

APPLIED LAW IN ASIA SERIES

COMPARATIVE DIMENSIONS OF CRIMINAL LAW

14 JULY 2023 (FRIDAY)



Session 1:
The Fault Elements of a Crime

10.00am - 12.00pm (SGT)

Session 2:
Private Defence and Mental Malfunctioning

1.15pm - 3.15pm (SGT)

Session 3:
The Fault Element of Joint Liability

3.30pm - 5.30pm (SGT)

Participants are encouraged to attend all three sessions but may choose to attend individual sessions. Those who attend all three will receive a certificate of completion. Registrants can only select one mode of attendance (either virtual or in-person). Registrants will receive 10% off when registering for one or more sessions and 15% off if they register for all 3 sessions by 30 June 2023.

Registration Fees (incl. 8% GST)	Virtual Participation (Zoom)	In-Person Participation
Early Bird Registration (by 30 June 2023)	S\$ 87.48 (One Module) S\$ 174.96 (Two Modules) S\$ 247.86 (Three Modules)	S\$ 126.36 (One Module) S\$ 252.72 (Two Modules) S\$ 358.02 (Three Modules)
Registration (by 7 July 2023)	S\$ 97.20 (One Module) S\$ 194.40 (Two Modules) S\$ 291.60 (Three Modules)	S\$ 140.40 (One Module) S\$ 280.80 (Two Modules) S\$ 421.40 (Three Modules)



PUBLIC CPD POINTS: 2 POINTS PER SESSION
PRACTICE AREA: CRIME
TRAINING LEVEL: FOUNDATION

REGISTER HERE:
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Participants who wish to obtain CPD Points are reminded that they must comply strictly with the Attendance Policy set out in the CPD Guidelines. For participants attending the face-to-face activity, this includes signing in on arrival and signing out at the conclusion of the activity in the manner required by the organiser, and not being absent from the entire activity for more than 15 minutes. For those participating via the webinar, this includes logging in at the start of the webinar and logging out at the conclusion of the webinar in the manner required by the organiser, and not being away from the entire activity for more than 15 minutes. Participants may obtain 2 Public CPD Points for each session of the event on which they comply strictly with the Attendance Policy. Participants who do not comply with the Attendance Policy will not be able to obtain CPD Points for attending the activity. Please refer to <https://www.silecpdcentre.sg> for more information.



ABOUT THE COURSE:

While the Singapore Penal Code comprehensively declares the general principles of criminal responsibility, there is room for interpretation of its provisions. This is becoming of a good Code – expressing these principles in sufficiently broad terms to enable the courts to expound and apply them to achieve justice in emerging cases. Our courts have frequently done this to good effect, often referring to the approaches on the issue taken by other legal systems. This comparison with other legal systems has also played a role in persuading our Legislature to amend and improve our Penal Code provisions. This Course will discuss some of the key areas where this comparative exercise has occurred. It will also extend the discussion further by examining the laws of other legal systems (including civil law systems) which have not been considered by our courts and legislators. The discussions of all three areas will be enhanced by commentary from a comparative legal scholar from Thailand, which is a civil legal system with its own criminal code. The aim of this Course is to demonstrate how a comparative mind-set can be a valuable attribute when scrutinizing the Penal Code provisions to find nuances which result in justice in a given case. Each session stands alone, although participants will be likely to benefit most by attending all three of them.

SESSION 1: THE FAULT ELEMENTS OF A CRIME

This session will examine the definitions of the primary fault (or mental) elements of crimes introduced by the Criminal Law Reform Act 2019, namely, intention, knowledge, rashness and negligence. These definitions will be compared with those of other common law systems as well as under the German Criminal Code, with a view to better understanding the meaning of these primary fault elements, how they are distinguishable from one another, and how they might apply in practice. The fault elements of murder and rape under the Penal Code will be relied on for this discourse.

SESSION 2: PRIVATE DEFENCE AND MENTAL MALFUNCTIONING

This session will engage in a critical analysis of the recently amended Penal Code provisions on private defence, unsoundness of mind and diminished responsibility. We shall refer to the underlying rationale of these defences to help explain their various requirements. Comparisons will be made with the laws of other common law legal systems, notably, Australia, Canada and England, which have recently revised their laws in these areas. A better understanding of these defences will also be gained from a brief examination of the German law's approach to these defences.

SESSION 3: THE FAULT ELEMENT OF JOINT LIABILITY

This session examines the controversy surrounding the fault element of complicitous participation in crime. The leading Singapore cases on the subject will be evaluated, alongside those of other jurisdictions, notably, Australia, England and Hong Kong. The discussion will be enhanced by a brief examination of *Prosecutor v Lubanga*, the leading case on the issue by the International Criminal Court. The discussion will also examine the recognition of a defence of withdrawal in some legal systems, and the extent to which it is or should be recognised in Singapore. The overall objective of this session is to determine, via the comparative legal method, the “right” degree of blameworthiness for participants of crime.

SPEAKERS' BIOS:



Dr Stanley Yeo is an Adjunct Research Professor at the Centre for Asian Legal Studies (CALs), National University of Singapore. He has specialized in teaching and researching on comparative criminal law in relation to common law jurisdictions for the past 40 years. His publications have been cited by the highest appellate courts of Australia, Canada, New Zealand, Malaysia, Singapore and the United Kingdom. His latest work, *Criminal Law in Singapore* (LexisNexis, 2021, with Neil Morgan and Chan Wing Cheong), draws on recent developments in Australia, Canada, England, India and Sri Lanka to enhance the discourse on Singapore's criminal law. Stanley has served as a consultant to the Law Commissions of New South Wales and the United Kingdom. He was also an active member of the Singapore government's Penal Code Review Committee which recommendations formed the basis for the recent major amendments to the Singapore Penal Code.



Dr Ronnakorn Bunmee is an Assistant Professor of Law at Thammasat University, Thailand. He has a Doctor of Laws from Thamassat University and a PhD from NUS. His areas of interests include boundaries of criminal law, theories of criminal law, comparative criminal law, and the interplay between criminal law and human rights. His English written publication, *Thai Criminal Law: An Introduction*, will be published by LexisNexis in August 2023.