

Singapore courts rethinking traditional notion of rule of law

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The Singapore courts are rethinking the traditional notion of the rule of law, and adopting a renewed conception to ensure access to justice and the sustainability of the legal profession, Chief Justice Sundaresh Menon said on Sept 20.

He was speaking at the seventh and final instalment of the courts' community engagement series.

The session, organised by the National University of Singapore's law faculty, was held at the Supreme Court auditorium.

In his keynote speech, the Chief Justice said that while the traditional conception of the rule of law has served Singapore very well, there is a need to refresh it, and adopt a more inclusive, outward-looking and holistic vision.

This renewed notion addresses the barriers to justice that court users may face, the needs and aspirations of lawyers, and the decisions made by other judiciaries in key areas of laws that affect the world.

He said: "If we think of the rule of law as a set of values that are essential for the proper functioning of a legal and judicial system, then it must encompass values such as accessibility, proportionality and coherence."

The Chief Justice noted that a commitment to the rule of law has played a pivotal role in Singapore's nation-building efforts by attracting foreign investment and ensuring coexistence in a multiracial and multi-religious society.

He listed certain core tenets of the rule of law, such as equality before the law, transparency of the judicial process, and the existence of an independent and impartial judiciary.

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simply to maintain the status quo, when the operating environment in which our societies and our courts function is changing at a rate and scale that is simply astounding."

He highlighted access to justice as a pressing challenge, due to a "new normal" where a significant component of court users are self-represented people.

"In this 'new normal', we must ensure that all parties, and especially self-represented persons, have a realistic opportunity to commence or defend a claim, and a fair shot at presenting their case, regardless of their resources or legal literacy," he said.

"Our justice system must not become the exclusive preserve of a select few, because the sustainability of the legal process rests on a shared societal commitment to the rule of law, and this in turn requires the public to trust that the courts will deliver justice for all and especially for those that are

most in need."

The Chief Justice said the Singapore courts have implemented changes by developing simpler procedural frameworks for certain types of cases.

For example, under the framework for "general simplified proceedings" in the State Courts, parties do not have to produce documents, which is often costly and time-consuming.

The Chief Justice said the conception of the rule of law should also be broadened to ensure that the legal practice itself remains sustainable.

He cited figures from local and international surveys suggesting that young lawyers are concerned about the sustainability of their work.

In Singapore, out of 234 responses in a survey of young lawyers, two-thirds indicated that they were likely to quit in the next five years.

A significant proportion of respondents indicated that their inclination to leave was influenced by excessive workload or poor work-life balance, and poor workplace culture.

The Chief Justice said the results are of concern not only because they represent the views of lawyers who have just started on their careers, but also because most of these responses appeared to be motivated by "push" factors.

To address any mismatched expectations or a generation gap, there may be a need to emphasise to junior lawyers that a career in law demands a considerable amount of hard work over the long haul, he said.

But there is an equal need to convey to senior lawyers that workplace practices have evolved over the years, and there has rightly been a shift towards more sustainable and mindful practices, he said.

The Chief Justice also touched on how artificial intelligence and climate change have given rise to new and complex legal issues that transcend jurisdictional boundaries.

He suggested that legal systems – including judiciaries – should see themselves as part of a larger transnational system of justice, and strive to mount a coherent response to emerging legal issues that have the potential to adversely impact humanity as a whole.

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