



**ASEAN  
GOVERNMENT LAW DIRECTORY  
(7<sup>TH</sup> EDITION)**



## PREFACE

The ASEAN Government Law Directory was first proposed at the 6<sup>th</sup> ASEAN Senior Law Officials Meeting held on 3 and 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.

In conjunction with the 20<sup>th</sup> ASEAN Senior Officials Meeting and the 11<sup>th</sup> ASEAN Law Ministers Meeting held on 25 to 27 October 2021, Malaysia had published the 7<sup>th</sup> edition of the ASEAN Government Law Directory as mandated by the 19<sup>th</sup> ASEAN Senior Law Officials Meeting held on 6 to 7 October 2020. The 7<sup>th</sup> edition of the ASEAN Government Law Directory consists of updated information of the key office holders in the legal establishment of each ASEAN Member State. It sets out the structure of the respective governments of the ASEAN Member States with emphasis on the key legal departments and its responsibilities.

With the publication of the latest edition of the ASEAN Government Law Directory, it is hoped that the ASEAN Government Law Directory can serve as a reference tool for communication and cooperation amongst the legal authorities of the respective ASEAN Member States.





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# BRUNEI DARUSSALAM





#### THE ATTORNEY GENERAL'S CHAMBERS

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#### ATTORNEY GENERAL

The Attorney General of Brunei Darussalam is *the Honourable Ahmad Isa. He was appointed on 6th October 2020.*

#### 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, the Intermediate Courts, 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 responsible for the drafting of legislation through the Legislative Drafting Division. The Division works closely with other Government Ministries, Departments and statutory bodies.

#### Registry

The Attorney General's Chambers provides registry services for the Powers of Attorney and Marriages. Recently, registries of Trademarks, Patent and Industrial Designs have also come under the purview of the Attorney General, in his capacity as the Registrar of Trademarks, Patent and Industrial Designs.

#### SOLICITOR GENERAL

The present Solicitor General is *Madam Zuraini Haji Sharbawi.*

#### DIVISION OF WORK

There are currently seven (7) divisions in the Attorney General's Chambers:

1. Civil Division;
2. Criminal Justice Division;





3. International Affairs Division;
4. Legislative Drafting Division;
5. Communications and Strategy Division;
6. Brunei Intellectual Property Office (BrulPO); and
7. Administrative and Finance Division.

#### CIVIL DIVISION

The Civil Division is headed by *Madam Hajah Noor Sukhairiyani Dato Hj Md Kassim*, Senior Counsel, and comprises of four main units namely Construction and Land Matters, Debt Recovery Unit, General Advisory & MOUs, and Procurement & Contracts.

The units advise all Government Ministries, department and agencies (including statutory bodies) on a wide range of civil matters and legal issues. Each 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 represents the Government in legal proceedings and alternative dispute

resolution, including arbitrations. 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 Civil Division 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 Civil Division 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 Hajah Suriana Haji Radin*, Principal Counsel. The Criminal Justice Division 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) and Prosecuting Officers (PO) under the authority of the Public Prosecutor and conducts all criminal prosecution in Brunei Darussalam, except those that fall under the Syariah Courts and Courts Martial, as well as criminal appeals and criminal revisions in the High Court and the Court of Appeal. In carrying out their duties, the officers are guided by the Criminal Justice Division's mission which is to safeguard a fair criminal justice system for the public, victims and defendants by maintaining a competent and impartial prosecution service.





The Division consists of four specialised prosecution units that deal with different areas of criminal law and various offences namely the Serious Crime, Sexual & Domestic Violence Unit, Financial Crime & Narcotics Unit, Regulatory & Anti-Vice Unit, and Crimes Against Person and Property & Road Traffic Offence Unit.

The Criminal Justice Division works closely with the various law enforcement agencies in Brunei Darussalam and provides legal advice in relation to the Investigation Papers received from the law enforcement agencies.

The Criminal Justice Division also renders legal advice on criminal law matters to various Ministries and Government Departments. In addition to conducting prosecution, Deputy Public Prosecutors also conduct training, seminars, lectures and dialogues to the relevant stakeholders including law enforcement agencies and other government agencies as well as outreach programmes to the public, educational institutions and other non-governmental organisations in Brunei Darussalam.

The Criminal Justice Division also represents the Attorney General in various national committees, task forces and working groups dealing with diverse substantive issues such as national and maritime security; road safety; trafficking in persons; and anti-money laundering.

The Criminal Justice Division also works closely with the other divisions of the Attorney

General's Chambers such as reviewing and studying the relevant international agreements from the context of domestic criminal law and in the drafting of criminal legislations and amendments to existing criminal related legislations.

#### INTERNATIONAL AFFAIRS DIVISION

The International Affairs Division is headed by *Madam Seri Atikah Haji Junaidi*, Deputy Senior Counsel, and is comprised of three units namely, Economic Unit, Political & Security Unit, and Socio-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 to become party to, and assists relevant government agencies in the drafting and vetting of bilateral and multilateral economy related agreements. The Unit also 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 & Security Unit covers two substantive portfolios. The Political portfolio 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 portfolio 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, maritime security, transfer of prisoners, mutual legal assistance and extradition. The Unit sits in the domestic national committee related to maritime security.

The Socio-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 Legislative Drafting Division is headed by *Madam Norismizan Haji Ismail*, Senior Counsel. The Division is divided into two Units,

namely, Legislative Drafting Unit and Law Revision 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 responsible in preparing standard drafts, including Notifications and matters related to Legislative Council sessions and giving presentations on the Constitution of Brunei Darussalam, Law-Making Process etc.

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

The Law Revision Unit is responsible for the annual revision of the laws of Brunei Darussalam through the law revision process in compliance with the statutory obligations under the Law Revision Act (Chapter 1). The Unit also works closely with the Legislative Drafting Unit which is responsible for the uploading of the laws onto the Attorney General's Chamber's website.

#### COMMUNICATIONS AND STRATEGY DIVISION

The Communications and Strategy Division is headed by *Madam Pengiran Hajah Siti Rahmah Pengiran Haji Mohammad*, Principal Counsel.







The Division is responsible for overseeing the performance of the Strategic Plan Attorney General's Chambers, and handles matters as directed by the Attorney General.

The Division has three Units, namely, the Registry Unit, Research Unit and Translation Unit. The Registry Unit deals with the registration of Powers of Attorney and the registration of revocation/renunciation of Powers of Attorney under the Powers of Attorney Act (Chapter 13) and the registration of marriage solemnised or contracted in Brunei Darussalam, other than a marriage where one of the parties is a Muslim or Christian at the time of the marriage and outside Brunei Darussalam, other than a marriage where both parties are Muslims at the same time of the marriage, under the Registration of Marriages Act (Chapter 124).

The Research Unit does legal research for the Attorney General and the Solicitor General.

The Translation Unit provides translation service to the other Divisions with the core responsibility to translate the Revised Edition of the laws of Brunei. The Unit also translates and vet translation proof of legislative and legal instruments and general documents such as speeches and trial documents.

#### BRUNEI INTELLECTUAL PROPERTY OFFICE (BRUIPO)

The Brunei Intellectual Property Office (BruiPO) is headed by *Madam Norazizah Haji Mohamed Ja'afar*. BruiPO is responsible for the registration of trademarks, patents and

industrial designs. BruiPO carries the mission of increasing effective IP awareness, promoting IP management & commercialization, delivering an efficient IT infrastructure and improving IP services. BruiPO is divided into three units, namely, International Unit, IP Registries Unit and IP Advisory and Public Relations Unit, which are supported by its IT Technical Support team.

Main tasks of the International Unit include to advice on international IP matters and represent the Government of Brunei Darussalam at relevant international meetings. The Unit oversees international relations and cooperation with other IP Offices and international organization. The Unit also provides recommendations for Brunei Darussalam's participation in international activities related to IP.

Registries Unit of BruiPO has the primary role of processing applications relating to registration of Trademark, Patent and Industrial Design.

Meanwhile, IP Advisory and Public Relations Unit generally provides advisory services to government agencies and relevant public on IP laws and IP related matters. Apart from handling IP awareness activities and promoting effective IP Enforcement, this Unit has also been tasked to undertake or support the law review exercises on IP issues as recommended by other units, divisions or agencies.





#### 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 four units under its purview, namely, Human Resource Unit, Management Unit, Archive Unit and Information & Communication Technology (ICT) Unit. The Division also handles all media coverage on Attorney General's Chambers events and activities.

#### MUTUAL LEGAL ASSISTANCE SECRETARIAT

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

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.

#### THE JUDICIARY

Address : High Court

Supreme Court Building  
Jalan Raja Isteri Pengiran Anak  
Saleha  
Bandar Seri Begawan BA 1910  
Brunei Darussalam

Tel. : (673) 2243939 to 46

Fax. : (673) 2241984

Email : [courts@judicial.gov.bn](mailto: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 the High Court, the Intermediate Court and the Subordinate Courts. The current Chief Justice is *the Honourable Dato Seri 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 juvenile below 18 years old, juveniles who are beyond parental control and juveniles who need 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 \$10,000.

The fee for filing a claim in Small Claims Tribunal is nominal. The fee for claims not exceeding \$5,000 is \$10. Whereas for claims exceeding \$5,000, the filing fee is \$20.

The Small Claims Tribunal has three stages process, namely, the Consultation Stage, Mention Stage and the Adjudication Stage. During the Consultation Stage, parties are able to negotiate and reach an amicable settlement and the judge will be sitting as a mediator. In the event negotiation failed during the consultation stage, the dispute will then be referred to an adjudicator for hearing. The Mention Stage is often fixed to deal with issues such as hearing dates, number of witnesses the parties are intending to call, evidence to be provided. Hearing Stage is a trial or adjudication before an Adjudicator the resolution of the relevant disputes.

#### SYARIAH COURTS

Address : Brunei Supreme and Syariah  
Courts Building  
Jalan Stoney  
Bandar Seri Begawan  
Brunei Darussalam

Tel. : (673) 2221600

Fax. : (673) 2221456

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.

### 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) 2241267

Fax. : (673) 2238898

Website : <http://www.kheu.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 counselling 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

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Website : <http://www.kheu.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.





# CAMBODIA





## THE MINISTRY OF JUSTICE

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

Facebook Page:

<https://www.facebook.com/mojcambodia/>

### Minister of Justice

The Minister of Justice of the Kingdom of Cambodia is currently His Excellency Koet Rith. The Ministry of Justice has jurisdiction to guidance and governance on the judiciary of the Kingdom of Cambodia.

The Ministry of Justice has the following functions and duties:

- To protect the 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 offices;
- To 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 for compliance with laws;
- 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 conduct research, training, educate, and disseminate laws in judicial matters;
- To monitor education and dissemination of laws in judicial matters;
- To engage with relevant international legislation concerning judicial matters;
- To monitor and issue the criminal records;
- To receive and prepare 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 manage 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 departments and offices:







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 activities of each of these departments and offices are as follows:

#### 1. The Cabinet of the Minister

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

#### 2. General Secretariat

The General Secretariat assists 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 (4) departments:

- 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 to coordinate between the central level and base units;
- To ensure administrative effectiveness and safety, and social affair at the Ministry;
- To organize meetings, conferences, seminars, protocols and other ceremonies within the Ministry;
- To organize and maintain Ministry infrastructure;
- To monitor security, order, and cleanliness within the Ministry;
- To monitor and manage the traffic of administrative documents within 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 subordinate institutions, except the court administration institution;
- To gather all requests, prepare the income and expense report, and manage equipment and construction works of the Ministry and subordinate





institutions, except the court administration institution;

- To collect and manage all incomes and expenditures of the Ministry;
- To manage all movable and immovable properties, inventories and stocks belong to the Ministry;
- To regularly manage invoices and other accounting documents;
- 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 initiate economic, social, and public investment planning for the Ministry;
- To initiate budget planning for the Ministry and supervise budget implementation.

#### 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 personnel recruitment, appointment, promotion, transfer and retirement in accordance with the relevant laws;
- To prepare and propose medals and other honorary gifts to officials, civil servants and foreign legal experts at the Ministry for recognition of their

good performance;

- To determine the official ranks and personnel numbers for the Ministry and the subordinate institutions;
- To prepare administrative documents concerning professional management;
- To prepare personnel statistics and information.

#### D. Department of Consolidation Report, Archive and Information Technology

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

- To apply instructions and decisions of the Royal Government concerning development of information and telecommunication technology;
- To organize, establish, and strengthen strategy and policy concerning information and telecommunication technology with efficiency and transparency;
- To manage activities relevant to development of the information and telecommunication technology for judicial matters;
- To organize, manage, repair, and maintain computer networks, hardware and software belonging to the Ministry to ensure efficiency of database management in support of the judiciary;
- To organize and monitor websites and other social media networks of the Ministry and courts;
- To propose strategic plans for information technology, use and





development;

- To cooperate with national, regional, and international frameworks relevant to development of information and telecommunication technology for the Ministry and judicial system as the whole;
- To conduct training and dissemination on the use of information technology management and computer programs for Ministry officials and public servants working in the judicial field;
- To collect and compile documents on the information technology system for dissemination;
- To organize, compile, and manage the Ministry's database system and engage in system development;
- To organize, monitor and develop the Ministry's library;
- To administer the filing system for the Ministry's administrative documents and court decisions;
- To create an effective and secure filing system for the Ministry and courts.

### **3. General Department of Court Administration Affairs**

The General Department of Court Administration Affairs assists the Ministry with coordination, management, and monitoring of court administration prosecution. The department supervises relevant public affairs, administrative proceedings, financial affairs, and personnel affairs, as well as research, dissemination, and training on the laws. The General Department promotes use of technology to

support administrative works, registration and case management to foster and ensure fairness in court operations.

The General Department of Court Administration Affairs consists of four (4) 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 administrative service management and support for the courts and prosecution offices;
- To coordinate the management of and instruction on administrative tasks including public affairs, the registration system, the deposit system, case management, and administrative procedure for 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





individual court administrations;

- To cooperate with foreign and non-governmental organizations and other institutions on tasks associated with administration, case management and the public affairs of the courts and prosecution offices;
- To receive, compile, deposit, and publish court judgments;
- To receive, compile, deposit, and publish reports, statistics, and data concerning 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 applications for intervention relevant to the court administration institution, and to conduct inspections as needed;
- To organize meetings, conferences, and seminars to collect information and experience-based feedback to develop the administration system of the courts and prosecution offices;
- To monitor and evaluate the effectiveness of the administrative management and case management of the courts and prosecution offices;
- To develop 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, repair, and maintain computers, networks,

information technology tools and software of the courts and prosecution offices to ensure effectiveness of data management and promote the process of justice services;

- To coordinate, 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 prepare budgets and coordinate 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 administrative institution of the courts and prosecution offices, including litigation costs, filing fees, and other revenues, in accordance with relevant laws;
- To coordinate, receive requests for, prepare and manage the incomes, expenditures, and equipment for the repairs to the courts and prosecution offices;





- To coordinate, monitor and manage all movable and immovable properties, inventories and stocks for the courts and prosecution offices;
- To coordinate and monitor the public procurement, receipt and distribution of equipment to courts and prosecution offices;
- To coordinate and manage invoice and accounting documents regularly;
- To coordinate, manage and handle income in accordance with applicable financial laws;
- To organize the computing system for financial activities and operational accounts;
- To organize budgetary, financial and public investment plans for the establishment of regional Appellate Courts;
- To organize economic, social, and public investment plans for the courts and prosecution offices;
- To participate in information dissemination and training relevant to court financial affairs; To make action reports for each month, trimester, semester, and year to the supervisory office;
- To carry out other duties assigned by the Minister.

#### C. Department of Court Personnel Affairs

The Department of Court Personnel Affairs has the following duties:

- To manage all personnel including the administration officials, legal experts, and the staff of the courts and

- prosecution offices;
- To coordinate and manage supporting services for the process of courts and prosecution offices;
- To organize the recruitment, appointment, promotion, and transfer of administrative officials and personnel of the administration institution, the courts, and prosecution offices in accordance with relevant laws;
- To prepare and propose medals and other honorary gifts for the officials and personnel of the court administration institution to recognize their good performance;
- To determine the official ranks and staff numbers of the courts and prosecution offices;
- To prepare all administrative letters and other documents for management of personnel affairs of the courts and prosecution offices;
- To evaluate human resources requirements and training for the administrative officials and personnel of the court administration institution;
- To take part in dissemination and training on subjects relevant to personnel tasks of the court administration;
- To set plans for determining the number judges, prosecutors, and other court professions according to the proportion of the people living in each municipality and province for the operation of courts and prosecution offices;





- To manage the officials and interns of court administration institutions who carry out their duties at the courts, prosecution offices, and other institutions;
- To prepare plans concerning human resource requirements to operate the regional appellate courts;
- To determine and manage the wage regime and other bonus regimes of the courts and prosecution offices;
- To monitor and evaluate the effectiveness of the personnel management 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 in the Kingdom of Cambodia;
- To research and evaluate the needs for information dissemination and training;
- To organize human resources capacity-building programs and other relevant training to ensure the effective performance of the court administration institution;
- To organize dissemination and training on subjects concerning court administration affairs to the officials of the courts, prosecution offices, and other relevant officials;

- To research the court administration systems of other countries, compile relevant documents and file them in the library of the Ministry, and publish these documents;
- To propose plans 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 programs abroad;
- To coordinate cooperation between the Ministry of Justice and civil society and international organizations involved in dissemination for and training and capacity building of officers of court administration;
- To set plans for training courses for court administration officials under the Ministry of Justice;
- To study and evaluate the efficiency of disseminations and training on court administration;
- To organize disseminations on court administration via other media;
- To compile legal documents and commentary on court administration for the dissemination and training to improve effectiveness;
- To organize and manage the printing of regulations involving in court administration.

4. General Department of Prosecution and Criminal Affairs

The General Department of Prosecution and Criminal Affairs assists the Ministry in





coordination and examination of prosecution affairs, criminal affairs, juvenile justice affairs, amnesty, pardons, release on bail. Additionally, the General Department assists the Ministry in research, dissemination, and training on laws in criminal justice matters, and in preparing strategic plans to develop technical works in criminal justice matters under the whole of jurisdiction networks.

The General Department of Prosecution and Criminal Affairs consists of six (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 Crime Statistics;
- 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 action plans for the Department of Prosecution Affairs to enhance the Department's efficiency;
- To examine and rehabilitate the judicial police officers;
- To coordinate and monitor the work

and law implementation activities of the prosecution offices at all levels;

- To issue and examine the implementation of criminal policies and take necessary measures to ensure their effectiveness;
- 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 review every decision involving the charges in a pending case;
- To review all decisions concerning the dropping of charges;
- To review and evaluate the execution of judgments and decisions of courts and prosecutions of all levels;
- To monitor detention centers and prisons to ensure adherence to the law;
- To monitor enforcement of judicial sentences;
- To examine and provide comments on requests for intervention involving prosecution offices, and to conduct inspections if necessary;
- To participate in drafting laws and regulations involving prosecution affairs;
- To participate in reviewing drafted laws and regulations as 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 action plans concerning measures to strengthen the department's effectiveness;
- To organize and manage procedures for amnesty and release on bail;
- To review applications for pardon and amnesty;
- To prepare documents and draft Royal Decrees for the National Committee for Pardon and Amnesty;
- To prepare documents and Prakas for the National Committee to review for decisions on applications for release on bail;
- To review and monitor the implementation of Royal Decrees on pardons and amnesty;
- To study and compile the Juvenile Friendship Procedures to be implemented in all courts;
- To study and compile national and international criminology data systems in connection with juvenile affairs;
- To participate in organizing vocational training relevant to the juvenile affairs for judges, prosecutors and other law enforcement officials;
- To provide legal aid for juvenile and poor persons;
- To strengthen and monitor implementation of the Juvenile Friendship Procedures for minors at

the trial courts;

- To enhance and oversee law enforcement activities including detention, criminal punishment, and rule enforcement for juveniles;
- To participate in drafting legislation and regulations relevant to criminal matters;
- To coordinate with other relevant Ministries regarding negotiations on international conventions and treaties involving criminal matters.

**C. Department of Criminal Record Affairs**

The Department of Criminal Record Affairs has the following duties:

- To organize action plans and working schedules for the department and take necessary steps to strengthen the departments effectiveness;
- To organize, manage, and store criminal record lists;
- To prepare, monitor, and handle the Criminal Record Book,
- To register the fact sheets for all types of punishments;
- To respond to the factsheets relevant to persons who were born abroad and persons whose identities cannot be certified or are in doubt;
- To ensure the rehabilitation of persons with criminal records in society;
- To review the dates of 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 applications on the computer system;

- To provide guidelines for completing 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 criminal record applications from national and international and other institutions;
- To compare the recorded extract in parts or the whole which was registered in the criminal record list or criminal bulletin;
- To examine and receive notifications from the prison about the dates on which punishment or physical punishment was served;
- To review and receive notifications from the prisons about the date of sentence execution and physical punishment;
- To receive notification from the National Treasury about the dates for payment of penalties and processing fees;
- To be responsible for the Issuing Book number to be registered on the 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 the department's effectiveness;
- To organize and coordinate requests for mutual legal assistance in criminal matters, extradition and the transfer of prisoners;
- To ensure cooperation with the International Criminal Court and guarantee the enforcement of the Initial Submission in criminal matters in the international level;
- To examine, discuss, and prepare drafts of international treaties involving mutual legal assistance in criminal matters, extradition and transfer of prisoners with other parties;
- To coordinate with other relevant Ministry departments on any legal documents concerning cooperation programs, memoranda of understanding, extraditions, and legal agreements in criminal matters;
- To communicate with international institutions, Ministries, or other agencies on terrorism, drug trafficking, money laundering, human trafficking, human smuggling and other transnational crimes;
- To manage the database system and review requests for assistance to ensure effective and expeditious





solutions;

- To participate in exchanges, workshops, and meetings in Cambodia and abroad involving mutual legal assistance in criminal matters, extradition, transfer of prisoners and transnational crimes;
- To organize technical trainings on procedures for mutual legal assistance in criminal cases, extraditions, and transnational crimes;
- To disseminate treaties covering reciprocal legal assistance in criminal matters, extradition, transfer of prisoners, and the United Nations Convention concerning transnational crime internally;
- To organize long, medium, and short term strategic plans and programs with development partners;
- To arrange reports 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 policies to strengthen, improve, and develop the legal system in criminal matters;
- To research and review issues related to criminal matters;
- To organize action plans programs to strengthen the department's effectiveness;
- 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 monitor the enforcement of law in criminal matters;
- To prepare commentary on key criminal laws for dissemination;
- To organize the list of legal questions and answers about the basic rights of persons involved in court proceedings for dissemination;
- To propose the drafting of 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 opinions 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 a 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 to strengthen the department's effectiveness;

- To research and evaluate the need for dissemination and training on law concerning criminal matters;
- To propose and arrange programs for dissemination of and training on criminal law to court officials, law enforcement personnel, officials in the Ministry of Justice, legal professionals and the public;
- To research criminal justice systems and procedures of other countries, and to file this research in the Ministry's library and prepare it for publication;
- To coordinate with other relevant organizations concerning training for judges, prosecutors, clerks, notaries, bailiffs and assistant judicial officials in criminal matters;
- To cooperate with the Ministry of Justice and civil society organizations on disseminations and trainings in criminal matters in order to promote and strengthen human resources capacity of these institutions;
- To organize the dissemination of criminal law through media;
- To compile legal documents and explanations concerning criminal matters to facilitate effective dissemination and training;
- To organize and publish legal regulations concerning criminal matters;
- To manage and distribute law books, legal documents and other related documents for criminal law

development;

#### 5. General Department of Civil Affairs

The General Department of Civil Affairs assists the Ministry in coordination and management of civil affairs, family matters, registration of spousal property, and registration of legal entities in accordance with law, as well as research, disseminations, and trainings on civil law, mediation mechanisms and local justice. The General Department also prepares strategic plans for technical development of civil law matters within its jurisdiction network.

The General Department of Civil Affairs consists of five (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 draft laws and regulations concerning civil matters;
- To cooperate with foreign and other





organizations on national and international legislation involving civil cases;

- To monitor and comment on bills prepared by the Ministry and other relevant institutions involving in civil matters, commercial laws, social laws, and intellectual property rights;
- To coordinate and monitor the implementation of decisions involving civil cases;
- To review, consult on, and negotiate international treaties involving 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 contracts, spousal property, legal entities, deposits, securities, and bailment in accordance with the Civil Code and Code of Civil Procedure;
- To prepare, manage, handle, and monitor the systems of registration of contracts, spousal property, legal entities, deposits, securities, and bailment in accordance with the Civil Code and Code of Civil Procedure;

- To monitor and give comments on bills and regulations involving registration of spousal property, legal entities, deposits, securities, and bailment;
- To disseminate information on the registration system for contracts, spousal property, legal entities, deposits, securities, and bailment to citizens and organizations;
- To conduct disseminations and technical trainings on registration of spousal property, legal entities, deposits, securities, and bailment;
- To develop and monitor information technology and other necessary technologies to enhance the effectiveness of the database system for management of registrations of spousal property, legal entities, deposits, securities, and bailment;
- To compile and publish documents concerning registration of spousal property, legal entities, deposits, securities, and bailment;
- To monitor and evaluate the effectiveness of systems for registration of spousal property, legal entities, deposits, securities, and bailment.

#### C. Department of Mediation and Local Justice

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

- To establish and oversee Justice Service Centers in municipalities districts and communes, and to develop and strengthen local





mediation mechanisms to enhance access to justice for residents;

- To provide legal consultation services and ensure due process in alternative dispute resolution (ADR) mechanisms;
- To participate in dissemination and training programs on ADR laws and procedures for municipal, district, and commune authorities and residents;
- To organize training programs on mediation techniques to strengthen the skills and capacity of concerned authorities and subordinate officers;
- To provide opportunities to officials to participate in trainings and local and international study tours, and to oversee these activities;
- To draft laws and regulations concerning the operation of Justice Service Centers and mediation at the local level;
- To monitoring, evaluate, and prepare plans and policies for development of the justice sector at the municipal, district, and commune levels;
- To cooperate with local and international development partners in obtaining technical and financial support;
- To monitor and evaluate the effectiveness of dispute resolution and consultation processes;
- To conduct research and to compile and publish documents concerning technical procedures of mediation and other legal services;
- To provide mediation services where the responsible Justice Service Center

or commune committee cannot solve a dispute or where the local unit so requests;

- To monitor and resolve administrative issues occurring in any Justice Service Center, in cooperation with local authorities concerned;
- To prepare budget plans for the operation and development of Justice Service Centers;
- To participate in defending budget plans of Justice Service Centers;
- To manage infrastructure, property, and equipment of Justice Service Centers;
- To manage, coordinate, monitor and evaluate the operation of Justice Service Centers;
- To manage the employment of officers of Justice Service Centers, including recruitment, appointment, replacement, punishment, and termination;
- To prepare awards and medals in recognition of good performance for officers of Justice Service Centers.

#### D. Department of Mutual Legal Assistance in Civil Matters

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

- To prepare action and work plans for the Department;
- To prepare and coordinate requests for mutual legal assistance in civil matters;
- To coordinate and facilitate





international cooperation concerning investigations of civil matters, implementation of court decisions in civil matters, and international arbitration awards;

- To study and prepare international treaties concerning mutual legal assistance in civil matters;
- To coordinate with concerned units in the Ministry to prepare cooperation-related program documents, Memoranda of Understanding, and agreements in civil matters;
- To manage database systems related to mutual legal assistance requests;
- To conduct exchange visits and participate in seminars and other meetings concerning mutual legal assistance in civil matters inside and outside the country;
- To prepare technical training programs on mutual legal assistance in civil matters;
- To organize dissemination programs on international treaties involving in mutual legal assistance in civil matters;
- To prepare long, medium, and short-term strategic plans.

#### E. Department of Research, Dissemination, and Law Training on Civil Matters

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

- To research and evaluate the need for disseminations, legal training, and

service training on civil matters;

- To propose and organize the program of disseminations, legal training and service training in civil matters for court officers, law enforcement personnel, Ministry officials, legal professionals, and the public;
- To research the civil justice systems of other countries and to compile documents to be archived at the Ministry library and published;
- To cooperate with the Ministry of Justice, civil organizations, and international organizations on disseminations, legal training, and service training in order to enhance human resource capacities in civil matters;
- To cooperate with relevant institutions to provide training to judges, prosecutors, court clerks, notaries, bailiffs and judicial assistance officers in civil matters;
- To research and evaluate the effectiveness of disseminations and legal training on civil matters;
- To disseminate information on laws related to civil matters via media;
- To compile legal documents and explanations on civil matters for dissemination;
- To organize and publish all regulations involving civil matters.

#### 6. General Department of Justice Development

The General Department of Justice Development assists the Ministry on





international relations and affairs as well as coordination, management, and monitoring of judicial system professionals in order to promote an effective justice sector.

General Department of Justice Development has six (6) departments:

- Department of International Relations and Development Partners;
- Department of Notaries;
- Department of Bailiff;
- Department of Court Clerk;
- Department of Administrators, Interpreters, and Experts; and
- Department of Research and Planning.

A. Department of International relations and Development Partners

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

- To coordinate all foreign affairs related to the Ministry of Justice;
- To cooperate with Ministries, institutions and development partners in justice sector;
- To make connections with other foreign countries in justice sector;
- To coordinate, seek, and manage national and international aid and funding for justice development;
- To study, evaluate needs, and prepare plans for justice development and solicitation of national and international support;
- To supervise and coordinate ASEAN affairs;
- To manage programs of cooperation,

memoranda of understanding, and other agreements in the justice sector with foreign countries and international organizations;

- To coordinate and translate requests for services and documents related to legal assistance needed for drafting of international treaties;
- To translate and provide official legal versions of copies of foreign language documents.

B. Department of Notary

The Department of Notary has the following functions and duties:

- To coordinate, manage and monitor all notaries in Cambodia;
- To draft laws and regulations concerning the status of the notary profession;
- To cooperate with concerned institutions to develop and conduct training for building the technical capacity of notaries;
- To ensure the effective professional performance of notaries;
- To conduct needs assessment of notary;
- To participate in notary recruitment;
- To prepare procedures for to appointment, punishment, and termination of notaries in accordance with applicable laws;
- To manage of formality, proceeding, and relevant documents in establish notary office and to be a notary;
- To receive and advise on applications to become a notary or to establish





notary offices;

- To conduct research to set up notary offices;
- To determine the locations for individual notaries or notary offices to open their practices;
- To examine and legalize purchase, sale, and transfer of the notary office and transfer between shareholders of the notary offices;
- To monitor and prepare documents for punishment or termination of notaries;
- To examine and settle any issues concerning the notary profession.

#### C. Department of Bailiff

The Department of Bailiff has the following functions and duties:

- To manage and monitor all bailiffs in Cambodia;
- To draft laws and regulations concerning the status of the bailiff profession;
- To cooperate with concerned institutions to develop and conduct training for bailiffs;
- To ensure effective performance of bailiffs;
- To conduct needs assessment of bailiffs;
- To participate in recruitment of bailiffs;
- To manage the appointment, punishment, and termination of bailiffs in accordance with 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 the following functions and duties:

- To manage and monitor all court clerks in Cambodia;
- To manage court clerk administration, profession and retirement;
- To establish the status and other laws and regulations concerning court clerks;
- To establish a system for monitoring court clerk performance;
- To conduct needs assessment of court clerks;
- To ensure the effective performance of court clerks;
- To assess the needs of court clerks;
- To participate in preparation and recruitment of court clerks;
- To cooperate with other concerned institutions to improve and conduct training for court clerks;
- To coordinate and prepare laws and procedures for appointment, punishment, and termination of court clerks in accordance with 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 the following functions and duties:

- To manage and monitor all administrators, interpreters and







experts in Cambodia in accordance with 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 cooperate with relevant ministries to draft commercial laws, banking laws, and so on;
- To manage and monitor the procedures for punishment of administrators, interpreters and other experts;
- To provide instructions for and conduct monitoring of administrators, interpreters and others experts;
- To coordinate the management of, licensing of, and withdrawing of licenses from administrators, interpreters and other experts;
- To set up qualifications 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 the following functions and duties:

- To develop a vision, policies, and plans for justice development;
- To develop the Ministry's long, medium

and short-term work plans for justice development;

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

#### 7. General Inspectorate of Court Affairs

The General Inspectorate of Court Affairs has the following roles and functions:

- To conduct regular inspections of the performance of institutions under the Ministry;
- To conduct regular inspections of the operation of the courts at all levels and of all types;
- To carry out an inspection when there is any complaint from an individual or a legal entity against any court, and to report the results of the inspection to the minister for a decision.
- To make reports to the Minister on the regular inspections of institutions and





courts, with recommendations to the Minister of Justice for actions to ensure the proper performance of those institutions and courts;

- To monitor and evaluate the effectiveness of improvement measures taken in inspected institutions;
- To examine and mediate administrative cases among officers within the ministry;
- To monitoring and provide recommendations related to the issue of Judges, court clerks, and bailiffs;
- To examine and make recommendations on complaints related to the discipline of judges, court clerks, and bailiffs, and to conduct inspections on the basis of these complaints as needed;
- To coordinate and communicate with other institutions and agencies as needed in order, to ensure the effectiveness of inspections;

#### 8. Department of Internal Audit

The Department of Internal Audit, subordinate to the Minister of Justice, is responsible for fulfilling its obligation as defined in Sub-decree number 40 ANK/BK dated 15 February 2005 on the organization and functioning of internal audits of institutions, ministries and public establishments.

Central Authority of the Kingdom of Cambodia

The Ministry of Justice is the Central Authority.

The Central Authority have the following competences:

1. To receive the request from a Requesting State, and transmit the request to the relevant competent Implementing Authority of the Kingdom of Cambodia;
2. To receive the request made by the relevant competent authorities of the Kingdom of Cambodia and transmit the request to a Requested State;
3. To assess and determine the requirements of the request of the Requesting State in compliance with the law of the Kingdom of Cambodia;
4. To assess and determine the requirements for transmitting the request of the relevant competent authorities of the Kingdom of Cambodia to a requested State in compliance with the law of the Kingdom of Cambodia;
5. To follow up and expedite implementation of the Implementing Authority in providing Legal Assistant to a Requesting State;
6. To follow up and communicate with the Central Authority of a Requesting State in order to expedite the implementation of the request of the Kingdom of Cambodia;
7. To coordinate with all the Implementing Authorities in order to ensure effective implementing of the request in compliance with this law, and any other relevant provisions;
8. To issue, as necessary, instructions or





required measures in order to ensure effective implementation of this Law.

**THE SUPREME COUNCIL OF MAGISTRACY (SCM)**

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

Tel. : (855 23) 726 151

Fax. : (855 23) 726 150

The Supreme Council of the Magistracy assists the King in guaranteeing the independence of the judiciary in accordance with Constitution of the Kingdom of Cambodia.

**The Powers and Functions of the SCM:**

- To make proposals to the King on the appointment of Judges and Prosecutors;
- To make proposals to the King on the transfer of Judges and Prosecutors from one place to another;
- To make proposals to the King on the promotion of status of Judges and Prosecutors;
- To take disciplinary actions against any delinquent Judges and Prosecutors;
- To make decisions on suspension of Judges or Prosecutors upon his or her motion.

**The Composition of the SCM:**

The Supreme Council of the Magistracy is chaired by the King and assisted by the Minister of Justice, the President of the Supreme Court, the Prosecutor General to the

Supreme Court and eight other members selected according to the following criteria:

- One member, elected by the Senate with an absolute majority of votes, who is a former judge or prosecutor or another dignitary who has experience of at least fifteen (15) years in the legal or judicial field;
- One member, elected by the National Assembly with an absolute majority of votes, who is a former judge or prosecutor or another dignitary who has experience of at least fifteen (15) years in the legal or judicial field;
- One member, elected by the Constitutional Council with an absolute majority of votes, who is a former judge or prosecutor or another dignitary who has experience of at least fifteen (15) years in the legal or judicial field;
- One member, designated by the Minister of Justice, who is a prosecutor,
- One member, elected by all judges of the High Courts, who is a Judge at a High Court,
- One member, chosen by all prosecutors of the High Courts and Ministry of Justice, who is a prosecutor at a High Court or the Ministry of Justice;
- One member, elected by all judges of the Courts of First Instance, who is a Judge of a Court of First Instance; and
- One member, elected by all prosecutors at the Courts of First Instance, who is a prosecutor at a Court of First Instance.

The King may appoint a representative to chair the Supreme Council of the Magistracy.





## THE JUDICIARY

The Judiciary is one of the three pillars of the State. It administers the law independently from the Legislative and Executive branches. The King safeguards this independence according to the Constitution of the Kingdom of Cambodia.

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

### The Supreme Court

Chief Justice: *H.E Dith Munty*

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

Tel. : (855 23) 212 826

Fax. : (855 23) 212 826

Email : [info@supremecourt.gov.kh](mailto:info@supremecourt.gov.kh)

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

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

Prosecutor General: *H.E Chea Leang*

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

Tel. : (855 23) 212 831

Fax. : (855 23) 212 831

### The Court of Appeals of Phnom Penh

President: *H.E Seng Sivutha*

Address : Sothearos Blvd  
Phnom Penh, Cambodia

Tel. : (855 23) 218 574

Email : [appealcourtpp@yahoo.com](mailto:appealcourtpp@yahoo.com)

### The Prosecutor General's office attached to the Court of Appeals of Phnom Penh

Prosecutor General: *H.E Ouk Savuth*

Address : Sothearos Blvd  
Phnom Penh, Cambodia

Tel. : (855-23) 218 574

### The Court of Appeal of Preah Sihanouk:

President: *H.E Sok Kolyan*

Address : Phum3 Village, Sangkat1 Commune,  
Preah Sihanouk City, Preah  
Sihanouk Province, Cambodia

Tel : (855-12) 887 970

E-mail : [sokkalyan305@gmail.com](mailto:sokkalyan305@gmail.com)

Facebook Page:

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### The Prosecutor General's office attached to the Court of Appeal of Preach Sihanouk

Prosecuter General : *H.E Sar Yosthavrak*

Address : Phum3 Village, Sangkat1 Commune,  
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Sihanouk Province, Cambodia

Tel : (855-11) 391 111

Facebook Page:

<https://www.facebook.com/PreahSihanoukappealcourt>

### The Court of Appeal of Tbong Khmum:

President : *H.E Mong Monychakriya*

Address : Nikum Leu Village, Srolarb  
Commune, Tbong Khmum





District, Cambodia

Tel : (855-45) 211 239

E-mail: [info@courtofappealtbk.gov.kh](mailto:info@courtofappealtbk.gov.kh)

Website : [courtofappealtbk.gov.kh](http://courtofappealtbk.gov.kh)

Facebook Page:

<https://www.facebook.com/TbongKhmumAppealCourt>

The Prosecutor General's office attached to the Court of Appeal of Tbong Khmum

Prosecutor General : *H.E Huot Vuthy*

Address : Nikum Leu Village, Srolarb Commune, Tbong Khmum District, Cambodia

Tel : (855-45) 211 239

E-mail : [info@courtofappealtbk.gov.kh](mailto:info@courtofappealtbk.gov.kh)

Website : [courtofappealtbk.gov.kh](http://courtofappealtbk.gov.kh)

Facebook Page:

<https://www.facebook.com/TbongKhmumAppealCourt>

The Court of Appeal of Battambang:

President : *H.E Sam Bunthonn*

Address : Street57, Chamkar Russey Village, Prek Preah Sdach Commune, Battambang City, Battambang Province, Cambodia

Tel : (855-53) 900 569

E-mail: [appealcourtpp@yahoo.com](mailto:appealcourtpp@yahoo.com)

Facebook Page:

<https://www.facebook.com/BattambangCourtOfAppeal>

The Prosecutor General's office attached to the Court of Appeal of Battambang

Prosecutor General : *H.E Nuon San*

Address : Street57, Chamkar Russey Village, Prek Preah Sdach Commune, Battambang City, Battambang Province, Cambodia

Tel : (855-53) 900 569

E-mail: [appealcourtpp@yahoo.com](mailto:appealcourtpp@yahoo.com)

Facebook Page:

<https://www.facebook.com/BattambangCourtOfAppeal>

The Bar Association of the Kingdom of Cambodia

President: *H.E Ly Chan Tola*

Address : The corner of Road 1129 and Road 1930, Phnom Penh Thmey, Khan Sen Sok, Phnom Penh, Cambodia

Tel. : (855 23) 864 078

Fax. : (855 23) 864 076

Email : [info@bakc.org.kh](mailto:info@bakc.org.kh)

Website : [www.back.org.kh](http://www.back.org.kh)





# INDONESIA





## 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 consists of:

- The Minister;
- The Vice Minister;
- The Secretariat General;
- The Inspectorate General;
- The Directorate General of Legislation;
- The Directorate General of Legal Administrative Affairs;
- The Directorate General of Corrections;
- The Directorate General of Immigration;
- The Directorate General of Intellectual Property;
- The Directorate General of the Human Rights;
- The National Law Development Agency;
- The Law and Human Rights Research and Development Agency;
- The Law and Human Rights Human Resources Development Agency;
- The Senior Advisor to the Minister on Political and Security Affairs;
- The Senior Advisor to the Minister on Economic Affairs;
- The Senior Advisor to the Minister on Social Affairs;
- The Senior Advisor to the Minister on Interagency Relations;
- The Senior Advisor to the Minister on Bureaucratic Reform Reinforcement.

Officials Profile in the Ministry of Law and Human Rights:

- Minister: *Mr. Yasonna Hamonangan Laoly*,
- Vice Minister: *Eddy O.S. Hiariej*;
- Secretary General: *Mr. Andap Budhi Revianta*,
- Inspector General: *Mr. Razilu*;





- Director General of Legislation: Mr. Benny Riyanto;
- Director General of Legal Administrative Affairs: Mr. Cahyo R. Muzhar;
- Director General of Corrections: Mr. Reynhard S.P. Silitonga;
- Acting Director General of Immigration: Mr. Widodo Ekatjahjana;
- Director General of Intellectual Property: Mr. Freddy Harris;
- Director General of Human Rights: Mr. Muallimin Abdi;
- Head of National Law Development Agency: Widodo Ekatjahjana;
- Head of Law and Human Rights Research and Development Agency: Mrs. Sri Puguh Budi Utami;
- Head of Law and Human Rights Human Resources Development Agency: Mr. Asep Kurnia;
- Senior Advisor to the Minister on Political and Security Affairs: Y. Ambeg Paramarta;
- Senior Advisor to the Minister on Economic Affairs: Lucky Agung Binarto;
- Senior Advisor to the Minister on Social Affairs: Mrs. Min Usihen;
- Senior Advisor to the Minister on Interagency Relations: Mr. Dhahana Putra;
- Senior Advisor to the Minister on Bureaucratic Reform Reinforcement: Mr. Iwan Kurniawan.

#### Secretariat General

Address : Secretariat General Building, Jl. HR. Rasuna Said kav 6-7 Kuningan, Jakarta Selatan, DKI Jakarta, Indonesia-12940

Tel. : +62 21 525 3004

E-mail : [rohumas@kemenkumham.go.id](mailto:rohumas@kemenkumham.go.id)

#### Duties:

Coordinating the implementation of tasks, fostering, and providing administrative support to all organizational units within the Ministry of Law and Human Rights.

#### Functions:

- Coordination of activities of the Ministry of Law and Human Rights;
- Coordination and preparation of plans, programs, and budgets of the Ministry of Law and Human Rights;
- Fostering and providing administrative support which includes administration, staffing, finance, housekeeping, cooperation, public relations, archives, and documentation of the Ministry of Law and Human Rights;
- Fostering and structuring the organization and management;
- Coordination and preparation of laws and regulations as well as implementation of legal advocacy;
- Implementation of the management of state property/wealth and goods/services procurement services; and
- Implementation of other functions assigned by the Minister.

#### Inspectorate General

Address : Directorate General of Immigration Building, 16<sup>th</sup> Floor, Jl H.R. Rasuna Said No.Kav X-6, Kota Jakarta Selatan, Daerah Khusus Ibukota Jakarta 12940

Tel. : +62 21 525 3004







Email : [itjen@kemenkumham.go.id](mailto:itjen@kemenkumham.go.id)

**Duties:**

Conducts internal control at the Ministry of Law and Human Rights.

**Functions:**

- Preparation of technical policies for internal supervision within the Ministry of Law and Human Rights;
- Implementation of internal supervision within the Ministry of Law and Human Rights on performance and finance through audits, reviews, evaluations, monitoring, and other supervisory activities;
- Implementation of supervision for certain purposes on the assignment of the Minister;
- Preparation of reports on the results of supervision within the Ministry of Law and Human Rights;
- Implementation of the administration of the Inspectorate General; and
- Implementation of other functions assigned by the Minister.

**Directorate General of Legislation**

Address : Gedung Direktorat Jenderal Peraturan Perundang-undangan  
Jl. HR. Rasuna Said Kav 6-7 Jakarta Selatan, Indonesia

Tel. : +62 21 526 4517

Fax. : +62 21 520 5310

E-mail : [humas.djpp@gmail.com](mailto: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 drafting, harmonization, promulgation and publication, litigation of legislation, facilitation for regional regulations drafting according to regional demand, and the development of legal drafter;
- Implementation of policies in the field of drafting, harmonization, promulgation and publication, litigation of legislation, facilitation for regional regulations drafting according to regional demand, and the the development of legal drafter;
- Provision of technical guidance and supervision in the field of drafting, harmonization, promulgation and publication, litigation of legislation, facilitation for regional regulations drafting according to regional demand, and the development of legal drafter;
- Implementation of monitoring, evaluation, and reporting in the field of drafting, harmonization, promulgation and publication, litigation of legislation, facilitation for regional regulations drafting according to regional demand, and the development of legal drafter;
- Implementation of administration in the Directorate General of Legislation;
- Implementation of other functions provided by the Minister.





### Directorate General of Legal Administrative Affairs

Address: Directorate General of Legal Administrative Building, Jalan HR. Rasuna Said Kav. 6-7 Kuningan, Jakarta Selatan, DKI Jakarta, 12940, Indonesia

Tel. : +62 1500105

Email : [humas@ahu.go.id](mailto:humas@ahu.go.id)

Website : <https://portal.ahu.go.id>

#### Duties:

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

#### Functions:

- Formulating policies in the field of criminal law and dactyloscopy, international law and central authorities, civil law, and constitutional law, as well as information and communication technology in accordance with the provisions of the legislation;
- Implementation of policies in the field of criminal law and dactyloscopy, international law and central authority, civil law, and constitutional law, as well as information and communication technology in accordance with the provisions of laws and regulations;
- Providing technical guidance and supervision in the fields of criminal law and dactyloscopy, international law and central authorities, civil law, and

constitutional law, as well as information and communication technology;

- Implementation of monitoring, evaluation and reporting in the field of criminal law and dactyloscopy, international law and central authorities, civil law, and constitutional law, as well as information and communication technology;
- Administrative services of the Directorate General of General Legal Administration; and
- Implementation of other functions assigned 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](mailto:ppid.ditjenpas@gmail.com);  
[ppid\\_ditjenpas@yahoo.com](mailto:ppid_ditjenpas@yahoo.com);  
[humasditjenpas@yahoo.co.id](mailto:humasditjenpas@yahoo.co.id)

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

#### Duties:

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

#### Functions:

- Formulation of policies in the field of registration, detainee services, prisoner development, client guidance, alleviation of children, management of confiscated objects and state confiscations, security and order, health and care of prisoners





and detainees, as well as correctional information technology;

- Implementation of policies in the field of registration, detainee services, prisoner development, client guidance, alleviation of children, management of confiscated objects and state confiscations, security and order, health and care of prisoners and detainees, as well as correctional information technology;
- Providing technical guidance and supervision in the field of registration, detention services, prisoner coaching, client guidance, alleviation of children, management of confiscated objects and state confiscations, security and order, health and care of prisoners and detainees, as well as correctional information technology;
- Implementation of monitoring, evaluation and reporting in the field of registration, detention services, prisoner coaching, client guidance, alleviation of children, management of confiscated objects and state confiscations, security and order, health and care of prisoners and detainees, as well as correctional information technology;
- Implementation of the administration of the Directorate General of Corrections; and
- Implementation of other functions assigned 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](mailto:humas@imigrasi.go.id)

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

Duties:

Organize 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; and
- 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 21 152

E-mail : [halodjki@dgip.go.id](mailto:halodjki@dgip.go.id)

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 laws and regulations.

**Functions:**

- Formulation of policies in the field of intellectual property legal protection, completion of intellectual property registration applications, investigations, resolution of disputes and complaints of intellectual property violations, cooperation, promotion of intellectual property, as well as information technology in the field of intellectual property;
- Implementation of policies in the field of intellectual property legal protection, settlement of applications for intellectual property registration, investigations, settlement of disputes and complaints of intellectual property violations, cooperation, promotion of intellectual property, as well as information technology in the field of intellectual property;

- Providing technical guidance and supervision in the field of intellectual property legal protection, completion of intellectual property registration applications, investigations, settlement of disputes and complaints of intellectual property violations, cooperation, promotion of intellectual property, as well as information technology in the field of intellectual property;
- Implementation of monitoring, evaluation and reporting in the field of intellectual property legal protection, completion of applications for intellectual property registration, investigations, settlement of disputes and complaints of intellectual property violations, cooperation, promotion of intellectual property, as well as information technology in the field of intellectual property;
- Implementation of the administration of the Directorate General of Intellectual Property; and
- Implementation of other functions assigned by the Minister.

**Directorate General of Human Rights**

Address: Directorate General of Human Rights  
Building, Jl. HR. Rasuna Said Kav.4-5,  
Kuningan, Jakarta Selatan, 12940

Tel. : +62 21 2521344

E-mail : [informasi@ham.go.id](mailto:informasi@ham.go.id)

Fax. : +62 21 2522915

Website : [www.ham.go.id](http://www.ham.go.id)

**Duties:**

Organizing the formulation and implementation of policies in the field of





human rights in accordance with the provisions of laws and regulations.

Functions:

- Formulation of policies in the field of promoting human rights, public communication services, cooperation, dissemination, strengthening and information on human rights, as well as coordinating the preparation 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 on human rights, as well as coordinating the preparation of indicators and profiles of human rights development;
- Providing technical guidance and supervision in the field of human rights promotion, public communication services, cooperation, dissemination, strengthening and information on human rights as well as coordinating the preparation of indicators and profiles of human rights development;
- Implementation of monitoring, evaluation, and reporting in the field of promoting human rights, public communication services, cooperation, dissemination, strengthening, and information on human rights, as well as coordinating the preparation of indicators and profiles of human rights development;
- Implementation of the administration of the Directorate General of Human Rights; and
- Implementation of other functions assigned by the Minister.

National Law Development Agency

Address : Jl. Mayjen Sutoyo No. 10, Jakarta Timur

Tel. : +62 21 8091908

E-mail : [humas@bphn.go.id](mailto:humas@bphn.go.id)

Website : [www.bphn.go.id](http://www.bphn.go.id)

Duties:

Organizing the development of national law in accordance with with the provisions of laws and regulations.

Functions:

- Preparation of technical policies, programs, and budgets in the field of national legal development;
- Implementation of legal analysis and evaluation, legal planning, legal counseling and assistance, as well as legal documentation and information networks;
- Monitoring, evaluation, and reporting on the implementation of legal analysis and evaluation, legal planning, legal counseling and assistance, as well as legal documentation and information networks;
- Implementation of the administration of the National Legal Development Agency; and
- Implementation of other functions assigned by the Minister.

Law and Human Rights Research and Development Agency





Address : Jalan H. R. Rasuna Said Kav. 4-5,  
Jakarta Selatan 12920

Tel. : +62 21 2525015

Fax : +62 21 2526438

E-mail : [humas@balitbangham.go.id](mailto:humas@balitbangham.go.id)

Website : <http://balitbangham.go.id>

#### Duties:

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

#### Function:

- Formulation of technical policies, programs, and budgets, studies, research and development in the fields of law and human rights;
- Implementation of assessment, research, and development in the field of law and human rights;
- Monitoring, evaluating, and reporting on the implementation of studies, research and development in the fields of law and human rights;
- Implementation of the administration of the Research and Development Agency for Law and Human Rights; and
- Implementation of other functions assigned by the Minister.

Law and Human Rights Human Resources Development Agency

Address : Jl. Raya Gandul No. 4, Cinere, Depok  
16512

Tel. : +62 21 7540123

E-mail : [humas.bpsdm@kemenkumham.go.id](mailto:humas.bpsdm@kemenkumham.go.id)

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

#### Duties:

Organizing human resource development in the fields of law and human rights.

#### Function:

- Preparation of technical policies, programs and budgets for human resource development in the fields of law and human rights;
- Implementation of human resource development in the fields of law and human rights;
- Implementation of competency assessment of human resources within the Ministry of Law and Human Rights;
- Monitoring, evaluating, and reporting on the implementation of human resource development in the fields of law and human rights;
- Implementation of the administration of the Human Resources Development Agency for Law and Human Rights; and
- Implementation of other functions assigned by the Minister.

#### SUPREME COURT

Address : Jl. Merdeka Utara 9-13, Jakarta  
Pusat

Tel. : +62 21 3843348

+62 21 3810350

Website : [www.mahkamahagung.go.id](http://www.mahkamahagung.go.id)

E-mail : [persuratan@mahkamahagung.go.id](mailto:persuratan@mahkamahagung.go.id)

#### Duty/Authority of the Supreme Court

- Examine and decide cases as the final court of appeal following appeals from district courts to the high courts and also re-examine cases.





- Review laws and regulations under The Law to the Laws.
- Decide, as the first and final instance, all disputes from the seizure of foreign ships and their cargo by the Indonesia warships.
- Supervise the administration of all courts' judicial bodies and supervise their administrative and financial duty
- Provide legal considerations to the President on clemency and rehabilitation requests.
- Provide legal advice to higher institutions.
- Carry out other duties as mandated by the Law.

#### The Board of Supreme Court

- Chief Justice of the Supreme Court : *Mr. Muhammad Syarifuddin*
- Deputy Chief Justice of the Supreme Court for Judicial Matters : *Mr. Andi Samsan Nganra,*
- Deputy Chief Justice of the Supreme Courts for Non Judicial Matters: *Mr. Sunarto;*
- Chairman of the Criminal Chamber of the Supreme Court: *Mr. Suhadi,*
- Chairman of the Civil Chamber of the Supreme Court: *Mr. I Gusti Agung Sumanatha*
- Chairman of the Religious Chamber of the Supreme Court: *Mr. Amran Suadi,*
- Chairman of Administrative Chamber of the Supreme Court: *Mr. Supandi*
- Chairman of Military Chamber of the Supreme Court: *Mr. Burhan Dahlan,*
- Chairman of Development Chamber of the Supreme Court: *Mr. Takdir Rahmadi,*

- Chairman of oversight Chamber of the Supreme Court: *Mr. Zahrul Rabain*

#### Function of the Supreme Court Administration of Justice

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.
- All disputes arising due to seizure of a foreign vessel and its cargo by a Republic of Indonesia battleship under the applicable regulation.

The Supreme Court has the authority to examine the validity of statutory regulations under the law against the law in terms of whether there is a conflict with a higher statutory regulation, or its formation does not meet the applicable provisions. Decisions regarding the invalidity of laws and regulations can be taken either by examining a cassation or by direct application to 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.

The Supreme Court also exercises supreme oversight over the implementation of administrative and financial tasks. The Supreme Court has the authority to request information on matters relating to judicial technicalities at the judicial bodies below it.

Towards Legal Counsel and Notary insofar it concerns the administration of law.

### Regulatory Function

The Supreme Court may arrange further matters required for the continuity of administration of justice, if there are legal deficiencies and vacancies, the Supreme Court has the authority to make regulations as a complement to fill legal deficiencies or vacancies related to the administration of justice. The content material regulated in the Supreme Court Regulation is part of the overall procedural law.

### Supervisory Function

The Supreme Court provides counsel or considerations in the field of law to other State Supreme Agencies.

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.

### Administrative Function

The Judiciary 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.

### 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 20 paragraph (2) of Law Number 48 of 2009 as well as Article 39 of Law Number 14 of 1985, the Supreme Court is also given other duties and authorities by virtue of the Law.

#### The Registrar

The Registrar of the Supreme Court is led by a Court 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:

- Coordination of the provision of support in judicial technical and administration fields;
- Coordination of case financial administration affairs in the confinement of the Supreme Court;
- Implementation of support provision in judicial technical and administration fields;
- Coordination of case financial administration affairs in the confinement of the Supreme Court;

- Implementation of support provision in judicial technical and administration fields;
- Performance of case minutes recording;
- Eevelopment of technical and evaluation agencies;
- 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:

- Coordination performance of plan and work program preparation
- Performance of personnel affairs
- Performance of financial affairs
- 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 5 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.

In carrying out the functions of technical support and judicial administration to Supreme Court justices, the Registrar of the Supreme Court is supported by the Junior Registrar of the Chamber. The young clerks of the chambers consist of the young clerks of the criminal chamber, the young clerks of the civil chamber, the young clerks of the religious chamber, the young clerks of the military chamber and the young clerks of the state administration chamber. In addition, to provide administrative support for the trial, the Registrar of the Supreme Court is supported by a Substitute Registrar who is in each room.

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:

- Performance of cassation and reconsideration cases registration;
- 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;

- Performance of return receipt of case files that have been decided and recorded from the Team, for return to the submitting Court;
- Performance of delivery of Supreme Court decision copy including the case file bundle A to the submitting Court;
- Performance of evaluation and reporting on the protocol and implementation of cassation and reconsideration cases;
- Performance of archiving of case files that have been decided;
- Performance of Registrar's Office administration.

#### Junior Case Registrar

Based on Article 18 of Law Number 5 Year of 2004, the Office of the Supreme Court Registrar is led by a Registrar and assisted by junior registrar, chamber junior registrar and substitute registrar. 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 military crime Case, and Junior Registrar for State Administration Cases.

In carried out the function of technical support and judicial administration to the Supreme Judge, the Registrar of the Supreme Court is supported by chamber junior registrar. The chamber junior registrar consist of chamber





junior registrar for criminal cases, the chamber junior registrar for civil cases, the chamber junior registrar for Religious, the chamber junior registrar for military, and the chamber junior registrar for state administration. In addition, to provide administrative support for the trial, the Registrar of the Supreme Court is supported by a Substitute Registrar who is in each room.

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:

- Performance of cassation and reconsideration cases registration;
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- Performance of delivery of Supreme Court decision copy including the case file bundle A to the submitting Court;
- Performance of evaluation and reporting on the protocol and implementation of cassation and reconsideration cases;
- Performance of archiving of case files that have been decided;

- Performance of Registrar's Office administration.

#### Chamber of Junior Case Registrar

Subsequent to the Supreme Court implementing the chamber system by virtue of Decree of the Chief Justice of the Supreme Court Number SK KMA 213/KMA/SK/XII/2004, 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.

Since chamber system was implemented on last 2011, To provide technical and administrative to the Panel of Supreme Court Justices, the Supreme Court has file (5) Chamber Junior Case Registrars or in daily practice is known as Assistant Coordinator (Ascor).

The number of Chamber Junior Case Registrars are in accordance to the number of Supreme Court leadership who is related to judicial fields as follows; Chamber Junior Registrar for Civil Cases, Chamber Junior Registrar for Religious Cases, Chamber Junior





for Military, and Chamber Junior for State Administration Cases.

#### 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:

- To perform recording on case dossier received by the Team Junior Chief Registrar;
- To type the draft of decision based on the deliberation meeting of a Panel of Justices;
- To submit the typed decision to the First Reader of Justice in the Panel for further examination or correction;
- 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.

Based on Ministerial Regulation for Empowerment of State Apparatus and Bureaucratic Reform Number 26 of 2019, Judicial Institutions are assigned as functional positions at the Registrar of the Supreme Court. The functional position of the judiciary is a functional position of expertise.

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#### General Judiciary

General judiciary is one of the subjects on judicial power for public seeking justice in general article 2 of law on General Court. Judicial powers in the realm of the General Judiciary, are performed by:

- 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 (Chief Judge and Deputy





Chief), Member Judges, Registrar, Secretary, and Bailiff; 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 ((Chief Judge and Deputy Chief)), Member Judges, Registrar, and Secretary. (Article 4, article 6 and article 10 of law on the General Court)

Judicial powers in the realm of the General Judiciary, culminates at the Supreme Court as the Highest State Court. Judiciary technical guidance, organization, administration and finance is performed by the Supreme Court with the provision that its shall not reduce the freedom of the judge in examining and making decisions for cases. (Article 3 and article 5 of law on General Court)

Specific Court within the realm of General Judiciary

#### Human Rights Court

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. A Human Rights Court does not have the authority to hear and rule on cases of gross violations of human rights perpetrated by persons under the age of 18 (eighteen) at the time the crime occurred. 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 A Human Rights Court shall be located in a district capital or a municipal capital and its judicial territory shall cover the judicial territory of the relevant District Court. For the Special Capital Region of Jakarta, the Human Rights Court is domiciled in the respective areas of the pertinent District Court (Law number 26 of 2000 on the Human Right 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.

#### 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).

The Anti-Corruption Court formed based on Article 53 Undang-Undang Nomor 30 Tahun 2002 tentang Komisi Pemberantasan Tindak Pidana Korupsi, berdasarkan putusan Mahkamah Konstitusi dinyatakan bertentangan dengan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, so its necessary to reorganize the Corruption Court with a new law.

On the basis of text above, Law Number 46 of 2009 about anti-corruption court was drafted.





### Industrial Relations Court

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

- At the first instance regarding disputes on rights
- At the first and final instance regarding interest;
- At the first instance regarding employment relationship termination;
- 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 which jurisdiction covers the concerned province. The composition of an Industrial Relations Court at the District Court consists of: Judge, ad-hoc Judge, Junior Registrar and Substitute 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.

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 in the field of commerce perniagaan, and its determination is carried out based on a Government Regulation.

Jurisdiction

Currently the authority of commercial court covers the following cases:

1. Bankruptcy and Suspension of Payment Cases and all matter related to it, including annulment of preferential transfer, review to the result of verification of claims.
2. Intellectual property right which include Industrial Design, Integrated Circuit Design, Patent, Trade Mark and Copyright.
3. Savings Guarantee Agency which include dispute which cover liquidation process and claim over annulment of all legal action committed by bank which caused reduction of assets or increase in bank's obligation, committed within the past year prior to the revocation of the license.

After Law Number 11 of 2020 on Job Creation was to be in force, the Commercial Court competence has increased, that is authorized to examine objections to the Decisions of the Business Competition Supervisory Commission (KPPU).

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 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 2010 based on Presidential Decree No. 15 of 2010 the Fisheries Court was established at the Tanjung Pinang District Court and the Ranai District Court. Then in 2014 based on Presidential Decree No. 6 of 2014, 3 (three) new Fisheries Courts were established at the Ambon District Court, the Sorong District Court and the Merauke District Court. So that the total fisheries courts in Indonesia currently are ten courts.

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:

The Religious Court is a court of the first instance to examine, decide and resolve cases among Moeslems on the subjects of marriage, inheritance, testamentary, grant (hibah), benefaction (wakaf), charity (shadaqah) pursuant to Islamic law, infaq, zakat and syari'ah economics (Article 49 of law Number 3 of 2006 regarding amendments to law number 7 of 1989 on Religious Court).

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 ((Chief Judge and Deputy Chief)), Member Judges, Registrar, Secretary, and Bailiff;

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. The composition of the Religious Appellate Court, consists of the Management Chief Judge and Deputy Chief, 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.

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

Administrative court

The State Administrative Court is the executor of judicial power with the authority to examine, hear, decide, and resolve State Administrative Disputes.

State Administrative Disputes are disputes that arise in the field of state administration between individuals or civil legal entities and state administrative bodies or officials, both at the center and in the regions, as a result of the issuance of State Administrative Decrees and/or Government Actions.

State Administrative Decree is a written stipulation issued by an Agency and/or Government Official in the implementation of government, while Government Action is the act of Government Officials or other state administrators to perform and/or not perform concrete acts in order to implement government

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.

The tax court decision is a final decision and has permanent legal force, but the disputing parties can submit a review of the tax court decision to the Supreme Court.

At the Supreme Court, the judicial review regarding this tax dispute is examined by the State Administrative Court Chamber.

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.

#### 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. (Article 5 of law No. 31 of 1997 on Military Judiciary)

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

- Military Court, is a court of the first instance in relation to criminal cases whose defendant holds the rank of Captain and less;
- 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;
- 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. (Article 14 Section (1) of law No. 31 of 1997 on military judiciary) whereas the name, domicile, and jurisdiction of other courts are determined by commander's decision.





Judicial powers in the confinement of the Military Judiciary, culminates at the Supreme Court as the Highest State Court.

Pasca judiciary, technical, administrative, organizational and financial military court is under the Supreme Court (while the development of personnel military in military court is carried out according to Law Regulations which organize military personnel (Article 45 of law No. 4 of 2004 on judicial power).

#### Modernization of Case Management

The Supreme Court has scheduled a case management update on Blueprint (cetak biru) Court Update 2010-2035. The update of agenda is really happened in 2018, which is marked by Supreme Court Regulation No. 3 of 2018 on Technical Guidelines for the Administration of Matters and Conferences electronically. Furthermore, as a form of evaluation and completion from Supreme Court Decree Number 3 of 2018, in 2019 the Supreme Court issued Decree Number 1 of 2019.

To create uniformity of practice and facilitate the implementation of Supreme Court Decree Number 1 of 2019, the Chief of Supreme Court issued a Decree of the Chief Supreme Court Number 129/KMA/SK/VIII/2019 on Technical Guidelines for the Administration of Matters and Conferences electronically.

Administration system and electronic court to Civil cases, Religious, and state administrative has implemented well by all the Courts, even increased from year to year. This increase on the implementation of e-court is evidenced that

use e-courts increased as shown in the 2020 Supreme Court Annual Report. Civil cases, religious cases and state administrative cases registered through e-Court system for 2020 totaled 186.987 cases, an increase of 295.79% compared to 2019 which amounted to 47.244 cases.

The successful implementation of electronic system at the first level of Court was then developed with the application of electronic appeal legal remedies for cases that were handled at the first level through electronic trials. In 2020, the Supreme Court also issued regulations regarding the administration and trial of criminal cases in court electronically through Supreme Court Decree Number 4 of 2020. The publishing of regulation, in addition to mandate for 2010-2035 Judicial Reform, is also the Supreme Court's response to specific condition, namely Covid-19 pandemic. The presence of the two regulations and their derivative policies during the secon 5 years-period of the judicial reform roadmap (2016-2020) is an indicator of the success of reforms to realize online courts.

The reform of case management organized by the Supreme Court is carried out in order to realize 2 (two) missions of the Supreme Court. First, to provide legal services that have certainty and justice for justice seekers; and second, increasing the credibility and transparency of the judiciary. Of course, this is all done as an effort to realize the mission of the Supreme Court: The Realization of the Supreme Indonesian Judicial Body.





## THE ATTORNEY GENERAL'S OFFICE OF THE REPUBLIC OF INDONESIA

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### 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 the 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 Provincial 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 Provincial 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 Provincial





Prosecution Office, and the Public Prosecutor's Office/District Prosecution Office.

The Attorney General's Office comprises:

- Attorney General;
- Vice Attorney General;
- 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 Military Crime;
- Deputy Attorney General of Supervision;
- Education and Training Agency;
- Expert Staff & Professional Expert;
- Centers :
  1. Research and Development Center;
  2. Legal Information Center;
  3. Criminal Statistics Data and Information Technology Center;
  4. Assets Recovery Center;
- Provincial Prosecution Office;
- District Prosecution Office;

Deputy Attorney General of Advancement comprises:

- Deputy Attorney General of Advancement;
- Secretariat of Deputy Attorney General of Advancement;
- Planning Bureau;
- General Bureau;
- Personal Affairs Bureau;
- Financial Bureau;
- Equipment Bureau;
- Legal and Foreign Relation Bureau;
- Functional Prosecutor;

• 3 (three) centers in the Deputy Attorney General of Advancement:

1. Research and Development Center;
2. Assets Recovery Center;
3. Criminal Statistics and Information Technology Data Center

Deputy Attorney General of Intelligence comprises:

- Deputy Attorney General of Intelligence;
- Secretariat of Deputy Attorney General of Intelligence;
- Directorate of Ideology, Politic, Defense and Security (Directorate A);
- Directorate of Social, Culture and Community (Directorate B);
- Directorate of Economic and Finance (Directorate C);
- Directorate of Security Strategic Development (Directorate D);
- Directorate of Information Technology and Intelligence Production (Directorate E);
- Coordinator;
- Functional Prosecutor;
- 1 (one) center : Legal Information Center

Deputy Attorney General of General Crimes comprises:

- Deputy Attorney General of General Crimes;
- Secretariat of Deputy Attorney General of General Crimes;
- Directorate of Crimes Against Persons and Properties;
- Directorate of Crimes Against State Security, Public Orders, and Othe General Crimes;





- Directorate of Narcotics and Other Addictive Substances;
- Directorate of Terrorism and Transnational Crimes;
- Coordinator;
- Functional Prosecutor.

Deputy Attorney General of Special Crimes comprises:

- Deputy Attorney General of Special Crimes;
- Secretariat of Deputy Attorney General of Special Crimes;
- Directorate of Investigation;
- Directorate of Prosecution;
- Directorate of Executions and Examinations;
- Directorate of Crimes against Human Rights;
- Coordinator;
- Functional Prosecutor.

Deputy Attorney General of Civil and State Administration comprises:

- Deputy Attorney General Civil and State Administration;
- Secretariat of Deputy Attorney General of Civil and State Administration;
- Directorate of Civil Cases;
- Directorate of State Administration Cases;
- Directorate of Legal Reasoning;
- Coordinator;
- Functional Prosecutor.

Deputy Attorney General of Military Crimes comprises:

- Deputy Attorney General of Military Crimes;

- Secretariat of Deputy Attorney General of Military Crimes;
- Directorate of Enforcement;
- Directorate of Prosecution;
- Directorate of Executions and Examinations;
- Functional Prosecutor.

Deputy Attorney General of Supervision comprises:

- Deputy Attorney General of Supervision;
- Secretariat of Deputy Attorney General of Supervision;
- Inspector I carry out supervision of the Education and Training Agency, Provincial Prosecution Office of Aceh; North Sumatera, Riau, Yogyakarta, West Kalimantan and West Nusa Tenggara;
- Inspector II carry out supervision of the Deputy Attorney General of Intelligence, Deputy Attorney General of Special Crimes, Provincial Prosecution Office of South Sumatera, Jambi, West Sumatera, Jakarta, Central Kalimantan, East Nusa Tenggara and Papua;
- Inspector III carry out supervision of the Deputy Attorney General of General Crimes, Deputy Attorney General of Civil and State Administration, Provincial Prosecution Office of West Java, East Kalimantan, Riau's Island, Lampung, Gorontalo and Maluku
- Inspector IV carry out supervision of the Legal Information Center, Research and Development Center, Criminal Statistics Data and Information Technology Center, Assets Recovery Center, Provincial Prosecution Office of Central Java, South





Sulawesi, Central Sulawesi, South Kalimantan, Bali and Bangka Belitung ;

- Inspector V carry out supervision of the Deputy Attorney General of Advancement, Provincial Prosecution Office of East Java, North Sulawesi, Southeast Sulawesi, Bengkulu, Banten, North Maluku
- Inspectorate of Finance;
- Functional Prosecutor.

Head of Education and Training Agency:

- Secretariat of Education and Training Agency;
- Center for Functional Technique;
- Center for Management and Leadership.

Research and Development Center comprises:

- Head of Research and Development Center;
- Secretariat;
- Program and Evaluation Division;
- Cooperation and Development Division;
- Functional Prosecutor.

Legal Information Center comprises:

- Head of Legal Information Center;
- Secretariat;
- Counseling and Legal Information Division;
- Mass Media Relations Division;
- Government Institution Relations Division;
- Functional Prosecutor.

Criminal Statistics Data and Information Technology Center comprises:

- Head of Criminal Statistics Data and Information Technology Center;
- Secretariat;

- Data Management and Criminal Statistics Division;
- Technology Application and Development Division;
- Functional Prosecutor.

Assets Recovery Center comprises:

- Head of Assets Recovery Center;
- Secretariat;
- National Assets Recovery Division;
- Transnational Assets Recovery Division;
- Database and Information Exchange Division;
- Confiscating and State Booty Division;
- Functional Prosecutor.

Provincial Prosecution Office comprises:

- Head of Provincial Prosecution Office;
- Vice Head of Provincial Prosecution Office;
- Advancement Division;
- Intelligence Division;
- General Crimes Division;
- Special Crimes Division;
- Civil and State Administration Division;
- Military Crimes Division;
- Supervision Division;
- Secretariat;
- Coordinator.

District Prosecution Office, consist :

- District Prosecution Office Type A
- District Prosecution Office Type B

District Prosecution Office Type A comprises:

- Head of District Prosecution Office;
- Section of Advancement;
- Section of Intelligence;





- Section of Criminal Crimes;
- Section of Special Crimes;
- Section of Civil and State Administration;
- Section of Evidence and Booty Management.

District Prosecution Office Type B comprises:

- Head of District Prosecution Office;
- Section of Advancement;
- Section of Intelligence;
- Section of Criminal Crimes;
- Section of Special Crimes;
- Section of Civil and State Administration;
- Section of Evidence and Booty Management;

#### Duties and Authorities

Article 30 of Law Number 16 Year 2004 regarding the Attorney of the Republic of Indonesia provides for the duties and authorities of AGO:

(a) 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.

(b) In the civil and state administrative law

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

(c) In the field of public order and public safety, the Public Prosecution Office 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.

(d) 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.

(e) In the sector of combined cases of general crimes and military crimes :

- According to the Presidential Regulation of the Republic of Indonesia Number 15 of 2021 on the Second Amendment of the Presidential Regulation Number 38 of 2010 on Organization and Management of the Attorney General's Office of Indonesia, which is then followed up by the Regulation of the Attorney General's Office of the Republic of Indonesia Number 1 of 2021, Deputy Attorney General for Military Crimes is an assisting element that carries out duties and authority of the AGO in the technical coordination of prosecution conducted by Military Prosecutors and handles combined cases of general crimes and military crimes, which responsible to the Attorney General of the Republic of Indonesia.

#### THE NATIONAL OMBUDSMAN

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Tel. : +62 21 22513737

Email : [humas@ombudsman.go.id](mailto:humas@ombudsman.go.id)

Website : [www.ombudsman.go.id](http://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.

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 the state and government that is effective and efficient, honest, open, free from corruption, collusion and nepotism;







- 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 head, 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:





The leader of the Ombudsman of the Republic of Indonesia shall consists of:

- 1 (one) chariman concurrently member;
- 1 (one) vice chairman concurrently member, and
- 7 (seven) members.

Officials Profile in the Ombudsman of the Republic of Indonesia

- Chairman: Mr. Mokhammad Najih
- Vice Chariman: Mr. Bobby Hamzar Rafinus
- Member:
  - Mr. Dadan Suparjo Suharmawijaya
  - Mr. Hery Susanto
  - Mr. Indraza Marzuki Rais
  - Mr. Jemsly Hutabarat
  - Mr. Johannes Widiyanto
  - Mr. Robert Na Endi Jaweng
  - Mr. Yeka Hendra Fatika

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, consist of 11 (eleven) teams:

1. Complaint Handling Team
2. Management of Maladministration's Prevention Team
3. Quality Management Team
4. Resolution and Monitoring Team
5. 7 (seven) Investigation Teams with scope as follows

1) Team I

Scope of Sector and Substance:

- Judiciary
- Immigration
- Correctional Institutions
- Civil and Political Rights

- Intellectual Property Rights
- 2) Team II

Scope of Sector and Substance:

- Police
- Prosecutor Office
- Defence
- Emergency

3) Team III

Scope of Sector and Substance:

- Trade, Industry, and Logistics
- Agriculture and Food
- Fishery
- Capital Investment
- Tax
- Customs and Excises
- Banking
- License
- Insurance
- Pawnshop
- Procurement of Goods, Services, and Auctions
- Cooperative

4) Team IV

Scope of Sector and Substance:

- Agrarian
- Settlements and Housing
- Transmigration

5) Team V

Scope of Sector and Substance:

- Mining
- Energy and Electricity
- Water
- Environment
- Forestry
- Transportation and Infrastructure
- Telecommunications & Informatics

6) Team VI

Scope of Sector and Substance:





- Employment
- Staffing
- Social Security

7) Team VIII

Scope of Sector and Substance:

- Rural Area
- Education
- Health Public Administration
- Religious
- Social Welfare

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 5 (five) Bureaus and 1 (one) Inspectorate:

- Bureau of Planning and Finance
- Bureau of Legal, Partnership and Organization
- Bureau of Human Resources and General Affairs
- Bureau of Public Relations and Information Technology
- Bureau of Administration of Public Services Implementation
- Inspectorate

Regional Offices of Ombudsman

The Regional Offices of the Ombudsman have a hierarchical relationship with the

Ombudsman and are responsible to the Chief Ombudsman. Regional Offices Ombudsman domiciled in 34 provincial capitals throughout Indonesia led by a Head of Ombudsman Representative in each Regional Office. Regional Offices of Ombudsman have the function of supervising the implementation of public services in their working areas, both those organized by state and government officials, including those held by State-Owned Enterprises, Regional-Owned Enterprises, and State-Owned Legal Entities as well as private or public entities, an individual who is given the task of administering certain public services whose funds are partly or wholly sourced from the state revenue and expenditure budget and/or regional revenue and expenditure budget.

Vision

Effective and Fair Supervision of Public Services

Mission

- Strengthening the Indonesian Ombudsman Institution
- Improving Ombudsman services' quality
- Encouraging the improvement of public services' quality.





# LAO PEOPLE'S DEMOCRATIC REPUBLIC





## MINISTRY OF JUSTICE

Address : No. 10 Avenue, Nonsa-art Village,  
Saythany District P.O Box 08  
Vientiane Capital, Lao P.D.R

Tel. : (856) 21 841 118  
(866) 21 414104 Ext. 411

Fax. : (856) 21 414101

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

The Ministry of Justice's primary responsibilities include drafting law, examining the drafted law submitted by line ministries, formulating legislative plan, collecting legal information, conducting legal research to develop existing laws, disseminating the law, 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.

### Duties

- Implement the Constitution, laws and resolutions of the National Assembly, Ordinance, Decree and government resolutions
- Research, integrate the Party's policies, policies in general, strategies, plans and resolutions on legal and judicial affairs into strategic plans, action plans, programs and projects as well as being responsible for effective implementation and efficiency
- Draft and develop existing laws and legislation of the justice sector to submit to the Government for consideration
- Provide technical support to other sectors and parties in the formulation, amendment of laws and other legislation; provide legal opinions, review legal compliance and assess its impacts and legislation proposed by other sectors
- Organize the law dissemination, coordinate with other ministries, agencies and other organizations on the planning, types of law dissemination, raise public awareness on laws
- Enforce the judgements; consider activities, response to the requests and proposals; supervise, monitor, and provide technical support on court decision enforcement actions
- Manage and promote activities of the village dispute mediation committee, family affairs and model village for law implementation; administers nationality affairs, family registration and child justice according to the rights, duties and responsibilities as provided by law; administers Lao Bar Association affairs and legal advisers, legal aid and other justice advocacy organizations
- Monitor and evaluate legislation promulgated; propose to the Government to consider law development, amendment and legislation of other sectors which are not in conformity with the genuine situation; provide legal opinions on contracts and draft agreements where the government is a contracting party, participate in negotiation of contracts, justice conventions and serve as a focal





point to coordinate the implementation of justice conventions

- Provide trainings for professional body of judges, prosecutors, lawyers and other justice professionals; produce lawyers and provide short-term trainings in the justice sector; Research on legal science and justice
- Manage, provide services and monitor economic dispute resolution; direct the technical activities of the Office of Economic Dispute Resolution in the central and Provincial Justice Departments
- Direct and manage vertical technic support by classifying responsibilities and roles pertaining to decision making with a clear management in local authority
- Research, examine and verify the authenticity and legality of the contract and other documents; manage, supervise and monitor the technical activities of the local notary affairs
- Establish and improve the organizational structure of the justice sector; manage, define job description, develop plans, train, relocate officials/civil servants, including gender roles, policy implementation and disciplines for justice officials/civil servants in coordination with relevant parties
- Monitor performances of the roles, duties and responsibilities of the management of civil servants of the central and local levels to prevent the violations of laws, orders, rules, party rules and state laws
- Manage, direct, encourage, monitor and evaluate the implementation of rules,

laws, strategies, programs, plans and project including legislation issued by the government and the Ministry of Justice from time to time

- Cooperate with foreign authorities, act as a focal coordinator, exchange legal and justice lessons with foreign countries and international organizations
- Manage and administer the Ministry's finance, assets and documents as well as making plans, budget and summarizing the activities of the Ministry
- Perform other duties as determined by the laws, regulations and instructions of the government

#### Scope of Rights

- Propose the government to improve the organizational structure of the Ministry of Justice, to determine the job description, recruitment, relocation and replacement of its personnel throughout the justice sector
- Directly supervise and manage technical aspects with sub-division, responsibility and decision-making authority for local governance
- Summon the leadership and management officials and technical staff of the justice sector to attend meetings or report on work activities
- Suggest and identify techniques for managing the legal and legislative affairs
- Issue decisions, directives, instructions and notices of the justice sector activities; disseminate policies, laws, regulations and measures related to the role of the Ministry of Justice





- Give approvals for offices, departments, centers, institutes to organize workshops, trainings or technical seminars
- Propose budget plans, create revenue and expenditure plan, and amend the budget of the Ministry of Justice
- Consider and comment on domestic and foreign investment in law and justice on the basis of laws, rules and regulations on which the government promulgates
- Coordinate and sign contracts, treaties, partnerships, grants, attract investment from inside and outside the country to develop legal, justice and other works as assigned or agreed upon by the Government on the basis of laws and regulations
- Manage and monitor on budget of the justice sectors in accordance with established rules and laws
- Exercise other rights as determined by the laws, regulations and directives of the Government and the Prime Minister

#### Organizational Structure

The Ministry of Justice structure includes the Ministerial Ranks, 1 Cabinet Office, 9 departments, 1 Office of the Economic Dispute Resolution, and 1 National Institute of Justice

The Ministry of Justice comprises of 12 Departments as follows:

1. The Cabinet Office;
2. The Organization and Personal Department;
3. The Inspection Department;
4. The International Cooperation Department;
5. The Legislation Department;

6. The Law Dissemination Department;
7. The Judicial System Promotion Department;
8. The Judgment Execution Department;
9. The Notary Department;
10. The Law Review and Assessment Department;
11. The Economic Arbitration Center;
12. The National Institute of Justice.

#### Ministerial Ranks

- Minister of Justice:  
*H.E Phayvy SYBOUALYPHA*
- Vice-Ministers of Justice:
  - *H.E Bountha SONGYERTHAO*
  - *H.E Ketsana PHOMMACHANE*
  - *H.E Kongchi YANGCHUE*

#### Cabinet Office

The Cabinet Office is a body having a state equivalent to a department in the Ministry of Justice's organizational structure, acting as a secretariat to the High Executive Leaders within the Ministry. The main responsibilities are to manage and administer within all the ministry affairs, research and summarize, promote gender mainstreaming, serves as a focal point for administrative offices, and facilitates the activities of the Ministry's Leaders, Departments and equivalent department offices within the Ministry of Justice.

The organizational structure comprises: Administrative Division, Planning and Statistics Division, Finance Division, Management and Administrative Division, Protocol Division, Technology and Information





Division, Gender Mainstreaming Division.

Personnel Structure of the Cabinet Office:

- Mr. Khamphone SIPASEUTH, Chief
- Mr. Leexiong LEEYAYTOU, Deputy Chief
- Mr. Khamphou THIRAKUL, Deputy Chief
- Mr. Sengphachanh VONG PHOTHONG, Deputy Chief

Organization and Personnel Department

The Organization and Personnel Department is one of the technical departments in the Ministry of Justice organizational structure which serves as an assistant of the Party's Committee and the Ministry's Leaders in the areas of political and mass organization, personnel and organization, local justice sectors, civil servant management under the Ministry of Justice and regional justice units.

The structure comprises Party and Mass Organization Division, Organization and Personnel Division, Policy and Praising Division, Administrative Division.

The personnel structure consists of:

- Mr. Khamseuth VILAPHANH, Acting Director-General
- Mr. Amnouyphone PHANYASAVATH, Deputy Director-General

They are supported by Director and Deputy Directors of Divisions and technical staff.

Inspection Department

The Inspection Department is a department within the organizational structure of the Ministry of Justice, serving the Party's

Committee, the Ministry's Leaders on the aspects of the party inspection, state inspection, corruption and anti-corruption, research, party's member petition, civil servant under the Ministry of Justice.

The structure is as follows: Administrative Division; Party Inspection Division; State Inspection and Anti-Corruption Division; and Petition Division.

Personnel Structure of the Inspection Department:

- Mr. Bounmek BANNAVONG, Director-General
- Mr. Khamphet OUNHEUAN, Deputy Director-General
- Mr. Xayyasack KEOMANYVONG, Deputy Director-General
- Mr. Souvanhnapha SOUKVILAY, Deputy Director-General

They are supported by Director and Deputy Director of Divisions and specialized inspectors.

**International Cooperation Department**

The International Cooperation Department plays a key significant in assisting the Ministry's Leaders pertaining to international legal and judicial affairs; acting as the Secretary to the Leaders on the International Relations and Cooperation to seek supports and assistance for justice development; participating in official visits, meetings, negotiations, cooperation agreements, memorandum of understanding, international agreements, conventions and international







conferences related to law and justice between the Ministry of Justice and inter-governments, including but not limited to development partners, international organizations and non-governmental organizations in the area of law and justice.

The structure of the International Cooperation Department is as follows: Inter-governmental Cooperation Division, International Organization Division, ASEAN Affairs Division, Treaty Division, and Administrative Division.

The personnel structure consists of:

- Mr. Souphy NORINTHA, Deputy Director-General
- Mrs. Saykhith VISISOMBAT, Deputy Director-General
- Mr. Bounmee BOUPHALIVANH, Deputy Director-General
- Mr. Bounthavy INSOMDY, Deputy Director-General

They are supported by Director and Deputy Director of Divisions, legal officials, and foreign affairs officers.

The Legislation Department

- Mr. Inthapanya KHIEWWONGPHACHANH, Director-General
- Mr. Souliya SIDAVONG, Deputy Director-General
- Mr. Phannola THONGCHANH, Deputy Director-General
- Mr. Somboun VONGPHACHAN, Deputy Director-General
- Mr. Sengtavanh, VONGPASERT, Deputy Director-General

They are supported by Director and Deputy Director of Divisions and a number of competent law officials.

The Law Dissemination Department

The Legal Dissemination Department acts as a secretary to the Ministry's Leaders in managing and organizing the dissemination of law, publication of textbooks and other publications, official gazette, website, and online applications.

The organizational structure is as follows: Law Promotion and Dissemination Division, Printing Management Division, Magazine and Newspaper Division, Official gazette and Website Division, Radio and Television Division, and Administrative Division.

The organizational structure includes:

- Mrs. Sisouda SOPHAVANHDEE, Acting Director-General
- Mr. Bounlom DOUANGMALA, Deputy Director-General
- Mr. Vikone BOUNMILAY, Deputy Director-General

They are assisted by Director and Deputy Director of Divisions and technical staff.

The Judicial System Promotion Department

The Judicial System Promotion Department serves as an assistant to the Ministry's Leaders in promoting the implementation of village dispute mediation, model family and village for law implementation, nationality affairs, family registration, child justice and





three locals of justice sector; as well as the management of the organization and the activities of lawyers, law firms, legal aid offices and other justice advocacy organizations.

The structure is as follows: Local Justice Promotion Division, Division of Family Registration and Child Justice, Nationality Division, Justice Organization Management Division, and Administrative Division.

The organizational structure includes:

- Mr. Chomkham BOUPHALIVANH, Director-General
- Mr. Sisouphanh THONGSAITHALA, Deputy Director-General
- Mr. Bounxouang THAVISACK, Deputy Director-General
- Mr. Sengphet LIEMPHACHANH, Deputy Director-General

They are supported by Director and Deputy Director of Divisions and a number of staff.

The Judgment Execution Department

The Judgment Execution Department plays a key role in managing judgment and coordinating with relevant partners in connection with the enforcement of court decisions; manage, supervise and provide technical inspection on the enforcement of court judgments throughout the country; examine petitions, statements of individuals, entities on the enforcement of court judgments for higher rank reporting; summarize, compile statistics on the enforcement of court judgments and research, analyze the reasons

why court judgments cannot be enforced.

The structure is as follows: Division of Civil Law Enforcement Management, Division of Criminal Law Enforcement Management, Court Monitoring and Assessment Division, and Administrative Division.

The organizational structure includes:

- Mr. Kongsai SAYSOUTH, Director-General
- Mr. Latsamy PHETLAVANH, Deputy Director-General
- Mr. Sivilay Thavisin, Director-General

They are assisted by Director and Deputy Director of Divisions and law enforcement officers.

The Notary Department

The Notary Department provides legal services, especially notarizing and legalizing certain types of documents as determined by law; monitoring and verifying the validity of contracts and documents; providing technical support for both central and local notary offices; direct, encourage and monitor the notary activities system organization in accordance with the law; supervise, monitor and inspect the collection of fees and services of the notary in connection with the monetary laws and regulations; collect and compile notary activity statistics.

The structure is as follows: Nationalities and General Records Division, Division of legal affairs, Local notary affairs Division, and Administrative Division.





The organizational structure includes:

- Mr. Thai LORBLIAYAO, Director-General
- Mr. Salermsai SAYYAMOONTY, Deputy Director-General
- Mr. Niem SOUPHANHKHAMMAVONG, Deputy Director-General
- Mr. Bounthida PHOMSAVANH, Deputy Director-General

The Law Review and Assessment Department  
The Law Review and Assessment Department is a newly established department, having its main duties in monitoring compliance, evaluating the implementation of legislation that already in place in the justice sector and other fields as the government being a part of contractual rules and agreements.

The structure is as follows: Legislative Inspective Division, Legislative Evaluation Division, Contract Division, and Administrative Division.

The organizational structure includes:

- Mr. Nalonglith NORASING, Director-General
- Mr. Phetsamone THANNOUVONG, Deputy Director-General
- Ms. Khonesavanh SAVALY, Deputy Director-General

They are assisted by Director and Deputy Director of Divisions and technical officers.

The Economic Arbitration Center  
The Economic Dispute Resolution Center is a Social and Legal Administration Office which is equivalent to the Department responsible for

managing and providing economic dispute resolution; supervising, monitoring the technical activities of the local dispute resolution settlement office.

The structure is as follows: Economic Arbitration Management Division, Economic Executive Resolution Division, Department of Legislation, and Administrative Division.

The personnel structure consists of:

- Mrs. Duangmani LAOMAO, Director-General
- Mr. Pasong VONGDEUAN, Deputy Director-General
- Mr. Beevang CHONGCHER, Deputy Director-General

They are supported by Director and Deputy Director of Divisions and competent arbitrators.

The National Institute of Justice

The National Institute of Justice is an educational institution, equivalent to the Department under the organizational structure the Ministry of Justice with its role in managing the activities of the provincial institutes of justice; law practitioner training, professional judges, prosecutors, lawyers and other justice professionals; short-term training in the justice and research in legal science and justice.

The structure is as follows: Administrative - Management Division, Planning and Finance Division; Organizational, Personnel and Inspection Division, Scientific Association





Division, Technical Management Division, Division of student management and extracurricular activities, International Cooperation Division, Justice Staff Promotion Division, Civil Law Course, Criminal Law Course, Business law Course, Course of Administrative and International Relations Law, Course of Professional Judges, prosecutors and lawyers, and Course of Justice Making.

The organizational structure includes:

- Mr. Bounta S.PHABMIXAY, Director-General
- Mr. Sivisay PHASANPHONE, Deputy Director-General
- Mr. Viengphet SENSONGYIALOFAICHONG, Deputy Director-General
- Mr. Kaithiphachanh DOUANGPHACHANH, Deputy Director-General
- Mr. Paseuth SAVANGDY, Deputy Director-General

They are staffed by Director and Deputy Director of Divisions, teachers, and technical staff.

The Directors of the two technical units of the Ministry of Justice includes: Northern Institute of Justice in Luang Prabang province, Central Institute of Justice in Savannakhet province and the Southern Institute of Justice in Champasak province.

At the local level, the Ministry of Justice supervises the Justice Sector in provincial level and the office of justice in district level. Provincial Justice Department (Chief and

Deputy Chief of Divisions, Chiefs and Deputy Chief of Sector and a number of civil servants as assigned). District Justice Office (Unit Chief and Deputy Chief of Unit and a number of civil servants as assigned).

#### THE PEOPLE'S SUPREME COURT OF LAO PDR JUDICIARY

Address : Khouvieng Road, P.O. Box 6823,  
Vientiane Capital, Lao P.D.R.

Tel. : +856-21-353584, 353585, 353586

Fax. : +856-21-353510

#### Roles

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.

The Supreme Court is a judicial body, whose role is to carry out judicial decisions and the tribunal is committed to educate citizens on nationalist, to maintain a democratic regime, to preserve and enhance the best result of revolution, political system, economy, social - cultural organization, party organization and Lao Front for National Construction. Public organizations and social organizations,





safeguarding the legitimate interests of citizens, ensuring social justice, peace and order, enhancing jurisprudence, eliminating and suppressing lawlessness.

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.

#### Rights and Duties

The People's Court has the following main rights and duties:

- Cases investigation, mediation, consideration
- Promote and disseminate laws, seek out, eliminate causes and conditions that lead to do Faulty

- Raise political awareness, respect and practice of citizen law
- Coordinate with relevant agencies, both domestic and foreign, in carrying out their duties
- Involve and cooperate with foreign countries on justice and law in their area of Responsibility
- Summarize, report on activities and perform their duties on a regular basis

#### Judiciary's Organizational System

The President and Vice-President of the People's Supreme Courts:

- Hon. Viengthong SYPHANHDONE, 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. Bounkhouang THAVISACK, Vice-President
- Hon. Khamphanh BOUNPHAKHOM, Vice-President
- Hon. Marshal Bounyoung DADONGSAY (President of Military Supreme Court)

The Vice-Presidents 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.

People's Supreme Court consists of 1 Cabinet Office, 1 Institute, 5 Departments and 7 Court Chambers





1. The Cabinet Office;
2. The Organization and Personnel Department;
3. The Administration Inspection and Court Statistic Department;
4. The Inspection Department;
5. The Finance Department;
6. The Planning and International Cooperation Department;
7. Judicial Research and Training Institute;
8. Civil Court Chamber;
9. Criminal Court Chamber;
10. Commercial Court Chamber;
11. Family Court Chamber;
12. Labour Court Chamber;
13. Juvenile Court Chamber.
14. Administrative Court Chamber.

Organizational Structure of the People's Supreme Court:

Cabinet Office

- Mr. Khounsouvanh SOUTHAMMAVONG, Acting Chief
- Ms. Chanthai XAYYAVONG, Deputy Chief
- Mr. Phounthong SAYYASENG, Deputy Chief

The Personnel and Organization and Department

- Mr. Kang TEMSOMBATH, Director-General
- Mr. Sakon XAYYALATH, Deputy Director-General

The Administration Inspection and Statistic Court Department

- Ms. Souksavath BOUNMASENG, Acting Director-General
- Ms. Anong YOISAYKHAM, Deputy Director-

General

The Inspection Department

- Mr. Phomma SOUVANNAPHONE, Director-General
- Mr. Bounmee OUNKHAM, Deputy Director-General

The Finance Department

- Mr. Phommaha PANYANOUDETH, Director-General

The Department of International Relations and Cooperation

- Mr. Phogurn CHANTHANAGONE, Acting Director-General
- Mr. Anousone SOULIYA, Deputy Director-General
- Ms. Methounavanh KONMANEE, Deputy Director-General

Judicial Research and Training Institute

- Mr. Anisak VANGVICHITH, Director-General
- Mr. Thipphasone LATHVONGSAY, Deputy Director-General

Civil Court Chamber

- Mr. Chanthaly DOUANGVILAY, President
- Ms. Chanthanom SILIVATH, Vice-President

Family Court Chamber

- Mr. Bounheng PHIMMANYVONG, President

Labour Court Chamber

- Ms. Keson PHANHLAK, President

Criminal Court Chamber

- Mr. Thongmay MOUNBANHDITH, Acting





## President

### Juvenile Court Chamber

- Mr. Sisavanh LOUANGLATH, President
- Ms. Thansamay SAMONTEE, Vice-President

### Commercial Court Chamber

- Mr. Phomsouvanh, PHILACHANH, Acting President

### Administrative Court Chamber

- Mr. Koun PHASOUK, President

The Judiciary of the People's Court of the Lao PDR comprises:

- People's Supreme Court
- People's Local Courts (People's Local Court, Provincial, Capital and Children's Courts, and People's Regional Court)
- Military Court

### The People's Supreme Courts

The People's Supreme Courts have been recently established by the Law on Amendment of the Law on the People's Court. There are three designated People's Supreme Courts: the People's Supreme Court of Northern Part situated in Luang Prabang province, the People's Supreme Court of central part located in Vientiane city, and the People's Supreme Court of southern part which is situated in Champasack province. The People's Supreme Courts hear the first instance cases appealed from the provincial courts and Vientiane Capital Courts.

The People's Supreme 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.

### Local or Provincial Courts

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.

### • People's Regional Court

The People's Regional Court is one of the tribunals in the judiciary that has the role of conducting the trial in the appeal phase in which the people's provincial, capital and child





courts have jurisdiction over the appeal; As an adjudication of the case to which the People's Provincial and Municipal Courts have ruled, the appeal shall be dismissed either by appeal or by a public prosecutor.

The Regional Court is located in a capital city or province, with a number of a capital city and provincial as determined by the National Assembly Standing Committee.

The organizational structure of the People's Regional Court consists of the Presidents (Vice-Presidents, Heads of Courts and Judges); Courts Committees (criminal courts, civil courts, commercial courts, family courts, children's courts, labor courts, judicial management and other courts) and administrative organization (offices, departments and provinces)

- Capital and Children's Courts

Provincial, capital and children's courts are one in the judiciary, with the primary court proceeding to be independent of the jurisdiction of the district courts or tribunals, in which the tribunal has a primary jurisdiction.

In each province, the capital has provincial courts, the capital courts and the children's court. For the court of child is set up with the permission of the National Assembly Standing Committee.

The organizational structure of the people's provincial courts, the capital city consists of the court president, court committee and the

executive organization. The structure and personnel of the Children's Court are determined in separate legislation.

Organizational Structure of Provincial and Capital Courts comprises of Chair board, Court committee and executive organization.

The organizational structure of the People's

Provincial, Capital and Children's Courts consists of Presidents (Vice-Presidents, Heads of Courts and Judges); Courts (criminal courts, civil courts, commercial courts, family courts, children's courts, labor courts, judicial management and other courts) and service units (offices and sectors)

- Local Courts

The local courts are part of the judiciary, with the primary duty of adjudicating the cases within their jurisdiction as determined in Article 27 of the People's Court Law.

A district court may be composed of a district, a municipality, a city or districts, municipalities, cities joining as a whole in the context of socio-economic development, with multiple cases or depending on geographical location as agreed by the National Assembly. To facilitate people access to court proceedings it is easy to set up a district court in any city, municipality or city as agreed upon by the Senate.

The organizational structure of the people's courts consists of presidents (vice-presidents, heads of courts and judges); Courts (criminal courts, civil courts, commercial courts, family







courts, children's courts, labor courts, management courts and other courts) and service units (offices and units).

#### Military Court

Military court is the judge in one court system to the people of Laos created the army of his people, a role performed convicted and sentenced criminals on offense occurs in areas responsible for the comprehensive military forces armed defense against officers and soldiers, laborers, national defense units and persons outside the army in areas strategic military and the scope of the military location.

The Military Court consists of the Supreme Military Court and the Regional Military Court. There are two main types of court decisions: preliminary and appeal. For elimination is considered at the Supreme Court.

#### THE OFFICE OF THE PEOPLE'S SUPREME PROSECUTOR OF LAO PDR

The People's Prosecutor is a state agency tasked with monitoring the laws enforcement throughout the country and remanding defendants to the courts.

Address : Thadeua Road, Sisattanak District,  
P.O. Box 3841, Vientiane Capital,  
Lao PDR

Tel : (856) 21 353 648

Fax : (856) 21 353 858

Website : [www.ospp.gov.la](http://www.ospp.gov.la)

#### Roles

The People's Prosecutor is a state monitoring body, which tracks and monitors the

compliance and enforcement of the ministries, ministry equivalent, the Lao Front for National Construction, public organizations, social organizations, local authorities, enterprises, citizens to ensure legality and uniformity of the law and remanding defendants to the courts as determined by law.

#### Rights and Duties

The People's Prosecutor has the following rights and duties:

- Monitoring and enforcing the law properly and in line with the ministries, agencies, Lao Front for National Construction, public organizations, social organizations, local authorities, enterprises, citizens. This monitoring is called general monitoring
- Monitoring the compliance of the investigative agency
- Conducting an investigation - any or all of the investigations as provided by law
- Indicting the defendant as court decree
- Monitoring the implementation of the law in court proceedings
- Monitoring the execution of orders, arbitrations, judgments of already active courts
- Monitoring law enforcement in detention centers, jailhouse, correctional centers, correctional house and other enforcement measures
- Monitoring, researching, proposing and implementing amnesty in accordance with the Presidential Decree
- Coordinating with investigative agencies and other agencies concerned in the prevention, crime or other offenses and





violations of the law as well as the causes and conditions for the offense

- Reopening the case in the case of new evidence
- Performing other rights and duties as stipulated by law

#### Organizational System

Leading Officers of the People's Supreme Prosecutor:

- Mr. Xaysana KHOTPHOUTHONE, Supreme People's Prosecutor
- Mr. Bounyang CHANDALASANE, Deputy Supreme People's Prosecutor
- Mr. Bounthanh BOUNTHAVILAY, Deputy Supreme People's Prosecutor
- Mr. Field Marshal Sivai MAIPHONE, Director General of the military Prosecutor

#### Organizational Structure of the Office of the People's Supreme Prosecutor

- Cabinet Office: consists of 3 divisions: 1) Administrative Division; 2) Management and Protocol Division; and 3) Technical and Information Division
- Department of Organization and Personnel: consists of 4 divisions: 1) Department of Party Building and Mass Organization; 2) Division of Organization and Personnel Policy; 3) Party Management and Construction Division; and 4) Department of Party Defense-Personnel
- Department of Civil Procedure Supervision: consists of 3 divisions: 1) Expensive and Labor Prosecution Division; 2) Division of Trade, Family and Child Prosecution; and 3) Rehabilitation Monitoring Division
- Department of Finance: consists of 2

divisions: 1) Budget Division and 2) Accounting-Treasury and Administration Division

- Inspection Department: consists of 2 divisions: 1) Party Inspection Division and 2) State Inspection, Anti-Corruption Division
- Department of Criminal Procedure: consists of 2 divisions: 1) Division of Drug Prosecution and 2) Division of Criminal Procedure and Juvenile Justice
- Department of General Supervision: Consists of 2 divisions: 1) Division for monitoring the implementation of general laws and 2) Division for monitoring the implementation of court judgments
- Department of Planning and International Cooperation: Consists of 2 divisions: 1) Planning Division and 2) International Cooperation Division
- Detention-Correction Camp Inspection Department: Consists of 2 divisions: 1) Detention and Inspection Division and Correctional Center and Amnesty and Correctional Inspection Division
- Prosecution Research and Training Institute: consists of 4 divisions: 1) Cabinet; 2) Curriculum Research Division; 3) Training Division and 4) Legislation, Library and Information Division

#### The Cabinet Office

- Mr. Phoudthavong BAUWLAPHA, Cabinet Chief
- Mr. Kongphet LATHBOUNHUEANG, Deputy Chief
- Mr. Baukham SOUVANHKHAM, Deputy Chief
- Mr. Anousone VIDAVONG, Deputy Chief





#### The Prisons Inspection Department

- Mr. Khanthavy VILAISAK, Director-General
- Mr. Somphonexay MUEANGPAK, Deputy Director-General
- Mr. Khamla SOUVAT, Deputy Director-General

#### General Inspection Department

- Mr. Saysamai ALOUNTHONG, Director-General
- Mr. Sonephet KEOMAUNGNEUW, Deputy Director-General
- Mr. Amphone THEPPHAVANH, Deputy Director-General
- Mr. Lattanaphonexay VONGKHAMSAO, Deputy Director-General

#### Organization and Personnel Department

- Mr. Chanthaboun PHENGGHAMSAY, Director-General
- Mr. Khamnouthone SOUNMILERD, Deputy Director-General

#### Finance Department

- Mr. Sisouphanh SIVANHTHONG, Director-General
- Mr. Visonethong KEOVILAY, Deputy Director-General

#### Planning and International Cooperation Department

- Mr. Khamphet SOMVOLACHITH, Director-General
- Mr. Soudchai SORLASIN, Deputy Director-General
- Mr. Soutsaka BOUNMANIT, Deputy Director-General

- Mr. Xaysana SOULIYAVONG, Deputy Director-General

#### Inspection Department

- Ms. Phonethip SAVARY, Director-General
- Mr. Vilavong PHOMKONG, Deputy Director-General
- Ms. Bouakham PADAPDY, Deputy Director-General

#### Civil Inspection Department

- Mr. Boualy PHETMIXAY, Acting Director-General
- Mr. Koulata PHIMMASEN, Deputy Director-General
- Ms. Vilaysine DENHUNSA, Deputy Director-General

#### Criminal Inspection Department

- Mr. Onchan MANAVANH, Director-General
- Mr. Souphasith LORVANHXAY, Deputy Director-General
- Mr. Xaysana LATSAVONG, Deputy Director-General

#### Institute for Research and Training

- Mrs. Phonephet OUNKEO, Director-General
- Mr. Khamphay KOUMPHONPHAKDI, Deputy Director-General
- Mr. Phonesavanh MINGBOUBPHA, Deputy Director-General
- Mr. Dabsadachane VONGXAY, Deputy Director-General

The organizational system of public prosecutors includes:

- The Supreme People's Prosecutor
- Local Prosecutor (Provincial and Capital





prosecutors and Regional Public Prosecutor)

- Military Public Prosecutor (the organization, personnel, rights and duties of the military prosecutors are defined by specific legislation)

#### The Supreme People's Prosecutor

The Supreme People's Prosecutor is the supreme monitoring body of the People's Prosecutor System, with the role of leading the lower people's prosecutor and the military prosecutor in monitoring the implementation of the law properly and uniformly throughout the country.

The organizational structure of the Supreme People's Prosecutor consists of the People's Committee (the head of People's Supreme Organization as the president, the head of the Office of the Supreme Public Prosecutor as the vice-president, the head of the cabinet, head of the departments and staff of people's prosecutor as the administrative body), each department office, researching institutes and short term prosecutor training, divisions and units.

#### People's Local Prosecutor

The People's Local Prosecutor is an organization within the People's prosecutor system, responsible for monitoring the implementation of the law properly and uniformly in the area where it is responsible for.

The People's Prosecutor is established in the northern, central and southern parts of the Lao

PDR. The Provincial People's Prosecutor at the provincial level and the location of the People's Prosecutor in each region are specified by specific regulations.

The organizational structure of the People's Local Prosecutor has cabinet office, departments and divisions.

- Provincial and Capital people's prosecutors  
The Provincial People's Prosecutor is an organization within the people's prosecutor system, responsible for monitoring the implementation of lawful and uniform laws in the province, city and prosecuting the accused. The organizational structure of the Provincial People's Prosecutor concluded the cabinet offices, departments and units.

- District People's Prosecutors

The District people's prosecutors is an organization within the people's prosecutor system, with a duty to monitor the implementation of the law properly and uniformly in the district itself and to prosecute the accused.

The District people's prosecutors is organized by merging one or more cities into one geographical area, socio-economic development, or multiple cases.

For districts within the area where no public prosecutor is located, there should be 1-2 public prosecutors on a regular basis to carry out the rights and duties of a local people's prosecutor.

In the event that a people's prosecutor is not





able to perform such a role, the head of the cabinet office of the People's Supreme Prosecutor shall have the authority to delegate the rights and duties to the neighboring People's Prosecutor in charge of the work temporarily.

The organizational structure of the district people's prosecutors consists of cabinet offices and units.

#### Military Prosecutor

The People's Military Prosecutor is an organization within the people's prosecutor system, responsible for monitoring law enforcement in the field of military affairs, in military installations, and ordering defendants to the military courts.

The people's military prosecutors are: a senior military prosecutor; The Divisional Military Prosecutor; Attorney General of the Armed Forces; Independence Brigade Attorney General and Provincial Military Attorney, city.

#### THE 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. Phanhkham VIPHAVANH 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





#### MINISTER IN THE PRIME MINISTER'S OFFICE (PARLIAMENT AND LAW)

- *The Honorable Dato' Sri Dr. Haji Wan Junaidi bin Tuanku Jaafar* is the Minister in the Prime Minister's Office (Parliament and Law);
- *The Honorable Datuk Wira Hajjah Mas Ermieyati binti Samsuddin* is the Deputy Minister in the Prime Minister's Office (Parliament and Law).

#### ATTORNEY GENERAL'S CHAMBERS

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

Tel. : +603-88722000

Fax. : +603-88905670

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

#### Objective

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

#### Functions

- To give legal advice and views to the Malaysian Government in accordance with the principles of international law taking into account the policy of Malaysian Government, public policy, interest and domestic laws.
- To advise the Federal and State Government on all legal matters including Syariah laws.
- To draft all legislations for the Federal Government.
- To provide prosecution instructions to all related law enforcement agencies for

criminal cases.

- To represent the Government in civil cases.
- To revise and reprint the laws of Malaysia and to undertake law reform in identified areas.

#### Attorney General of Malaysia

The Attorney General is the principal legal adviser to the Government. The current Attorney General is *the Honourable Tan Sri Idrus bin Harun*.

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 two (2) Solicitors General of Malaysia in the Attorney General’s Chambers:

#### Solicitor General

The Honorable Solicitor General, *Datuk Abdul Razak bin Musa* 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 Prosecution Division, the Appellate and Trial Division, the Civil Division, the Special Litigation Unit and the Management Division.

#### Solicitor General II

The Honourable Solicitor General II, *Datuk Siti Zainab binti Omar* is responsible for supervising the Drafting Division, the Law Revision and Law Reform Division, International Affairs Division the Research Division and the Syariah and Harmonisation of Law Division.

#### COMPOSITION OF THE ATTORNEY GENERAL’S CHAMBERS







There are ten (10) Divisions under the Attorney General's Chambers –

#### Advisory Division

Head of Advisory Division

*Datuk Almalena Sharmila binti Dato' Dr. Johan*

#### 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

*Mr. Manoj Kurup*

#### 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





*Mdm. Suzana Atan*

#### 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.

#### Prosecution Division

Head of Prosecution Division

*Dato' Haji Nik Suhaimi bin Nik Sulaiman*

#### 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.
- 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

*Datuk Azian binti Mohd Aziz*

#### 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

*Mr. Abdul Rasid bin Sudin*

#### 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

*Dato' Umar Saifuddin bin Jaafar*

#### 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

*Datuk Tay Lee Ly*

#### 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

*Dato' Anas bin Ahmad Zakie*

#### Objective

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

#### Functions

- 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 bin 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, Asset 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.

#### THE JUDICIARY

Address: Federal Court of Malaysia  
Palace of Justice

Presint 3, 62506 Putrajaya

Tel. : +603-88803500/3900

Website : [www.kehakiman.gov.my](http://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 Tun Tengku Maimun Tuan Mat*

President of the Court of Appeal

*The Right Honourable Tan Sri Rohana Yusof*

Chief Judge of the High Court of Malaya

*The Right Honourable Tan Sri Dato' Seri Azahar Mohamed*

Chief Judge of the High Court of Sabah and Sarawak

*The Right Honourable Dato' Abang Iskandar Abang Hashim*

Chief Registrar for the Federal Court of Malaysia

*The Honourable Datuk Ahmad Terrirudin Mohd Salleh*

#### THE LEGAL AID DEPARTMENT

Director General

*Mr. Wan Jeffrey bin Kassim*

Address : Legal Aid Department

Prime Minister's Department  
Level 1, Legal Affairs Building  
Federal Government Administrative  
Centre

Presint 3, 62692 Putrajaya

Tel. : +603-88851000

Fax : +603-88851829/1830/1831

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

#### Objectives

To provide legal aid services as prescribed 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
- 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' Anita binti Harun*

Address : Level 2-3, Legal Affairs Building  
Federal Government Administrative  
Centre

Presint 3, 62692 Putrajaya

Tel. : +603-88851250

Fax : +603-8885 1303

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





### 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 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 and Companies Rules (Winding-up) 1972.
- To administer the affairs of societies that has been deregistered pursuant to the Societies Act 1966 and Societies Rules 1984.
- To administer the affairs of trade unions that have been deregistered pursuant to the Trade Unions Act 1959 and Trade Unions Rules 1959.
- To conduct investigation and enforcement of relevant laws in relation to any offences allegedly done by bankrupts pursuant to the 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 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

*Datuk Nor Azimah binti Abdul Aziz*

Address : Menara SSM@Sentral

No. 7, Jalan Stesen Sentral 5

Kuala Lumpur Sentral

50623 Kuala Lumpur

Tel. : +603-22994400

Fax : +603-22994411

Hotline : +603-2299 4400

E-mail : [enquiry@ssm.com.my](mailto:enquiry@ssm.com.my)

Website : [www.ssm.com.my](http://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 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

*Datin Rozita binti Ramli*

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

Tel. : +603-89243400

Fax : +603-89261231

Website : [www.ilkap.gov.my](http://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

#### Director

*Tan Sri Datuk Suriyadi bin Halim Omar*

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

Tel. : +603 22711000

Fax : +603 22711010

Website : [www.aiac.world](http://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.
- 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.
- To establish and lead the promotion and development of ADR in the region through multiple capacity building initiatives in Asia and throughout the world.





# MYANMAR





## MINISTRY OF LEGAL AFFAIRS

Address: Building 25, NAYPYITAW,  
Republic of the Union of Myanmar  
Tel. : 95-67-404051; 95-67, 404097;  
95-67-404170, 95-67-404107  
Fax : 95-67-404099, 95-67-404106  
Email : [ago.h.o@mptmail.net.mm](mailto:ago.h.o@mptmail.net.mm)  
[uagomail@gmail.com](mailto:uagomail@gmail.com)

### Historical Background

The Ministry of Legal Affairs (the then 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.

In Myanmar, the British introduced the Legal system modified their Common Law Legal System at the end of the First Anglo-Myanmar war in 1826 and appointed a Government Advocate General, Government Advocates and Public Prosecutors to conduct criminal and civil cases on behalf of the Government.

When Myanmar regained her independence in 1948, the Office of the Attorney General was established under the Constitution of the Union of Burma, 1947 and the Attorney General of the Union Act, 1948. The Attorney General's Office still existed when the Revolutionary Council took over responsibilities of the State in 1962. Until then, the functions and duties of the Attorney General's Office were appearing for and conducting criminal and civil case's on behalf of the Government and tendering legal

advice to the Government.

When the Attorney General's Office was reformed after abolishing the administrative mechanism in 1972, it was vested responsibilities for prosecution. tendering legal advice, drafting bill and legal translation. Then, the Council of People's Attorney was formed by adopting the Constitution of the Socialist Republic of the Union of Burma in 1974. The Central Law Office, State and Division Law Offices and Township Law Offices were formed according to the Council of People's Attorney Law, 1974.

When the State Law and Order Restoration Council took over responsibilities of the State in 1988, it promulgated the Attorney General Law, 1988 and formed the Attorney General's Office, State and Division Law Offices, District Law Offices and Township Law Offices. Moreover, the Branch Office of the Attorney General (Mandalay), two branches of State Law Offices and one branch of Division Law Offices were formed.

The Attorney General Law, 2001 was a law that was based on historical experience and legal practice to be familiar with situation. It was amended once in 2003. The functions were carried out by appointing the Attorney General and three Deputy Attorney Generals according to the Attorney General Law, 2001.

The Constitution of the Republic of the Union of Myanmar (2008) was adopted through a nation-wide referendum on 29th May, 2008. On 28th October, 2010, the Attorney General of the





Union Law was promulgated in accordance with section 443 of the Constitution of the Republic of the Union of Myanmar.

Under this Law, the Attorney General of the Union and a Deputy Attorney General were appointed by the President. The Attorney General of the Union is a member of the Union Government and shall be responsible to the President.

The State Administration Council took over the State responsibilities from 1<sup>st</sup> February, 2021 by declaring State Emergency in accordance with the Constitution of the Republic of the Union of Myanmar, and has adopted the Five-Point Road Map and Nine objectives. The State Administration Council reformed the Attorney General's Office as the Ministry of Legal Affairs by Order No.176/2021, and appointed and assigned duties to the Attorney General of the Union and Deputy Attorney General as the Union Minister and the Attorney General of the Union; and Deputy Minister and Deputy Attorney General by Order No. 178/2021 on 30 August, 2021 respectively. The functions of the Attorney General of the Union will be carried out in accordance with the Attorney General of the Union Law.

The Ministry of Legal Affairs is implementing the functions of four Departments such as Legislative Vetting Department, Legal Advice Department, Prosecution Department and Administration Department. The Ministry published the Code of Ethics for Law Officers and Fair Trial Standards, and implemented the Strategic Plan 2019-2023: "Justice for people".

The Attorney General of the Union is empowered to translate laws under the Attorney General of the Union Law. Moreover, the Attorney General of the Union tenders legal advice to the Union Level Government Departments and Government Organizations as to whether or not it should be a party to international conventions and regional agreements and on matters in relation to bilateral or multilateral treaties, memorandum of understanding, memorandum of agreement, local and foreign investment instruments and other instruments. The Attorney General of the Union appears on behalf of the Government in criminal cases and civil cases in which the Government involves as the plaintiff or defendant.

Under section 378(a) of the Constitution of the Republic of the Union of Myanmar, the Attorney General of the Union appears in applications to issue writ to the Supreme Court of the Union in relation to fundamental rights and duties of the citizens.

Under section 266 of the Constitution of the Republic of the Union of Myanmar, the President appoints the person nominated by the Prime Minister of Region or State as the Region or State Advocate General with the approval of the relevant Hluttaw to obtain legal advices and assign legal responsibilities.

Moreover, the Ministry of Legal Affairs intends to perform functions such as publishing law books yearly in both Myanmar and English in order to conduct legal studies and researches by law officers from various levels of Law





Offices, compiling law journal, English-Myanmar Law Dictionary and other legal researches, providing service by launching Myanmar Law Information System (MLIS) in order to access updated laws, rules, procedures, orders and directives.

#### Formation of the Office of the Minister and the Relevant Law Offices

The Ministry of Legal Affairs consists of the Office of the Minister and the following four main Departments:

- Legislative Vetting Department;
- Legal Advice Department;
- Prosecution Department and
- Administration Department.

Under the Ministry of Legal Affairs, there are several Law Offices such as: Offices of the Advocate General of the Region or State; Self-Administered Division Law Office; Self-Administered Zone Law Office; District Law Offices; Township Law Offices and other Law Offices established by law in accordance with section 3 of the Attorney General of the Union Law.

#### The Office of the Minister

The Head of the Office of the Minister of the Ministry of Legal Affairs is the Director-General and is also the Head of Service Personnel appointed by the Union Government. The Office of the Minister supervises all legal and administration matters of all Law Offices in the entire Myanmar, acts as the Head Office. Recently, the Office is preparing to form the following Divisions: Rule of Law and Justice Sector Coordination Division; E-government Division; Human Resource Management

Division; Monitoring and Evaluating Division; International Relation Division; Legal Research Division; and Public Complaint Scrutiny Division to perform specific functions effectively.

#### Legislative Vetting Department

The Attorney General of the Union, 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 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 the Union Ministry and Attorney General of the Union. Similarly, the draft of rules, procedures, notifications, orders and directives are vetted and advised.

#### Legal Advice Department

The President appointed the Attorney General of the Union 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 Attorney General of the Union 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 (l) 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 Attorney General of the Union 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 Minister and Attorney General of the Union, the Legal Advice Department is formed with the three Divisions: International Law and ASEAN Legal Affairs Division; Commercial Contracts Division; and General Legal Advice Division.

#### Prosecution Department

This Department is the oldest Department of the Ministry of Legal Affairs. 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 State. 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 accordance with law”, in sub-section (g) of section 12, “appearing in criminal cases on behalf of the Union”, in sub-section (h) of section 12, “appearing on behalf of the Union in original civil case, civil appeal case, civil revision case and special civil appeal case in which the Union is involved as the plaintiff or defendant”, in sub-section (i) of section 12, “filing appeal or revision, if it is necessary to file appeal or revision to the Supreme Court of the Union on judgment, order or decision passed by any High Court of the Region or State, in cases relating to the Union”, in sub-section (b) of section 13, “carrying out in accord with law if it is necessary to withdraw the entire case, any charge or any accused in a criminal case filed at the Court,” in sub-section (c) of section 13,





“making decision to close the criminal case that cannot be prosecuted at the Court,” in sub-section (d) of section 13, “filing appeal against acquittal order to the Supreme Court of the Union if it is considered appropriate to file appeal against an acquittal order passed by any High Court”.

The Union Minister and Attorney General of the Union may delegate law officers as may be necessary in order 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 sub-sections (f), (g), (i), (j) and (k) of section 36.

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

#### Administration Department

Under the Administration Department: Personnel Affairs and Inspection Division; Budget and Accounts Division; Logistics and Building Division; Training and Research Division; and Information Technology Division were formed in accordance with the law. This

Department is mainly responsible for carrying out the functions regarding civil service personnel affairs, inspection, budget and accounts, logistics and building, training, legal research, compiling and publishing law books and information technology.

The motto of the Ministry of Legal Affairs is "The Legal Profession is a Noble Profession" and the mission of the Ministry of Legal Affairs are as follows: to protect legal rights; to be better functions of the Ministry of Legal Affairs; to participate in judicial system for promoting public trust; and to participate in justice sector reform.

#### THE SUPREME COURT OF THE UNION

Address: No. 54, Thiri Mandine Street, Othara Thiri Township, Nay Pyi Taw, Republic of the Union of Myanmar;

Tel. : 95-67-3430346

Email :

scunion@mptmail.net.mm

Website: <http://www.unionsupremecourt.gov.mm/>

#### Historical Background

Myanmar under the Myanmar Kings had a solid foundation of legal framework and judicial administration. Myanmar Law was then composed of three elements: *Yazathat*, *Dhammathat* and *Phyathton*. *Yazathats*; which were the King's Royal Edicts and Ordinances. These are composed of King's commands and Criminal Laws for prevalence of law and order, security and peace, including mainly for high treason, murder, dacoity, robbery, theft etc.

*Dhammathat*. were collections of *Corpus Jurist* of Myanmar customary traditions,





conventions and *ratio decidendi* of eminent judges and learned personnel in their decisions or writings, collected and consolidated versions of Myanmar Customary Law throughout the ages. Indeed, *Dhammathats* are composed of Legal Rules and Principles for Civil matters and Civil Law; they relate mainly to marriage, divorce, partition, succession, inheritance, adoption etc. Those Legal Rules and Principles are based on egalitarian rights relating to equality under law, and are still being applied by the present-day courts of the Union of Myanmar. *Pyatton* were the Judicial decisions passed by Courts, Benches and the King's Hluttaw, like the present-day Law Reports (Rulings) of the Supreme Court.

In those days, criminal and civil jurisdictions were distinct. Prevention and punishment of acts causing gross disturbances of the peace, to the detriment of public security were considered part of the administrative functions of Government. Hence, criminal justice was dispensed by administrative officials of the State. Civil justice, on the other hand, was administered by judges appointed by or under the King and by arbitrators chosen by parties. Naturally appeals lay in the last resort to the King, but from the decision of an arbitrator there was no appeal.

#### Formation of the Court

The Supreme Court of the Union is the highest organ of the State Judiciary of the Republic of the Union of Myanmar. It is the apex of the court system in Myanmar and exists as an independent entity alongside the legislative and executive branches.'

From a minimum of 7 to a maximum of 11 judges, including the Chief Justice may be appointed in the Supreme Court of the Union.

Jurisdiction of the Supreme Court of the Union  
Only the Supreme Court of the Union has original jurisdiction in the following matters:

- (a) matters arising out of bilateral treaties concluded by the Union;
- (b) other disputes between the Union Government and the Region or State Government except the Constitutional problems;
- (c) other disputes among the Regions, among the States, between the Region and the State and between the Union Territory and the Region or the State except Constitutional problems;
- (d) piracy, offences committed at international water or airspace, offences committed at ground or international water or airspace by violating the international law, and
- (e) cases prescribed under any law.

Subject to any provision of the Constitution or any other law, the Supreme Court of the Union, has the jurisdiction on:

- (a) the appeal against the judgment, decree or order passed by the Supreme Court of the Union by exercising its original jurisdiction;
- (b) the appeal against the judgment, decree or order passed by the High Court of the Region or the State;
- (c) the appeal against the judgment, decree or order passed by any other court in accord with law.







The Supreme Court of the Union has the jurisdiction on:

- (a) revision in accord with law against the judgment or order passed by a court;
- (b) confirming death sentence and appeal against the death sentence;
- (c) a case transferred to it by its own decision; and
- (d) for the transfer of a case from a court to any other court.

#### Powers of the Supreme Court of the Union

The Supreme Court of the Union is the superior court of record and has supervisory powers over all courts in the Union and its decisions are binding upon all courts.

A case finally and conclusively adjudicated by the Supreme Court of the Union exercising its original jurisdiction, or a case finally and

conclusively adjudicated by the Supreme Court of the Union on the final and conclusive decision of any court may, on being admitted for special appeal by the Special Bench in accordance with the procedures, be heard and adjudicated again by the Special Appellate Bench.

The Supreme Court of the Union has the power to issue the following writs:

- (a) Writ of Habeas Corpus;
- (b) Writ of Mandamus;
- (c) Writ of Prohibition;
- (d) Writ of Quo Warranto; and
- (e) Writ of Certiorari.





# THE PHILIPPINES





## 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 (3) the Judicial branch (the law-interpreting body) is to the application of laws and may not enact or enforce them.<sup>1</sup>

## 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 authority<sup>2</sup>. 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 issues<sup>3</sup>. 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.<sup>4</sup>

## 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

<sup>1</sup> Isagani A. Cruz, *Philippine Political Law*, 1998 ed., page 57

<sup>2</sup> *Ibid*, page 185

<sup>3</sup> *Ibid*, page 200

<sup>4</sup> *Ibid*, page 190.





guarantee that there will be experienced members who can help and train newcomers in the discharge of their duties.<sup>5</sup>

- (b) The House of Representatives is currently composed of 307<sup>6</sup> 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 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.<sup>7</sup>

## JUDICIAL BRANCH

### THE SUPREME COURT

Address: Padre Faura St., Manila 1000  
Philippines

Tel. : +632.8522.5094

E-mail : [pio.sc@judiciary.gov.ph](mailto:pio.sc@judiciary.gov.ph);  
[chiefjusticehelpdesk@judiciary.gov.ph](mailto:chiefjusticehelpdesk@judiciary.gov.ph)

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

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 provided by law. This power includes the duty to settle actual controversies involving rights that are legally demandable and enforceable and to determine if any branch or instrumentality of government has acted with grave abuse of discretion amounting to lack of jurisdiction.

The Supreme Court has both original and appellate jurisdictions. 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.<sup>8</sup>

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 the: Metropolitan Trial Courts (MeTC); Municipal Trial Courts in Cities (MTCC); Municipal Trial Courts (MTC); Municipal Circuit Trial Courts (MCTC). The Philippines has also the Shari'a District and Circuit Courts, which were established in

<sup>5</sup> Ibid., page 113-114

<sup>6</sup> [www.congress.gov.ph/members](http://www.congress.gov.ph/members), (last accessed 14 August 2021)

<sup>7</sup> Ibid., page 117-118

<sup>8</sup>

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





Mindanao where the Muslim Code on Personal Laws is being enforced.

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. It is composed of a Chief Justice and fourteen Associate Justices. It may sit *en banc* or, in its discretion, in divisions of three, five or seven members.

#### THE COURT OF APPEALS

Address: Maria Orosa St., Ermita 1000 Manila, Philippines

Tel. : +632.8524.1241 to 52

Email : [coc.ca@judiciary.gov.ph](mailto:coc.ca@judiciary.gov.ph)

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

The Court of Appeals is the second highest tribunal in the Philippines. Its principal mandate is to exercise appellate jurisdiction on all cases not falling within the original and exclusive jurisdiction of the Supreme Court. It is composed of a Presiding Justice and sixty-nine Associate Justices.

#### THE COURT OF TAX APPEALS

Address: National Government Center, Agham Road, North Triangle, Diliman, Quezon City 1104, Philippines

Tel. : +632.8920.4249; +63947.884.5238

Email : [taxcourtphil@gmail.com](mailto:taxcourtphil@gmail.com)

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

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 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, 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, 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 SANDIGANBAYAN

Address: Centennial Building, Commonwealth Ave. corner Batasan Road, Quezon City, Philippines

Tel. : +632.8951.4502

Email : [info@sb.judiciary.gov.ph](mailto:info@sb.judiciary.gov.ph)

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

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 is composed of a Presiding Justice and twenty Associate Justices. It shall sit in seven Divisions of three justices each, including the Presiding Justice. The unanimous vote of three Justices shall be necessary for the rendition of a judgment or final order.<sup>9</sup>

#### THE OFFICE OF THE OMBUDSMAN

Address: Ombudsman Building, No. 60 Agham Road, Diliman, Quezon City, Philippines

Tel. : +632.8479.7300

Email : [pab@ombudsman.gov.ph](mailto:pab@ombudsman.gov.ph)

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

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 corporations, and enforce their administrative, civil and criminal liability in every case where the evidence warrants in order to promote efficient service by the Government to the people. It shall give priority to complaints against high ranking government officials and/or those occupying supervisory position, complaints involving grave offenses as well as offenses involving large sums of money and/or properties.

#### THE NATIONAL LABOR RELATIONS COMMISSION

Address: Ben-Lor Bldg., 1184 Quezon Ave., Diliman, Quezon City, Philippines

Tel. : +632.8781.7877

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

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.

<sup>9</sup> 2018 Revised Internal Rules of the Sandiganbayan





### THE CONSTITUTIONAL COMMISSIONS

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

### THE CIVIL SERVICE COMMISSION

Address: Constitution Hills, Batasang Pambansa Complex, Diliman 1126 Quezon City, Philippines

Tel. : +632.8931.8092

Email : [inquiry@csc.gov.ph](mailto:inquiry@csc.gov.ph)

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

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.<sup>10</sup> 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.

### THE COMMISSION ON ELECTIONS

Address: Palacio del Gobernador Bldg., Gov. Luna St., Intramuros, Manila 1002, Philippines

Tel. : +632.8559.99.44

Email : [info@comelec.gov.ph](mailto:info@comelec.gov.ph)

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

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.

### THE COMMISSION ON AUDIT

Address: Commonwealth Avenue, Quezon City, Philippines

Tel. : +632.8931.9207; +632.8931.9268

Email : [coaweb@coa.gov.ph](mailto:coaweb@coa.gov.ph)

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

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.<sup>11</sup>

### THE DEPARTMENT OF JUSTICE

Address: Padre Faura St., Ermita, Manila 1000, Philippines

Tel. : +632.8523.8481 to 98

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

<sup>10</sup> 1987 Philippine Constitution, Article IX, Section 3.

<sup>11</sup> National Amnesty Commission vs. Commission on Audit, G.R. No. 156982, 8 September 2004





The Department of Justice (DOJ) is at the forefront of the justice system through the provision of various services to the public and legal services to the government, in partnership with other Executive Agencies, the Judiciary and Legislature.

It is the principal law agency of the government of the Philippines, both as its legal counsel and prosecutorial arm. It administers the criminal justice system consisting in the investigation of 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)

Address: Department of Justice, Padre Faura St., Ermita, Manila 1000, Philippines

Tel. : +632.8523.15.05

Fax : +632.8525.2218

Email : [DOJLegalStaff@doj.gov.ph](mailto:DOJLegalStaff@doj.gov.ph);  
[osc@doj.gov.ph](mailto:osc@doj.gov.ph)

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

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







agencies;<sup>12</sup> constitutionality/legality of municipal tax ordinances;<sup>13</sup> 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 determination;<sup>14</sup> as well as acts on 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, conducts legal studies, and prepares working drafts for *ad hoc* bodies, committees or task forces sitting as members or representatives of the Secretary or Department.

The Legal Staff participates in inter-agency meetings, particularly those being conducted by the various offices in the Executive branch, such as the Department of Foreign Affairs (DFA) and the Department of Trade and Industry (DTI), including those involving proposals for and/or negotiations of treaties/international agreements.

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12 Under Presidential Decree No. 292, now Sections 66 to 71, Chapter 14, Book III of the 1987 Administrative Code of the Philippines

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

14 Pursuant to the obligations of the Philippines as a signatory to the 1951 Refugee Convention and the 1967

#### OFFICE OF THE PROSECUTOR GENERAL

Address : Department of Justice, Padre Faura St., Ermita, Manila 1000, Philippines

Tel. : +632.8525.09.52

Email : [opg@doj.gov.ph](mailto:opg@doj.gov.ph)

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

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.

#### BOARD OF CLAIMS

Address : Department of Justice Annex Building, Padre Faura St., Ermita, Manila 1000, Philippines

Tel. : +632.8536.0447

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

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 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.

#### BOARD OF PARDONS AND PAROLE

Address: Mezzanine Floor, DOJ Agencies Building, NIA Road corner East Avenue, 1101 Diliman, Quezon City Philippines

Tel. : +632.927.2688; +632.8920.7890

Email : [bpp.doj@gmail.com](mailto:bpp.doj@gmail.com); [bpp@doj.gov.ph](mailto:bpp@doj.gov.ph)

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

The Board of Pardons and Parole (BPP) 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 corrections 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.

#### OFFICE FOR COMPETITION

Address: 2nd Floor, JDC Building, Engracia-Reyes Street, Ermita, Manila 1000, Philippines

Email : [competition@doj.gov.ph](mailto:competition@doj.gov.ph)

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

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.





#### OFFICE OF CYBERCRIME

Address: 3rd Floor, JDC Building, Engracia-Reyes Street, Ermita, Manila 1000, Philippines

Email : [cybercrime@doj.gov.ph](mailto:cybercrime@doj.gov.ph)

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

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 Cybercrime Prevention Act of 2012.

#### SPECIAL PROGRAMS OF THE DEPARTMENT OF JUSTICE

The DOJ has several programs in connection with the performance of its mandate, and as provided in relevant laws. These programs include the:

##### WITNESS PROTECTION, SECURITY AND BENEFIT PROGRAM

Address: Department of Justice, Padre Faura St., Ermita, Manila 1000, Philippines

Tel. : +632.8523.8481 local 287

Fax : +632.8524.9345

Email : [wpp.secretariat2013@gmail.com](mailto:wpp.secretariat2013@gmail.com)

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

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.

**INTER-AGENCY COUNCIL AGAINST TRAFFICKING**

Address: 7<sup>th</sup> Floor, JDC Building, Engracia-Reyes St., Ermita, Manila 1000, Philippines

Tel. : +632.8526.2748

Email : [Secretariat@IACAT.gov.ph](mailto:Secretariat@IACAT.gov.ph)

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

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 Secretary as Co-Chair, and members from particular line Departments / Agencies and Non-Government Organizations.

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, as amended.

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.

**COMMITTEE FOR THE SPECIAL PROTECTION OF CHILDREN**

Address: Department of Justice, Padre Faura St., Ermita, 1000 Manila, Philippines

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

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 Secretary of the Department of Social Welfare and Development 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.

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

Address: Department of Justice, Padre Faura St., Ermita, 1000 Manila, Philippines

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





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; Secretary, Department of the Interior and Local Government; Secretary, Department of National Defense; Presidential Adviser on the Peace Process; Presidential Adviser for Political Affairs; Chief of Staff, Armed Forces of the Philippines; Director General, Philippine National Police; Director, National Bureau of Investigation.

The Committee shall undertake the following:

- (a) Inventory of cases: unsolved cases; cases under investigation; cases under preliminary investigation; and 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.

ATTACHED AGENCIES OF THE DEPARTMENT OF JUSTICE:

NATIONAL BUREAU OF INVESTIGATION

Address: NBI Building, Taft Avenue, 1000 Manila, Philippines

Tel. : +632.8523.8231 to 38

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

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

The National Bureau of Investigation (NBI) is a government entity that is civilian in character and national in scope. Its powers and functions include:

- (a) undertaking investigation and detection of crimes and offenses enumerated in Section 5<sup>15</sup> of Republic Act No. 10867;<sup>16</sup>
- (b) issue subpoena for the appearance of any person for investigation or production of documents;
- (c) act as a national clearing house of criminal

<sup>15</sup> Include human trafficking in all airports in the Philippines, extrajudicial/extra-legal killings, killings of Judges and Justices, cases involving threats to security or assaults against the persons of the President, Vice President, Senate President, Speaker of the House of Representatives, and Chief Justice of the Supreme

Court, transnational crimes pursuant to existing international agreements, and identification of the dead/victims in mass fatally incidents caused by natural disasters

<sup>16</sup> National Bureau of Investigation Reorganization and Modernization Act





records and other related information for the benefit of the government;

- (d) extend assistance in cases involving extradition and mutual legal assistance, when requested by the DOJ; and
- (e) conduct intelligence operations in furtherance of its powers and functions.

The President or the Secretary of Justice may direct the NBI to undertake the investigation of any crime when public interest so requires. Once the NBI takes cognizance of any of the cases mentioned in Section 5 of Republic Act No. 10867, the Philippine National Police (PNP) and other law enforcement agencies / investigative bodies shall collaborate with and render assistance to the NBI. In cases where jurisdiction is vested exclusively and or primarily with the PNP or other law enforcement/investigative agency, the NBI shall collaborate with and render assistance to the same.

The NBI is headed by a Director with a Deputy Director for Administration and Deputy Director for Operations. It has the following Services, each headed by an Assistant Director:

- (a) Investigation;
- (b) Intelligence;
- (c) Comptroller;
- (d) Human Resource and Management;
- (e) Forensic and Scientific Research;
- (f) Legal; and
- (g) Information and Communications Technology.<sup>17</sup>

<sup>17</sup> Ibid

#### BUREAU OF CORRECTIONS

Address : New Bilibid Prison Reservation, 1770  
Muntinlupa City, Philippines

Tel. : +632.8809.8073

Email : [bucor@gmail.com](mailto:bucor@gmail.com)

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

The Bureau of Corrections (BuCor) is charged with the safekeeping and reformation of national inmates, that is, those sentenced to serve a term of imprisonment of more than three (3) years.<sup>18</sup>

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, Muntinlupa City
- Correctional Institution for Women, 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, assisted by the: (1) Deputy

<sup>18</sup> Republic Act No. 10575 (The Bureau of Corrections Act of 2013)





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.

#### BUREAU OF IMMIGRATION

Address: Magallanes Drive, Intramuros,  
Manila 1002, Philippines  
Tel. : +632.8524.3769  
Email : [xinfo@immigration.gov.ph](mailto:xinfo@immigration.gov.ph)  
Website : [www.immigration.gov.ph](http://www.immigration.gov.ph)

The Bureau of Immigration (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.<sup>19</sup>

It is composed of three (3) structural units, namely: (1) the Office of the Commissioner and Associate Commissioners, (2) the Board of Commissioners, and (3) 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 headed by a Commissioner and assisted by two (2) Associate Commissioners.

#### PAROLE AND PROBATION ADMINISTRATION

Address: DOJ Agencies Building, NIA Road  
corner East Avenue, Diliman, 1101  
Quezon City, Philippines  
Tel. : +632.8926.2711  
Email : [aocentraloffice@gmail.com](mailto:aocentraloffice@gmail.com)  
Website : [www.probation.gov.ph](http://www.probation.gov.ph)

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.

#### LAND REGISTRATION AUTHORITY

Address: DOJ Agencies Building, NIA Road cor.  
East Avenue, Diliman, 1101 Quezon  
City, Philippines  
Tel. : +632.8925.6603  
Email : [lra\\_admin@lra.gov.ph](mailto:lra_admin@lra.gov.ph)  
Website : [www.lra.gov.ph](http://www.lra.gov.ph)

The Land Registration Authority (LRA) is mandated to issue decrees of registration and certificates of titles and register documents,

<sup>19</sup> Administrative Code of 1987 (Chapter 10, Title III, Book IV)





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.

#### OFFICE FOR ALTERNATIVE DISPUTE RESOLUTION

Address: 6<sup>th</sup> Floor, JDC Building, Engracia-Reyes St., Ermita, Manila 1000, Philippines

Tel. : +632.8524.8939

Email : [info.oadr@gmail.com](mailto:info.oadr@gmail.com)

Website : [www.oadr.doj.gov.ph/office-for-alternative-dispute-resolution.html](http://www.oadr.doj.gov.ph/office-for-alternative-dispute-resolution.html).

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.

#### PUBLIC ATTORNEY'S OFFICE

Address: DOJ Agencies Building, NIA Road corner East Avenue, Diliman, 1101 Quezon City, Philippines

Tel. : +632.8929.94366

Email : [pao\\_executive@yahoo.com](mailto:pao_executive@yahoo.com)

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

The Public Attorney's Office (PAO) is the principal law office of the Government extending free legal assistance to indigent persons in criminal, civil, labor, administrative and other quasi-judicial cases. In the exigency of the service, the PAO may be called upon by proper government authorities to render such service to other persons, subject to existing laws, rules and regulations.<sup>20</sup> The existence of PAO is in consonance with the constitutional provision 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, assisted by two (2) Deputy Chief Public Attorneys. It has regional offices throughout the country and each office is headed by a

<sup>20</sup> Republic Act No. 9406







Regional Public Attorney, assisted by an Assistant Regional Public Attorney.

OFFICE OF THE GOVERNMENT CORPORATE COUNSEL

Address: 3rd Floor, MWSS Building, Katipunan Road Balara, 1105 Quezon City, Philippines

Tel. : +632.7678.8979

Email : [info@ogcc.gov.ph](mailto:info@ogcc.gov.ph);  
[records@ogcc.gov.ph](mailto:records@ogcc.gov.ph)

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

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.

OFFICE OF THE SOLICITOR GENERAL

Address: 134 Amorsolo St., Legaspi Village, 1229 Makati City, Philippines

Tel. : +632.8988.1674

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

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

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.

PRESIDENTIAL COMMISSION ON GOOD GOVERNMENT

Address: No. 82 IRC Building, EDSA, Mandaluyong City, Philippines

Tel. : +632.8727.6443

Email : [legal@pcgg.gov.ph](mailto:legal@pcgg.gov.ph)

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

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.





# SINGAPORE





## 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

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

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

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

### Court of Appeal

The Court of Appeal hears all criminal appeals against decisions made by the General Division

in the exercise of its original criminal jurisdiction, prescribed categories of civil appeals and appeals that are to be made to the Court of Appeal under written law. The prescribed categories of civil appeals are set out in the Sixth Schedule to the Supreme Court of Judicature Act.

The Court of Appeal is presided over by the Chief Justice, and in the Chief Justice's absence, a Supreme Court Judge or a person appointed by the Chief Justice to preside where the Court of Appeal does not include any Supreme Court Judge. The Court of Appeal is usually made up of three Judges. However, certain appeals may be heard by two, five or any greater uneven number of Judges. Certain appeals may also be decided without hearing oral arguments, if parties consent.

### High Court

The High Court comprises the General Division and Appellate Division.

The Appellate Division hears all civil appeals that are not allocated to the Court of Appeal under the Sixth Schedule of the Supreme Court of Judicature Act and any civil appeal or other process that any written law provides is to lie to the Appellate Division. It has no criminal jurisdiction.

Appeals before the Appellate Division will usually be heard by three Judges. However, certain appeals may be heard by two Judges. Parties may also consent to an appeal being decided by a 2-Judge coram of the Appellate Division, instead of a 3-Judge coram. The final





composition of the coram will be determined by the Appellate Division. Further, certain appeals may be decided without hearing oral arguments, if parties consent.

The General Division hears both criminal and civil cases as a court of first instance. The General Division also hears appeals from the decisions of District Courts and Magistrates' Courts in civil and criminal cases, and decides points of law reserved in special cases submitted by a District Court or a Magistrate's Court. In addition, the General Division has general supervisory and revisionary jurisdiction over all state courts in any civil or criminal matter.

With a few limited exceptions, the General Division has the jurisdiction to hear and try any action where the defendant is served with a writ or other originating process in Singapore, or outside Singapore in the circumstances authorised by Rules of Court; or where the defendant submits to the jurisdiction of the General Division. Generally, except in probate matters, a civil case must be commenced in the General Division if the value of the claim exceeds \$250,000.

#### 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:

(a) the claim in the action is of an international and commercial nature;

- (b) the parties to the action have submitted to the SICC's jurisdiction under a written jurisdiction agreement; and
- (c) 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.

#### Chief Justice

*The Honorable the Chief Justice Sundaresh Menon* is the head of the Judiciary.

#### The State Courts

Address: 1 Havelock Square, Singapore  
059724

Tel. : (65) 65878423

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

Website : <https://www.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 administer justice with quality judgments, timely and effective dispute resolution and excellent court services.





As the courts of first instance, the State Courts handle about 90 per cent of the overall caseload in Singapore and about 99 per cent of the total criminal caseload. 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\$20,000 (or with the consent of parties, up to S\$30,000). The Employment Claims Tribunals exercise jurisdiction of salary-related claims and wrongful dismissal not exceeding \$20,000, or \$30,000 for tripartite-mediated disputes. 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, Night Courts and Protection from Harassment Court. In addition, the State Courts hear community disputes through the Community Disputes Resolution Tribunals, which hear claims not exceeding \$20,000 for disputes between neighbours concerning the tort of interference with enjoyment or use of place of residence. The Court Dispute Resolution, cluster conducts neutral evaluation, judicial mediation, conciliation, as well as judge-led case management, to help parties resolve their disputes amicably without trial.

### Presiding Judge of the State Courts

The State Courts are headed by *the* Presiding Judge of the State Courts. This appointment is held by a Judge or Judicial Commissioner of the Supreme Court. The current Presiding Judge of the State Courts is *Justice Vincent Hoong*, who was appointed as a Supreme Court Judge with effect from 3 January 2020 and as the Presiding Judge of the State Courts on 1 April 2020.

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.

The Presiding Judge of the State Courts is assisted by the Deputy Presiding Judge, Principal District Judges, the Registrar of the State Courts, and senior court administrators.

### The Family Justice Courts

Address : 3 Havelock Square, Singapore  
059725

Fax : (65) 6435 5112

Email : [FJCourts\\_QSM@fjcourts.gov.sg](mailto:FJCourts_QSM@fjcourts.gov.sg)

Website : <http://www.familyjusticecourts.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 and vulnerable adult 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. 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.

#### 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 Courts has seniority over all other District Judges.

The Presiding Judge is assisted by the Deputy Presiding Judge, *Chia Wee Kiat*. He assumed his position on 1 October 2014. He deputises the Presiding Judge in the exercise of her duties, and also serves as Chief Mentor to all District Judges and Magistrates of the Family Justice Courts.





### 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 *Kenneth Yap*, who assumed the position on 1 March 2019.

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 and Divisions under the Family Justice Courts. 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) 1800-2255-529

Fax : (65) 6332 8842

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

The Ministry of Law's mission is advancing access to justice, the rule of law, the economy and society through policy, law and services.

The key portfolios of the Ministry of Law comprise the following:

- Drive legal reforms to ensure a progressive legal framework (including civil justice, family justice and criminal justice) that meets society's needs.
- Develop, promote and regulate Singapore's legal sector to strengthen Singapore's position as a leading international legal services and dispute resolution hub.
- License all law practice entities and register foreign-qualified legal practitioners in Singapore.
- Promote and protect Singapore's interests through cooperation and engagement with key international and regional organisations, and bilateral partners on a range of international legal policy issues, including transnational criminal and civil justice.
- Provide community legal services such as legal aid, community mediation, insolvency administration, and public trustee services.
- Regulate moneylending and pawnbroking and supervise precious stones and metal dealers





- Oversee land policy and administration
- Develop Singapore's intellectual property sector

Minister for Law and Second Minister for Law  
The Minister for Law, *Mr K Shanmugam, SC*, and Second Minister for Law, *Mr Edwin Tong, SC*, are charged with the responsibility of overseeing the Ministry in its mission to advance access to justice, the rule of law, the economy and society through policy, law and services. Their roles are distinct from the Attorney-General, who is the Government's legal advisor and Public Prosecutor. In discharging their duties, the Minister for Law and Second Minister for Law are accountable to Cabinet and Parliament for the matters under the Ministry's portfolio.

#### Permanent Secretary for Law and Deputy Secretary for Law

The Permanent Secretary for Law, *Ms Lai Wei Lin* 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 its efficiency. The Permanent Secretary is assisted by a Deputy Secretary, *Mr Calvin Phua*.

#### Legal Policy Group

The Legal Policy Group comprises the Civil & Legislative Policy Division and the Criminal Policy Division. The Legal Policy Group drives law reforms relating to civil, criminal, family and community justice, and governance matters. It also deals with complex or novel

legal policy issues arising from proposed Bills.

The Legal Policy Group is headed by *Mr Colin Chow*, the Acting Director General (Legal Policy Group). *Ms Melanie Chng* is Director (Special Projects). *Mr Tan Zhongshan* is Director (Criminal Policy Division). *Mr Eugene Sng* is Director (Civil & Legislative Policy Division), and *Mr Stephen Yeo* is Acting Second Director (Civil & Legislative Policy Division). They are supported by a team of legally trained officers.

#### International & Advisory Group

The International & Advisory Group comprises the International Legal Division and the Policy Advisory Division. The International & Advisory Group is headed by *Ms Sharon Ong*, Director-General (International & Advisory Group).

#### International Legal Division

The International Legal Division deals with international legal policy and seeks to promote and protect Singapore's international legal interests. The Division is involved in shaping Singapore's rule of law and human rights philosophy, and facilitating Singapore's thought leadership and influence in these areas. The Division also coordinates whole-of-government approaches to international legal policy, particularly in areas of international civil and criminal cooperation and administration of justice.

*Mr Luke Tang* is Director (International Legal Division) and he is supported by a team of legally trained officers.







### Policy Advisory Division

The Policy Advisory Division provides legal support and 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, insolvency, intellectual property, land, and community legal services which include legal aid and community mediation. The officers in the Division work closely with the policy divisions to shape policy, drive law reform and execute policy initiatives in the focus areas, including reviewing and modernising existing legislation. The Division also drives independent policy initiatives, such as in the areas of corporate debt restructuring and litigation funding.

*Mrs Jasmine Chin-Sabado* 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 practices in Singapore, admission to the Singapore Bar, projection of demand and supply of legal talent, development of skills and competencies of the legal workforce, and the promotion and development of Singapore's legal and dispute resolution services.

*Ms Gloria Lim* is Director (Legal Industry Division) and *Ms Ellis See* is Second Director (Legal Industry Division) and they are supported by a multidisciplinary team of officers.

### Land Policy Division

The Land Policy Division is responsible for the development and review of policies to optimise 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 utilisation 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.





### Strategic Planning and Policy Division

The Strategic Planning and Policy Division is responsible for the Ministry of Law's overall strategic planning, drives transformation efforts and 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 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 Leonie Lee* is Director (Strategic Planning and Policy Division) and she is supported by a multidisciplinary team of officers.

### Legal Services Regulatory Authority

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

Tel : (65) 1800-2255-529

: (65) 6225 5529

Website : [www.mlaw.gov.sg](http://www.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, Singapore lawyers in foreign law practice entities, and regulated non-

practitioners.

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, Singapore lawyers in foreign law practice entities, and regulated non-practitioners.

*Ms Gloria Lim* (concurrently Director, Legal Industry Division) is the Director of Legal Services. She is supported by a multidisciplinary team of officers.

### Legal Technology Transformation Office

The Legal Technology Transformation Office was set up to drive and coordinate technology transformation efforts across Singapore's legal and dispute resolution ecosystems. The Office works with both internal and external stakeholders to chart the future of technology adoption and development for Singapore's legal ecosystem, and drive innovation by developing and growing technology capabilities in Singapore's legal industry.

The Office comprises a Policy and Ops-Tech unit and a Product Development and





Management unit.

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.mlaw.gov.sg/ipto>

The Insolvency & Public Trustee's Office (IPTO) among others:

- (a) administers and regulates individual and corporate insolvencies;
- (b) licenses and regulates insolvency practitioners;
- (c) administers the estates of deceased persons and proceeds of crime confiscated under specific legislation; and
- (d) 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, Licensing Officer, 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

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

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. Through community mediation, we want to cultivate a more harmonious, civil and gracious society. CMU also oversees the selection, training, accreditation, and appointment of volunteer community mediators, as well facilitate 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) registers, regulates and supervises precious stone and precious metal dealers in Singapore for the purpose of mitigating money laundering and terrorism financing risks within the sector. ACD adopts a risk-based approach to supervision in accordance with international standards promulgated by the

#### Financial Action Task Force.

ACD is led by *Mr Paramjit Singh* who holds the appointment of Registrar of Regulated Dealers. 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: 1 Paya Lebar Link #11-03 PLQ 1, Paya  
Lebar Quarter, 408533

Tel : (65) 6339 8616

Fax : (65) 6339 0252

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

Website : <https://www.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 assets.

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. On 1 April 2001, IPOS was converted to a statutory board under the Ministry of Law. Over the years, the role of the Registry grew in importance as did the increasing relevance and significance of





intellectual property in society and the economy. IPOS expanded its activities beyond the traditional registry and regulatory functions to include: policy development, law reform, international and industry engagement, public education and the facilitation of IP initiatives. Today, IPOS is an innovation agency that works closely with other Government agencies to help build Singapore's future economy.

IPOS's 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 *Mrs. Rena Lee*. She is also concurrently the Director-General, and Registrar of Trade Marks, Patents, Designs and Plant Varieties Protection, and Geographical Indications.

Singapore Land Authority

Address : 55 Newton Road

Taxpayer and Business Service Centre, Level 1,  
Revenue House, Singapore 307987

Tel : (65) 6323 9829

Fax : (65) 6323 9937

Email : [sla\\_enquiry@sla.gov.sg](mailto:sla_enquiry@sla.gov.sg)

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

The Singapore Land Authority (SLA) is the primary agency in Singapore responsible for safeguarding and optimising the use of State land and properties. With about 11,000 ha of State land and 2,700 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 Colin Low*. 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 178879

Tel : (65) 63323906/63325237

Fax : (65) 68830530

Email : [ab\\_enquiry@mlaw.gov.sg](mailto:ab_enquiry@mlaw.gov.sg)

Website : <https://ab.mlaw.gov.sg>

The Appeals Board (Land Acquisition) was established under the provisions of the Land Acquisition Act, 1966, which came into force on 17 June 1967.

The Board hears appeals in respect of awards of compensation made by the Collector of Land Revenue for land acquired under the Act. Under the previous legislation, appeals in respect of the Collector's awards were heard by the court. The Board may confirm, reduce, increase or annul the Collector's award or make any other order it sees fit. In any case in which the award determined by the Board exceeds \$5,000, 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 and Deputy Commissioner are *Ms Tan May Tee* and *Mr Darryl Soh* respectively.

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 gives directions to facilitate the hearing of appeals. The current Registrar is *Ms Wong Baochen*. She concurrently holds office as an Assistant Registrar of the Supreme Court.





### Copyright Tribunals

Address : Intellectual Property Office of  
Singapore 1 Paya Lebar Link #11-03  
PLQ 1, Paya Lebar Quarter, 408533

Tel. : (65) 6339 8616

Fax : (65) 6339 0252

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

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

The Copyright Tribunals are 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 Tribunals' jurisdiction is set out in Part VII of the Copyright Act and includes the power to resolve disputes relating to licence schemes and ascertain the equitable remuneration to copyright owners when copyright materials are used by persons under various circumstances. The Tribunals have the power to refer to the High Court any matter that comes before them for the determination on a point of law, either at their 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 Tribunals (Procedure) Regulations.

The Copyright Tribunals are headed by a President, who possesses the qualifications of a District Judge of the Singapore State Courts. Currently, the Tribunals comprise the President, 2 Deputy Registrars and 10 members, all of whom are appointed by the Minister. The current President is District

Judge *James Leong*.

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

### Land Surveyors Board

Address : c/o Singapore Land Authority 55  
Newton Road #12-01 Revenue House  
Singapore 307987

Tel. : (65) 6323 9829

Fax : (65) 6323 9937

Email : [mLaw\\_lsb\\_enquiry@mLaw.gov.sg](mailto:mLaw_lsb_enquiry@mLaw.gov.sg)

Website : <https://lsb.mLaw.gov.sg>

The functions of the Land Surveyors Board are to register and issue practising certificates to surveyors, license corporations and partnerships which supply survey services in Singapore, conduct examinations for registration with the Land Surveyors Board and maintain the prescribed code of professional conduct and ethics of the practitioners and licensed companies.

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. For the current term, the Chief Surveyor is the President of the Board. The President is *Mr Soh Kheng Peng*. The Board meets once a month.

A chief executive of the Board called the Registrar is appointed under Section 8 of the





Land Surveyors Act and in accordance with the Public Sector (Governance) Act 2018. The Registrar of the Board is *Mr Derick Tan*. He attends all meetings of the Board and records the proceedings. He is under the general direction of the Board and conducts the correspondence and deals with such matters as may be assigned to him 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 prepares and publishes in the Gazette a list of all registered surveyors who have in force a practising certificate after 1st January in each year.

#### 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 four legal divisions in AGC: the Civil Division, the 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







three 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.

Deputy Attorney-General *Mr Tai Wei Shyong* returned to AGC as Deputy Attorney-General from 1 January 2021. He formerly served as a Deputy Public Prosecutor from 2000 to 2003 and as Chief Prosecutor of the then-Criminal Justice Division from 2013 to 2015.

He has held a number of leadership positions in the Singapore Public Service, including Deputy Secretary of the Ministry of Home Affairs and Director of the Internal Security Department.

#### Office of the Chief Executive

The Chief Executive 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. The Chief Executive oversees Corporate Services Division and the Legal Operations Group, and drives all of AGC's corporate, organisational, and planning processes.

*Mr Hui Choon Kuen* is the Chief Executive. Prior to his appointment as Chief Executive, he was Deputy Chief Counsel of Civil Division between 2014 and 2020. He is also the Dean of the AGC Academy.

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 *Ms Low Siew Ling*.

#### Crime Division

The Crime Division (CD) in AGC is 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. CD comprises five clusters with each specialising in:

- (a) homicide;
- (b) sex crimes;
- (c) drugs and organised crimes;
- (d) financial crimes; and
- (e) commercial and technology crimes.

Legal Officers of CD 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 CD 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 CD is *Mr Tan Kiat Pheng*.

#### International Affairs Division

The International Affairs Division (IAD) provides legal advice to the Government on all aspects of international law. It represents the Government in international negotiations and disputes, as well as assists and advises on the domestic implementation of Singapore's international legal obligations.

IAD is the Central Authority of Singapore for handling requests for mutual legal assistance and extradition. It also serves as the central coordinating body for all treaty making activities undertaken by the Government. In addition, IAD's role includes the development of international law expertise for Singapore.

#### 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 online public access to Singapore legislation through the Singapore Statutes Online website.

In addition, the Legislation Division is responsible for advising on legal policy and scrutinising all proposed draft Bills for legal policy issues.

#### Chief Legislative Counsel

The current Chief Legislative Counsel of the Legislation Division is *Ms Jeanne Lee*.

#### ASEAN Legal Information Authority (ALIA)

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

Fax : (65) 6538 9000

Email : [agc\\_iad@agc.gov.sg](mailto:agc_iad@agc.gov.sg)

#### LEGAL SERVICE IN MINISTRIES AND STATUTORY BOARDS

##### Legal Services Unit

Ministry of Social and Family Development

Address: MSF Building, 512 Thomson Road,  
#04-00, Singapore 298136

Tel. : (65) 63556345

Fax : (65) 63536695

Email : [MSF\\_Legal\\_Services@msf.gov.sg](mailto:MSF_Legal_Services@msf.gov.sg)

The Legal Services Unit ("LSU") provides legal

services to the Ministry of Social and Family Development (the "Ministry") in support of its mission to nurture resilient individuals, strong families, and a caring society.

The LSU advises the Ministry on a range of matters such as adoption, formation of marriage, child protection, the exercise of regulatory and licensing powers and administration of financial and social assistance schemes. The LSU also provides legal input on the drafting and vetting of the Ministry's memoranda of understanding, contracts (including procurement of goods and services) and funding agreements, and on the review of legislation under the Ministry's purview.

##### Director, Legal Services Unit

The current Director of the LSU is *Ms Amy Tung*. She is supported by five legal officers and an Administrative Executive.

##### Legal Directorate, Ministry of Finance

Address: The Treasury, 100 High Street, #10-01,  
Singapore 179434

Tel : 62259911

Fax : 63374134

Email : [MOF\\_Legal@mof.gov.sg](mailto:MOF_Legal@mof.gov.sg)

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

The Ministry of Finance ("MOF") Legal Directorate ("LD") advises MOF on issues relating to taxation, public finance and procurement, as well as other policy matters such as the preparation of the annual Singapore Budget. In addition, the LD supports the administration of the Boards of Review





constituted under the Income Tax Act, Goods and Services Tax Act and Property Tax Act.

Director, Legal Directorate

*Mr Louis Ng* is Chief Legal Officer of MOF and oversees the LD.

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](mailto:MCI_Legal_Services@mci.gov.sg)

The Legal Services Department (“LSD”) provides holistic legal support towards the Ministry of Communications and Information’s mission to engage hearts and minds, forging a thriving digital future for all.

The LSD advises the Ministry and its senior management on legal matters, including for policy development, the enactment and implementation of legislation, and the exercise of statutory powers. Key areas of work include broadcasting and telecommunications regulation, cybersecurity and data protection, and internet and digital governance.

The LSD also advises on, drafts, and reviews contracts and other agreements. These include international digital economy agreements, and agreements relating to public communications, and research, innovation and enterprise efforts, especially in the cybersecurity and digital domains.

Director, Legal Services Department

The LSD is currently headed by *Ms Vanessa Yea*. She is supported by a team of legal officers and management executives.

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

Email : [mfu@starnet.gov.sg](mailto:mfu@starnet.gov.sg)

Website : <http://www.mindef.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 *Mr Leong Kwang Ian*. He 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](mailto: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 on intellectual property, tort, contract documentation and data protection.

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

Director, Legal Services Branch  
The Branch is currently headed by *Ms Cheryl Siew*. It is currently staffed by seven 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 Tang Siau Yan*. Mr Tang is also a member of the senior management within IRAS.

Legal Department Monetary Authority of Singapore (MAS)  
Address: 10 Shenton Way MAS Building,  
Singapore 079117  
Tel. : (65) 6225 5577





Email : [legal\\_dept@mas.gov.sg](mailto:legal_dept@mas.gov.sg)

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

The Legal Department (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 providing 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 : 55, Newton Road #03-02, Revenue House, Singapore 307987

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 regulator of business registration, financial reporting,, public accountants and corporate service providers; it also facilitates enterprise. ACRA provides a trusted and vibrant environment for businesses to thrive and flourish, and

contribute towards making Singapore the best place for business.

ACRA's core functions are:

- To administer the Accounting and Corporate Regulatory Authority Act, the Accountants Act, the Business Names Registration Act, the Companies Act, the Limited Liability Partnerships Act and the Limited Partnerships Act 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 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

Email : [CCCS\\_Feedback@cccs.gov.sg](mailto:CCCS_Feedback@cccs.gov.sg)

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

The Competition and Consumer Commission of Singapore (“CCCS”) was set up in 2005 to administer and enforce the Competition Act which empowers CCCS to investigate and adjudicate anti-competitive activities, issue directions to stop and/or prevent anti-competitive activities and impose financial penalties. CCCS is also the administering agency of the Consumer Protection (Fair Trading) Act or CPFTA which protects consumers against unfair trade practices in Singapore. Its mission is making markets work well to create opportunities and choices for businesses and consumers in Singapore.

The functions and duties of the CCCS are to:

- Maintain and enhance efficient market conduct and promote overall productivity, innovation, and competitiveness of markets in Singapore;
- Eliminate or control practices having adverse effect on competition in Singapore;
- Promote and sustain competition in markets in Singapore;
- Promote a strong competitive culture and environment throughout the economy in Singapore;

- Act internationally as the national body representative of Singapore in respect of competition matters and consumer protection matters;
- Promote fair trading practices among suppliers and consumers and enable consumers to make informed purchasing decisions in Singapore;
- Prevent suppliers in Singapore from engaging in unfair practices;
- Advise the Government, or other public authorities or consumer protection organisations on national needs and policies in respect of competition matters and consumer protection matters generally.

These functions are supported by the various divisions in CCCS, which include the Business and Economics Division, Consumer Protection Division, Corporate Affairs Division, Enforcement Division, International, Communications and Strategic Planning Division, Legal Division, and Policy and Markets Division.

As the national body representative of Singapore in respect of competition and consumer protection matters, the CCCS also works with its foreign counterparts to foster cooperation on cross-border cases and to promote development and implementation of competition and consumer protection laws and policies. They include:

- Entering into agreements with foreign competition agencies, e.g. negotiating FTAs with competition and consumer protection provisions to establish a level playing field





for businesses and to safeguard consumers' interests;

- Forging strategic engagements with key foreign counterparts to foster closer cooperation in competition and consumer protection related matters;
- Participating and contributing actively at the various international fora to shape the development and implementation of competition and consumer protection policies and laws;
- Addressing relevant emerging trends and developments, as well as adopting applicable international best practices, to ensure our competition and consumer protection regime remains robust in Singapore.

#### Chief Executive

*Ms Sia Aik Kor* was appointed as the Chief Executive of the CCCS on 1 October 2019, and presides over the administration, operation and management of the CCCS generally, including supervising the investigation and assessment of all cases handled by the CCCS. She is assisted by *Mr Loke Shiu Meng*, Assistant Chief Executive (Legal & Consumer Protection) 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

Email : [MHA\\_feedback@mha.gov.sg](mailto:MHA_feedback@mha.gov.sg)

Website : <http://www.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 of legislative amendments relating to the statutes administered by MHA, and also supports MHA and its departments by drafting and reviewing contracts, agreements and cross-border memoranda of understanding. *Ms Tan Wen Hsien* is the Senior Director of the Legal Division in the Ministry of Home Affairs.

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.

The Division also has an International Law Unit that advises and represents the Ministry on matters pertaining to international law, including at the meetings of the International Labour Organization.

Generally, the division is in charge of 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 Alvin Koh* was appointed Divisional Director of LSD and Chief Legal Officer of the Ministry on 1 August 2019. 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: 238B Thomson Road, #08-00 Tower B Novena Square, Singapore 307685

Tel : (65) 6227 1188

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

The Central Provident Fund Board ("CPF Board") is the trustee of the Central Provident Fund ("CPF"). CPF is a comprehensive social security system that enables working Singapore Citizens and Permanent Residents to set aside funds for retirement. 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") include:

- CPF Contribution for Employees
- Self-Employed Scheme
- CPF Withdrawals from 55
- CPF LIFE
- Retirement Sum Scheme
- CPF Housing Scheme
- MediSave





- CPF Investment Schemes
- 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 (implemented under other statutes) that CPF Board administers on behalf of other ministries such as the MediShield Life Scheme, the CareShield Life Scheme and the Silver Support Scheme.

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

- (a) Legislation 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 the drafting and amendment of other legislation where CPF Board acts as administrator;
- (b) Contracts Review and Vetting of legal documents - this involves drafting, vetting and advising on a wide range of contracts and legal documents. These include general procurement contracts, contracts relating to fund management, IT & construction contracts, service level agreements, memorandums, deeds of indemnity, non-disclosure agreements, terms & conditions, powers of attorney and court orders;
- (c) General Advisory - this covers all other aspects where legal advice is needed. The more common areas include advising on interpretation of CPF legislation and other legislation as well as operational and compliance issues in relation to the legislation, corporate governance, disclosure of information, employment law, tort, criminal, administrative law and family law;
- (d) Prosecution - this involves conducting prosecution in relation to non-payment and recovery of CPF contributions. LSG also advises on conduct of enforcement and investigations in relation to non-payment of CPF contributions and recommends the appropriate action.
- (e) 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
- (f) 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.

LSG provides considered, professional judgment, adding value by highlighting risks, mitigation measures and solutions. It partners business and senior management to create a more robust operating framework and structure effective operations supported by the law. 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 Paya Lebar Link #08-08, Paya Lebar Quarter 2, Singapore 408533

Tel. : (65) 6307 7420/ 6328 1882

Fax : (65) 6328 1878

Email : [goh\\_chern\\_fern@wsg.gov.sg](mailto:goh_chern_fern@wsg.gov.sg)  
[lin\\_ziyan@wsg.gov.sg](mailto:lin_ziyan@wsg.gov.sg)

Website : <http://www.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 Paya Lebar Link #08-08, Paya Lebar Quarter 2, Singapore 408533

Tel. : (65) 6785 5785

Fax : (65) 6512 1322

Email : [eng\\_soon\\_jieh@ssg.gov.sg](mailto:eng_soon_jieh@ssg.gov.sg)

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

The Skills Future Singapore Agency (the “Agency”) drives and coordinates the implementation of the national SkillsFuture movement, and administers the Private Education Act and the Skills Development Fund in accordance with the Skills Development Levy Act.

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 three legal counsel 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

Email : [ura\\_email@ura.gov.sg](mailto:ura_email@ura.gov.sg)

Website : <http://www.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 8471

Fax : (65) 6325 1744

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

Email : [moh\\_info@moh.gov.sg](mailto:moh_info@moh.gov.sg)

The Ministry of Health ("MOH") is committed to ensuring access to high-quality and affordable healthcare for all Singaporeans. As the country's primary health authority, MOH has also been central to Singapore's COVID-19 pandemic response. The Legal Office, established in 2005, provides a broad range of legal services to MOH's senior management, divisions and statutory bodies in support of MOH's policies and operations. Services provided by the Legal Office include the rendering of legal advice, litigation support, the drafting and vetting of contracts and legislation, and the conduct of regulatory enforcement and prosecutions.

#### Director (Legal)

*Mr Tan Sze Yao* was appointed Director, Legal Office, on 1 December 2019. He 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) 6338 3632

Fax : (65) 6837 8970

Email : [MCCY\\_Legal@mccy.gov.sg](mailto: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.

- Malay Heritage Centre
- Indian Heritage Centre

The Legal Unit provides legal services, ranging from legal advice to drafting/vetting of contracts and other legal documents, to all the departments and the senior management of the Ministry, including the Ministry's autonomous agency, the National Youth Council.

Senior Director, Legal Unit

The Legal Unit is helmed by Senior Director *Ms Ang Ching Pin*. 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](mailto: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:

(a) Museums under NHB:

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

(b) Heritage Institutions under NHB:

- Sun Yat Sen Nanyang Memorial Hall

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*. She is supported by *Ms Young Wei Qi*. 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

Tel. : +65 6222 1211

Email : [mnd\\_hq@mnd.gov.sg](mailto:mnd_hq@mnd.gov.sg)

Website : <http://www.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, 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 Terence Tan*.

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 Gavin Ng*. 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  
Tel. : +65 6490 1111  
Website : <http://www.hdb.gov.sg>  
Email : [hdb@mailbox.hdb.gov.sg](mailto: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, quality housing and a great living environment where communities thrive.

The Legal Group in HDB is headed by *Ms Lim Gaik Hua*. 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

Tel. : +65 6342 5222

Email : [bca\\_enquiry@bca.gov.sg](mailto:bca_enquiry@bca.gov.sg)

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

The Building and Construction Authority (“BCA”) is a statutory board under the Ministry of

National Development, championing the development, improvement and expansion of the construction industry in Singapore.

The Legal Department of BCA (“BCA Legal”) provides legal advice to all groups within BCA that facilitates and enables BCA to achieve its objectives and policy positions, and ensures BCA’s interests are protected. BCA Legal advises on a broad range of matters in relation to legislation, contracts, disputes, investigation and enforcement, and conducts prosecution of offenders.

The BCA Legal is headed by *Ms Koh Bi’na*, who is assisted by a team of Legal Counsels, Investigation Officers and Prosecution Officers.

National Parks Board Legal Services & Prosecution Branch

Address : 1 Cluny Road, Singapore 259569

Tel. : +65 6471 7808

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

Email : [nparks\\_mailbox@nparks.gov.sg](mailto:nparks_mailbox@nparks.gov.sg)

The National Parks Board (“NParks”) is a statutory board under the Ministry of National Development. NParks is committed to enhancing the quality of the living environment in Singapore through excellence in nature conservation, greenery and recreation, and veterinary care, in partnership with the community. It is the lead agency for greenery, biodiversity conservation, and wildlife and animal health, welfare and management.

The Legal Branch of NParks provides legal





advice to the divisions of NParks so as to ensure that NParks' activities and functions are carried out on a sound legal basis, and its interests and objectives are protected and achieved. Its main areas of work include providing legal advice on greenery and animal-related issues, legislation and contractual and enforcement matters.

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

Singapore Food Agency Corporate Legal Department

Address : 52 Jurong Gateway Road, JEM Office  
Tower #14-01, Singapore 608550

Tel. : +65 6805 2992

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

The Singapore Food Agency ("SFA") is a statutory board under the Ministry of Sustainability and the Environment ("MSE"). SFA's role is to ensure and secure a supply of safe food from farm to fork.

The Corporate Legal Department of SFA provides legal advice on civil and regulatory matters to the various divisions within SFA. The Department is headed by *Mr Edwin Ignatious Mand* he is assisted by *Ms Joan Lim*







# THAILAND





#### MINISTRY OF JUSTICE

Address: 404 Chaeng Watthana Rd, Laksi,  
Bangkok 10210, Thailand

Tel. : (66) 2 141 5128

Fax : (66) 2 143 8247

Website : [www.moj.go.th](http://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, three (3) Public Organizations and two (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

Address: 404 Fl. 11 , 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>

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.

Office of the Permanent Secretary for Justice  
Address: 404 Fl. 11, Chaeng Watthana Rd, Laksi,  
Bangkok 10210, Thailand

Tel. : (66) 2 141 5100

Fax : (66) 2 143 8289 - 90

Website : [www.moj.go.th](http://www.moj.go.th)

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.

#### Office of Justice Affairs

Address: Government Complex, (Bldg. B)  
Ratthaprasasanabhakti 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](http://www.oja.go.th)

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.





**Department of Special Investigation**

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

Tel. : (66) 2 8319888

Fax : (66) 2 975 9888

Website : [www.dsi.go.th](http://www.dsi.go.th)

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.

**Central Institute of Forensic Science**

Address : Government Complex, (Bldg. B)  
Ratthaprasasanabhakti 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](http://www.cifs.moj.go.th)

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.

**Rights and Liberties Protection Department**

Address : 404 Fl. 5-6 , Chaeng Watthana Rd,

Laksi, Bangkok 10210, Thailand

Tel. : (66) 2 141 2794

Fax : (66) 2 143 9681

Website : [www.rlpd.go.th](http://www.rlpd.go.th)

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)

**Legal Execution Department**

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](http://www.led.go.th)

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.

**Department of Probation**

Address : Government Complex, (Bldg. A)





Rajaburi Direkriddhi 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](http://www.probation.go.th)

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.

Department of Juvenile Observation and Protection

Address: 404 Fl. 6-7, Chaeng Watthana Rd,  
Laksi, Bangkok 10210, Thailand

Tel. : (66) 2 141 6470

Fax : (66) 2 143 8473

Website : <http://www.djop.go.th/>

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.

Department of Corrections

Address: 222 Nonhaburi 1 Rd., Suan Yai Sub-District, Muang District, Nonhaburi Province, 11000, Thailand

Tel. : (66) 2 967 2222

Fax : (66) 2 967 3305

Website : [www.correct.go.th](http://www.correct.go.th)

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.

Office of Narcotics Control Board (ONCB)

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](http://www.oncb.go.th)

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.

Public Organizations within the Ministry of Justice

Thailand Institute of Justice

Address: 16th Floor, GPF Building (Tower B),  
Witthayu Road, Pathum Wan  
Bangkok, Thailand, 10330

Tel. : (66) 2 118 9400

Fax : (66) 2 118 9425, 26

Email : [info@tijthailand.org](mailto:info@tijthailand.org)

Website : [www.tijthailand.org/](http://www.tijthailand.org/)

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).

#### Thailand Arbitration Center (THAC)

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](http://www.thac.or.th)

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.

#### Lawyers Council of Thailand

Address : 249 Mansion10, Phaholyothin Rd., Bangkok, Bangkok 10220, Thailand

Tel. : (66) 2 522 7124-27

Fax : (66) 2 522 7143-47

Website : [www.lawyerscouncil.or.th](http://www.lawyerscouncil.or.th)

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.

#### The Thai Bar Association

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](http://www.thethaibar.org)

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 known as the Bar Council which consists of the President, the Vice-President, the Honorary Secretary and directors representing different standings at the Bar. The President of the Supreme Court serves 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 Bar Association was founded under the umbrella of the Thai Bar in order to provide high quality training and professional development of all lawyers to ensure the highest standards of practice and ethical behaviours. Lawyer or graduated law student who can successfully pass the bar examination can be called "barrister-at-law".

Independent agencies according to the Constitutions are:

#### The Office of the Attorney General

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

Tel. : (66) 2 142 1444

Fax : (66) 2 143 9546

Email : [inter@ago.go.th](mailto:inter@ago.go.th)/  
[inter.affairs@hotmail.com](mailto:inter.affairs@hotmail.com)

Website : [www.ago.go.th](http://www.ago.go.th)

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.

#### 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

Address : Court Complex, Criminal Court  
Building, Ratchadapisek Road,  
Chatuchak, Bangkok 10900, Thailand

Tel. : (66) 2541 2861 2258

Fax : (66) 2512 8468

Email : [ojta@coj.go.th](mailto:ojta@coj.go.th)

Website : [www.coj.go.th](http://www.coj.go.th)

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.

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

Address: Court Complex, Ratchadapisek Rd.,  
Chatuchak, Bangkok 10900, Thailand

Tel. : (66) 2541 2420-8

Fax : (66) 2541 2388

Email : [Civil.2@coj.go.th](mailto:Civil.2@coj.go.th)

Website : [www.civil.coj.go.th](http://www.civil.coj.go.th)

Under Thai law, the plaintiff shall bring a civil litigation to the court where the cause of action arises or where the defendant is domiciled. Where an immovable property is involved, the plaintiff shall bring a lawsuit to the court where such property is located, or where the defendant is domiciled. In Bangkok, the court of first instance having jurisdiction over civil litigation include the Civil Court, the Bangkok South Civil Court, the Thon Buri Civil Court, the Min Buri Provincial Court, the Taling Chan Provincial Court and the Phra Khanong Provincial Court depending on a certain district where the cause of action arises or where the defendant is domiciled. However, the Civil Court has full discretion either to try and adjudicate civil cases occurring outside its

territorial jurisdiction or to transfer the cases to a particular court having territorial jurisdiction.

#### The Criminal Court

Address: Court Complex, Ratchadapisek Rd.,  
Chatuchak, Bangkok 10900, Thailand

Tel. : (66) 2541 2284-90

Fax : (66) 2512 8346

Email : [crim.2@coj.go.th](mailto:crim.2@coj.go.th)

Website : [www.crimc.coj.go.th](http://www.crimc.coj.go.th)

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.

#### 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 THB 60,000 or both. For civil litigation, the amount of claims shall not exceed THB 300,000. 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

Address : Kamphaengphet Rd., Chatuchak,  
Bangkok 10900, Thailand  
Tel. : (66) 2272 5201, (66) 2272 5223 – 5  
Email : [jvnc@coj.go.th](mailto:jvnc@coj.go.th)  
Website : [www.jvnc.coj.go.th](http://www.jvnc.coj.go.th)

The Juvenile and Family Courts consist of the Central Juvenile and Family Court and the provincial juvenile and family courts. In order

to form a quorum, two career judges and two lay judges, provided that one of them shall be a woman. An appeal against a judgment or order of juvenile and family courts lies to the courts of appeal. At present, 77 juvenile and family courts conduct adjudication and judgment over juvenile and family matters throughout the country.

#### The Court of Appeal

Address : Court Complex, Ratchadapisek Road,  
Chatuchak, Bangkok 10900, Thailand  
Tel. : (66) 2541 2436-50  
Fax : (66) 2512 8307  
Email : [appealc@coj.go.th](mailto:appealc@coj.go.th)  
Website : [www.appealc.coj.go.th](http://www.appealc.coj.go.th)

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.

#### The Supreme Court

Address : Office of the President of the  
Supreme Court Government  
Complex, (Bldg. A) Rajaburi  
Direkridhi Bldg. Chaeng Watthana  
Rd, Laksi, Bangkok 10210, Thailand

Tel. : (66) 2 142 4926

Website : [www.supremecourt.or.th](http://www.supremecourt.or.th)

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 of 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.

#### 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

Address : 404 Rama IV Road, Bangrak,  
Bangkok 10500, Thailand

Tel. : (66) 2235 1500-8

Fax : 66 2235 2471

Email : [lbc@coj.go.th](mailto:lbc@coj.go.th)

Website : [www.lbc.coj.go.th](http://www.lbc.coj.go.th)

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.

#### The Central Tax Court

Address : Court Complex, Ratchadapisek  
Road, Chatuchak, Bangkok 10900,  
Thailand

Tel. : (66) 2541 2420-29

Fax : (66) 2541 2542

Email : [taxc@coj.go.th](mailto:taxc@coj.go.th)

Website : [www.taxc.coj.go.th](http://www.taxc.coj.go.th)

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.

The Central Intellectual Property and





### International Trade Court

Address : Government Complex, (Bldg. A)  
Rajaburi Direkriddhi Bldg. Fl.5-7  
Chaeng Watthana Rd, Laksi,  
Bangkok 10210, Thailand

Tel. : (66) 2141 1910

Fax : (66) 2143 8722

Email : [ipitc@coj.go.th](mailto:ipitc@coj.go.th)

Website : [www.ipitc.coj.go.th](http://www.ipitc.coj.go.th)

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.

### The Central Bankruptcy Court

Address : Government Complex, (Bldg. A)

Rajaburi Direkriddhi Bldg. Fl. 2-4  
Chaeng Watthana Rd, Laksi,  
Bangkok 10210, Thailand

Tel. : (66) 2141 1561

Fax : (66) 2 143 4700

Email : [cbc@coj.go.th](mailto:cbc@coj.go.th)

Website : [www.cbc.coj.go.th](http://www.cbc.coj.go.th)

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 submitted to the Supreme





Court within one month of the Court's judgment or order.

#### The Constitutional Court

Address: Government Complex, (Bldg. A)  
Rajaburi Direkridhi Bldg. FL  
Chaeng Watthana Rd, Laksi, Bangkok  
10210, Thailand

Tel. : (66) 2141 7777

Fax : (66) 2143 9522

Email : [occ@constitutionalcourt.or.th](mailto:occ@constitutionalcourt.or.th)

Website : [www.constitutionalcourt.or.th](http://www.constitutionalcourt.or.th)

The Constitutional Court of the Kingdom of Thailand has powers and duties in adjudicating and ruling constitutional cases.

#### The 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](http://www.admincourt.go.th)

The Administrative Court is an independent judicial organization separated from the Court of Justice. The Court has the competence to try and adjudicate the case involving a dispute between administrative agency or State official and private individual, either a dispute between an administrative agency, a State official themselves in connection with: the issuance of a rule or order or in connection with other unlawful acts, the negligence official duties required by the law to perform or performing such duties with unreasonable delay, a wrongful act or other liabilities arising

from the exercise of power under the law or from a law, an order, neglecting of official duties or the performance of such duties with unreasonable delay, the case involving a dispute in relation to an administrative contract, the case prescribed by law to be submitted to the Court by an administrative agency or State official for mandating a person to do a particular act or refraining there from. The administrative case is normally initiated in an Administrative Court of First Instance. An appeal made against a judgment or order of an Administrative Court of First Instance is to be filed directly at the Supreme Administrative Court.

#### Office of Public Sector Anti-Corruption Commission (PACC)

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](http://www.pacc.go.th)

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.





Anti-Money Laundering Office (AMLO)

Address: 442 Phayahtai Rd., Patumwan,  
Bangkok 10330, Thailand

Tel. : (66) 2 219 3600

Fax : (66) 2 219 3622

Website : [www.amlo.go.th](http://www.amlo.go.th)

The Anti-Money Laundering Office is an agency not under the Ministry of Justice but reports directly 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.





# VIET NAM





## MINISTRY OF JUSTICE

Address : No. 58-60 Tran Phu Street, Ha Noi,  
Viet Nam

Tel. : (84) 24-6273.9321

Fax : (84) 24-6273.9359

Email : [botuphap@moj.gov.vn](mailto:botuphap@moj.gov.vn)

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

The Ministry of Justice is the government agency responsible for the state management of the law development and implementation, the review of primary and delegated legislation, the law dissemination and public legal education, the civil and administrative judgment enforcement, the judicial support, the judicial administration, and the state compensation; monitoring the implementation of laws and regulations of handling of administrative violations; the state management of public services in matters that fall within its competence.

### Leadership of the Ministry of Justice

Minister of Justice: *H.E Mr. Le Thanh Long*

Deputy Ministers of Justice:

- *H.E Mr. Nguyen Khanh Ngoc*
- *H.E Mr. Phan Chi Hieu*
- *H.E Mrs. Dang Hoang Oanh*
- *H.E Mr. Nguyen Thanh Tinh*
- *H.E Mr. Mai Luong Khoi*

### Organizations and structure:

There are 35 departments and units supporting the Minister in performing the State management functions as follows:

### Department of International Cooperation

Tel. : (4) 24-6273.9530

Fax : (84) 24-6273.9540

Email : [nguyennp@moj.gov.vn](mailto:nguyennp@moj.gov.vn)

Director-General: *Mr. Nguyen Huu Huyen*

Deputy Director-Generals:

- *Mrs. Duong Thien Huong*
- *Mrs. Tran Thu Huong*
- *Mrs. Nguyen Minh Phuong*

Legal officer in charge of ASEAN cooperation:  
*Mrs. Nguyen Phuong Nguyen*

The Department of International Cooperation has the mandate to conduct the uniform state management of international legal cooperation; and organize and manage the foreign relations of the Ministry.

### Department of International Law

Tel. : (84) 24-6273.9450

Fax : (84) 24-6273.9359

Email : [plqt@moj.gov.vn](mailto:plqt@moj.gov.vn)

The Department of International Law has the mandate to prepare, scrutinize, participate in the making of, and contribute comments to, treaties and international agreements, legislative proposals, and draft primary and delegated legislation relating to international law, participate in the settlement of international disputes; and conduct the state management of the mutual legal assistance.

### Department of General Affairs on Legislative Development

Tel. : (84) 24-6273.9391

Email : [plc@moj.gov.vn](mailto:plc@moj.gov.vn)







The Department of General Affairs on Legislative Development has the mandate to conduct the state management of the law-making and legal affairs, in accordance with law, and propose major orientations to improve the legal system and the law implementation.

#### Department of Criminal and Administrative Legislation

Tel. : (84) 24-6273.9405  
Fax : (84) 24-6273.9359  
Email : [plhshc@moj.gov.vn](mailto:plhshc@moj.gov.vn)

The Department of Criminal and Administrative Legislation has the mandate to prepare, scrutinize, participate in the making of, and contribute comments to, legislative proposals and draft primary and delegated legislation in criminal, administrative and state organizational structure matters.

#### Department of Civil and Economic Legislation

Tel. : (84) 24-6273.9425  
Fax : (84) 24-6273.9440  
Email : [pldskt@moj.gov.vn](mailto:pldskt@moj.gov.vn)

The Department of Civil and Economic Legislation has the mandate to prepare, scrutinize, participate in the making of, and contribute comments to, legislative proposals and draft primary and delegated legislation in civil and economic matters; conduct the state management of the state legal support for business.

#### Department of Legal Dissemination and Public

#### Legal Education

Tel. : (84) 24-6273.9471  
Fax : (84) 24-6273.9471  
Email : [plgdpl@moj.gov.vn](mailto:plgdpl@moj.gov.vn)  
Web : <http://pbgdpl.moj.gov.vn>

The Department of Legal Dissemination and Public Legal Education has the mandate to conduct the state management of the law dissemination and public legal education, and conciliation at the grassroots; and provide guidance on the formulation and recognition of communes and wards that meet the required standards on access to justice.

#### Department of Civil Status, Nationality and Authentication

Tel. : (84) 24-6273.9490  
Fax : (84) 24-6273.9490  
Email : [htqtct@moj.gov.vn](mailto:htqtct@moj.gov.vn)

Department of Civil Status, Nationality and Authentication has the mandate to conduct the state management of, and organize, the implementation of laws and regulations of civil status, nationality and authentication, in accordance with law and within its power delegated by the Minister.

#### Department of Judicial Support

Tel. : (84) 24-6273.9509  
Fax : (84) 24-6273.9504  
Email : [bttp@moj.gov.vn](mailto:bttp@moj.gov.vn)  
Web : <https://bttp.moj.gov.vn>

The Department of Judicial Support has the mandate to conduct the state management of, and organize, the implementation of laws and





regulations of judicial support including: lawyers, legal advisors, notaries, forensic expert examination, property auction, commercial arbitration, asset administrators, private bailiffs, and commercial mediators, in accordance with law and within the power delegated by the Minister.

#### Department of Planning and Finance

Tel. : (84) 24-6273.9547  
Fax : (84) 24-6273.9560  
Email : [khtc@moj.gov.vn](mailto:khtc@moj.gov.vn)

The Department of Planning and Finance has the mandate to manage the planning, statistics, finance, accounting, public asset management, and development investment, of the Ministry of Justice; and organize the implementation of public services in fields in accordance with law and within its competence assigned by the Minister.

#### Department of Organizational and Personnel

Tel. : (84) 24-6273.9364  
Fax : (84) 24-6273.9365  
Email : [tccb@moj.gov.vn](mailto:tccb@moj.gov.vn)

The Department of Organizational and Personnel has the mandate to manage the organizational structure and human resources of the Ministry and the justice sector with the Ministry's competence; and provide training and capacity building for officials and staff of the Ministry and the justice sector.

#### General Department of Civil Judgment Enforcement

Tel. : (84) 24-6273.9595  
Fax : (84) 24-6273.9630  
Email : [tha@moj.gov.vn](mailto:tha@moj.gov.vn)

The General Department of Civil Judgment Enforcement has the mandate to conduct the state management of the civil judgment enforcement and the administrative judgment enforcement nationwide; and conduct the specialized management of the civil judgment enforcement and the administrative judgment enforcement.

#### Department of Review of Primary and Delegated Legislation

Tel. : (84) 24-6273.9655  
Fax : (84) 24-6273.9670  
Email : [cucktvb@moj.gov.vn](mailto:cucktvb@moj.gov.vn)

Department of Review of Primary and Delegated Legislation has the mandate to conduct the state management of the review, systematization and consolidation of pieces of primary and delegated legislation, and codification of legal norms; review pieces of primary and delegated legislation within the Ministry's competence; and organize the review, systematization and consolidation of pieces of primary and delegated legislation; and codify legal norms.

#### Department of Emulation and Commendation

Tel. : (84) 24-6273.9565  
Fax : (84) 24-6273.9561  
Email : [thidukhenthuong@moj.gov.vn](mailto:thidukhenthuong@moj.gov.vn)

The Department of Emulation and Commendation has the mandate to manage





commendation and emulation in the justice sector; and act as the Permanent Boards for the Council of Emulation-Reward and for the Initiatives Council of the Justice Sector.

Department of National Registration of Secured Transactions

Tel. : (84) 24-6273.9677  
Fax : (84) 24-6273.9690  
Email : [dangky@moj.gov.vn](mailto:dangky@moj.gov.vn)  
Web : <http://nrast.moj.gov.vn>

The Department of National Registration of Secured Transactions has the mandate to conduct the state management of the implementation of laws and regulations of registration of secured transactions; and organize the registration of, and supply of information about, secured transactions and contracts, including the exchange of information about registration of secured transactions and other cases, in accordance with law.

Department of Legal Aid

Tel. : (84) 24-3733.4309  
Fax : (84) 24-3733.9583  
Email : [ctgpl@moj.gov.vn](mailto:ctgpl@moj.gov.vn)

The Department of Legal Aid has the mandate to conduct the state management of, and organize, the implementation of laws and regulations of legal aid.

Department of Adoption

Tel. : (84) 24-6273.9695  
Fax : 08088400  
Email : [cnqt@moj.gov.vn](mailto:cnqt@moj.gov.vn)

The Department of Adoption has the mandate to conduct the state management of adoption; process inter-country adoptions; and perform the duties of the Vietnamese Central Authority for Inter-Country Adoption.

The Ministry's Inspectorate

Tel. : (84) 24-6273.9590  
Fax : (84) 24-6273.9590  
Email : [thanhtra@moj.gov.vn](mailto:thanhtra@moj.gov.vn)

The Ministry's Inspectorate has the mandate to conduct the state management of the inspection, the handling of complaints and denunciations, and anti-corruption, within the Ministry's competence; conduct administrative inspections and specialized inspections; and handle complaints and denunciations, as well as prevent and combat corruption, in accordance with law and within the power delegated by the Minister.

The Ministry's Office

Tel. : (84) 24-6273.9321  
Fax : (84) 24-6273.9359  
Email : [vpb@moj.gov.vn](mailto:vpb@moj.gov.vn)

The Ministry's Office has the mandate to formulate, synthesize, support and monitor the implementation of the work programs and plans of the Ministry and the justice sector; communicates the activities of the Ministry and the justice sector, including the management of press conferences and publishing; organize the implementation of administrative reform mandates, control the administrative procedures, and implement the





one-door and one-stop mechanisms on administrative procedures, in accordance with law; and perform administrative, clerical and archival work; manage material-technical issues, assets, operating funds, work facilities and service conditions for the Ministry's activities; and carry out internal management tasks.

Department of Management of Handling of Administrative Violations and Monitoring of Law Implementation

Tel. : (84) 24-6273.9795  
Fax : (84) 24-6273.9794  
Email : [cucxlvphc@moj.gov.vn](mailto:cucxlvphc@moj.gov.vn)

Department of Management of Handling of Administrative Violations and Monitoring of Law Implementation has the mandate to conduct the state management of, and organize, the implementation of laws and regulations of handling administrative violations; and monitor the law implementation nationwide.

Department of State Compensation

Tel. : (84) 24-6273.9765  
Fax : (84) 24-6273.9764  
Email : [btnn@moj.gov.vn](mailto:btnn@moj.gov.vn)

The Department of State Compensation has the mandate to conduct the state management of, and organize, the implementation of laws and regulations of state compensation, in accordance with law.

Department of Southern Affairs

Tel. : (84) 8-3818.1995

Fax : (84) 8-3818.1994

The Department of Southern Affairs has the mandate to manage and organize the implementation of duties in fields that fall within the Ministry's competence, in centrally-run cities and provinces, from Phu Yen province to Ca Mau province; and conduct internal management to support for the Ministry's instruction and direction in the Southern Region.

Institute of Legal Science

Fax : (84) 24-6273.9754  
Email : [khpl@moj.gov.vn](mailto:khpl@moj.gov.vn)  
Web : <http://ilr.moj.gov.vn>

The Institute of Legal Science is a scientific professional organization under the management of the Ministry of Justice. Its mission is to conduct researches and studies on law drafting and implementation, and on other subject matters that fall within the Ministry's competence, for the purposes of contributing to the implementation of legal, administrative, and judicial reforms, and to the building of the rule-of-law Socialist State of Viet Nam; manage jurisprudential research and study; and act as the focal point for legal science information within the Ministry's areas of competence.

Hanoi Law University

Tel. : (84) 24-3835.2630  
Email : [daihocluat@moj.gov.vn](mailto:daihocluat@moj.gov.vn)  
Web : <https://hlu.edu.vn/>

The Hanoi Law University is a public university





in the national education system and a unit of the Ministry of Justice with its mission to provide tertiary education programs (i.e. bachelor's, master's, and doctoral degrees) in law and related fields, in accordance with the development objectives and directions of the University; carry out jurisprudential researches and studies; conduct law dissemination and public legal education; and provide legal counseling.

#### Judicial Academy

Tel. : (84) 24-6287.3428

Email : [vthvtp@moj.gov.vn](mailto:vthvtp@moj.gov.vn)

Web : <http://hocvientuphap.edu.vn>

The Judicial Academy has the mandate to provide professional training for holders of an LLB or a suitable bachelor's degree (post graduate education) to become judges, procurators, civil judgment executors, lawyers, notaries, auctioneers, judicial officials and other judicial support staff, under the authority of the Ministry; provide capacity building for judicial officials, judicial support staff, and public officials and servants within the Ministry's competence, and for others according to societal needs; conduct scientific research and study to support the capacity building for judicial officials and other judicial support staff or meet other societal needs; and provide legal counseling in accordance with law.

#### Viet Nam Law Newspaper

Tel. : (84) 24-3724.5180

Fax : (84) 24-3724.5181

Email : [plvn@moj.gov.vn](mailto:plvn@moj.gov.vn)

Web : <https://baophapluat.vn>

The Viet Nam Law Newspaper acts as an official communications agency for the Ministry of Justice; provides information of the activities of the Ministry and the justice sector, and of related domestic and international political, economic, cultural or social matters; and disseminates the Communist Party of Viet Nam's guidelines and policies, and state legislation, as well as the law-making and implementation activities and the work of the justice sector, for the purposes of meeting the management requirements of the Ministry of Justice and societal needs of information, research and understanding of law and other activities in the justice sector, improving the efficiency of the law-based state management, promoting democracy, and strengthening the rule-of-law Socialist State of Viet Nam.

#### Democracy and Law Journal

Tel. : (84) 24-6273.9736

Fax : (84) 24-6273.9737

Email : [tc dcpl@moj.gov.vn](mailto:tc dcpl@moj.gov.vn)

Web : <https://tc dcpl.moj.gov.vn>

The Democracy and Law Journal acts as an official communications agency for the Ministry of Justice; and provides information and serves as a forum for research and exchange of legal science information (i.e., theoretical, professional, or practical information on the development and implementation of laws and justice-sector activities), thereby contributing to disseminating the Communist Party of Viet





Nam's guidelines and policies, and state legislation, and supporting the state management by addressing the needs of the people through research and understanding of the law.

#### Department of Information Technology

Tel. : (84) 24-6273.9715  
Fax : (84) 24-6273.9730  
Email : [cntt@moj.gov.vn](mailto:cntt@moj.gov.vn)  
Web : <http://cntt.botuphap.vn>

The Department of Information Technology manages and organizes the use of information technology and tele-communications in fields that fall within the Ministry's competence; and provides information technology services in accordance with law.

#### National Centre for Criminal Records

Tel. : (84) 24-6273.9492  
Fax : (84) 24-6273.9495  
Email : [ttltp@moj.gov.vn](mailto:ttltp@moj.gov.vn)

The National Centre for Criminal Records formulates and manages the national database on criminal records; and performs a number of mandates in the field of criminal records, as assigned by the Minister.

#### Judicial Publishing House

Tel. : (84) 24-6263.2071  
Fax : (84) 24-6263.2074  
Email : [nxbtp@moj.gov.vn](mailto:nxbtp@moj.gov.vn)  
Web : <http://nxbtp.moj.gov.vn>

The Judicial Publishing House publishes documents, so as to fulfill the state

management mandate of the Ministry of Justice, to meet the needs of law research and study, capacity building for legal officials, and law dissemination and public legal education, thereby, contributing to the building of the rule-of-law Socialist State of Viet Nam.

#### COLLEGES OF LAW IN THE REGIONS

- Northern College of Law
- Middle-Region College of Law
- Southern College of Law

The Colleges of Law in the Regions provide collegiate programs; participate in the professional training for justice-sector officials and staff in the regions; and carry out juris- prudential researches and studies.

#### OVERVIEW OF THE PEOPLE'S COURTS OF THE SOCIALIST REPUBLIC OF VIET NAM

The system of the People's Courts of the Socialist Republic of Viet Nam is governed by the 2014 Law on Organization of the People's Courts.

The organization of the People's Court of the Socialist Republic of Viet Nam

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.

THE SUPREME PEOPLE'S COURT OF THE SOCIALIST REPUBLIC OF VIET NAM

Address : 48 Ly Thuong Kiet Street, Hoan Kiem District, Ha Noi, Viet Nam

Tel. : (84) 24-3936.3335

Web : [www.toaan.gov.vn](http://www.toaan.gov.vn)

The Supreme People's Court is the highest court in courts system in Viet Nam. Functions of the Supreme People's Court include:

- to review legally effective judgments and





decisions of courts, which are protested against, under cassation or re-opening procedure in accordance with the procedural law

- to supervise the adjudication of other Courts, except otherwise provided by the law.
- to sum up practical adjudication practices of all Courts, ensures the consistent application of the law in adjudication.
- to provide training and continuing education for Judges, Assessors and other court officials.
- to administer 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.
- 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

Address : 09 Pham Van Bach Street, Cau Giay

District, Ha Noi, Viet Nam

Tel. : (84) 24 3825.5058 - 801110

Fax : (84) 24 38255400

Web : [www.vksndtc.gov.vn](http://www.vksndtc.gov.vn)

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.

(3) 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 is the Central Authority for Mutual Legal Assistance in Criminal Matters of Viet Nam, and the focal point of which is the 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.

