

SPEECH BY

**THE HONOURABLE CHIEF JUSTICE
DATO SERI PADUKA STEVEN CHONG**

OPENING OF THE LEGAL YEAR 2025

THURSDAY, 23 JANUARY 2025

The Honourable Attorney General,

Yang Amat Arif/Yang Berhormat Chief Syarie Judge,

Yang Mulia Deputy Minister for Security and Law, Prime Minister's Office,

President of the Law Society,

Members of the Bar,

Distinguished Guests,

Ladies and Gentlemen,

I. INTRODUCTION

1. Welcome to the Opening of the Legal Year 2025. It is an honour for me to address you here this morning. The Opening of the Legal Year ceremony signifies a moment for reflection, renewal and affirmation of our commitment to justice and the rule of law. Today, as we convene to mark this occasion, we do so in an environment of rapid change and rising complexity. The challenges we face – whether legal, social or technological – demand adaptability, foresight and a steadfast dedication to our shared values.
2. Over the last year, our courts have continued to uphold the rule of law with impartiality, fairness and efficiency. Yet, as we navigate an increasingly interconnected and digitized world, we must evolve to meet the needs of our time. To this end, I am pleased to announce several key initiatives.

II. KEY INITIATIVES FOR 2025

A. Upgrade of JCMS

3. Our Judicial Case Management System (JCMS) was introduced in March 2015 as part of the Judiciary's strategic plan to achieve excellence through the delivery of quality services, improved accessibility, and the integration of technology in the courts. However, technology advances very rapidly and there

is a constant need to actively review systems and obtain upgrades. There has been a significant demand for new features aimed at enhancing the court's overall services, not only for internal users but also for stakeholders and the public.

4. It is no longer a matter of choice but a necessity for any Judiciary to upgrade its systems in order to operate effectively and efficiently in delivering justice. I am delighted to share that this year, the Judiciary intends to develop JCMS 2.0 in order to enhance and expand the platform's functions to its fullest potential and also support the country's aim to transform into a Smart Nation – one driven by digital government, digital economy and digital society.

B. Civil Procedure Reforms

5. The civil litigation system empowers individuals and businesses to assert and enforce their rights and offers mechanisms for the resolution of disputes. Civil justice is essential not only for upholding the rule of law but also for fostering a robust economy and ensuring a fair and just society. And in order to support Brunei Darussalam's Wawasan 2035 to become a dynamic and sustainable economy, our civil litigation process needs to align and reflect socio-economic realities, harness technological advances and adapt to meet the needs of court users of today. Looking ahead, changes are needed to improve and update the civil litigation system and enhance access to justice and improve efficiency.
6. I therefore call upon the Acting Chief Registrar to establish a working committee to draw on the expertise of members of the Judiciary, Attorney General's Chambers and the Law Society to review our civil procedure rules and decide how best to create a modern and efficient civil litigation system. It is imperative that we work together to propose reforms and identify ways to improve civil justice in such a way that it will serve and benefit court users now and also in the future. I look forward to seeing the working committee drive the reforms and make the system effective for the 21st century.

C. Restorative Family Justice

7. As a society, we place great importance on the family institution and providing support to families when dealing with issues such as divorce, separation, child custody arrangements and maintenance is essential. In delivering family justice, we strive to ensure that our courts meet the needs of the families we serve by resolving disputes in a timely manner and with minimal disruption. However, the family justice system cannot be considered in isolation. The Judiciary's vision for restorative family justice supports the country's Wawasan 2035 Social Blueprint in which one of its key aspirations is to empower strong, caring and resilient families.

8. To this end, we propose to strengthen our family justice system to ensure that our judicial processes promote mediation, reconciliation and long-term societal well-being in helping families heal. We are keen to collaborate and are looking to work actively with relevant agencies when handling family related judicial work to help families have more access to mediation, counselling and encouraging early family advice on options, processes and rights and responsibilities. This would contribute to the broader national effort to support families and reduce the impact of conflict on children and I would welcome all stakeholders in the legal, health and social care sectors to come together to make family justice more accessible and fit for purpose.

D. Mentorship Programs and Training Opportunities

9. Mentorship is an important part of one's journey in law and all young lawyers should actively cultivate and seek opportunities for mentoring. It facilitates the transmission of skills and helps pass down the legal profession's ethics, values and traditions. The invaluable experience and expertise of mentors can play a pivotal role in shaping the modern Bar, unlocking potential in mentees, and empowering young lawyers to achieve their goals and excel. I believe strongly in the value of mentorship to foster professional growth in our legal community and I hope that members of the fraternity will consider instituting a mentorship scheme in order to support the future of the legal profession in Brunei.

10. I would also encourage lawyers to seek further educational and training opportunities. Joining mootings and debating workshops and competitions are

valuable when honing oral advocacy skills during one's formative years of practice in litigation. In addition, developing legal competence in the field of data and the digital economy will also be helpful when lawyers are expected to address and advise on legal issues involving technology regulatory matters ranging from e-Commerce, data privacy and protection, cybersecurity and cybercrime. I would also like to emphasize the importance of having the necessary skills and ethical standards to navigate practising law in the age of AI.

E. Guidelines on the use of Artificial Intelligence (AI)

11. On a related note, I am pleased to share that the Judiciary will be introducing guidelines on the use of generative AI for judges and judicial officers. The guidelines will establish general rules and guiding principles on the use of AI in carrying out judicial duties. I must stress that AI lends support to but does not replace judicial functions and principles of judicial independence, impartiality and accountability must continuously be upheld. Indeed, it is important to capitalise on the benefits of deploying AI technologies, while also clearly defining the very human role in the administration of justice. Following from this, I would also suggest that the Law Society look into producing guidelines for members of the legal profession who use, or are looking to use generative AI tools as part of their practice.

F. Insolvency Reforms

12. In July 2024, we held a briefing on Insolvency and Restructuring matters with stakeholders from the Ministry of Finance and Economy, Prime Minister's Office and the Attorney General's Chambers. The briefing was delivered by Justice Kannan Ramesh, Judge of the Appellate Division of the Supreme Court of Singapore on "Insolvency and Restructuring: The Singapore Journey" where we had an opportunity to learn about Singapore's recent experience in reforming their insolvency and restructuring regime.

13. In summary, Singapore has moved away from its creditor-driven model in prioritizing the rights of creditors for dealing with insolvencies. They have since

moved towards a regime that places greater emphasis on rehabilitation and preserving the value of the business.

14. Singapore has introduced pre-bankruptcy initiatives such as the Debt Repayment Scheme which enables debtors with unsecured debts to enter into a debt repayment plan with their creditors and avoid bankruptcy, along with its restrictions and social stigma. Singapore has also recognized the need to support individuals address their unsecured debt problems and through a non-profit organization, Credit Counselling Singapore (CCS), it has assisted over 35,000 people through education, credit counselling and facilitated debt restructuring.

15. Following the briefing, we began to seek the views of various government agencies on:

- i. Whether Brunei Darussalam's current bankruptcy and insolvency regime is sufficient to meet the needs of the business community;
- ii. Whether the current regime is user-friendly and accessible for individuals and companies;
- iii. Whether there are gaps that ought to be addressed in the current bankruptcy and insolvency laws and framework in Brunei Darussalam; and
- iv. Whether Brunei Darussalam should look to reform its bankruptcy and insolvency laws and framework to a structure similar to that of Singapore.

16. Our next course of action will be to work with the Law Society and seek their views on the same issues mentioned. I must reiterate that all stakeholders should recognise the importance of an effective insolvency and restructuring ecosystem in bringing benefits for our economy in promoting entrepreneurship, access to finance and economic growth. Indeed, this will require a whole-of-nation approach and reforming Brunei Darussalam's insolvency and restructuring regime will only be possible with a concerted and collective effort of all stakeholders.

III. KEY DEVELOPMENTS IN 2024

A. Statistics

17. I will now reflect on the events over the past year and begin with a summary of our court statistics for the 12-month period ending in December 2024. High clearance rates were achieved in Magistrates' Court civil cases at 100% and Magistrates' Court criminal cases at 90%, marking a substantial improvement from the previous year's clearance rates of 83% and 80% respectively. Meanwhile, Intermediate Court criminal cases achieved a clearance rate of 92%.
18. In terms of time taken for the delivery of judgments, 88% of judgments for Magistrates' Court criminal cases were delivered within three months from the close of submissions, whereas 75% of judgments were delivered within three months from the close of submissions in High Court civil cases.
19. The total number of criminal cases filed in the Magistrates' Court have shown an overall decrease from 498 cases filed in 2023 to 481 filed in 2024. There is a similar decrease in the number of criminal cases filed in the Intermediate Court with 58 cases filed in 2023 and 49 cases filed in 2024 and also for High Court criminal cases with 14 cases filed in 2023 and 12 filed in 2024.
20. Statistics have shown that the number of applications for registration of marriages have dropped significantly from 115 in 2023 to 66 in 2024, while there has been a rise in number of divorce petitions filed. The number of chamber hearings in the High Court and Intermediate Court before Registrars showed a marked increase from 497 in 2023 to 535 in 2024. The Probate Registry also saw an increase in the number of applications for letters of administration, with a total of 768 applications received in 2024. Similarly, the Official Receiver's Chambers saw an increase in the number of bankruptcy notices filed from 344 in 2023 to 350 in 2024. There was also a rise in the number of winding up orders made, with 9 companies going into liquidation in 2023 and 15 in 2024.

B. International Engagement

21. I turn now to our international engagement and our efforts to foster long term partnerships with fellow Judiciaries. It has been one of our busiest years and we have seen significant progress in strengthening our communication, collaboration and cooperation with key jurisdictions.
22. We formalized our substantive engagements bilaterally with a Memorandum of Judicial Cooperation (MOJC) with the Federal Court of Malaysia and with a Memorandum of Understanding (MOU) with the Judicial Branch of the Republic of Peru. We had the honour of hosting Chief Justice Tun Tengku Maimun binti Tuan Mat and her delegation for the signing of the MOJC in Brunei Darussalam in March 2024. I then had the opportunity to visit to the Palace of Justice in Lima in November 2024, where we were kindly hosted by President of the Supreme Court of Justice of Peru, Dr Javier Arevalo Vela for the signing of our MOU.
23. Continuing to build on our regional partnerships, the Australian High Commission facilitated an introductory meeting online with Chief Justice William Alstergren of the Federal Circuit and Family Court of Australia in February 2024. Chief Justice Alstergren and I had productive discussions on case management and mediation for matters involving families and children and we look forward to supporting the Australia-Brunei comprehensive partnership under the pillar of judicial cooperation.
24. Subsequently in March 2024, I represented our Judiciary at the 8th Judicial Seminar on Commercial Litigation in Hong Kong SAR and in November 2024 at the 11th Meeting of The Council of ASEAN Chief Justices (CACJ) in the Philippines.
25. In July 2024, we were honoured to host Chief Justice Sundaresh Menon and his delegation as part of the first annual bilateral meeting between our Judiciary and the Supreme Court of Singapore. It was a privilege to have Chief Justice Menon deliver a keynote speech at the Supreme Court on “The role of an effective and efficient judiciary in promoting economic development: the

Singapore perspective” to over 230 attendees, comprising of members of the legal fraternity, law students and representatives from various Government ministries and departments.

26. We commemorated the 20th anniversary of the signing of the Memorandum of Cooperation (MOC) between the Supreme Court of Brunei Darussalam and the Supreme People’s Court of the People’s Republic of China with a visit to Beijing and Shanghai in September 2024, which was facilitated by the Embassy of the People’s Republic of China. I had the pleasure of meeting His Excellency Zhang Jun, Chief Justice of the People’s Republic of China where he and I expressed our shared commitment to fostering stronger judicial ties between both jurisdictions with a renewed Memorandum of Understanding (MOU).

27. We then welcomed the Secretary for Justice of the Hong Kong Special Administrative Region of the People’s Republic of China (Hong Kong SAR), His Excellency Mr. Paul Lam, SC on his first working visit to Brunei Darussalam in September 2024. The Secretary for Justice’s visit to Brunei Darussalam signified an important milestone following the signing of a Memorandum of Cooperation (MOC) between our Supreme Court and the Hong Kong Department of Justice (DoJ) in May 2023.

28. In October 2024, I had the privilege of attending the Opening of the Legal Year in England and Wales, which marked the first time a Chief Justice from Brunei Darussalam has ever attended. I had the opportunity to meet with the Lady Chief Justice of England and Wales, the Right Honourable Dame Sue Carr and had the pleasure of reconnecting with the Master of the Rolls, the Right Honourable Sir Geoffrey Vos and Deputy President of the Supreme Court of the United Kingdom, the Right Honourable Lord Hodge.

29. During our time in London, I was also able to meet with Bruneian law students at the Brunei High Commission. It was the first time a Chief Justice and members of the Judiciary engaged with Bruneian law students based in the United Kingdom. I was encouraged by the continuing interest of Bruneian students to study law and practice law and the Judiciary is committed to

supporting students and graduates on their journey in law as they have an important role to play in leading the legal profession of Brunei into the future.

30. Exchanges between judiciaries foster capacity-building and the adoption of best practices. Judicial cooperation builds trust and respect between nations by ensuring fair and transparent legal processes. It contributes to broader diplomatic and economic relations by creating a predictable environment for international trade and investment.

C. Establishment of Joint Legal Affairs Committee (JLAC)

31. I am pleased to report on the establishment of the Joint Legal Affairs Committee (JLAC) in May 2024 where the Acting Chief Registrar together with committee members from the Judiciary, Attorney General's Chambers, and Law Society work together to address inter-related legal issues that are faced by the fraternity.

32. There are currently six working groups under the JLAC that are tasked to deal with amendments to the Legal Profession Act (LPA), amendments to the Legal Profession Act Rules, the institution of a Continuing Professional Development framework, the procedure on admission to the Bar, the McKenzie Friends scheme and updates to the personal injury awards guidelines.

33. Significant progress has been made by the JLAC with the following amendments to the Legal Profession Act and Legal Profession (Practice and Etiquette) Rules having been submitted to the Legal Draftsman at the Attorney General's Chambers:

- i. Amendments allowing the Council of the Law Society to apply to cancel a practicing certificate, where previously it was only the Attorney General that could cancel a practicing certificate;
- ii. Amendments to streamline the disciplinary process of advocates and solicitors with the establishment a Review committee where unfounded complaints can be disposed of summarily by a committee of 2 persons and with the Inquiry committee composition reduced from 4 persons to 3, where

- previously a full inquiry committee of 4 persons was required to be convened;
- iii. Amendments to allow the Chief Registrar to impose conditions on the grant of a practicing certificate, specifically to impose conditions on the grant of a practicing certificate in the event that an advocate and solicitor has an outstanding civil judgment of over BND 50,000.00 which has not been settled in full within 6 months;
 - iv. Amendments to govern conduct in relation to professional fees and costs, for legal professionals to act in the best interests of his or her client and to charge the client fairly for work done;
 - v. Amendments to address the conduct of alternative dispute resolution process by legal practitioners;
 - vi. Amendments to prohibit an advocate and solicitor to be in partnership in their practice with an unqualified person;
 - vii. Amendments to prohibit legal practitioners from touting or carrying out any trade which is declared by the Chief Justice or the Law Society as unsuitable for an advocate or solicitor to engage in; and
 - viii. Amendments to address allegations against another legal practitioner.

D. APPRECIATION

34. Please allow me to conclude with some acknowledgements. Firstly, I warmly congratulate the Attorney General, Yang Berhormat Datin Seri Paduka Dayang Hajah Nor Hashimah binti Haji Mohammed Taib, on her appointment. I look forward to continued cooperation with the Attorney General's Chambers in upholding the principles of justice and rule of law that underpin our society.

35. Let me also express my appreciation to Dato Seri Paduka Haji Ahmad bin Pehin Orang Kaya Laila Setia Bakti Di-Raja Dato Laila Utama Haji Awang Isa for his contributions during his time as Attorney General and I extend him my best wishes for the future.

36. I also congratulate Mr. Haji Mohammad Zainidi Bin Haji Abdul Hamid on his new role as President of the Law Society. I look forward to further enhancing

the partnership between the Bench and the Bar. Mr. Haji Mohammad Zainidi succeeds Ms. Nur Azizah binti Dato Seri Paduka Hj Ahmad and I wish to thank Ms. Nur Azizah for her valuable contributions to the legal fraternity through her active involvement with the Joint Legal Affairs Committee and extend our appreciation for the service she has rendered to the profession.

37. Let me also welcome the appointments of Magistrate Muhammad Qamarul Affyian bin Abdul Rahman and Registrar Raihan Nabilah binti Haji Ahmad Ghazali. They bring with them their years of experience as Deputy Public Prosecutors at the Attorney General's Chambers and this will certainly add to the strength of our Bench.

38. In closing, I would like to express my appreciation to the Acting Chief Registrar, as well as the officers and staff of the Judiciary for their meticulous preparations for today. I also extend my sincere thanks to the Prime Minister's Office, the State Judiciary Department, the Department of Adat Istiadat Negara, the Department of Environment, Parks and Recreation and the Accident and Emergency Department of RIPAS Hospital for their invaluable support and assistance.

39. My appreciation also goes to Royal Brunei Police Force for the Guard of Honour Parade, it continues a meaningful ceremonial tradition that serves as a reminder of the Royal Brunei Police Force's important role in the justice system.

40. Thank you all for your presence and I wish each of you a happy, healthy and fulfilling year ahead.