Penal Code needs reform, say law profs

In new book, they argue laws should be updated to reflect current values

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SINGAPORE’s Penal Code is in need of significant and far-reaching reform, three law professors argue in a new book.

They point out that the part of the legislation which outlines principles of criminal responsibility has not been reviewed since it was enacted 142 years ago.

This means it is almost identical to the Indian Penal Code of 1871, except for a few revisions.

The book – titled Criminal Law For The 21st Century, A Model Code For Singapore – argues that the thinking behind the laws should be updated to reflect present-day values.

“It would be an immense surprise if all of the many pronouncements in a criminal code enacted for 19th century British subjects in India accurately reflected the values and views of 21st century Singaporeans,” it says.

Released earlier this month, the book was written by National University of Singapore associate law professor Chan Wing Cheong, and law professors Michael Hor and Stanley Yeo.

They call for a review of the general principles of criminal responsibility. However, they acknowledge the Republic has several committees that have carried out criminal law reform, including those set up by the Law Ministry and Attorney-General’s Chambers. Specific offences have been created outside the code to deal with new types of crime.

“As academics who have studied the Penal Code for many years, we feel equipped to engage in a similar but major endeavour,” writes Prof Yeo.

The book aims to address the scope, range and conditions of criminal responsibility. Range refers to which activities are deemed criminal offences, while scope involves the extent to which a person who goes to commit a crime but does not complete the act will be criminalised.

The authors set out a model for a “general section” that could be incorporated in the code. This would define the scope and conditions of criminal responsibility, which could be applied to the full range of offences in Singapore.

They note that a large number of crimes now fall outside the Penal Code. For example, there is separate legislation to cover drug offences, and occupational health and safety laws. But it is often necessary to refer to the code to find out the scope and conditions of responsibility. Having a general section would make this process simpler, argue the authors.

They acknowledge these needs have been partially addressed by provisions in the current Penal Code, but argue that many of them are “unsatisfactory” because of “gaps or ambiguities”.

“We earnestly hope this book will serve as a working paper to be examined and critiqued by parliamentarians, judges, government officials... or groups with day-to-day practical experience in the workings of the criminal law,” wrote the academics.

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