

BOOK REVIEWS

ASEAN LEGAL SYSTEMS (BY VARIOUS COUNTRY AUTHORS FOR THE ASEAN LAW ASSOCIATION) [Singapore: Butterworths Asia. 1995. lxiii + 548 pp. Hardcover: S\$200.85, including GST]

THE Asian scene has witnessed an increasing focus on the countries of Southeast Asia: both as models as well as venues for trade and investment. And in all this, the law plays an integral and important role. However, the diversity of these various societies and their accompanying languages and cultures (amongst others) has been matched by a diversity in their respective legal systems. It comes as no surprise, therefore, that there has hitherto been no updated account of the Southeast Asian legal systems conveniently collected together in one accessible volume. The present work goes a long way in filling this gap, although it deals only with the Association of Southeast Asian (ASEAN) nations which, at the time the work was being prepared, embraced six nations. A seventh, Vietnam, has since become a member, with the remaining Indo-Chinese countries hopefully joining ASEAN in the fullness of time.

The diversity briefly alluded to in the preceding paragraph perhaps explains the long gestation period of the book which was literally thirteen years in the making. But, generally speaking, the wait has been worthwhile and the reader is presented with a handsome volume that gives a thorough and (perhaps more importantly) updated overview of each ASEAN legal system. The various authors have, by and large, adhered to the format given and this uniformity enhances the utility of the work itself. Most chapters commence with a historical overview, followed by a rendition of the sources of law, the system of government, as well as accounts of the legal procedure, applications of legal principles and the legal profession. There are six parts, each dealing with one of the ASEAN nations and it is worthy to note that they are dealt with in alphabetical order, commencing with Brunei Darussalam, followed by Indonesia, Malaysia, the Philippines, Singapore and Thailand.

The respective accounts comprise a fascinating mosaic as well as treasure trove of information. Many also simultaneously give a flavour (especially in the historical overview) of the uniqueness of the country concerned. Although intended to constitute overviews, the information is fairly detailed; this appears to be particularly so insofar as applications of legal principles are concerned, if nothing else, because substantive areas of law are being considered. It may be apposite to note that the areas of law covered under this particular heading have a commercial bent: a not unsurprising fact in view of the primary interest in the economies of each of the ASEAN nations. However, it should be pointed out that other areas of law that impact on (but are not central to) commercial law are also dealt with, such as labour law.

Given the immense amount of detail contained in this work, it will be impossible to attempt a summary as such. A general look at the strengths and possible weaknesses of the book may, however, be appropriate. Before proceeding to do so, however, I should mention that some contributions, however, could have been clearer, at the

outset, as to the precise origins of the legal system in question, especially with regard to either common law and/or civil law (as well as other) influences. The tremendous amount of detail makes it very difficult for the reader to sift through the material in order to ascertain the precise position. It is, of course, true that in some instances, the influence has been rather mixed, but even this should be clearly made right at the commencement of the contribution itself.

The primary strength of the work may be said to lie in its very existence itself. There are no readily accessible accounts of so many Southeast Asian legal systems, at least not in one convenient volume and updated at that. Given the diversity mentioned above, it is a signal achievement that such a work could be brought to fruition in one common language (here, English). The text generally reads well and typographical errors have been kept to a minimum. It is substantively informative, although the part on Brunei Darussalam is a little too short. Even allowing for the smallness of the country, there could have been more elaboration of the various elements of the Bruneian legal system, particularly since so little exists in published works thus far.

Perceived weaknesses are relatively few in number as well as minor in nature, and are certainly outweighed by the clear strengths of the book. Apart from the few blemishes already mentioned, one major problem pertains to the absence of an index at the end of the book. This is perhaps understandable in view of the difficulty of coordinating the receipt as well as editing of the various contributions (not forgetting the not implausible factor of constraints of time). Although there are tables of cases and legislation, as well as of codes, directions and regulations, the absence of a general index is an unnecessary weakness that should be rectified in a future edition. Even a rudimentary index would have tremendously enhanced an already excellent work.

A select bibliography (at least of works in the English language) might also have been apposite. This would have facilitated further research by interested readers. As the work now stands, such a reader would have to meticulously work his or her way through the footnotes in order to garner relevant references. This, too, may be an area that could be looked into insofar as a future edition is concerned. And this brings me to another general point.

Given the rapid changes in each of the legal systems, updating becomes imperative, and it is hoped that the ASEAN Law Association as well as the publishers will ensure that future editions are produced in good time, in order that the work not become moribund with the passage of time. In any event, with the recent inclusion of Vietnam in ASEAN and the possible membership of other countries, a future edition must certainly be in the offing.

Two minor observations remain. First, although the names of the contributing authors appear in the table of contents, they do not appear at the beginning of each substantive country part. This is perhaps due to the fact that half of the contributions are by joint authors. But it is suggested that each author's name could have been worked into the relevant portion concerned. On a related level, only the academic and professional qualifications are given in the table of contributing authors for most of the writers concerned. It would have been better if their respective designations were given across the board as well. Secondly, because this is a book that deserves as wide an audience as possible, it is hoped that a more inexpensive edition will also grace the shelves of bookshops in the fullness of time. It is precisely because this is a significant piece of legal literature that will be of interest to students, practitioners and comparative lawyers in not only the ASEAN countries but also

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across the globe that this last suggestion is made.

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