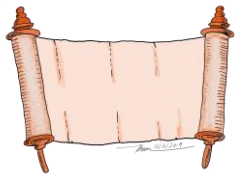


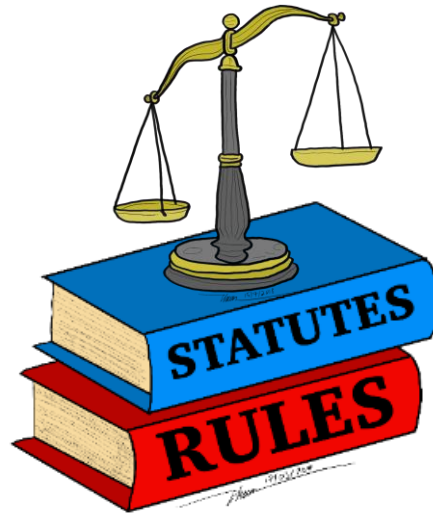
(1) SINGAPORE LEGAL SYSTEM PART 1

☐ Nature &
Function of
Business Law



☐ Define what law is

☐ Statutes v
Case law



☐ Criminal v
civil law



☐ common law & civil law
systems

L01: Singapore Legal System Visual Map

BL G T NS
RESPONSIBILITIES

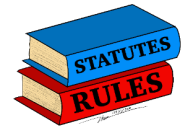


R G H T S
R M D \$



P N S H M N T
Criminal law
vs
Civil law

3a



Statutes
vs
Case law

3b



1

Law: definition



C M P N \$ T N

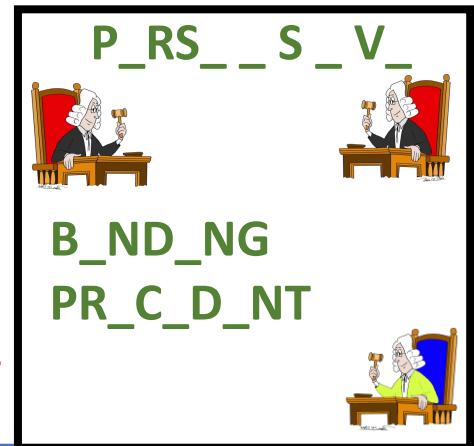


LEGAL
MIND

L _____
A _____
C _____

COMMON LAW SYSTEM

2

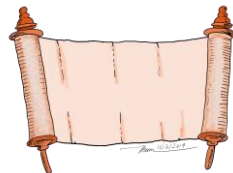


P R S S V

B N D N G
P R C D N T

2

C D S



CIVIL LAW SYSTEM

P R S S V

1

LAW

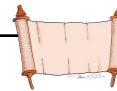
- Set of **rules**
- **Community regulates** its affairs i.e. business / commercial transactions

- **Resolve disputes** when arise (judiciary / out-of-court via Alternative dispute resolutions)
- **Enforceable** by **authority** i.e. government (executive)

COMMON LAW SYSTEMS

- **Main source of law** under the common law system is **“case law”**
- a **product** of medieval **England** and are found in USA, Canada, Australia, New Zealand as well as in Asia i.e. **Singapore**, Hong Kong, Malaysia, Philippines, India and South Africa.
- Judges refer to **past cases** recorded in law reports and use the principles to **decide new cases** to promote consistency and fairness based on the principle of **binding precedent** or **“stare decisis”**.

2



**CIVIL LAW SYSTEMS**

- **Laws** are systematically **“codified”** into **Codes**.
- found in **European** continental countries i.e. France, Germany, Italy, Spain and also in Asia i.e. Japan, Korea, Indonesia and Thailand.
- the **civil codes** govern the rights and obligations of **persons** with the **criminal codes** prohibiting certain actions as **criminal offences** and **commercial codes** governing **business** transactions. These codes contain general **principles of law** and cover the spectrum of **human activities**.

3

- Rules of common law are essentially **judge-made law**.
- The judges in a case always look back at **previous cases** called **precedent** involving **similar** facts to discover the **relevant legal principles** to be applied to their case and reach a **decision or judgment** accordingly.
- **Past cases** decided by **superior courts** are **binding and authoritative** for **future cases** decided by **lower courts** in the **same hierarchy** of courts. This doctrine is called doctrine of **binding precedent** or stare decisis which means “to stand by a decision”.
- **Prior decisions** made by the **court** at the **same level** are not binding but may be followed as “**persuasive**” authority.
- **Prior decisions** of a **court** in **another hierarchy** are not binding on the court but may be of **persuasive authority**.



CRIMINAL LAW 	CIVIL LAW 
<div data-bbox="937 114 1023 192">3</div> <ul style="list-style-type: none"> ○ Deals with certain acts that are harmful to society ○ Examples are murder, theft and serious traffic offences ○ The main objective is punishment of the offender by way of fine, imprisonment, caning or death penalty. 	<ul style="list-style-type: none"> ○ Covers all laws which are not criminal law. ○ Encompasses family law, contract law and generally all aspects of business law. ○ The purpose is to compensate the innocent or injured person.
<ul style="list-style-type: none"> ○ Some acts have legal consequences in both criminal law and civil law. ○ Example in the case of a reckless car driver who may be: 	
<ul style="list-style-type: none"> ○ prosecuted the authorities under criminal law and punishment. 	<ul style="list-style-type: none"> ○ sued by the pedestrian for compensation under civil law

(2) SINGAPORE LEGAL SYSTEM PART 1

❑ Sources of Singapore law

❑ Constitution of Singapore



❑ System of government



❑ Alternative Dispute Resolutions

6

L02: Singapore Legal System Visual Map

WRITTEN
LAW =
ST _ T _ T _



Sources of
LAW

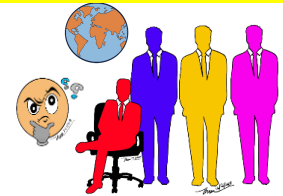


1

CASE LAWS =
C _ MM _ N
L _ W



A _____
D _____
R _____



2a Supreme law

2b System of
government



L _ G _ SL _ T _ R _

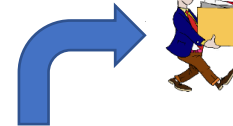
J _ D _ C _ _ RY

_ X _ C _ T _ V _



7

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L _ T _ G _ T _ _ N

☐ _ RB _ TR _ T _ _ N

☐ M _ D _ _ T _ _ N

COURTS

SUPREME

☐ Court of _ PP _ _ L

☐ H _ GH Court

STATE

☐ D _ STR _ CT Court \$ _____

☐ M _ G _ STR _ T _ Court \$ _____

S.C.T.

\$ _____

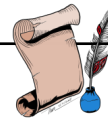
STATUTES



1

- Statutes are **written laws** which are enacted by the **legislature**.
- The **Singapore Constitution** is the **supreme law** of the land which lays down the Singapore system of **government**. Any written law or case **law** which is **inconsistent** with the Constitution is considered **void**.
- **Decisions by judges** and the effect may be **reversed** by Parliament when they pass **statutes**.

CASE LAW



- Case laws are **court decisions** and the principle of binding precedent or “**stare decisis**” is a very important doctrine adopted by the judiciary.
- **New laws** are sometimes “**created**” by judges in a piecemeal basis when they reach a **decision or judgment**.

- Some aspects of **English legislation and case law** apply to Singapore by virtue of its “**reception**” under the **Application of English Law Act**.
- These formed part of the **Singapore law**.

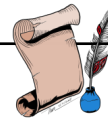
STATUTES

- Statutes or written laws are enacted by **Parliament** which is a **speedy** way to **update law** in order to cope with rapid changes in the business world.
- The main legislations are called **Acts** of Parliament.
- **Details** are dealt with through “**subsidiary legislation**” which are rules made by the Executive e.g. the Minister and published under a formal procedure.
- Examples of statutes are Sale of Goods Act and Road Traffic Act which protects the public.
- The **authorities enforce** the provisions of statutes e.g. the use of Personal Mobility Devices in HDB void decks or on the road.
- Enforcement of statutes is based on **interpretation** of the **statutory provisions**.



1

CASE LAW



- **Private individuals** bring matters to **court** for decision and resolution on **civil matters**.
- **Court cases** are decided based on the doctrine of **binding precedents** whereby the judge looks back to see how **previous cases** (precedent) involving substantially similar facts were dealt with.

2 SINGAPORE'S SYSTEM OF GOVERNMENT

consists of three “arms” under the Constitution:



LEGISLATURE



- **Primary law-making** body comprising of the **President and Parliament.**

EXECUTIVE



- comprises the President, the Prime Minister and his Cabinet.
- **implements the statutes and executes the decisions** of the government together with the **Civil Service.**

JUCIDIARY

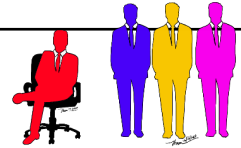


- comprises the President, Chief Justice, **Justices** of the Supreme Court and all **judicial officers** of the State Courts.
- responsible for **administration of justice.**
- Structure of courts: 2 levels namely the **Supreme Court** on the high level and the **State Courts** on the lower level
- **(NOTE: Refer to lecture notes for court hierarchy.)**



JUCIDIARY

ALTERNATIVE DISPUTE RESOLUTION



- Parties suing each other in court is referred to as **civil litigation**.
- Litigation is a **formal and expensive process** and the cases are heard in **open court**

- Proceedings in **Small Claims Tribunal** are heard before a **"Referee"** with limited jurisdiction dealing with **consumer cases** of up to **\$20,000 or \$30,000** if **both parties agree in writing**.

- 2 main forms of dispute resolutions namely **mediation and arbitration**
- a **faster, cheaper, informal, non-confrontational** alternatives to civil litigation.
- preserves **confidentiality** and disputing parties may **select** their mediator or arbitrator.
- **(NOTE: Refer to lecture notes on mediation & arbitration).**