



MUSINGS FROM CHAMBERS

Chambers Decoded



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Message from Chief Editor

by Alice Khan Ahmad Khan

This Publication is yet another initiative of the Attorney General's Chambers of Brunei Darussalam to give readers a glimpse of how the Chambers functions behind closed doors.

The Publication comprises a personal collection of jottings and musings with a pinch of humour from the senior management of the Chambers and also describes the long journey of the Chambers and senior management since the Chambers' establishment in 1959 to become the largest and diverse legal firm in Brunei Darussalam today.

Like any other fast growing organisation and with the rising expectations and legal complexities, the journey is not without challenges. With Chambers' role becoming more apparent, the Chambers remains steadfast in her commitment to pursue excellence in delivering legal services of the highest quality to meet the rising expectations while maintaining the rule of law for the benefit of the nation in achieving Wawasan Brunei 2035.

I would like to take this opportunity to thank all the contributors for their interesting articles and the members of our in-house Editorial Committee for their invaluable assistance in making this Publication possible.

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*"Do not go where the path may lead, go instead where there is no path and
leave a trail."*

[Ralph Waldo Emerson]

What is it like to be a woman of many firsts? The inevitable question posed to me many a times throughout my life, by both men and women, boys

and girls. Nothing wrong or impolite about the question though as I was indeed blessed and destined to be the first Brunei Malay woman to be called

to the English Bar in 1980 (thanks to Brunei Government Scholarship) and subsequently appointed by His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam as the first woman Magistrate, Chief Magistrate, Chief Registrar / Intermediate Court Judge and then the first woman High Court Judge in 2001, and the first woman Attorney General on 4 August 2009 which post was elevated to Ministerial level on 29 May 2010. *Alhamdulillah*.

“Don’t be a *loyar buruk*. Study hard if you really want to be a lawyer”. My late father’s words when he got tired of my unfounded arguments, still rang clearly till today.

I never dreamt that I would end up where I am. All I know was that the job would be a tremendous undertaking. On every appointment, I began with the hope and commitment to utilise my basic ability and to develop the skills not only to do the job but to do it well not only for Brunei women but for everyone, especially His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam who had entrusted me with such an honourable and heavy responsibility. In other words, I want to leave a trail – a trailblazer of sorts! The greater challenge that comes with being ‘the first’ is that you must do well so that you will not be the first and the last!

I know you both will be proud of me, Mum and Dad! *Al Fatihah*.

Then and Now

When I joined the Attorney General’s Chambers in 1981, there were only 3 women. When I first moved to the Judiciary as Magistrate, I was the only woman. When I was appointed as the first woman Intermediate Court Judge (ICJ), a handsome journalist for Borneo Bulletin described me as ‘beauty on the bench’ (Sigh! The good old days!). When I left the Judiciary in 2009, there was one woman ICJ and more than 80% were women Registrars and Magistrates. Currently, there is one woman Judicial Commissioner of the Supreme Court. How times have changed.

When I returned to Chambers in August 2009 as the Attorney General (after having been ‘away’ for more than 20 years), I found myself (happily) surrounded by more than 80% women lawyers! Little wonder that it prompted some to claim AGC to mean “All Girls’ Chambers”.

Even now, more than 80% of lawyers in Chambers are women.

Trailblazer? Hopefully. If I am accredited in a small way to have contributed to this encouraging development. I would like to think

that I must have done something right.

Leadership

The jury is still out if leaders are born or made, or both. However, a few tips that I have learnt and picked up along the way to share with both men and women in Chambers. (Warning: Try it at your own risk!)

- You cannot lead from the crowd, otherwise there would be no need for leaders (late Margaret Thatcher);
- Stop selling yourself short;
- Stop playing safe;
- You have got to ask for what you want. People cannot know what you want just by looking at you!
- Women must not let themselves be intimidated. (Debbie Kissire, Vice Chair/Managing Partner of Ernst & Young);
- Embrace vision and opportunity.

The Journey

Has it been a smooth journey for me? Of course not. The vicissitudes of leadership is not for the faint hearted. It is a challenge, for both men and women, (and more so for women).

Justice Sandra Day O'Connor (retired) – the first woman to serve as United

States Supreme Court Justice eloquently stated:

"The power I exert on the court depends on the power of my arguments, not on my gender."

She gave me confidence when some men and women seem to think a woman is too 'emotional' to be on the bench or to lead.

Dr Madeleine Albright – former US Secretary of State, advised to "work hard and get education first". Beyond that, "women have to learn to interrupt". She came up with the concept after attending plenty of male-dominated meetings which she wanted to speak but decided her point was not smart enough. Then some men say it and everyone thinks they are brilliant and you are so mad at yourself. But, must exercise 'active listening'; women and people, in general, need to understand that if they are going to interrupt, they need to know what they are talking about. Listen closely, 'speak up' often. The world has room for mediocre men, it has no room for mediocre women. (Hear, Hear!)

In all fairness, leadership is hard for everybody, but more so for women. You can have it all, but you are not going to sleep very well (some women politicians heard to have said).

Tips from Lorraine Cortés-Vázquez – first woman New York Secretary of State:

- Be bold and courageous, which is not reckless, but fully conscious of consequences;
- Arm yourself with information so you can combat the misinformation;
- You have to be your word.

As individuals (man or woman) we can inspire and be inspired. Do not stop believing. Today's leaders inspire tomorrow's. We must help other women up the ladder. Remember Helen Keller:

"One can never consent to creep when one feels an impulse to soar!"

I wish all women (and men) in Chambers the best in your journey. The office of the Attorney General is so important that it is given a Constitutional status. We play a critical role in the administration of law and justice in Brunei Darussalam. Let us all live up to the expectation of our office with professionalism, integrity and humility.

For the women, I wish you the best in your climb to break the leadership glass ceiling (if it is still there).

I will hold the ladder for you as long as I can.

MY CAREER PATH: MUSING OF A SOLICITOR GENERAL

by Naimah binti Md. Ali



The Attorney General's Chambers is nearly 6 decades old and indeed the Chambers has come a long way. From a handful of us tucked in the cramped corridor of the old State Secretariat Building more than 30 years ago to the present Law

Building, the Attorney General's Chambers which is the country's largest legal firm is 'home' to more than 90 legal counsels and officers dealing with a whole spectrum of issues, from criminal prosecution, legislative drafting, advising on legal

issues as well as negotiating free trade agreements. Although information technology has assisted us greatly in our daily work, this has not necessarily made our work any easier. When we introduced our Strategic Plan 2012 - 2017 in 2011, we vowed to be the 'legal service provider of the highest quality'. In this regard, the Chambers is committed to realising her vision and mission in ensuring that her officers specialised in areas such as information technology, intellectual property, investment, international law, Syariah law, commercial law etc. in order to keep up with the ever changing and evolving legal landscape.

Being the Chief Legal Adviser on all legal matters connected with the affairs of Brunei Darussalam and our aspiration to delivering our services of the highest quality, we are also constantly reminded of the guiding principles of upholding the rule of law for the peace, prosperity and stability of Brunei Darussalam.

Why start with Chambers? Perhaps as a reflection when I decided to pursue a degree in law after my 'A' Levels, the thought of joining the Attorney General's Chambers had never crossed my mind. I was more interested in passing the law degree and the professional exam, finding employment and earning a modest

income. My interest in law probably stemmed from the many TV series in the 70s featuring the glamorous and exciting world of the legal profession, three of which come to mind immediately are the TV series "Paper Chase", "Matlock" and "Petrocelli", and the idea of seeking justice for the innocent fascinated me without really understanding the legal intricacies that were to come.

Having joined Chambers, much to my surprise, legal practice was nothing near the TV series "Matlock" or "Petrocelli". My office did not have dark paneled walls, mahogany tables etc. and to my horror, I was on the prosecution side and as we trudged along, we did not always 'win' our cases.

Prior to 1996, we were expected to do prosecutions, civil advisory matters, business names and companies registrations and intellectual property matters at the same time. We were neither here nor there. In just a day, I would be wearing the hats of a prosecutor, Registrar and legal adviser. For example, I would be in court prosecuting a case, the next I would be going through business names and companies registration matters or looking at intellectual property matters. The tasks were just too enormous for a handful of us at that time. We only specialised in 1996 in our respective areas when our

Chambers were split into a number of Divisions. In this regard, I was tasked to be in charge of the Registry of Business Names and Companies and also the Registry of Intellectual Property matters. The Registries are open to the public and I was in the 'front line'. Queries and complaints were many and we were expected to deal with them quickly, otherwise we became the topic of the local newspapers. In 2011, by His Majesty the Sultan and Yang Di-Pertuan's Titah, I was transferred to the Prime Minister's Office and promoted to the post of the Deputy Permanent Secretary under the law and welfare portfolio. My new task was very different from what I was doing in the Chambers as I was also involved in non-legal matters. I was in the Prime Minister's Office for almost a year when in June 2012, I was transferred back to the Chambers as the Solicitor General. As Solicitor General, I was tasked to handle both administrative and substantive matters. Thanks to my able and competent officers at the Attorney General's Chambers to whom I am indebted to, I was able to deliver my responsibilities fairly and diligently. Especially with legal issues, one must constantly update himself with all the latest legal developments. As I was away for almost a year, there was a lot of 'catching up' to do. Perhaps, I can say

that my job as a Solicitor General is the most challenging one.

Nevertheless, the whole experience at the Chambers has been very enriching and rewarding and I must confess I am one of the privileged few to have experienced the whole gamut of law disciplines from handling criminal prosecution to intellectual property matters. As mentioned by the Honourable Attorney General in her speech at the AGC Open Day and the Launching of AGC Report 2013-2015:

"that AGC is the appropriate starting place to utilise and sharpen the knowledge and skills required of a lawyer and to provide you with the best exposure on diverse aspect of legal practice and areas including prosecution, legal drafting and giving advice to the respective ministries and departments on various domestic and international matters."

Our role over the years has not changed much, except with the inevitable transfer of the Registry of Companies and Business Names to the Ministry of Finance and the Intellectual Property Registry to Energy and Industry Department, Prime Minister's Office, with the view that the Attorney General's Chambers focuses on its 'core' business now that legal issues are becoming more complex and diverse.

Our clientele pool has also expanded to include statutory bodies and the overwhelming requests for advice are all urgent and are top priority.

My sincere advice to young law graduates is to grasp every available opportunity where possible to work with Chambers as there are many benefits and rewards. The experience exposes them to areas of law which contribute directly to public welfare, social and economic issues and the new and emerging issues and challenges that go hand in hand with them. They also have the opportunity to work on diverse and cross cutting issues.

What are the traits or skills we look for when joining Chambers? One of

them is oral communication and indeed the gift of the gab is one of the most fundamental tools of the legal profession. Lawyers must be able to convey information in a clear, concise and logical manner, must be able to persuade, be able to advocate a position or a cause and develop keen listening skills.

30 years come and go so quickly and I am already almost at the end of my long career apart from a brief stint at the Prime Minister's Office from 2011-2012. The Attorney General's Chambers has indeed taught me a lot and I cherish every moment of it. And if you ask me to start my career again, I would not miss a heartbeat and say Chambers would be my first choice.

BEHIND THE SCENE

by Alice Khan binti Ahmad Khan



*"I'm the parliamentary draftsman and I make the country's law.
And of half the litigation I'm undoubtedly the cause...
I'm the parliamentary draftsman and they tell me it's a fact.
That I often make a muddle of a simple little Act.
I'm the parliamentary draftsman and they take me in their stride.
Oh, how nice to be a critic of a job you've never tried."*

[AP Herbert (1890-1971)]

Who and what is a legislative drafter? In short, he writes laws for everyone.

In Brunei Darussalam, the central legislative drafting office lies in the Attorney General's Chambers. Prior to 1989, the year when we had our first Legal Draftsman, laws were drafted by counsel who had little drafting experience with the result that drafts of different quality and style were produced. In all fairness to my then colleague at that time, he also had to deal with advisory, contract and prosecution work at the same time. It was only in 1996 when the then Minister of Law *cum* Attorney General called for specialisation and consistency in areas of the law that a number of divisions were created, including the Legislative Drafting Division.

Currently, all legislative drafting work is shared amongst 5 full time legislative drafters with at least 15 years' drafting experience and being the central legislative drafting office, it is no easy feat having to serve 12 Ministries, their departments and statutory bodies.

Most people think our work involves 'copy and paste' and merely correcting the rules of grammar and commas. While the former has a ring of truth as drafters usually rely on documents that have been tested in operation in other jurisdictions, this

general perception is indeed unfair to drafters after all the pains that have been bestowed in the preparation of the Bill. Every word they use have to pass the test of the Legislature, the stakeholders and the Judiciary.

Professor Hilton McIntosh, former Chief Legislative Counsel of Canada, reminded his students:

"The goal of a legislative drafter is not to draft a provision that a reasonable person would understand. Rather, the goal is to draft a provision that an unreasonable person cannot possibly misunderstand."

Allow me to humour you with this example which was found in Lynne Truss' book "Eats, shoots and leaves":

Dear Jack,

I want a man who knows what love is all about.

You are generous, kind, thoughtful. People are not like you admit to being useless and inferior. You have ruined me for other men. I yearn for you. I have no feelings whatsoever when we're apart. I can be forever happy-will you let me be yours?

Jill.

The same words but punctuated differently produce the following version:

Dear Jack,

I want a man who knows what love is.

*All about you are generous, kind,
thoughtful people, who are not like
you. Admit to being useless and
inferior. You have ruined me. For other
men I yearn! For you, I have no feelings
whatsoever. When we're apart I can be
forever happy. Will you let me be?*

Yours,

Jill.

When AGC introduced our Strategic Plan 2012-2017, we vowed to be the highest quality legal service provider in the country which means that there must be a culture of quality, precision and excellence in our service delivery which cannot be compromised at any one time.

Professor VCRAC Crabbe has said:

"Legislative drafting is a difficult task. What is clearly conceived in the mind may not be easily expressed with clarity and precision in words. Where something can easily expressed, it may not be easy to do so in a way devoid of misunderstanding..... It is a highly technical discipline, the most vigorous form of writing outside Mathematics."

Leading Canadian drafter, Professor Elmer Driedger has said:

"The perfect bill has never been written. It never will be."

The legislative drafter is a specialist and he should first and foremost be an able lawyer who has adequate experience in the legal profession as in the case of our drafters. A drafter should have an adequate interest and aptitude to legislative drafting. He must be witty, has an inquisitive and inquiring mind, critical, imaginative, open-minded and the capacity to work under pressure. The combination of his ability to exercise the faculty of his mind systematically and orderly in the formulation of thoughts together with the clever use of language make a competent drafter. Thus, an absorbing and continuing interest in linguistics (the scientific study of language) is desirable and essential (Thorntons). Professor Driedger believed it takes 10 years to train a competent drafter. He must also cultivate an attitude of rigid self-criticism. A good lawyer is not necessarily a good drafter and a drafter is no ordinary writer.

"We who deal in words must strive to keep language pure and wholesome; and it is hard work, as hard as almost digging a stony field with a blunt spade."

[Brown, George MacKay (1921-1996)]

[Time in a Red Coat (1984)]

"A word once let loose cannot be recalled."

Legislative drafters work behind the scene. You do not know or see them but their work is everywhere. For example, when the penalty prescribed under a certain law is too low and there is an instruction or policy to increase it, this is when the drafter's skill comes to play to reflect the policy. In short, the legislative drafter works on the basis of drafting instructions from his clients ('policy people') and the quality of their instructions may vary. Some are detailed and some are sketchy.

It must be emphasised that it is not the role of the legislative drafter to become involved in policy discussions but he can help the policy maker in shaping the policy with adequate teeth for implementation and identifying gaps where instructions are lacking. He can advise with confidence and authority on the current law or whether it is plausible or in conflict with basic legal principles. Radical departures from current principles set poor and dangerous precedents for future legislation.

Because the drafter has to deal with various subject matters, he cannot be an expert in all of them but he is

expected to know basic legal principles. Therefore, a good working relationship between the drafter and the policy maker who is expected to be a subject expert is crucial.

Being the central legislative drafting office, instructions are sent to the Attorney General who assigns the matter to either the Legal Draftsman or the Head. These will further be assigned to drafters depending on their experience, the complexity and nature of the legislation. Meetings and discussions on the drafts will soon follow between the drafters and the clients and they can be straightforward or tricky. Therefore, it is important that drafters are able to exercise the faculty of their mind cleverly and quickly. A drafter also needs time to examine the instructions (which often come in batches or which often change) with the result that drafts after drafts will be prepared, amended, reviewed, redrafted or sometimes for some other reason not proceeded with. A lot of time may seem wasted but this is when drafters' skills are put to the test. It is not unusual to have emotions running high during this time and one should not be disheartened by mere incidents but certainly, being patient and having a cool personality are great traits to possess when you are in this job!!! Like most things in life, there is a

downside. Drafters are now investing in high powered granny glasses and expensive creams to treat designer eye bags!

"Laws are like sausages (or belutak); you do not want to see them being made!"

[Otto Von Bismarck (1815-1898), the famous Prussian Statesman and Architect of German Unification]

The drafts will go through the Head and finally scrutinised by me. My role is to ensure it fulfills the policy intention and that the law is precise, readable and clearly understood. Otherwise, signature copies of the legislation will not be made and forwarded to our clients for assent by His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam.

Once assent is obtained, you always hear a sigh of relief coming from the drafter's room and before long, new drafting instructions will come in for the next batch of policy and the process starts all over again with sighs of relief being quickly replaced by groans and moans.

Competent drafters tend to stick with it as career until the end of their working lives although generally it generates no fame, no public profile, no wealth and on occasion, unfair criticism. Although acquired at the experience of great pains and tons of patience, the work is interesting, challenging, rewarding, satisfying, creative, positive and at times, humorous.

SYARIAH AND CIVIL PENAL LAWS: NEVER THE TWAIN SHALL MEET?

by Haji Yusree bin Haji Junaidi



"Oh, East is East and West is West, and never the twain shall meet."

[Rudyard Kipling, *The Ballad of East and West*]

The introduction of the Syariah criminal laws into our legal system has garnered strong reactions both positive and negative domestically and overseas. Looking at this in context, the implementation of the penal laws is in effect just one

manifestation of His Majesty Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah, the Sultan and Yang Di-Pertuan of Brunei Darussalam's noble aspiration for Brunei Darussalam to be a "Negara Zikir". This resolve is also evidenced through many other

measures to inculcate Islamic values such as compulsory religious education for Muslim children, banning of sale of alcohol in the country and the serving of alcohol on all Royal Brunei Airlines flights, the prohibition on trading during Friday prayers and the establishment of the Syariah courts.

The greatest challenge still lies ahead. The just implementation of the law requires the relevant agencies to have adequate preparation and resources in enforcing the laws. If the laws are implemented without such adequate preparation, injustice may occur and this will tarnish the noble aspiration to uphold the sovereignty of the laws of Allah SWT.

This is where the Attorney General's Chambers plays a role. Although being civil lawyers we are not directly involved in the implementation of the Syariah laws, we have the knowledge and experience on how the enforcement of penal laws relating to the investigation, prosecution and trials are actually implemented.

Having been a prosecutor for nearly 25 years and being personally involved in the drafting of Syariah related laws, including the Syariah Penal Code since 1995, I will share the frequently asked questions during dialogues and briefings on the implementation of this law. However,

as I frequently reminded the audience during such briefings, "I am a *pendakwa*, not a *pendakwah*". My views are therefore those of a civil law practitioner.

Why is Brunei Darussalam introducing the Syariah criminal law?

Brunei Darussalam is an Islamic country and has been an Islamic country for over 700 years. Islam is our official religion. For us, this is not merely a label. Islam is the moral compass and the way of life for a substantial majority of the population.

Although currently the legal system is based on the English common law, Syariah law has been in place to govern family law matters for Muslims. We see the expansion of Syariah law to encompass criminal law as a natural evolution to comply with the requirements of Islam.

Why now?

There has been accusation that the introduction of the new laws happened suddenly. This is far from the truth. The law has been long in gestation. As an *Ulil-Amri* (leader) who is entrusted with power to govern, His Majesty the Sultan and Yang Di-Pertuan has stated that it is his religious obligation to implement Syariah law. His Majesty had on

various occasions since our independence in 1984 indicated his resolve to implement Syariah law fully, including the criminal aspect when the time is appropriate. That time has come. We have introduced our revamped Syariah courts for over 10 years and it is felt that the Syariah judicial system is now ready not just to deal with Syariah family law but also criminal law.

How will Syariah criminal law be implemented?

Unfortunately, the image of Syariah criminal law has been tarnished by news reports and images we find in the media and in the internet of the so called implementation of Syariah law.

Be rest assured, the implementation of Syariah law in Brunei Darussalam will be no different from the implementation of the civil criminal law. There will be emphasis on a fair trial in open court in accordance with proper due process. The accused is presumed to be innocent until proven guilty. The charge must be complete and with sufficient details to give the accused notice of the offence with which he is charged. The accused may be represented by his own lawyer who can cross-examine prosecution witnesses and challenge the prosecution's evidence. The accused himself may give evidence.

One aspect in which Syariah law which is different from civil law is the standard of proof. In civil law, the standard of proof is beyond any reasonable doubt. In Syariah law, the standard is much higher which is no doubt whatsoever. Securing a conviction is therefore more difficult. Bad news for prosecutors. Good news for defendants.

Another difference is on the method of proof. In civil criminal law, even for murder which carries the death penalty, offences can be proven by circumstantial evidence including DNA or video evidence. In Syariah law, before punishments such as death, stoning or amputation of limbs can be imposed, there must be direct evidence from the required number of witnesses, four in the case of adultery or two for other offences. The witnesses must be male Muslims of sound mind and are righteous and morally upright (*'adil*). Realistically, will we ever find even one, let alone two or four of these righteous and morally upright men who just happened to be present at the crime scene?

One aspect of Syariah law which is often overlooked is the emphasis on forgiveness. The family of a murdered victim may choose to forgive the retaliation against the murderer with or without the payment of compensation. If

forgiveness is granted, the murderer will escape the death penalty. There is no such dispensation in the civil penal laws.

If it is difficult even impossible to find the witnesses so why have the law? In Islam, the concept of repentance is encouraged. We believe that being punished in this world will absolve us from being punished again in the hereafter. Even though the offence cannot be proven through the testimony of witnesses, an accused can still be convicted on his own voluntary and unequivocal confession. The law is there to provide for such eventuality however remote it may be.

What will happen to the existing civil Penal Code?

Brunei Darussalam will be unique in that both the Syariah Penal Code and the existing civil Penal Code will be enforced alongside each other. So in Brunei Darussalam, the twain shall meet. How will it work in practice?

If an offence is within the jurisdiction of one court only then that court will have jurisdiction. So offences of corruption and drug trafficking will be heard in the civil courts. Being absent for Friday prayers without justification will land the offender in the Syariah courts.

For offences within the jurisdiction of both courts, for example murder, robbery, rape and theft, the current practice will continue. Such cases will still be investigated by the police. The case will then be assessed by our Deputy Public Prosecutors. Only if there is sufficient evidence for a conviction under Syariah law would the offence be tried in the Syariah courts. Otherwise, such case will continue to be heard in the civil courts. In effect, such offence will only be heard in the Syariah courts if the accused wishes to plead guilty and wants the harsh punishment to be imposed on him.

Why should we visit / stay in Brunei Darussalam? Should we be fearful?

We expect foreigners to come to our country to abide by our law and not break it. And if they do, they should be punished justly in accordance with the law. Likewise if we go to another country, we are also bound by its laws. However, I do not avoid travelling to a country simply because that country has the death penalty as I do not intend to commit the crimes which attract the death penalty in the first place. Neither do I expect you to do so.

Even if any person gets into trouble with the law, independence of the judiciary is paramount in Brunei

Darussalam. The presumption of innocence and the principle that any conviction must only be after the due process of law are jealously safeguarded. Therefore, even though we already have the death penalty for many offences under the civil law, there is no arbitrary arrest and no show trial simply done to execute defendant. That will not change with the enforcement of the Syariah penal laws. As explained earlier, it is even

harder to get a conviction under the Syariah law.

Let's not forget that it is in our own interest to ensure the implementation is done fairly, with regard to justice and due process. Foreigners have the option of whether to visit or stay in the country. We do not have that option. So it is our duty to make it a success for our own sake, the sake of our family and our future generations.

LESSONS LEARNT AS A NEGOTIATOR

by Hajah Dayang Nor Hashimah binti Haji Mohd Taib



My first negotiation related to a commercial contract that was worth millions of dollars. It involved numerous discussions spanning a course of 3 months to finalise. In the end, our side did not get exactly what we wanted, but we were nevertheless

more than satisfied with the compromise reached, and we also managed to forge a long term relationship with the other side, which happened to be a very reputable company. Most importantly, the project under the

contract was a success. From there I learnt my first lesson in negotiations – we cannot always get what we want, but the outcome of the compromise is almost always, more than fruitful.

Since then, I have negotiated a variety of legal instruments, ranging from contractual commercial documents with companies, to bilateral and multilateral treaties with sovereign states and international organisations. To be able to reach an agreement on important matters that could affect the national economy or help with the development of Brunei Darussalam is very rewarding.

I cannot say that I have perfected the process, but I can say that I have learnt immensely. So here are a few lessons that I can share:

- **Do your research:** 60% of the work is research done prior to the negotiations itself and this is vital to a successful negotiation. You need to know the complete background information, clearly understand the objective of the negotiated document based on your client's instructions, and most importantly for us lawyers, be well-equipped with all the relevant laws, regulations and case precedents. It is also very useful to know and understand the other negotiating party, so

do some research and try to find out more about your "opponent". This is easier for a bilateral negotiation as there is only one party to acquaint yourself with, but it may not be so in a multilateral context, where you could possibly be dealing with 4, 5, 6 or even 10 other parties. However, it is a challenge I find refreshingly interesting as you end up learning more than what you expected and this becomes a valuable asset for you to earn. With good research and preparation, you can also gauge your limitations and what areas you can compromise on. With good research, you are more confident to challenge the other side and not take their argument at face value. With good research, you can find out if the other side has a similar past agreement as the one you are negotiating with another party and you can use a previous similar position against them if needed. With good research, you would be able to know the jurisprudence of a particular point of law that is being discussed and thereby strengthen your position using precedent as your reinforcement. Safe to say, I would strongly advise against entering into

negotiations without proper research.

- **Work within the mandate given:** This seems straightforward but parties sometimes do forget. There is no point in trying to negotiate without a clear mandate from your clients, as you risk them refusing to sign the deal in the end anyway. It is therefore very important that you understand what the client wants, along with the aims and objectives of the agreement. This involves a lot of discussion and coordination with the instructing agency or agencies at all stages of the negotiations on understanding them and their needs.
- **Be creative and provide options:** Do not go into a negotiation having just one goal. Instead, give yourself some room to manoeuvre knowing what is the most and the least you are willing to walk away with. Ideally, you would like to achieve the best option, but as I have mentioned earlier, you must be ready to reach a compromise. You need to be flexible but stay assertive at the same time to ensure that the client's interests are not jeopardised. Avoid being aggressive when your offer is not

being accepted. Keep an open mind and try to understand the other side's point of view. That is a key ingredient to negotiations; to listen, understand and accept that both sides are trying to put their point across as clear and precise as possible.

- **Do not be intimidated by the other side:** The other side may have a longer CV and more qualifications than you, but this should not be a deterrent if you are well prepared. As mentioned earlier, be assertive and not aggressive. Remember that you are negotiating an agreement that could lead to a long-term relationship, so you might continue to see them or their colleagues after negotiations end. As such, forging good rapport with them is also important.
- **Listen to the other side:** Do not just listen to what you want to hear. If you listen openly, you can try to anticipate where your counterpart may be willing to compromise and where they are standing firm. Again, what you want may not tally with what the other side expects. Therefore, it is important to listen and understand the other side so that

a creative solution favourable to both sides can be achieved.

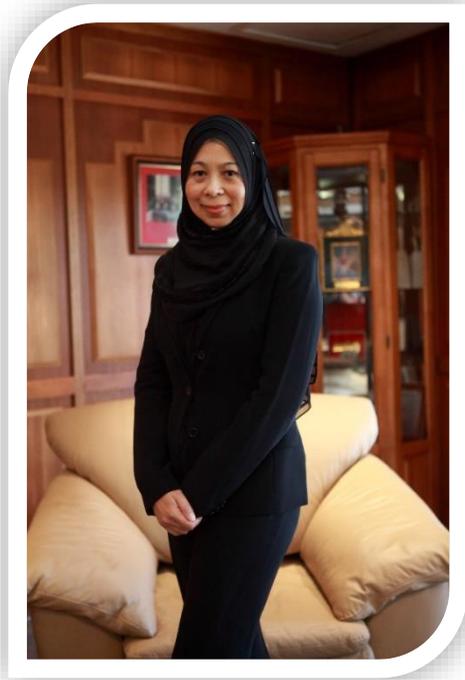
- **Do not take matters personally:** Agreements normally lasts for as long as 3 years or even longer. It forges a professional or business relationship. So do not take it personally when there is disagreement at the negotiation table. If you want to succeed in negotiations, leave the ego and pride behind. Negotiations should not be about who is right or wrong, but more about compromise and how to forge a long-term relationship with the other side through a solution that benefits all the parties. A person who is not willing to compromise

will end up failing in the negotiations.

- **Be patient:** Lastly, being patient is an important trait to maintain throughout all stages of negotiation, especially when dealing with negotiating partners that have a different language or are from a different social or cultural background. Take your time as rationally as possible. If you rush, you risk overlooking important issues and end up compromising your position. Most importantly with patience, the other side would appreciate it more.

THE CHALLENGES OF A MODERN PROSECUTOR

by Aldila binti Haji Mohd Salleh



"The qualities of a good prosecutor are as elusive and as impossible to define as those which mark a gentleman. And those who need to be told would not understand it anyway."

[Robert H. Jackson]

In Brunei Darussalam, the office of the Public Prosecutor is held by the Attorney General who is appointed by His Majesty the Sultan and Yang Di-Pertuan. By virtue of Article 81(3) of the Constitution of Brunei Darussalam, the Attorney General “shall have power exercisable at his discretion to institute, conduct or discontinue any proceedings for an offence”, apart from proceedings before a Syariah court and proceedings before a Court Martial subject to written law to the contrary. The power of discretion is absolute by virtue of Article 81(4), which reads:

“In exercise of this power, the Attorney General shall not be subject to the direction or control of any person or authority.”

The Public Prosecutor thus occupies a pivotal and powerful position in society, one entrusted with onerous responsibilities. It is vital that a prosecutor exercises his discretion to prosecute without fear or favour. However, that does not mean that he has an unfettered discretion to decide as he wishes for he cannot ignore the facts or the law. He must never allow his decision to be swayed by personal or public emotions or opinion. The decision he makes can profoundly affect the lives of others. The decision to prosecute must entail a thorough appreciation of the hardship of a trial as well as the shame and stigma that

will attach to the accused and his family even if he was ultimately acquitted. The prosecutor must therefore always conscientiously discharge his duties, resist pressure or criticism and firmly stand by his decision, to prosecute or not prosecute, so as to uphold the integrity of the criminal justice system.

To Charge or Not To Charge?

The decision of whether or not to prosecute involves a two stage test. The first stage relates to the evaluation of available evidence. One must be certain that there is sufficient evidence against the offender to prove that he has committed the offence and that there is a realistic prospect of getting a conviction. The second stage entails the consideration of whether it is in the public interest to prosecute the offender.

Within the Attorney General’s Chambers, these considerations are subject to a system of checks and balances by different levels of prosecutors who will review the case and ultimately make a judgment call to the best of their ability. That said, it is not the cardinal rule that every person who has committed a criminal offence must be prosecuted. Depending on the circumstances and gravity of the offence and the

situation of the offender, there may be alternatives to prosecution that will serve to deter the offender just as effectively as a penal sentence. Discretion allows for empathy and second chances. A reprimand by the police, payment of compensation or voluntary counseling in certain cases is sufficient to dispense justice to the case.

Challenges to prosecutorial discretion – Incestuous sexual abuse cases, for example, a father-daughter rape, are notorious in creating challenges for prosecutors as to whether or not to prosecute or to continue with the prosecution. Victims who finally find the courage to report the repeated sexual abuse suffered at the hands of a family member may eventually succumb to family pressure not to proceed with the case in fear of losing the family breadwinner or the further breakdown of the family unit. The first stage of the test can be satisfied with the full cooperation of the victim. But the dilemma lies in the second stage in deciding whether it is in the public interest to prosecute the offender that the victim now wishes to forgive for the sake of the family. The offender on his part begs for a second chance and promises never to repeat his wrongdoings. Other family members chime in stating the offender is a good man but for the

impropriety that had been discovered. Sometimes for added pressure, the victim then informs the prosecutor that she does not wish to testify against her father. How would a prosecutor decide in such cases? How would you decide? Would you compel the victim to testify regardless so as to punish the offender and to prevent further abuse? Would you consider the welfare of the broken family unit?

In the Courts

When the prosecutor does decide to prosecute, it is not his function to seek a conviction at all costs. He must persuasively but courteously present his case with intelligence and fairness. His goal is to secure a conviction against the right person based on the evidence, the truth of which he strongly believes in. He may at times be disappointed over an unfavourable outcome of a trial for which he had diligently worked on. Nonetheless, he must be rest assured that his duty is not to win every case but to see that justice is done.

Cases in the Spotlight

There was a time when prosecutors hardly hear about society's views on the work they do when prosecuting a criminal, securing a conviction and getting a criminal punished by the courts. I can certainly vouch for this

having been a prosecutor in the Attorney General's Chambers of Brunei Darussalam for the past 20 years and counting. Serious cases may make the newspaper headlines the next day but most would be buried amongst the local news and quickly forgotten.

The proliferation of social media outlets have now afforded society with a platform to be heard or to hear what may be said. These days a prosecutor cannot escape from having to hear the opinion of others via Facebook, Twitter, Whatsapp, Instagram and various other social media applications. The exercise of prosecutorial discretion and the outcome of a case is often publicly scrutinised.

There have been reported cases which have gained much sympathy from the public. One such case involved the prosecution of a father who had attempted to steal a toy from a toy store for his son. In another case, a mother was prosecuted for stealing toiletries from a supermarket to pay for her children's medical and school expenses. The prosecutorial discretion exercised in these cases were seen by some as unwarranted and unduly harsh.

The decision to prosecute was however premised on the fact that

both these parents had repeatedly committed the offence before and were unrepentant over their actions. Though their actions appeared to be a desire to provide for their children, there was no evidence that the items they stole were intended for the purpose they claimed it to be. It was an opportunistic crime and when they were caught, they gave a forlorn explanation, perhaps in the hope of avoiding a prosecution or an imprisonment sentence. Not prosecuting may give the underprivileged the wrong impression that they can be excused from their wrongdoing. Having considered all the facts and the available alternatives to prosecution, we felt that it was necessary to prosecute in order to deter them and others from resorting to such criminal acts no matter the hardship. The court sentenced both to an imprisonment sentence.

Public Opinion vs Rule Of Law

Published news articles at times put cases in a different light and may not necessarily reflect all the facts. Of course, the prosecutor can insist on correcting the published articles but seriously, nobody cares about the "What it should have been" editorial, do they? The downside? The prosecutor is left with having a heartless reputation.

Recently, the public expressed their anger and dismay that a couple prosecuted for abusing their 4 year old child were only sentenced to 8 months imprisonment with one additional stroke of whipping against the man. The public sentiment was that the sentence was too lenient given the 'torture' endured by the child as observed by the video of the assault that went viral and spurred the police to arrest the callous couple overnight.

Many wrote on social media calling for a harsher sentence. It is not the practice for the prosecution to publicly respond to justify its actions or defend the courts' decisions. But let me take this opportunity here to state that the sentence imposed was within the range of sentence previously meted out for similar offences and was not manifestly inadequate. An appeal to ask for a higher sentence would have been futile but how can the prosecutor make the emotional public understand this? These are amongst the challenges faced by the modern prosecutor.

Trying to make the public understand the intricacies of prosecutorial discretion or the skill of prosecution is not an easy feat. In these modern times, what they want to see, is the perpetrator whose criminal activity was caught on video that had gone

viral, be dragged to court and hung at dawn. For the most serious of cases, provided there is sufficient evidence, public interest considerations would obviously compel a prosecution to the maximum extent of the law. Anything contrary may dent public confidence in the criminal justice system. Despite public uproar in such cases, the prosecutor is still under a duty to exercise his discretion cautiously and stand firm by his decision.

Traits of a Good Prosecutor

Commitment, professionalism and loyalty to the rule of law are required of those who have taken up the challenge of being a prosecutor. Onerous though the job may be, it is also immensely satisfying and rewarding. Prosecutors play a pivotal role in the justice system specifically and in society generally and it is a responsibility not to be taken lightly. It is fundamental that they abide by the high ethical standards imposed on and expected of them in carrying out their roles.

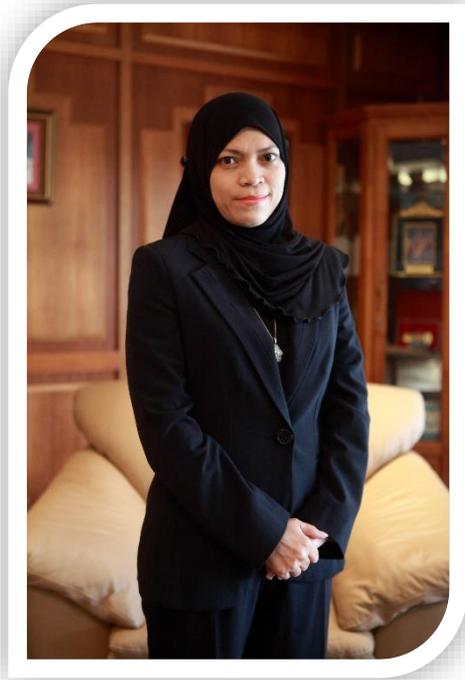
Successful prosecutors must have a passion for the work they do. Their constant sacrifice of working long into the night and weekends (despite non-lucrative salaries if compared to the private sector) to prepare for one trial after another demonstrate an immeasurable commitment and

dedication to public service. Despite the many challenges, I feel good about being a prosecutor and having the ability to contribute to society in a

positive way. In this line of work, I can honestly say, there is hardly a dull day in the office!

THE LAW IS AROUND YOU

by Hajah Suhana binti Haji Sudin



The law is around you, whether you know it or not. I drove to the office this morning, in my roadworthy car which is of course fully insured by a reputable insurance company. Before I hit the road, I looked at the validity

of my road tax and driving licence. Yes, both are still valid.

I drove with due care and attention, keeping in mind of my own safety and the safety of other road users. As I drove along, I came across a small

and wet stretch of bumpy road, and asked myself whether I should reduce my speed in case I hit a pothole or a puddle due to the recent heavy rain. Yes, I spotted a small pothole which I promised myself that I would do my civic duty to report to Talian Darussalam at 123. When I reached the highway, I complied with the maximum speed limit, driving on the left lane and only using the right lane for overtaking.

Why do we have these laws in our daily lives? These are the laws that we see and feel around us. Laws protect us and protect our rights against abuses.

It is now 7.45am and it is my obligation to be at my office before or at this time and to leave office at 4.30pm as per office circular and our General Orders. My job in Attorney General's Chambers demands that I handle a lot of queries on laws. We are the Government's legal adviser and it is a known fact that all legal issues faced by the Government Ministries, departments and statutory bodies are referred to us for advice through written communication and consultations.

The scope of work we receive varies extensively from legal advice on interpretation and application of laws, drafting and vetting contracts, memorandum of agreement,

memorandum of understanding made on behalf of the Government to giving talks and presentations to Government agencies and to educational establishments.

Do you know that there are currently 220 Chapters of Acts and 91 Orders (and counting)? To be honest, we do not know all of them. Unfortunately, our clients expect us to. Great!

We have laws regarding humans, animals and plants, living things and non-living things, you name it. It is law that we live in a clean and safe environment. It is law that we live harmoniously with one another. It is against the law if we dispose rubbish indiscriminately, of which, one can be slapped with a compound fine and taken to court for littering! Food safety is also an important issue and the law ensures that food are safe for human consumption. It is law that all packaged food must contain the expiry date or if it is raw food the date of the packaging. Food establishments must also be hygienic, otherwise they can be shut down. The safety of buildings, applications to build or to extend and to occupy are also regulated and monitored. There are also safety laws at workplace and the Government is not spared.

It is now 12.15pm. Lunch break. Be back by 1.30pm. I did say all

government servants must adhere to the strict working hours, didn't I?

Do you know there are laws on dogs and buffaloes? Dogs over the age of 6 months are required to be registered and tagged. A dog found straying and untagged will be taken to a pound and be destroyed. Buffaloes too must be registered and tagged and their owners must ensure they do not stray. Strays may be pounded and slaughtered by the authorities.

To those who like fishing and have taken this up as a hobby, do you know that you need to have a fishing licence for your fishing appliances? And if you fish in the sea, your vessel needs to be insured, registered and marked with a registration number clearly seen on the bow of the vessel. Oil and gas structures and installations offshores are clearly off limits to fishermen and are protected by law. No fishing vessels or pleasure crafts may enter its prescribed zones unless in conditions of distress.

It is compulsory for children at the age of 6 years to have formal education and parents and families may be prosecuted for failing to send their children to school. There are laws protecting children from neglect and abuse and it is our task to appear in the civil courts to apply for protection with regard to these children.

You may say, wow! There are a lot of laws to digest and memorise. How do we do it? Thankfully for information technology, we are able to research them on respectable websites. Our Laws of Brunei are accessible online and our database contains legal updates. Being updated and 'in the know' of the latest legal developments are extremely important in our work. We cannot be giving legal advice on laws which are outdated and no longer relevant, after all we vow to be the legal service provider of the highest quality.

We also draft and vet contracts and agreements. As Government lawyers, we have to ensure that the contracts entered into are in our best interests and are not burdensome. Typical contracts that the Ministries and departments enter into with individuals and companies range from the supply of goods and services to maintenance contracts. We also assist the Government to draft MoUs; for example, to ink cooperation between our local educational institutions and foreign university educational institutions for student exchange programmes or for research programmes that benefit both parties.

We also conduct civil litigation and arbitration. For example, our counsels appear in courts representing the

Government to recover monies owed to the Government. Who are these people? Tenants who rent Government properties, individuals or companies who have not paid for services provided by the Government like electricity bills, port charges, land taxes and building taxes. We work very closely with Ministries and departments and we ensure that all debts owing the Government by individuals and companies are paid up! We also take action against defaulters who are in breach of their Government scholarship agreements.

We also handle cases where public servants are sued in their official capacity. For example, Mr. X suing a government employee for his dismissal, which Mr. X feels he is unfairly dismissed or a Mr. Y claiming in the civil courts for an order for the release of cash money which was seized as a result of a criminal investigation. In the case of Mr. X,

numerous decisions by the court saw the court ruling in favour of the public servant as he was acting in his official capacity and that the dismissal was duly justified. As for Mr. Y, as the criminal investigation was still on going, cases have shown that cash money will not be released.

It is now 4.30 pm. Time to go home and catch up with my daily dose of drama on TV. No, the laws that I see do not stop at the end of the working day. I am sure to see more on my way home. The usual – I must not over speed etc. Hmm... must check if I have paid my Astro bills or shall I go for a pedicure later? Wait. Must check if the beauty and health establishment is licensed. Yawn! Tomorrow is another day, and so begins another cycle where the law is around us.

MANAGING THE EXPECTATIONS OF OUR CLIENTS

by Pengiran Hajah Siti Rahmah binti Pengiran Haji Mohammad



Expectations vary from one client to another. Some are similar and most are unique. The bottom line is that clients expect a lot from us. The Legislation and Research Division has had our fair share of these. I suppose it is only natural to talk about

managing these expectations whilst still being able to deliver quality legal service through thick and thin, rain or shine, and various other idioms alike!

Nevertheless, amongst our core service attribute which our clients

rarely possess are trained legislative drafters. This would call for legal advice being dispensed with whilst also giving guidance on non-legal matters; a process which involves a lot of consulting, to and fro, until a draft legislation begins to take shape. What follows suit will usually be fine tuning them and to eventually turn them into part of written law within a reasonable period of time.

In Brunei Darussalam, there is no legislative timetable and our clients submit their legislative proposals to us as and when they feel the urgent need to. For example, if there is a loophole in the law or the law has become obsolete. Therefore, you can say that we are at their mercy. Most of the legislative proposals are all top priority and urgent. With only a handful of drafters, this is definitely a tall order.

Whilst we stand guided by our clients' policy direction, drafting instructions are seldom clear. In this regard, we are expected to wave our magic wand to fill in the gaps for them. More often than not, we can spot if a policy decision has not been thoroughly analysed or discussed with the relevant stakeholders and we as drafters are here to help shape our client's policy to make it work.

Irrespective of our efforts in explaining that the draft could not be

produced within a specified timeframe or it is not in the desired form or that it is not plausible, our office always bears the brunt of the blame and suffers unnecessary backlash for what is perceived to be a failure or incompetency on our part to perform or the major reason for the delay in the passage of the law. This stems from the lack of understanding of the legal principles and the law-making process by the clients which is understandable as they are not lawyers. As such, our office has embarked on various initiatives to educate these clients on these issues. Alas, this has been taken seriously by some of the clients.

There is always the belief that all issues can successfully be addressed by creating new laws. Is it really necessary? If not, have the alternatives been considered? We also sympathises the instructing officers as they have to follow the instructions set down by their superiors. If change is indeed essentially required, what changes do we need to make?

As Einstein once said:

"It is only insane to do the same thing over and over again and to expect a different outcome from it."

Apart from embarking on awareness programmes on the law-making

process in Brunei Darussalam, we also look forward to building rapport with clients, present and potential ones alike. We have prepared a Drafting Instructions Handbook which lists out required information and further elaborating on the legislative challenges, whilst incorporating diagrams explaining the processes involve in law-making.

We take it upon ourselves to guide and advise the clients through correspondence where name of assigned drafters will be given and in return we too expect named officials from our clients, preferably knowledgeable in the subject matter at hand. We would also initiate follow up discussions on ways to improve the proposed drafts, together with any query highlighting our opinions. Needless to say, inputs from clients in this regard are essential for paving the way forward. In some cases, we send follow up correspondence to seek the status of our drafts, because 'no news' may not necessarily be 'good news'.

Why do we need to do all these? More often than not, due to the very fact that we tend to be at the receiving end of just about legally everything, we also get easily blamed as a result. We do know as of fact that some instructing clients are not truthful to their superiors with regard to the exact status of the draft, and

hence our response as above, should we be questioned by an 'interested' party.

Our legislative officers spend too much time in meetings and some of these meetings have no added value to the process. The clients think that it is sufficient to run through each provision in their draft proposal with the legislative officer and expect the latter to adopt and finalise the required provisions there and then. It is not as simple as that. We as drafters have to further analyse the proposals in all their entirety and see if they are plausible. There are times we are left guessing as to the client's instructions because there seem to be 'no concrete conclusion' as to the policy proposals.

Today we do not entertain all requests from the client to hold meetings. We agree only to attend meetings if there is new information or development in the status of the draft proposal. Clients are advised to express further drafting instructions or developments in writing and meetings are to be held only after the first discussion draft has been prepared.

Although emails are considered official correspondence, we do not encourage clients to correspond via emails with respect to any general query about the law or submitting

updated draft incorporating further proposed changes. Preferably, emails are reserved for information updates only.

We also strongly encourage our clients to collaborate with stakeholders within and outside their organisation.

Perhaps more than ever, emphasis is placed on an effective workforce that requires continuous and consistent training in other skills beyond that of the legal technical discipline such as negotiations, effective managers, teamwork, quality and time management, leadership etc. The combination of these disciplines with legislative drafting skills build an effective workforce and help them reach their full potential. An effective workforce is a leader in his respective discipline and becomes the 'thinker' for the Division who is able to come up with ideas for improvements. He plans and manages respective work strategy to the advantage of the organisation.

Legislative officers with greater expertise are empowered to supervise and mentor other officers with less experience. A dedicated and focused team is set up to work on

large and complicated drafts. The team will meet frequently, and go through each provision collectively. This teamwork approach requires dedication from all team members and has helped the office to meet deadlines set by clients and eases the implementation of a flexible work process for the legislative officers with the effect to managing the unpredictable and unreasonable legislative demand of our clients.

In conclusion, the efforts to manage our client are not without its challenges. The lessons from these exercises tell us that we should understand the client and vice versa. All we have to do is educate and guide them to what we want from them and what they require from us. This requires teamwork, creativity, planning and patience from both sides.

As a way forward, we strive continuously to improve ourselves and our organisation by removing non-value added processes to speedily and effectively deliver the best legal service to our clients.

ATTORNEY GENERAL'S CHAMBERS: THE LARGEST AND MOST DIVERSE LEGAL FIRM IN BRUNEI DARUSSALAM

by Pengiran Khairul Hisham bin Pengiran Haji Ismail



In the Attorney General's Chambers Report 2013-2015, Yang Berhormat Datin Seri Paduka Hajah Hayati binti Pehin Orang Kaya Shahbandar Dato Seri Paduka Haji Mohamad Salleh,

the Honourable Attorney General described the Chambers as "the largest and most diverse legal firm in Brunei Darussalam." By what means can the Chambers be regarded as the

largest legal firm? According to international practice, the size of an organisation is measured according to revenue, profit and headcount. Where the Chambers is concerned, the measures are more significant than those identified. In this regard, we measure ourselves in terms of our ability to provide the required legal services of the highest quality, which require specialisation in specific skills and knowledge and our significant contribution towards the attainment of Wawasan Brunei Darussalam 2035, in particular in the development of a competitive economy, maintaining the rule of law and order and enhancing the well-being of our people. These measures are more vital and meaningful to the Chambers for the role she plays towards creating a positive impact to our nation. How far has the Chambers achieved in terms of development and growth?

The Chambers was formally established in 1959 and on the 29th day of September in the same year, under the Brunei Constitution, the first Attorney General of Brunei Darussalam was appointed. Prior to 1959, any legal affairs of the Government was undertaken by the Legal Adviser who was the Attorney General of the then Colony of Sarawak. This marked the long journey of the Chambers towards

becoming the largest and most diverse legal firm in Brunei Darussalam today. When the Chambers was formally established, it had only 5 officers – the Attorney General and 4 other support staff. The year 1978 marked a milestone in Brunei's legal history when the Government of His Majesty the Sultan and Yang Di-Pertuan appointed the first Bruneian Malay, Yang Amat Mulia Pengiran Laila Kanun Diraja Pengiran Haji Bahrin bin Pengiran Haji Abas to be the fourth Attorney General of Brunei Darussalam. In 2005, by His Majesty the Sultan and Yang Di-Pertuan's Titah, the post of the Attorney General was elevated to a Ministerial status. During the Golden Jubilee Anniversary of the Chambers (year 2009), history was made again with the appointment of a lady who is our current Attorney General of Brunei Darussalam, Yang Berhormat Datin Seri Paduka Hajah Hayati binti Pehin Orang Kaya Shahbandar Dato Seri Paduka Haji Mohamad Salleh.

In the early days of the Chambers, the most notable shortage was the lack of readily available qualified lawyers. Mr. Ivan Leong On Khong, the former Assistant Solicitor General who retired in 1995, shared his experience working in the Chambers. As he recalled it in 1972, there were only 4 lawyers working at the Chambers.

There were no Divisions at that time and all 4 lawyers were tasked to do all the legal works, among others, prosecution, legal advisory and registration matters. The Chambers at that time was located at the State Secretariat Building, right in the centre of Bandar Seri Begawan which also housed other Government agencies. Not until in 1987 did the Chambers move to its very own building a few kilometres away known as The Law Building.

Moving forward – today in 2016, with only 4 lawyers some 40 years ago, the Chambers has grown to more than 90 qualified lawyers working in 4 different and specialised Divisions namely; Criminal Justice Division, Civil Division, Legislation and Research Division and International Affairs Division. There are also a number of lawyers who have specialised in specific legal fields. With the growing (and increasing) number of lawyers and support staff, there was an urgent need to expand the Chambers' premises and The Law and Courts Building came into being. The Building also houses the courts and has become fully operational since 2006. The number of support staff serving the counsels has also grown from only 4 support staff some 50 years ago to almost 100 today. The services of support staff are critical in that they provide support to the

Chambers in her day to day administration, for example, Administration and Finance, Translation, Law Library, Archive and Information and Communication Technology.

I think the critical element in the development and growth in all organisations, especially with the Chambers in mind having been established almost 60 years ago, is undoubtedly the development of its human capital. It has always been the Chambers' priority to continuously develop the skills, knowledge and expertise of her officers and staff. We realised that Chambers will only be able to grow and optimise if we are given the opportunity to develop our human capital. With pride, to date, we have more than a third of our lawyers with Master's Degree qualification, specialising in numerous fields of the law and more than a quarter with Diploma of Islamic Law and Practice, as part of the Chambers' commitment to enhance the knowledge in Syariah law and support the country's aspiration to become a "Negara Zikir". In the last 4 years (2012- 2015), our officers and staff have attended more than 160 professional training programmes both locally and internationally which have inevitably boosted the level of knowledge and skills of our officers and staff with the

objective that the Chambers is always 'current' and ready to tackle new and emerging legal issues. We have also sent our officers to undertake work attachment programmes in collaboration with our counterparts in Singapore, Malaysia, United Kingdom and Australia with the main aim of exposing them to international best practices.

We also realised that we need to implement more initiatives in managing and developing our human capital in order to provide long term capabilities for the Chambers to accomplish its strategic objectives effectively and efficiently in equipping our officers and staff with the required knowledge, skills and expertise. With that in mind, we are currently implementing a new initiative which is still in progress, to better prepare the Chambers to face new and emerging challenges of the future. This initiative is focused on creating a more systematic and comprehensive approach in Talent Management. The Talent Management Initiative is aimed towards inculcating professionalism, productive and progressive behaviour and enhancing the level of quality, efficiency and effectiveness in delivering the Chambers' strategic objectives. The important elements identified as part of the Talent Management Initiative include:

➤ Recruitment and Selection

To enable us in identifying and attracting top talents to work in the Chambers.

➤ Performance Management and Reward

To enable us in measuring our performance and achievement in a more accurate and consistent manner as well as rewarding the top performers accordingly.

➤ Learning and Development

To enable us in developing our talents in line with what is required for us to accomplish our strategic objectives effectively and efficiently.

➤ Career Development

To enable us in creating a much clearer career mapping and progression of our talents.

➤ Succession Planning

To enable us in creating a pool of talent who is ready to take up senior strategic posts when it is required.

➤ Employee Engagement and Organisational Culture

To enable us in creating performance driven working culture guided by the Wawasan Brunei Darussalam 2035.

➤ Disciplinary Control

To enable us in ensuring the values of integrity and credibility of the Chambers are maintained.

Certainly the efforts that have been implemented or in the pipeline are geared towards ensuring the Chambers remain vibrant and 'relevant' to current and future environment and to effectively deliver her services for the good of our nation. As I highlighted earlier, for us to remain as the largest and most diverse legal firm in Brunei Darussalam, we need to ensure that the Chambers remain capable in contributing and creating positive

impact to the nation. The value of our talents namely our officers and staff (our assets) are priceless. They are the critical component in shaping the Chambers in its current state as well as guiding its journey towards further development and growth. Without a doubt, it is therefore a necessity for the Chambers to continuously develop and grow in order to sustain its position as the highly reputable and the most respectable legal organisation in Brunei Darussalam. Ultimately, we are committed and dedicated in serving our nation, Brunei Darussalam, to our best ability for the good of our generation and beyond.

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