Should the rich pay higher fines?

By JEREMY AU YONG
POLITICAL CORRESPONDENT

IN THE wake of the Woffles Wu case, National University of Singapore law lecturer and criminal law expert Michael Hor talks about some of the challenges of introducing a system that pegs a person’s income to the amount of money he or she is penalised. Affordability is key to the system, Hor explains.

In 2010, a Swiss court fined a Ferrari driver 118,944 Swiss francs (S$187,000) for speeding. It decided to impose a fine that fitted both the crime and the personal wealth of the repeat offender. What do you think of such an approach?

It is easy to see why fines which are pegged to affordability are appealing. The point is simply that a fine of, say, S$1,000 has a more severe impact on the poor than on the rich.

So to ignore affordability is in effect to discriminate unfavourably against the less well-off. But it has not been, to my knowledge, seriously contemplated by criminal law specialists.

What are some of the drawbacks of having such a system? I can think of some reasons why such a scheme might stand against such a move. The first is that it will contribute another layer of complexity to the sentencing process.

Affordability has to be defined and policing. Income is an obvious indicator, but we must take into account other kinds of assets. The second is the issue of improper use of fines.

If assets outside of Singapore are already being targeted by the offender, we need to consider if the fine extends legitimately to all other kinds of punishment.

What pitfalls have countries that have tried progressive fines faced?

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