of the legal normative documents in accordance with the laws.

The Bureau of Legal Normative Documents Post – Review is a legal entity with the headquarter located in Hanoi, and has its own seal and bank account at the Vietnam State Treasury.

Department of Emulation and Commendation

Director: Ms. Nguyen Thi To Nga

Deputy Directors: Ms. Pham Thai Ha, Mr. Phung Huy Thuan and Mr. Nguyen Anh Tuan

Tel: 844-62739565

Fax: 844-62739561

The Department of Emulation and Commendation has the mandate to support the Minister in performing the State management over emulation and commendation in the justice sector in accordance with the laws.

Bureau of National Secured Transaction Registration

Director: Mr. Pham Tuan Ngoc

Deputy Directors: Ms. Van Thi Khanh Thu, Ms. Nguyen Chi Lan

Tel: 844-62739677

Fax: 844-62739690

The Bureau of National Secured Transaction Registration has the mandate to support the Minister in performing the State management over registration of secured transactions; organizing the registration of and information supply for secured transactions and other cases in accordance with the laws.

The Bureau of National Secured Transaction Registration is a legal entity with the headquarter located in Hanoi and has its own seal and bank account at the Vietnam State Treasury in accordance with the laws.

National Legal Aid Agency

Director: Ms. Nguyen Thi Minh

Deputy Directors: Mr. Cu Thu Anh; Ms. Vu Thi Huong

Tel: 844-37334309

Fax: 844-37339583

The National Legal Aid Agency (NLAA) has the mandate to support the Minister in performing the nationwide State management and specialized management over legal aids in accordance with the laws.

The NLAA is a legal entity with the headquarter located in Hanoi and has its own seal and bank account in accordance with the laws.

Bureau of Adoption

Acting Director: Ms. Nguyen Thi Hao



Deputy Directors: Mr. Pham Thi Kim Anh, Mr. Dang Tran Anh Tuan

Tel: 844-62739695

Fax: 844-62739400

The Bureau of Adoption has the mandate to support the Minister in performing the State management over adoption; handling matters related to adoption with foreign elements in accordance with the laws; assisting the Minister to perform the tasks of the Central Agency of International Adoption in Vietnam.

The Bureau of Adoption is a legal entity with the headquarter located in Hanoi and has its own seal and bank account in accordance with the laws.

Inspectorate of the Ministry of Justice

Director: Mr. Nguyen Hong Dien

Deputy Directors: Mr. Nguyen Thang Loi and Ms. Ta Thi Tai

Tel: 844-62739590

Fax: 844-62739590

The Inspectorate of the Ministry of Justice has the mandate to support the Minister in performing the State management over inspection, handling of complaints and denunciations, anti-corruption within the Ministry's management scope and in accordance with the laws and authorization of the Minister; and undertaking administrative inspection and specialized inspection.

The Inspectorate of the Ministry of Justice has its own seal and bank account at the Vietnam State Treasury in accordance with the laws.

Office of the Ministry of Justice

Director: Mr. Do Duc Hien

Deputy Directors: Mr. Nguyen Van Hoan, and Ms. Nguyen Thu Anh

Tel: 844-62739321

Fax: 844-62739359

The Office of the Ministry of Justice (OMOJ) has the mandate to support the Minister in performing his tasks related to leadership, direction, operation and management of all activities of the Ministry and justice sector; development, summary, monitoring and supervision over implementation of programs, work plans; management of information, the press and publications of the Ministry; performing of the administrative reform task, administrative works, archives, records and library of the Ministry; management of technical infrastructure, finance and budget, transportations and facilities in general serving the operation of the Ministry; and internal governance in accordance with the laws.

The Office has its own seal and bank account in accordance with the laws.

Bureau of Justice Affairs In Southern Provinces and Cities

In-charge Deputy Director: Mr. Nguyen Thanh Binh

Deputy Director: Mr. Tran Hoai Phu, Ms. Huynh Thi Le Thuy

Tel: 848-38224543

Fax: 848-38299277

The Bureau of Justice Affairs in Southern Provinces and Cities, whose original was the Ministry's Representative Agency in Hochiminh city, has the mandate to support the Minister of Justice in management and implementation of the Ministry's assigned tasks within its management scope in provinces, centrally-run cities from Phu Yen province to Ca Mau province (hereinafter referred to as the Region)



in accordance with the Minister's authorization; performing internal governance for the Ministry's direction and operations in the Region.

The Bureau of Justice Affairs in Southern Provinces and Cities (hereinafter referred to as the Bureau) is a legal entity with its headquarter located in Ho Chi Minh city, and has its own seal and bank account in accordance with the laws.

Institute of Legal Science

Director: Mr. Nguyen Van Cuong

Deputy Directors: Mr. Vo Dinh Toan

Fax: 844-62739754

The Institute of Legal Science is a scientific professional organization under the management of the Ministry of Justice. Its mission is to conduct studies on strategies, policies on law development and implementation and other fields under the State management scope of the Ministry of Justice (hereinafter referred to as the Ministry), which supports the Ministry's State management activities, making contributions to the legal, judicial and administrative reforms and development of the socialist rule-of-law state of Viet Nam. It provides legal advice and support to the Minister of Justice in management of legal scientific researches, and acts as the focal point of legal scientific information within the Ministry's scope of the State management.

The Institute is directly under the Minister's management and direction as well as under the State management of the Minister of Science and Technology.

The Institute is a legal entity with its headquarter located in Ha Noi, and has its own seal and bank account at the State treasury and State Bank in accordance with the laws.

Hanoi Law University

Rector:

Deputy Rectors: Ms. Vu Thi Lan Anh, Mr. Nguyen Quang Huy, Mr. Chu Manh Hung and Mr. Truong Quang Vinh

Tel 844-38352630

The Hanoi Law University (herein after referred to as the University) is a public university in the national education system and a unit of the Ministry of Justice with its mission to train in the legal and other fields which are in line with the University's development objectives and directions at undergraduate and postgraduate levels; to conduct legal scientific researches, legal propagation, dissemination, education and legal consultancy.

The University is under direct management and direction of the Ministry of Justice and the State management of education of the Ministry of Education and Training.

The University has its own seal and bank account at the Vietnam State treasury and bank in accordance with the laws.

Judicial Academy

Acting Director: Mr. Doan Trung Kien

Deputy Directors: Mr. Nguyen Xuan Thu, Mr. Nguyen Van Dung, Tel: 844-37566129-107

The Judicial Academy (herein after referred to as the Academy) is a facility providing education and training services and conducting scientific researches, which is directly under the Ministry of Justice and complies with Regulations for universities.

The Academy is a legal entity with its headquarter located in Ha Noi and its branch located in Hochiminh city, and has its own seal and bank account.



Vietnam Law Newspaper

Editor in Chief: Mr. Dao Van Hoi

Deputy Editors in Chief: Mr. Dang Ngoc Luyen, Mr. Vu Hoang Diep and Ms. Tran Thi Huong Mai

Tel: 844-37245180

Fax: 844-37245181

The Vietnam Law Newspaper (hereinafter referred to as the Newspaper) is the organ of Ministry of Justice. Its mission is to perform the information function of all activities of the Ministry, justice sector and domestic and international political, economic, socio-cultural issues; to propagandize and disseminate the Party's and State's policies, directions, guidelines and laws, as well as information related to law development and implementation, and judicial services in order to meet the management requirements of the Ministry and social needs of legal information, researches, studies and operations of the Ministry; making contributions to enhancement of the effectiveness and efficiency of the State management by laws, promotion of democracy and development of the socialist rule-of-law State of Viet Nam.

The Newspaper is under direct management and direction of the Ministry of Justice, the State management of press of the Ministry of Information and Communications and operational directions of the Central Propaganda and Training Committee.

The Newspaper is a legal entity with the headquarter located in Ha Noi, and has its own seal and bank account at the State treasury and bank in accordance with the laws

Democracy and Law Journal

Editor in Chief: Mr. Dang Vu Huan

Deputy Editors in Chief: Mr. Duong Van Hau, Mr. Tran Hoang Hung

Tel: 844-62739736

The Democracy and Law Journal (hereinafter referred to as the Journal) is the organ of the Ministry of Justice with its mission of conducting information functions, and is a research and discussion forum of jurisprudence, theoretical and practical information on law development and implementation and judicial activities, contributing to dissemination and propaganda of the Party's policies and guidelines and the State's laws, which meet requirements of the State management and demands of the people on legal research and understanding in order to enhance the efficiency and effectiveness of the State management by laws, to strengthen the legal system, to promote democracy, to exercise social just and to develop the socialist rule-of-law state of Viet Nam.

The Journal is under direct management and direction of the Ministry of Justice, and the State management of press of the Ministry of Information and Communications.

The Journal is a State business organization attached to the Ministry of Justice and a legal entity with the headquarter located in Ha Noi, and has its own seal and bank account at the State treasury and bank in accordance with the laws.

Bureau of Information Technology

Director: Mr. Nguyen Tien Dung

Deputy Director: Mr. Nguyen Chi Dung, Mr. Le Van Duyen, Mr. Ta Thanh Trung

Tel: 844-62739715

Fax: 844-62739730

The Bureau of Information Technology (hereinafter referred to as the Bureau) has the mandate to support the Minister in management



and operations of application of information technology, telecommunications in the fields under the Ministry's management; and provision of information technology services in accordance with the laws.

The Bureau is a legal entity with the headquarter located in Ha Noi, and has its own seal and bank account at the State treasury in accordance with the laws.

National Centre for Criminal Record

Director: Mr. Hoang Quoc Hung

Deputy Directors: Mr. Ngo Ngoc Thanh,
Mr. Pham Quang Dai and Ms. Do Thi Thuy Lan

Tel: 844-62739492

Fax: 844-62739459

The National Centre for Criminal Record (hereinafter referred to as the Centre) is a State business unit attached to the Ministry of Justice. Its mission is to develop and administer the nationwide database of criminal records.

The Centre is a legal entity with the headquarter located in Ha Noi, and has its own seal and bank account at the State treasury in accordance with the laws.

Its transaction name in English is National Centre for Criminal Record (NCCR).

Bureau of State Compensation

Director: Mr. Nguyen Thanh Tinh

Deputy Director: Mr. Tran Viet Hung

Tel: 844-62739438

Fax: 844-62739359

The Bureau of State Compensation has the mandate to support the Minister of Justice in performing the State management and

organization of law implementation related to the State compensation liability in administrative management and civil executions; coordination with the Supreme People's Court and Supreme People's Procuracy in the State management of compensation in legal proceedings in accordance with the laws.

The Bureau is a legal entity with the headquarter located in Ha Noi, and has its own seal and bank account in accordance with the laws.

Bureau of Administration of Handling of Administrative Violations and Monitoring of Law Implementation

Director: Mr. Dang Thanh Son

Deputy Directors: Mr. Le Thanh Binh;
Mr. Ho Quang Huy; Ms. Nguyen Thi Minh Phuong

Tel: 844-62739795

Fax: 844-62739794

The Bureau of Administration of Handling of Administrative Violations and Monitoring of Law Implementation (hereinafter referred to as the Bureau) has the mandate to support the Minister of Justice in performing the State management and organization of law implementation of handling administrative violations; overall monitoring of nationwide law implementation.

The Bureau is a legal entity with the headquarter located in Ha Noi, and has its own seal and bank account at the State treasury in accordance with the laws.

Judicial Publishing House

Deputy Directors: Mr. Quach Van Duong, Mr. Vu Hoai Nam and Mr. Tran Manh Dat

Tel: 844-62632071



Fax: 844-62632074

The Judicial Publishing House (hereinafter referred to as the Publishing House) is a publishing agency operating in the cultural and spiritual fields, which is attached to the Ministry of Justice. Its mission is to publish printed materials to meet requirements of the State management of the Ministry of Justice as well as demands of legal researches, studies, education and trainings of legal officials, legal propaganda, dissemination and education, contributing to development of the socialist rule-of-law of Viet Nam.

The Publishing House is under the direct management and direction of the Ministry of Justice and the State management of publications of the Ministry of Information and Communications.

The Publishing House is a State business unit attached to the Ministry of Justice with its headquarter located in Ha Noi, and a legal entity, and has its own seal and bank account at the State treasury and bank in accordance with the laws.

Vi Thanh Law Junior College

Acting Rector: Mr. Nguyen Van Phung

Deputy Rector: Mr. Duong Thanh Duc

Tel: 84-711-3870188

Fax: 84-711-3878488

Vi Thanh Law Junior College (hereinafter referred to as the College) is a State business unit attached to the Ministry of Justice. Its mission is to provide junior law trainings and professional trainings for officials, civil servants and staffs of the justice sector and other organizations, individuals; to conduct jurisprudent researches.

The College is under the direct and comprehensive management of the Ministry of

Justice, the State management of education of the Ministry of Education and Training, the territorially administrative management of the People's Committee of Hau Giang province.

The College is a legal entity with its headquarter located in Hau Giang province, and has its own seal and bank account.

Buon Ma Thuot Law Junior College

Acting Rector: Mr. Nguyen Hung Vua

Tel: 84-500-3977389

Fax: 84-500-3977379

Buon Ma Thuot Law Junior College (hereinafter referred to as the College) is a State business unit attached to the Ministry of Justice. Its mission is to provide junior law trainings and professional trainings for officials, civil servants and staffs of the justice sector and other organizations, individuals; to conduct jurisprudent researches.

The College is under the direct and comprehensive management of the Ministry of Justice, the State management of education of the Ministry of Education and Training, the territorially administrative management of the People's Committee of Dak Lak province.

The College is a legal entity with its headquarter located in Dak Lak province, and has its own seal and bank account.

Thai Nguyen Law Junior College

Deputy Rector: Mr. Phan Hoang Ngoc
Mr. Nguyen Manh Cuong

Thai Nguyen Law Junior College (hereinafter referred to as the College) is a State business unit attached to the Ministry of Justice. Its mission is to provide junior law trainings and professional trainings for officials, civil servants and staffs of the justice sector and other



organizations, individuals; to conduct jurisprudential researches.

The College is under the direct and comprehensive management of the Ministry of Justice, the State management of education of the Ministry of Education and Training, the territorially administrative management of the People's Committee of Thai Nguyen province.

The College is a legal entity with its headquarter located in Thai Nguyen province, and has its own seal and bank account.

Dong Hoi Law Junior College

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Dong Hoi Law Junior College (hereinafter referred to as the College) is a State business unit attached to the Ministry of Justice. Its mission is to provide junior law trainings and professional trainings for officials, civil servants and staffs of the justice sector and other organizations, individuals; to conduct jurisprudential researches.

The College is under the direct and comprehensive management of the Ministry of Justice, the State management of education of the Ministry of Education and Training, the territorially administrative management of the People's Committee of Quang Binh province.

The College is a legal entity with its headquarter located in Quang Binh province, and has its own seal and bank account.

Tay Bac Law Junior College

Rector: Lo Chau Thoa

Deputy Rector: Mr. Bui Huy Toan

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Tay Bac Law Junior College (hereinafter referred to as the College) is a State business unit attached to the Ministry of Justice. Its mission is to provide junior law trainings and professional trainings for officials, civil servants and staffs of the justice sector; to conduct jurisprudential researches.

The College is under the direct and comprehensive management of the Ministry of Justice, the State management of education of the Ministry of Education and Training, the territorially administrative management of the People's Committee of Son La province.

The College is a legal entity with its headquarter located in Son La province, and has its own seal and bank account.

The Supreme People's Court of the Socialist Republic of Viet Nam

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OVERVIEW OF THE VIETNAMESE COURT SYSTEM

The organization of the People's Court of Vietnam

The People's Courts system is governed by the 2014 Law on Organization of the People's Courts.

The People's Courts comprise of the Supreme People's Court and other courts established by the law.

The People's Courts is divided into four levels, including:

- The Supreme People's Court (SPC);
- The High-level People's Courts;
- The People's Court of provinces and cities under Central authority
- People's Court of districts and cities under provincial authority.

Within the system of the People's Courts, there are Military Court at different levels, including:

- The Central Military Court;
- The Military District Court and equivalent;
- The Regional Military Court.

The system of People's Court is under management and instruction of the Supreme People's Court, headed by the Chief Justice.

The function and responsibilities of the People's Courts of Vietnam

The People's Courts are judicial agencies of the Socialist Republic of Vietnam, exercise judicial power.

The People's Courts are responsible for the protection of justice, human rights, citizenship

rights, the socialist regime, interests of the State, legitimate rights and interests of organizations and individuals.

Through their operation, the courts shall contribute to educating citizens in being loyal to the Fatherland, strictly complying with the law, respecting rules of social conduct and having the sense of preventing and combating crimes and other violations of law. Except for summary proceedings, trial courts sit with Assessors.

Judges and Assessors are independent in deciding cases and bound only by the law; agencies, organizations and individuals are prohibited from interfering in the adjudication of Judges and Assessors.

Trials are open to the public. In special cases which require the protection of State secrets, national fine traditions and customs, minors or private life at the lawful request of the parties, the People's Courts may hear in camera.

Except for summary proceedings, the People's Courts hear cases on a collective basis and decide by majority voting.

The adversarial principle in trials shall be guaranteed.

First-instance and appellate trials are guaranteed.

The right to defense of the accused and defendants and the right to protection of legitimate rights and interests of involved parties are guaranteed.

Organizational Structure of the Supreme People's Court of Vietnam

The Supreme People's Court is the highest court in courts system in Viet Nam.

The Supreme People's Court shall review legally effective judgments and decisions of courts, which are protested against, under cassation or re-opening procedure in accordance with the procedural law.



It supervises the adjudication of other Courts, except otherwise provided by the law.

It sums up practical adjudication practices of all Courts, ensures the consistent application of the law in adjudication.

It is responsible for providing training and continuing education for Judges, Assessors and other court officials.

It administers other People's Courts and Military Courts in term of their organization in accordance with the Law on Organization of People's Courts and relevant legislations, ensures the judicial independence among different Courts.

It is entitled to present to the National Assembly draft laws and resolutions; and to the Standing Committee of the National Assembly draft ordinances and resolutions in accordance with the law.

The Supreme People's Court shall be composed of Justice Council, Assisting Apparatus and Court Academy.

The Supreme Court comprises a Chief Justice, Vice Chief Justices, and Justices.

Chief Justice of the Supreme People's Court

Chief Justice of the Supreme People's Court is elected, dismissed and removed from office at the proposal of the State President. The term of office for Chief Justice of the Supreme People's Court follows that of the National Assembly.

Upon the expiration of the National Assembly term, the incumbent Chief Justice of the Supreme People's Court shall continue in office until the new National Assembly elects a new Chief Justice.

Upon the election, Chief Justice of the Supreme People's Court must take the oath of allegiance to the Fatherland, the People and the Constitution.

Chief Justice of the Supreme People's Court is accountable and report to the National Assembly; when the latter is not in session, to its Standing Committee and the State President.

Vice Justices of the Supreme People's Court

Vice Chief Justices of the Supreme People's Court are appointed by the State President among Justices of the Supreme People's Court for a term of 5 years starting from the date of appointment.

Vice Chief Justices of the Supreme People's Court shall be dismissed, removed from office by the State President.

Vice Chief Justices of the Supreme People's Court assist Chief Justice in performing his duties as assigned by the latter.

In the absence of Chief Justice, a Vice Chief Justice shall be authorized by Chief Justice to preside over the Court's daily proceedings. Vice Chief Justices shall be accountable to Chief Justice for their assigned tasks.

Vice Chief Justices shall perform their duties and exercise their authority in accordance with the procedural law.

Structure and powers of Justice Council of the Supreme People's Court

The Justice Council shall be composed of not less than 13 and not more than seventeen persons, including Chief Justice, Vice Chief Justice and Justices of the Supreme People's Court.

The Justice Council has the following powers:

To review legally effective judgments and decisions which are protested against under cassation or re-opening procedure in accordance with the procedural law;

To adopt resolutions providing guidance for the consistent application of the law to lower courts.



To select its cassation decisions, qualified legally effective judgments and decisions of other courts to be scrutinized, summarized and selectively published as precedents for the reference and application of other Courts in their adjudication;

To study and provide comments on reports of Chief Justice of the Supreme People's Court on the judiciary business to be submitted to the National Assembly, Standing Committee of the National Assembly and the State President;

To provide opinions on draft laws and resolutions to be submitted to the National Assembly, and draft ordinances and resolutions to be submitted to the National Assembly Standing Committee;

To study and provide opinions on draft legal normative documents which are under the jurisdiction of Chief Justice of the Supreme People's Court and draft legal normative documents to be jointly promulgated by the Supreme People's Court and relevant agencies in accordance with the Law on Promulgation of Legal Normative Documents.

Meetings of Justice Council of the Supreme People's Court must be attended by at least two-thirds of its members. Decisions of Justice Council of the Supreme People's Court are adopted by an absolute majority.

Procurator General of the Supreme People's Procuracy and Minister of Justice are required to attend meetings of Justice Council of the Supreme People's Court where resolutions of Justice Council of the Supreme People's Court are discussed and adopted.

Cassation, re-opening decisions of Justice Council of the Supreme People's Court are final decisions which cannot be appealed.

Cassation or re-opening hearings of Justice Council of the Supreme People's Court.

Justice Council of the Supreme People's Court hears cases under cassation and re-opening procedure by either a panel of 5 Justices or en banc which is decided in accordance with the procedural law.

The Supreme People's Procuracy of the Socialist Republic of Viet Nam

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Organization of the People's Procuracy of Vietnam

The People's Procuracy's function, authority and organization is currently governed by a number of legislations, including the 2013 Constitution, the 2014 Act on Organization of the People's Procuracy.

The People's Procuracy of the Socialist Republic of Viet Nam is vertically divided into four levels, including:

- The Supreme People's Procuracy (SPP);
- The High-level People's Procuracy;



- The People’s Procuracies of provinces and cities under Central authority
- People’s Procuracies of districts and cities under provincial authority.

Within the system of the People's Procuracy, there are Military Procuracies at different levels, including:

- The Central Military Procuracy;
- The Zone Military Procuracies and equivalent;
- The Regional Military Procuracies.

The whole system of People’s Procuracy and Military Procuracy is under management and instruction of the Supreme People’s Procuracy, headed by the Prosecutor General.

Functions and duties of the People’s Procuracy of Vietnam

The People’s Procuracy exercise the power to prosecute and supervise in law observance judicial activities of the Socialist Republic of Viet Nam. The People’s Procuracy has the duties to uphold the Constitution and laws, to protect human rights, citizen’s rights, the socialist regime, legitimate rights of the State, legitimate rights and interests of entities, individuals, thus ensuring that the laws are consistently and strictly enforced.

1) Power of public prosecution

Public prosecution means any activities conducted by SPP on behalf of the State to accuse offenders, and this power can be conducted when a report or complaint about crime is made and during stages of investigation, prosecution and adjudication of a criminal case.

SPP practices its power of public prosecution to make sure that:

- any crime or person committed crime shall be, in a timely and strict manner, discovered, charged, investigated, prosecuted and tried.

The prosecution must be against the right offender for the right offence according to the laws, not making innocent people the victim of injustice but not letting offenders escape from punishment;

- no one shall be charged, arrested, detained or restricted human rights and legal rights contrary to the laws;

During practicing the power of public prosecution, SPP has the following duties and authorities:

- requesting the investigation agency to initiate the case, abrogating illegal decisions to initiate the case or illegal decisions not to initiate the case issued by the investigation agency, whether or not ratifying charges against the accused, directly initiating the case and issuing charges against the accused in a number of circumstances as provided by the Criminal Procedures Code;
- deciding or ratifying to apply, change or abrogate preventive measures that limit human rights or citizen’s rights during dealing with crime reports or complaints, making recommendations to initiate the case or, if necessary, making recommendations during investigation and prosecution periods in circumstances as provided by the Criminal Procedures Code;
- abrogating other illegal procedure decisions during dealing with crime reports or complaints conducted by the investigation agency, making recommendations to initiate the case or, if necessary, making recommendations during investigation conducted by the investigation agency;
- If necessary, requesting the investigation agency to conduct the investigation in certain scenarios or methods;
- requesting any agency, organization or individual to provide with documents which can be used as evidence to prove crimes or offenders;



- directly dealing with crime reports or complaints and directly conducting inquiries to establish grounds before deciding to issue charges against the offender;
- solely investigating crime occurring in the judicial sector, including corrupt crimes or crimes committed by judicial officers;
- deciding to apply simple procedures in investigation or prosecution periods;
- present at courtroom to prosecute the accused by an indictment;
- making appeals against judgments or determinations issued by the court if there are grounds to believe that they cause injustice to the innocent or fail to convict the perpetrator;
- other duties and authorities to prosecute the offender as provided by the Criminal Procedures Code.

2) Supervising judicial activities conducted by judicial authorities

The function of supervision is SPP's work to supervise legitimate of decisions or conducts by judicial authorities or judicial officers and other parties involved in judicial activities. In criminal cases, this function can be early conducted when crimes are discovered or reported and during investigation, prosecution or trial periods. In non-criminal cases, the function of supervision is applied to civil, family, administrative or labor disputes handled by the court, correctional services and resolution of complaint or denouncement occurring in judicial activities.

SPP conducts the function of supervision to make sure that:

- any crime reports or complaints, criminal cases, civil, family, administrative or labor disputes, correctional services and resolution of complaint or denouncement occurring in judicial activities shall be dealt with in accordance with the laws;
- the arrest, pre-trial detention, enforcement of imprisonment sentences and conditions to arrest, detain or imprison the perpetrators shall be in accordance with the laws and their human rights and lawful rights shall be respected and protected;
- any final judgments or determinations issued by the court shall be strictly enforced;
- any violation occurring in judicial activities shall be promptly discovered and strictly punished.

When conducting the function of supervision, SPP has the following duties and authorities:

- requesting agencies, organizations or individuals to conduct judicial activities in accordance with the laws and self-examine their judicial activities to make reports to SPP or to provide SPP with documents to supervise the legitimate of their decisions or conducts in judicial activities;
- directly examining, investigating or collecting documents to clarify the violation of agencies, organizations or individuals in judicial activities ;
- dealing with violations in judicial activities, requesting agencies, organizations or individuals to remedy such violations and making recommendations to prevent crimes and the laws from being violated;
- making appeals or recommendations on unlawful judgments and determinations issued by the court and making appeals against decisions or conducts of competent authorities or officers during judicial activities;
- monitoring the resolution of complaints or denouncements or directly dealing with complaints or denouncements in circumstances as provided by the laws;
- other duties and authorities within the function of supervision as provided by the laws.



Power of public prosecution and supervision over judicial activities in the field of mutual legal assistance

According to the Vietnamese Act of Mutual Legal Assistance, SPP the Central Authority for Mutual Legal Assistance in Criminal Matters of Viet Nam, focal point of which is Department for International Cooperation and Mutual Legal Assistance in Criminal Matters. Besides sending and receiving requests for mutual legal assistance, SPP has a number of authorities in the field of mutual legal assistance which represent the function of public prosecution and supervision over judicial activities, specifically as follows:

As part of the function of public prosecution, SPP has power to:

- decide to send foreign requests for the transfer of prosecution to the Vietnamese competent investigation agency to initiate the case and conduct investigation;
- request foreign competent authorities to summon the witness or expert and collect evidence or documents to deal with criminal cases commencing in Viet Nam;
- make requests for the transfer of prosecution to foreign countries;

- where the Vietnamese competent judicial authorities deal with a foreign request for the transfer of prosecution, perform the power of public prosecution as if it does to criminal cases;
- perform other power of public prosecution in the field of mutual legal assistance specified by the Criminal Procedures Code and the Act of Mutual Legal Assistance.

As part of the function of supervision over judicial activities, SPP has power to:

- supervise the compliance with the laws of relevant authorities or officers and other parties involved in activities of mutual legal assistance, extradition and transfer of sentenced persons;
- attend at the court hearing and render out opinions when dealing with foreign requests for extradition or transfer of sentenced persons;
- make appeals against illegal decisions issued by the court on extradition or transfer of sentenced persons;
- perform other power of supervision over judicial activities in the field of mutual legal assistance as provided by the laws.



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THONGSANGNANG PRINTING

VIENTIANE, LAO PDR





ASEAN
GOVERNMENT LAW DIRECTORY
6TH EDITION