WORLD JUDICIAL INTEGRITY FORUM

WORLD JUDICIAL INTEGRITY FORUM (WJIF) 2026

"Justice, Reform, and Resilience: Towards a Global Legal Future"

Wednesday, 13th May 2026 | Rangsit University, Bangkok, Thailand

FULL TRANSCRIPT

WELCOMING KEYNOTE ADDRESS

Dato' Setia Haji Nik Suhaimi bin Nik Sulaiman
Organising Chairman & Legal Advisor to the International Strategy Institute (ISI)

Good morning (Sa Wa Di Krab Yin Dee Thon Rub),

Your Excellencies, Your Honourable Judges and distinguished members of the judiciary, esteemed speakers, honoured guests, ladies and gentlemen,

We are deeply honoured by the presence of our distinguished VIPs and honoured guests in today's event, we would like to welcome:

• The Honourable Justice Dato' Nordin bin Hassan, Judge of the Federal Court of Malaysia;
• Dr. Arthit Ourairat, Founding President of Rangsit University, Former Vice President of the Parliament of Thailand and Former Speaker of the House of Representatives of Thailand;
• His Excellency Datuk Wan Zaidi Wan Abdullah, Ambassador of Malaysia to the Kingdom of Thailand;
• Mr C.Y. Cheah, Chairman of the International Strategy Institute (ISI);
• The Honourable Mr Pongdej Wanichkittikul, Presiding Justice of the Supreme Court of Thailand;
• Professor Vicha Mahakun, Dean of the School of Law, Rangsit University; and
• Dato' Seri Dr. Mohd Nizom Sairi, Honorary Advisor of International Strategy Institute (ISI)

Their presence this morning reflects the importance of this Forum and our shared commitment towards strengthening judicial integrity, institutional resilience, and regional cooperation across Asia.

Ladies and gentlemen,

[3] On behalf of the International Strategy Institute (ISI), it is my great honour to welcome all of you to the World Judicial Integrity Forum 2026, here at Rangsit University in Bangkok.

[4] At the outset, allow me to express my and ISI (our) sincere appreciation to Rangsit University for its strong partnership and invaluable support as co-host of this year's Forum. Their commitment and our long partnership have been instrumental in bringing together this distinguished gathering.

Ladies and gentlemen,

[5] We are particularly pleased to convene this Forum in Thailand—a close neighbour of Malaysia and an important regional partner. More importantly, it reflects the purpose of WJIF: to bring together diverse legal systems across Asia on a common platform for dialogue, exchange, and collaboration.

Ladies and gentlemen,

[6] The theme of this Forum, "Justice, Reform, and Resilience: Towards a Global Legal Future," reflects the realities facing judicial institutions today.

[7] Across the region, courts are adapting to new expectations: increasing case complexity, growing cross-border interactions, and rising demand for efficiency and accessibility.

[A] At the same time, developments such as digitalisation and technological advancement are reshaping how legal systems operate. Different jurisdictions are approaching these changes in different ways. Some are focusing on strengthening institutional frameworks, others on improving access to justice, and others on enhancing commercial dispute resolution.

[B] This diversity is not a challenge—it is precisely why a platform like this is important. This Forum is not about prescribing a single model. It is about creating a space where:
• experiences can be shared,
• challenges can be discussed openly, and
• practical solutions can be explored collectively.

[C] But one principle that lies at the very heart of Justice is to have a fair and functioning society: In legal maxim "Justice must not only be done, but it must also be seen to be done." must always be adhered and protected.

This phrase, originating from the landmark English case R v Sussex Justices, ex parte McCarthy (1924), is more than just a legal maxim. It is a reminder that justice is not only about outcomes, but also about public confidence in the system that delivers those outcomes.

At its core, justice demands fairness, impartiality, and integrity. Courts are expected to decide cases based solely on evidence and law, free from bias or external influence. However, even when justice is carried out correctly behind closed doors, it risks losing legitimacy if the public perceives it otherwise.

In today's modern world, the principle is more relevant than ever. With the rise of social media and instant communication, public perception can be shaped rapidly. Courts must therefore balance transparency with responsibility, ensuring that justice is visible without being distorted by misinformation or sensationalism.

However, we must also acknowledge the challenges and changes. Complete transparency is not always possible. Certain cases—such as those involving national security, minors, or sensitive information—require confidentiality. In such situations, the system must still strive to maintain trust by providing clear reasons for any limitations on openness.

Ultimately, this principle teaches us that justice is not just a legal obligation—it is a public institution built on trust. Without that trust, even the most carefully reasoned decisions can be doubted, resisted, or rejected. Therefore where justice need to be seen how then justice can be balanced and be compromised with the future reformed and advance system and Artificial Intelligence (AI)

[D] Over the course of today's sessions, we will examine key areas including:
• judicial independence and accountability,

• digital transformation of courts,
• commercial and insolvency frameworks, and
• cross-border judicial cooperation.

These are real and pressing issues that directly affect how courts function, how disputes are resolved, and how confidence in the legal system is maintained.

[E] As an independent institute based in Malaysia, ISI remains committed to facilitating meaningful dialogue on governance, institutional integrity, and policy development. With WJIF 2026, we are honoured to extend this effort into the judicial sphere, bringing together distinguished participants from across the region to contribute to this important conversation. I would also like to express my sincere appreciation to all our distinguished panellists and participants. Your presence here reflects a shared commitment to strengthening judicial systems and advancing integrity across jurisdictions.

Ladies and gentlemen,

[F] The success of this Forum will not be measured solely by today's discussions, but by how these conversations continue beyond this platform within your respective institutions and jurisdictions. Judicial integrity is not achieved through a single initiative. It requires continuous effort, discipline, and collaboration.

With that, I wish all of you a productive and meaningful Forum.

Thank you and have a successful session (Korb Kun Krab Ho Hai Ngaan nee pra sob kwarm sum red).

SPECIAL KEYNOTE ADDRESS

Dr. Arthit Ourairat
Founding President of Rangsit University
Former Vice President of the Parliament of Thailand
Former Speaker of the House of Representatives of Thailand

Your Excellencies, Distinguished Members of the Judiciary, Honored Guests from the International Strategy Institute (ISI) Malaysia, Esteemed Faculty of the School of Law, and participants from across the globe,

Good morning.

It is a profound honor to stand before you today at the opening of the World Judicial Integrity Forum 2026. On behalf of Rangsit University, I extend a warm welcome to our partners from the International Strategy Institute, led by their visionary chairman, and to the legal luminaries who have traveled from near and far to join us here in Pathum Thani.

Today, Rangsit University is not just a campus of higher learning; it is a global sanctuary for the exchange of ideas that will shape the very foundation of human civilization.

The theme chosen for this year—"Justice, Reform, and Resilience: Towards a Global Legal Future"—could not be more timely. We live in an era of unprecedented transition. The digital revolution, the complexities of climate justice, and the shifting tides of geopolitics have placed our judicial systems under a magnifying glass.

But as we gather here, we must ask ourselves: What is a legal system if it is not grounded in integrity? Laws are merely words on parchment unless they are upheld by individuals of unwavering character and institutions built on the bedrock of transparency.

Justice is the anchor of peace. In a world where inequality can often feel systemic, the judiciary remains the "last resort" for the marginalized. At Rangsit University, our School of Law has always emphasized that a lawyer's duty is not just to the client, but to the truth. As we look toward a global legal future, we must ensure that justice is not a luxury, but a common right, accessible and equitable for all, regardless of borders.

However, justice cannot remain static. This brings us to "Reform." We cannot solve 21st-century disputes with 19th-century mindsets. Whether it is the integration of Artificial Intelligence in legal research or the streamlining of cross-border arbitration, reform is the engine that keeps the law relevant.

Through our collaboration with the International Strategy Institute (ISI), we recognize that reform is not just a local necessity but a regional and global imperative. Our friends from Malaysia bring with them a wealth of experience in strategic regional growth, and their presence here underscores a vital truth: in the modern world, judicial integrity is a shared responsibility.

And finally, “Resilience.” The past years have taught us that the world can change in an instant. A resilient judiciary is one that can withstand political pressure, economic instability, and technological disruption without compromising its core values. Resilience is about building systems that do not break under the weight of a crisis but instead adapt to serve the people better.

This forum is a testament to the power of collaboration. The partnership between the ISI and School of Law, Rangsit University represents a bridge between policy strategy and academic rigor.

To the students of law present here today: Look at the masters of the bench and bar in this room. They are here because they believe in the future you will inherit. To our distinguished guests: I invite you to use this forum not just for debate, but for the forging of a new "Global Legal Roadmap."

As I look across this assembly, I see the architects of tomorrow's legal landscape. I am confident that the dialogues held within these walls over the coming days will echo far beyond our campus.

Let us be bold in our thinking. Let us be courageous in our reforms. And above all, let us be steadfast in our integrity.

It is now my great honor to officially declare the World Judicial Integrity Forum 2026 open.

May your deliberations be fruitful, and may your time here at Rangsit University be inspired.

Thank you.

OPENING KEYNOTE ADDRESS

The Honourable Justice Dato' Nordin bin Hassan
Federal Court Judge of Malaysia

Your Excellencies, distinguished colleagues from the Bench, esteemed speakers, ladies and gentlemen, good morning.

It is a privilege to be here at the World Judicial Integrity Forum 2026. I extend my appreciation to the International Strategy Institute and Rangsit University for convening this important Forum.

Ladies and gentlemen,

[1] To begin with, allow me to touch briefly on the Rule of Law. For many years, scholars have extensively debated a wide range of proposed standards for the rule of law. Despite this, sharply divided political factions continue to invoke the principle to support their respective positions. As Dante Alighieri once wrote, justice is so lovely that it is loved even by its enemies. This observation applies even more strongly to the rule of law: while the ideal places unwelcome constraints on those in power, it also carries a powerful aura of legitimacy—one that can be rhetorically exploited by those seeking to preserve its appearance while minimizing its demands.

[2] The rule of law relies fundamentally on a strong legal profession and judiciary that both understand and are firmly committed to its principles. Lawyers and judges serve as stewards of the law and facilitators of accountability. As vital intermediaries, lawyers connect legal frameworks with citizens, institutions, and public officials, enabling individuals to use the law to safeguard their rights and engage in systems of mutual accountability.

Judges, in turn, uphold the integrity of the law and its core processes, striving to maintain public trust in the legal system. Safeguarding judicial independence and ensuring clear impartiality are indispensable to sustaining a resilient rule-of-law society.

Ladies and gentlemen,

[3] Maintaining the authority of the rule of law amid systemic transformations—whether driven by digital change, political upheaval, or economic restructuring—requires strengthening institutional independence, ensuring transparency in governance, and cultivating public trust. At its core, the principle endures that no individual is above the law and that legal frameworks must evolve to address emerging realities without compromising fundamental standards of justice.

As Theodore Roosevelt once said, “No man is above the law, and no man is below it: nor do we ask any man's permission when we ask him to obey it”.

In such an environment, the role of the judiciary becomes even more critical. Courts must remain consistent where others are inconsistent, principled where others are expedient, and impartial where others may be influenced. The judiciary is not merely an institution of adjudication. It is a pillar of stability in an increasingly uncertain legal order.

[4] The preservation of the rule of law requires two essential and interdependent criteria: judicial independence and judicial accountability. In a democratic system, neither can function effectively in isolation; each depends on the other to ensure both the integrity and the legitimacy of the judiciary.

If the law is applied selectively, it ceases to be law. It becomes discretion dressed in legality.

[5] At the national level, the direction is equally clear. As articulated by the **Chief Justice of Malaysia, Datuk Seri Panglima Wan Ahmad Farid Wan Salleh,** judicial independence must be “vigorously protected and relentlessly safeguarded.”

Judicial independence is a cornerstone of the rule of law. Judges must be free to decide cases without external influence or fear of reprisal. Encroachment from the executive or legislative branches must not happen.

This commitment reflects a broader institutional effort not only to preserve independence but to strengthen public confidence, transparency, and access to justice.

[6] In Malaysia, this has translated into concrete judicial reforms. These reforms are not theoretical; they are practical, measurable, and ongoing:

- the expansion of specialized courts, including the recent establishment of the International Commercial and Admiralty Court, designed to handle complex cross-border and maritime disputes with greater expertise and efficiency;

- continued digitalization of court processes, including e-filing systems and virtual hearings, improving accessibility and reducing delays;

- sustained efforts to reduce case backlogs and improve case management, ensuring that justice is not only done, but delivered promptly; and

- initiatives to enhance the quality and consistency of judicial decision-making, particularly in commercial and transnational matters.

These are not merely administrative changes. They reflect a deeper institutional objective:
To ensure that the administration of justice remains credible, responsive, and globally relevant.

Ladies and gentlemen,

[7] Alongside these reforms, we must confront the growing role of technology. The Malaysian judiciary's position is clear: technology is to be embraced, but with discipline. Judges must be equipped not only to utilize technological tools but to understand and manage their implications.

In the digital age, judges must proactively engage with legal technologies. The integration of e-court systems, online dispute resolution mechanisms, and the handling of digital evidence requires judges to possess digital literacy, in addition to legal expertise.

This includes technology-driven innovation such as Artificial Intelligence (AI). Judges must be able to adapt these tools to ensure efficiency, accessibility, and responsiveness in the administration of justice.

While technology offers significant benefits in terms of efficiency, accessibility, and analytical support, its greatest risk lies not in replacement but in dependency. Over time, reliance on automated tools may shape decision-making, even without formally displacing the judge. In this context, vigilance becomes essential.

A court may use technology, but it must never surrender judgment.

Judicial decision-making requires reasoning, proportionality, and a deep understanding of human context. These are not functions that can be delegated. Because ultimately, responsibility cannot be automated and judgment cannot be outsourced.

Ladies and gentlemen,

[8] Judges are now called upon to perform roles beyond the traditional task of adjudication; they are expected to interpret and apply the law with clarity and fairness, while at the same time being attuned to societal developments, technological advancements, and the growing intricacies of cases.

We are therefore navigating two simultaneous pressures:

- External pressure, where the consistency of legal principles is increasingly tested at the global level;
- Internal pressure, where technological advancement is reshaping how justice is administered.

[9] Media narratives and political rhetoric sometimes question the motives behind judicial decisions, thereby eroding public trust in and the perceived impartiality of the courts. These pressures pose a serious risk to the integrity of judicial institutions.

The convergence of these pressures defines the challenge before us. Efficiency alone is no longer sufficient. Judicial systems must be principled in reasoning, disciplined in application, and resilient in the face of change.

Judges must be not only well-versed in the law but also continuously engaged in learning, reflection, and self-care.

It is through structured and ongoing judicial education that judges remain effective, relevant, and responsive to the needs of justice in the modern era.

[10] A judiciary that values and safeguards its members' well-being is more likely to foster sound, principled decision-making and to sustain the institution's integrity.

The expanding role of judges in a rapidly evolving legal and societal landscape also underscores the importance of safeguarding their mental, emotional, and physical well-being.

The Malaysian Judicial Academy has begun incorporating modules on judicial ethics, emotional intelligence, and stress awareness into its continuing judicial education programs.

Although they are currently limited in scope and frequency, they reflect a growing institutional acknowledgment that mental and emotional health are relevant to judicial performance and integrity.

Ladies and gentlemen;

[11] In the modern legal system, the judicial role encompasses decision-making in individual cases and broader normative functions, including the protection of fundamental rights, maintenance of institutional integrity, and supervision of governmental power.

This expanding role must be exercised with independence, impartiality, competence, and integrity, as underscored in the Bangalore Principles of Judicial Conduct (2002).

For Muslim judges, the foremost guide in their daily conduct is the Holy Qur’an. It underscores the importance of integrity, particularly in matters of trust and responsibility. As stated in Surah An-Nisa (4:58):

“Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice.”

[12] The authority of the judiciary does not derive from force. It derives from trust. And that trust rests on the expectation that justice will be fair, impartial, and consistently applied. To maintain public confidence in the judiciary, which is the cornerstone of the rule of law, judges must uphold the highest standards of professionalism both in and out of court.

Socrates had once described four qualities of a good judge: to hear courteously, to answer wisely, to consider soberly, and to decide impartially.

Lord Bingham, in a lecture in September 1993, states:

"A judge must free himself of prejudice and partiality and so conduct himself, in court and out of it, as to give no ground for doubting his ability and willingness to decide cases coming before him solely on their legal and factual merits, as they appear to him in the exercise of an objective, independent and impartial judgment."

Ladies and gentlemen,

[13] Allow me to conclude with this reflection. The future of the judiciary will not be determined solely by how advanced our systems become, but by how firmly we remain anchored in principle and integrity. Integrity is not only about doing what is right when it's easy. It is about doing what is right when it's hard. In a world where power may at times overshadow principle, the judiciary must remain a constant— a place where law is applied not selectively, but consistently, fairly, and without fear.

The responsibility before us is significant. But so too is the opportunity to ensure that, even in times of transformation, the rule of law remains not only relevant, but respected.

With that, it is my honour to declare the World Judicial Integrity Forum 2026 officially open.

Thank you.

LUNCHEON KEYNOTE ADDRESS

Mr. Pongdej Wanichkittikul
Presiding Justice of the Supreme Court of Thailand

Honorable judges, distinguished guests, representatives of international organizations, and ladies and gentlemen.

Good afternoon. It is often said that 'Justice never sleeps,' but I believe even justice must pause for a good meal and great conversation. It is a true honor to be here today at the World Judicial Integrity Forum 2026.

I would like to express my gratitude to Professor Vicha Mahakun and the Faculty of Law at Rangsit University, as well as the International Strategy Institute, for creating this bridge between legal minds from across the globe.

As we gather here to discuss 'Judicial Integrity,' we are discussing more than just a code of conduct. We are discussing the very oxygen of our democratic society. Throughout my journey in the Thai judiciary—from the provincial court to the Supreme Court—I have observed that laws are merely words on paper unless they are given life by judges of character.

Judicial integrity is not merely an ethical aspiration. It is the moral foundation upon which judicial legitimacy rests. A court possesses neither the power of the purse nor the force of the sword. Its authority ultimately depends upon public trust — trust that judges will act independently, fairly, impartially, and courageously, even in moments of political pressure, public controversy, or economic uncertainty.

Indeed, history teaches us a simple but enduring truth: When judicial integrity is strong, societies remain stable. When judicial integrity weakens, public confidence erodes, institutions suffer, and the rule of law itself becomes vulnerable.

In today's world, integrity is closely linked to efficiency. I have long advocated for procedural reforms, believing that "justice delayed is a form of systemic dishonesty." When citizens wait years for resolution, we fail our oath of service.

As complex cases—like environmental disputes and class actions—rise, judicial integrity also demands expertise. Judges must be both ethically sound and intellectually prepared, ensuring the marginalized are heard in our courts.

Technology now presents another defining challenge. Courts across Asia and beyond are adopting e-filing, virtual hearings, AI tools, and digital case management. These advances have improved efficiency and access to justice.

Yet digital transformation brings serious concerns: cybersecurity threats, data protection risks, algorithmic bias, digital inequality, and the risk that technology may outpace legal safeguards.

The judiciary must ensure that technological progress never compromises fairness, independence, or human dignity. Technology should enhance justice—not replace judicial judgment. No algorithm can replicate wisdom, compassion, or moral reasoning. No machine can substitute the conscience of an independent judge.

The future court may be digital, but justice itself must always remain fundamentally human.

Looking at our friends from the UN, the EU, and our ASEAN neighbors here today, I am reminded that the challenges we face—be it transnational crime or the ethics of AI in law—know no borders. We must build a 'Global Culture of Integrity' where we exchange not just laws, but values. Thailand is committed to being an active partner in this regional legal integration, ensuring that our standards align with international best practices.

In closing, I hope that this luncheon provides not only nourishment for the body but also inspiration for the mind. Let us carry the spirit of this forum back to our respective benches and offices. Let us be the leaders who define the 21st-century judiciary through our unwavering commitment to the truth.

Thank you for your attention, and please, enjoy the rest of your meal.

Thank you very much.

CLOSING KEYNOTE ADDRESS

Professor Vicha Mahakun
Dean, School of Law, Rangsit University

Distinguished guests, members of the judiciary, and esteemed colleagues from across the globe.

As the World Judicial Integrity Forum 2026 draws to a close, we stand at a pivotal moment. Today's dialogue has proven that while justice is a local service, 'Integrity' is a global standard. I am profoundly grateful to the visionary leaders who have made this international exchange possible.

My deepest thanks to Dato' Setia Haji Nik Suhaimi bin Nik Sulaiman, Organising Chairman and Legal Advisory to the ISI. Your dedication to fostering international legal cooperation has been the engine of this forum.

I must express my highest respect to Dr. Arthit Ourairat, Founding President of Rangsit University. Your vision for an educational institution that serves humanity and justice continues to inspire every session of this faculty.

We are deeply honored by the contribution of The Hon. Justice Dato' Nordin bin Hassan, Federal Court Judge of Malaysia. Your presence exemplifies the high standard of judicial excellence we strive for in this region.

A special thanks also to Mr. Pongdej Wanichkittikul, Presiding Justice of the Supreme Court of Thailand, for a Luncheon Keynote that provided a masterful bridge between high-level policy and judicial practice.

While this forum carries a global mandate, we have seen today the incredible strength of Asian leadership in judicial reform. With distinguished panelists and experts from China, Malaysia, and throughout the ASEAN community, we have explored how Asian legal systems are not just following global trends, but setting them.

The diverse perspectives shared today—from the complexities of transnational litigation to the ethics of judicial administration—remind us that for integrity to be sustainable, it must be rooted in both international standards and regional realities.

At the School of Law, Rangsit University, we believe that 'Integrity' is the soul of the law. Today's forum has strengthened our resolve to be a global hub for legal excellence. To the practitioners and students here today: Let the insights from our Asian and international experts serve as your compass as you navigate your legal careers.

I want to thank the International Strategy Institute (ISI) and our diligent organizing committee. Your hard work has made this world-class event a resounding success.

I now officially declare the World Judicial Integrity Forum 2026 closed. Let us go forth with the courage to uphold the truth and the unity to defend justice. Safe travels to all our local and international guests.

Thank you very much.

TOPIC DISCUSSION 1

JUDICIAL INDEPENDENCE, ACCOUNTABILITY, AND PUBLIC CONFIDENCE ACROSS ASIA

MODERATOR:

Ms. Lily (Nhonlaphat Pitpiboonpreeya)
Director of the LLB Programme, Rangsit University (RSU)

PANELLIST:

1. **Mr Mohamad Izahar bin Mohamad Izham**
Partner and Head of the Government Advisory Practice, Zaid Ibrahim & Co, Malaysia

2. **Dr Pratamaporn Iamumpha**
Lecturer, Faculty of Law, Rangsit University and Independent Legal Practitioner, Thailand

3. **Pol. Col. (Dr.) Siriphon Kusonsinwut**
Deputy Secretary General, Office of the Personal Data Protection Committee (PDPC), Thailand

4. **Professor Dr Prasit Eakabut**
Expert in International Law and Senior Professor of LLB Program, Faculty of Law, Rangsit University, Thailand

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Ms. Lily (Moderator):
Distinguished guests ladies and gentlemen welcome to our first sessions of the World Judicial Integrity Forum of 2026. My name is Nhonlaphat Pitpiboonpreeya, Director of the bachelor's of laws program from faculty of law Rangsit University and I will be your moderator for today's sessions. So ladies and gentlemen, in our first sessions we are going to start with judicial independence, accountability and public confidence across Asia. And we are honored to have the experts from both Malaysia and Thailand to be our panelists today. So without further ado, ladies and gentlemen, please welcome our first panelist, Mr. Mohamad Izahar bin Mohamad Izham from Malaysia. He is Partner and Head of the Government Advisory Practice of Zaid Ibrahim & Co. Our next panelist, ladies and gentlemen, is Professor Dr. Prasit Eakabut from Thailand. He is the Expert in International Law and currently a senior professor of Doctors of law programs .The next panelist is Dr. Pratamaporn Iamumpha from Thailand. She is a Lecturer of Law and also the Independent Legal Practitioner as well. And our last panelist is Pol. Col. (Dr.) Siriphon Kusonsinwut. He is the Director of Legal Affairs and Deputy of Secretary General of the The Office of the Personal Data Protection Committee of Thailand.

So ladies and gentlemen, as Asian societies evolve, the judicial system has been scrutinized about judicial conduct, decision-making process, ethical standards, backlogs, and delays. Therefore, in these sessions, we are going to tackle the practical approach of how we can enhance the accountability and transparency while still maintaining the judicial independence and autonomy to gain public confidence across Asian jurisdiction. And we shall discuss this topic in a comparative manner as we have experts from both Malaysia and Thailand who have expertise at international levels. So ladies and gentlemen, without further ado, I would like to invite Mr Mohamad Izahar bin Mohamad Izham to commence his opening remark.

Mr Mohamad Izahar bin Mohamad Izham:
Thank you Madam Moderator. Good morning everyone. My name is Izahar. As introduced earlier, I'm a partner from Zaid Ibrahim & Co Malaysia. Malaysia. It's actually an honor and a pleasure for me to be here today on this esteemed panel. Thank you, organizers, for inviting me to this event to share my insights and thoughts in this area.

I'm not actually an expert on the judiciary. I just want to qualify that. My area of practice is quite unique. I'm a lawyer, but I'm not your traditional lawyer, so I don't go to court. I don't draft documents but what I do is I draft policy And I think kind of resonating with what Dr Artit said in his opening remarks I do law reform So usually the work that I do comes in before it goes to the courts or after it's interpreted by the courts. So it's quite interesting because I found my passion in kind of shaping law and policy, but not through the judicial means, so it's non-traditional. I would say it's not legal per se, not to say that it's illegal, the type of work that I do, but it's quasi-legal. It borders on legal consultancy. I advise governments on basically drafting laws, drafting policy, and also implementing those policies. I've done work in Malaysia a lot for many federal bodies, federal government bodies and agencies, and also in the region. Actually, most recently I'm doing a lot of trade policy related work. So that's just a bit of my background for you to understand how I come into this topic.

Maybe I'll just go through the slides to give you a bit of insights in terms of what I want to talk about today. So from a law reform or public policy perspective, I think it's good to set the stage on the judiciary. So I think everyone on this panel knows it was mentioned during the opening remarks, the role of the judiciary is to interpret decisions, right? And also to make sure that those decisions are right. I think if you look at my slide, and of course I have judges from Malaysia here, so I can't go into the specific cases. But, you know, in terms of the themes or topics that are affecting the judiciary in Malaysia, I think it's common in most countries, right, in Thailand as well, in any ASEAN jurisdiction and across the world.

So the first one that I was highlighting in the slide here, if you see it, is on the interference. I know I said executive interference, but it actually could be from any branch or anybody outside the judiciary itself. So interference is a key issue, and I think that is quite consistent across the various jurisdictions. The second one, of course, if you look into, is the public interest or public scrutiny. So when we talk about, for example, high profile cases, of course, everyone becomes a lawyer then. Things are known publicly and everyone gets a lot of data information. I think this also fits nicely to the third point that I'm trying to make, which is the evolving legal landscape Because I think one of the panels today is also on technology and on AI So with AI we don really know what true There a lot of false information being spread So when cases are being tried and this information is circulated through social media, through WhatsApp, we don't know whether we're getting it's true or not. And to make matters worse, everyone becomes a lawyer because they get this information, They put it through AI and then they think they know what's best and they try to give their own opinion.

Now, having that as a backdrop in terms of the issues, which I think is common across all jurisdictions, I think the next point that I want to make... Sorry, the slides are not changing. Okay, let me point at the... Okay, there it is. Ah, there. Thank you. So the next point I'm trying to make is that

we can't look at the judiciary issue in silo, right? We know the three arms of government. We have a judiciary, legislative, and executive. I think it's important to identify that this is not a judiciary issue in isolation. If you look at the chart that I put on the right I mean I just call it a very simple prosecutorial chart. We have the flow from the legislative actually developing the laws which is you know your parliament. Then you have your executive implementing the laws and then finally it goes to the courts to interpret. Now, if we only look at the issue from a judicial perspective, you're only rectifying or addressing one part of the problem. But you're not actually looking at the whole ecosystem.

So, for example, if parliament drafts a very bad law or poor law, I think Dr. Artit is opening remarks that the laws are old, the laws are archaic. Therefore, when it comes to implementation and interpretation, people of today will have difficulty in trying to understand and implement that because we don't know what the intent was at that point in time. The law may be 50, may be more than 60, could even be 100 years old. We don't have a 100 years old law in Malaysia, I'm not sure about in Thailand, but we do have some before independence which dates back more than 60 years. again on the implementation side if the laws are not implemented well they are challenged again and this also puts pressure on the judiciary at the end not on the executive side the ones who are actually implementing but the problem comes to the end which is at the judiciary so these are some things that actually I think supports the contention or idea that it is not just an isolated problem but you have to look at the whole ecosystem if you want to improve the process.

Now I move on to some of the reforms I'm not going to go into so many right now. I know I have five minutes. So I think the key one for Malaysia is that we have a Judicial Appointment Commission Act. I'm not going to talk about it in detail because I think you have some of the questions there. But we've actually codified that process and have established a commission to allow for judicial appointments. I'll move on to the next slide and this is more about executive reforms. I think the two key ones actually happening now this year in Malaysia is number one, we're trying to separate the Attorney General's role and the public prosecutor and number two is we're trying to limit the term of the Prime Minister to 10 years. That's the latest. I think you can read in terms of the slides all the developments.

And then the last one is from the legislative perspective. So I think three key points, and I think this is also common in most countries. Some of the reforms, of course, ties back to good regulatory practice principles. I believe in Thailand you also have the same concept, you need to review laws every few years. In Malaysia that's five years, number one. Number two, I think the key concept is we have a government public Service Efficiency Act, which will actually require ministries and agencies to cut red tape by 25%. But more importantly, before you introduce a new law or regulation, I think most of you would know this, there's a one in and one out principle, so you have to remove one law before you can introduce another one. And the last one is to actually establish or incorporate and embed this good regulatory practice tool. So using tools such as sandbox, using tools such as agile regulation in your regulatory delivery, your regulatory design, making sure that when you design these laws, they are fit for purpose and not too prescriptive, which also, you know, in most cases creates that burden and backlog with the judiciary.

So I've touched on these three concepts and I think I will just leave it here for now for my presentation. But I think the conclusion that I'm trying to make or trying to drive, number one, it

cannot just be a micro solution at the judiciary. There are solutions, there are interventions to improve judicial integrity, independence and also in still public confidence in the judiciary. the judiciary But the second one in order to address that it has to be that whole of government or whole of ecosystem approach in order to better the judiciary. Thank you.

Ms. Lily (Moderator):
Thank you very much Mr Mohamad Izahar. So it is essential, as he mentioned, that we need to cooperate not only in judicial isolation, but also in terms of design, the proper law, and also the executive interference and management. So it is a valuable insight. So now I would like to invite Professor Dr Prasit Eakabut to deliver your remarks.

Professor Dr Prasit Eakabut:
Thank you. Thank you so much. First of all, I would like to introduce you. My topic today is Judicial Independence and Judicial Reform. Why do we need to have judicial reform? The problem is our nations around the world. In all nations around the world the most difficult in terms of the judiciary system are based on the independence of justice. Most governments, most dictators, most rulers, always ignore the reality of justice. They try to intervene so frequently, every day, every time, by telephone justice, to call some judge. Don't make that decision. You must make that decision in favor of my political status. This is a big problem that justice will not be a slave of dictators. In democratic countries , judicial independence is quite necessary and it is a must for the democratic regime. So it is a pity that many developing countries or least developed countries encounter the big problem of interference by executive power and by other persons, sometimes by mafia or by gangsters or by prisoners in jail who can telephone the chief judge and make a lot of unbelievable decisions from the court. That is why it is quite a sad story if the judge is under the pressure of someone else.

So I would like to show you what it means, judicial independence. According to the definition broadly that I try to summarize here, judicial independence is the principle that causes and judges must perform their duty free from improper inference, coercion, or control by another person. That person may be politician, that person may be the head of state, that person may be the head of government, that person may be the owner of some political party, Maybe that person may be the media or that can make a lot of influence on in terms of social frame, in terms of public opinion, shame, according to their political will. That is quite difficult if the judges have no freedom to make their own decision based on the rule of law.

So next, I would like to show you about the key component of judicial independence. First of all independence of the judge needs a lot of freedom so the court and judges must be free from any kind of judicial interference namely political interference in the judiciary executive interference, or improper inference, or undue inference. Not only independent of the judge, the judge needs to be an impartial judge. Impartiality is the basic principle of the judge to perform their duty. Judges must act without fear, without favor, or without bias. And judges must have a good salary too. In some countries, judges are poor, so they can make a lot of corruption under table dirty money go to the hands of the judge by big beg or by the James Bond bag that's why a lot of million million dollar can pay back to the judge and some judge unfortunately some just make corruption and how can we get rid of the judge like this the bad judge like this it depends on judicial reform right if we have a good accountability of the judge a code of conduct of the judge and we have a severe sanction based on

criminal law severe sanction against the dirty judge like that. I do believe that justice can prevail over the politicians over the politicians for sure.

Another component is financial security so judges rarely cannot typically be reduced during that term and must be protected from the financial pressure. And finally the guardian just must play the role as a guardian of justice as well. Just must protect the rule of law. Just must protect justice and just must protect human rights. Why do I emphasize human rights? Because many countries just think that they have their own discretion to make judgment, to make decisions without thinking about the freedom of people, without thinking about the minimum protection standard under internet law about the human rights of people. So sometimes some judges don't think about the provisional release in a criminal case, for example. They think that in order to make sure that the accuser, the accused person will never leave the country or leave out of the jurisdiction. So just didn't provide an easy provisional release or provisional bail . That is not correct that's why I would like to think about the reform we go to the next slide we have a very brief yeah.

Ms. Lily (Moderator):
Maybe later on judicial reform I think yeah maybe later on or we can cooperate in the Q&A sessions. Okay thank you very much Professor Dr Prasit Eakabut for your valuable insight. And now I would like to invite Dr Pratamaporn Iamumpha to give her opening remarks.

Dr Pratamaporn Iamumpha:
Okay first of all thank you for inviting me today and for briefing my opinion with this topic it's just only three essential topic for the okay for the first issue I think we I'm focusing on the balancing between the to the judicial independence and public accountability the judicial So independent is essential but we have to balance that the modern society increasingly demands accountability from all public institutions, including the judiciary court must therefore maintain high standard of ethics, professionalism, transparency, and institutional integrity. This creates a difficult but necessary balance. If courts become too vulnerable to public or political pressure, judicial independence may suffer. But if courts appear to be distant or inaccessible, public trust may also decline.

And the second challenge is what we may call trial by public opinion. Today, social media can share public perception before courts have fully examined evidence or legal arguments. A short clip or incomplete information can spread rapidly and create emotional reactions within hours. This means that courts today are not operating only inside court rooms. They are also operating in a digital environment where information moves faster than legal proceedings.

And the third challenge is the access to justice and delay in proceeding. Many people still view the justice system as complex, expensive and time-consuming. Even a legal correct judgment may lose legitimacy in the eye of the public if justice arrives too slowly. The technology may help to improve efficiency through e-filing systems, also online hearing and the digital access to legal information. However, technology should remain a tool supporting justice, not a substitute for judicial wisdom and ethical responsibility.

Ah, I forgot the fourth challenge. The fourth challenge that I focus on is the growing number of cross legal issues in Asia. Also we are facing cyber crime and the laundering digital fraud and the

transnational dispute that moves across tradition to restriction. This problem requires regional dialogue and judicial cooperation. This is all my brief. Thank you.

Ms. Lily (Moderator):
Thank you very much and now I would like to invite Pol. Col. (Dr.) Siriphon Kusonsinwut for your valuable insight.

Pol. Col. (Dr.) Siriphon Kusonsinwut:
I need some slides. As Professor Prasit said, we are subject to something like... sorry. Dr. Prasit said that has to protect the law, justice and also human rights. When we talk about independence of the court in Thailand, I think since we have the court in the modern state, from King Rama V, we reform at least two or three times for the court of justice. And still right now we have other courts that have many problems in our legal legitimacy and also the law of law context. Let's wait for the slide. But as I said, we have many problems in other courts. and also we set up a new organization. We call it an independent agency, or independent authority under the Constitution. Some independent agencies are very independent from any examination and also independent from the people. Instead of what we said about the separation of power,,we have the executive power, we have the judicial power, we also have legislative In Thailand, we have many other kinds of special executive power that are very important to the people. This is what Dr. Prasit already talked about the security of the court to guarantee independence. Like the security of TNL they have to be appointed and they have to leave until they get a retirement without any interference from the executive and also the court inside itself and the second one will be financial security, the transportation of appointment procedure. That means how to get more promotion. In Thailand right now, there is no special condition to get two or three levels of salary increase. Everyone, if they have a good performance, they will get a promotion to the same level. So that is so good. I mean that there was no interference from the commander. If they perform well, they get a promotion by the law currently. and then we get the protection from the external pressure. That means in Thailand, the court has been independent to make a decision by the court itself. In some case like human rights, free speech or about some special case that about politics That may be the case the court the judge independent judge itself cannot make a decision by themselves, maybe they have some internal insight that interfere. Some cases will have to return the commander and then make a decision by the other. That is the reality. But when the law talks about impurity or independence, the law is so good. It looks so good.

This is what we already talked about but the main problem in Thailand is that I think the courts have very severe problems in special situations. In general the court perform very well in general case like the criminal law by itself, the cause of justice perform very well but when they're subject to the special case like particular politics case, free speech case,majestic law case, that's it, very strange from what we already tried to get the idea of the court independent. That is what we try to study and also we try to change to reform but it's very difficult and we don't know why. Why the court cannot perform well in some special cases like that. Right now we have a civil court like the Constitution Court. And in Thailand if you go to the public opinion, to find the public opinion, no one trusts the court, some court. And that's a very big problem where we don't trust the special court.

Okay. And this is the information that I try to give you. Right now, only the Court of Justice, we have the number of the court, and we have the seniors who are really retired from the system but they

still work and get very high salaries and some things in some courts they have not worked on. They just get a salary. That is the big problem. And now what I stated is far from the people because right now the committee to administer the court, there is no person who is representative from the general person anymore. This is what I say, independent from whom? Independent from what? From the people, right? Independent from the people, you know? Independent from the examination, from the public, or independent from whatever. And the court, the main problem with the court, they don't care about ICBPR, the internal convention of political and civil rights. And they don't care about the constitution provision in some situations because they extend it by, they think their power to make a decision without the basis from the constitution provision itself in some situations. So what they say depends on what and when they get a disciplinary action. We don't know anything. We just know the report to the public that this judge has been made, resigned from the disciplinary action, but we don't know anything about that. We don't know what happened to those judges anymore. Okay. Yeah. You can get my slide too.

Ms. Lily (Moderator):
Thank you very much. Yeah. Yeah. Like there are a lot of details actually in this session. So if anyone in this room would like more details regarding each specific discussion from each panelist, we can ask them directly after the sessions or ask to send the PowerPoint slide, right? So as we have been discussing a lot in the main team here, we need to have judicial accountability and judicial independence or autonomy. I would like to ask in the big picture, in comparative manner between the common law system and the civil law system, of how you balance between the accountability and judicial autonomy ? Are there differences between these two systems or do they have the same principle? So may I start with Mr Mohamad Izahar.

Mr Mohamad Izahar bin Mohamad Izham:
Unfortunately I'm the only one here from common law so I have to answer that okay all right no problem. Thank you for that question so I wouldn't be able to give my views from civil law. But I think what I mentioned to you earlier is that we had a reform in terms of legislation in 2009, which actually codified judicial appointments through the setting up of a commission. I think that was a good step in the positive direction because it's a step to trying to make the process more independent and also transparent. I believe it was largely mirrored from the UK legislation. But having said that, I think going back to the themes of today, I thank the Professor for being very candid in highlighting a lot of the issues with the judiciary. I think that's quite common across most jurisdictions. I mean, we won't say it out loud, but those are things that actually happen on the ground. I think the legislation, You know, I think two key themes.

Number one is to introduce the merit-based system, right? So it's actually mentioned in the law itself, what are the qualitative requirements? I mean, I don't believe qualitative in itself is sufficient because at the end of the day, it's up to the decision maker to determine what those qualities are and whether the individual has that particular quality. So it does give some guidance, but obviously it's not exhaustive. But again, it has come a long way. And I think the second one is trying to remove the decision from a sole individual. So instead of one person essentially approving the appointment, and then it goes to a commission that is appointed democratically and also vetted the particular candidate. and then it has a process to it as opposed to being, I guess, not transparent in that sense. So those are good reforms. Obviously, there are some deficiencies with that model, but at least

having that merit system hard coded in law legislation is a positive step for us. Thank you.

Ms. Lily (Moderator):
Thank you Okay so in the common law system the law itself is created by the decision making also as a precedent also right So it's essential that you also govern by the court itself.

Mr Mohamad Izahar bin Mohamad Izham:
Correct. So the law sets it out and then the court will interpret it.

Ms. Lily (Moderator):
Yes, so this is kind of different from the civil law system in that we have a separate legislative system. So may I now ask Dr. Siripon of the balancing of institutional accountability with judicial autonomy in your perspective in terms of the civil law system, how can we balance them?

Pol. Col. (Dr.) Siriphon Kusonsinwut:
I think when we talk about the balance of independence and also the public interest, we found that in our country, like a civil law country, that we cannot criticize the cause of judgment. Directly we have to assert that under the academia idea we think this with the respect of our court decision so we cannot criticize directly we cannot blame we cannot whatever that impolite one. But what I say is that if we try to make the transparency of the court transparent, we have to revoke the contempt of the court. Provision that makes the court become more challenged to make more transparency and then prepare to be criticized by the public interest and public people and also I think the disciplinary action must be reviewed. What happened to the court and it just had been dismissed or discharged from the court but in some disciplinary action we don't know about anything at all what happened to the court. It's not good for the public interest because most of the money that we invest in the court to let them protect civil justice and also human rights. So what I try to say is that in case that we need more transparency of the court, the first one we have to revoke the accusation of the court and the second one we have to reveal more information. And the third one that we have, which would have more people to get involved in the ethnicity of the court. Right now, it's far from that situation. So, okay, maybe that's all.

Ms. Lily (Moderator):
Thank you very much. So you think that the court needs more transparency, and involves more people who are allowed to criticize the judicial system? So on the other side of the things that people criticised about the court. I agree that we can be more criticised and transparent in terms of the court system but what if the digital judge, like people criticizing, scrutinizing from the media or political people — how in today's governance landscape should the court respond to the increasing scrutiny from the media, civil society and digital platforms? May I ask Professor Prasit.

Professor Dr Prasit Eakabut:
Don't forget that some media have a lot of power in terms of interference to give some favourable verdict for politicians, for the leader who is behind this curtain. Some politicians don't use any kind of direct connection with the judge or judges. They use the media. And they can build up the sentiment of the people in the public in order to keep that trend of decision. So we all know that sometimes recruitment of the seniors in the parliament, sometimes the media makes a lot of influence. And

that's why the result of the election. Sometimes the people are so sad with the result of the election. That is the way that we call dirty politics And how the judge especially Constitutional court the judge in the constitutional court can play the law as a guardian of the rule of law if the judges in the constitutional court be play the role as the slave of the politician that nation will be sunk down immediately and go back to the corruption state. As you may know the CPI index, corruption performance index in this year, some countries have already sunk down and go deep down at the same level of some least developed country. I don't want to mention the name of that country. Why? Because justice is not guaranteed the freedom of people anymore because the judge sold the spirit of justice and played the role as a slave of the politician. That is why I think that judicial independence is not enough. We need to have judicial reform as well. At this moment, I think that time may be constrained. I cannot talk about judicial reform in detail. Thank you.

Ms. Lily (Moderator):
So, from your perspective, the judge needs to strictly not be a slave or sell their souls to the media. Yeah, so regarding the media, may I briefly ask Dr. Pratameporn Iamumpha about the public communication strategy formed by the court themselves as an outreach initiative. How can the court improve such outreach initiatives for better understanding and trust in the judicial process?

Dr Pratamaporn Iamumpha:
So the public trust in the judicial system depends not only on legal decisions, but also on whether people understand how the judicial process works. Courts should communicate more clearly and transparently through public legal education. Maybe we give the education or we promote on the tv like a little bit short advertising but like because many people cannot understand the process of nowadays judge so if we introduce or improve more understanding for people maybe it's better and they're gonna make people understand and trust or the process for they can rely on the judgment process.

Ms. Lily (Moderator):
Okay. Yes, thank you. Thank you very much. It seems like we still have more time. How many minutes? Hm? Fifteen minutes. Okay. Oh, you want to present it to the... Yes, it's okay. Do you need the slides? Okay. Is it possible to use the slide or is it a mechanical problem still? Maybe. But it has to be brief though.

Professor Dr Prasit Eakabut:
I would like to show you that, in my opinion, we need to have a good judge. And then that's why I would like to talk to you about judicial reform. First of all, to be a good judge, a judge must have a good knowledge of law. Not good knowledge in other fields which are not law. Sometimes we recruit just from the economists political people famous people from the media to be judged in the Constitutional Court That is sometimes make a lot of problem because when the judge have not enough knowledge, they can make a ruling as a prejudiced ruling. And sometimes that ruling becomes a bad standard and the lower court needs to follow that standard. Imagine how the justice of that nation can be maintained. So that's why education just needs to be reformed.

In my opinion, magistrate school and training programs for judges need to be organized by all countries around the world, not in Asia around the world. So all judges need to have solid knowledge

of law and legal practice To become a judge the candidate must earn at least a bachelor degree of law and can pass the bar exam and gain significant legal experience five years or more as an attorney. Without practice, you just pass the exam of recruitment and you become a judge at a very young age. How can you imagine that the judge, who has no experience before, can understand the problem of family law, can understand the problem of women, especially equality of gender. That is a big problem. Sometimes young judges need to, in my opinion, I think that young judges need to have solid training. And that is why we need to have a mature judge. The judge must be mature not to be a new driver of justice. It looks like you are a new driver of the car. You may cause a lot of accidents, right? As a judge, it may not be okay.

Not only that, in the critical reform, all judges must be honest, ethical, and have strong moral principles, regardless of anybody who will criticize them. And judges must not be involved in any kind of corruption. So judges must come to the court with clean hands. not only the party in the case must come to the court with clean hands, judges also, and it is a must as a role, an imminent role of the judge, an important role of the judge.

Finally, the judiciary system must be strengthened by and must be cooperated by all partisans in all societies around the world. In order to have a strong independence of judges, in order to have a fair judgment in order to have a good law and good justice, so law is just not a norm which has a legal binding force. Law must have justice as well. So just can play this role and can render justice to all people, especially just being a guardian of justice, in my opinion. Thank you.

Ms. Lily (Moderator):
Thank you very much, Professor Prasit. And I think we come to the conclusion now because the time is up. Actually, I really want to ask briefly, like, yeah, in one sentence. I just want you to leave the message that you think is the most essential to the audience regarding this topic.

Mr Mohamad Izahar bin Mohamad Izham:
Okay, mine's very simple. I said it in my opening slides. It's not an issue or problem in isolation, right? You can undertake reforms in the judiciary, but it's part of a bigger problem because if you look at the whole ecosystem or value chain it is all related. So it is related to the executive and it is related to the legislative. I think the key question you are going to ask me also I know is what do I think would be the key reform for judiciary? And I think that is obviously judicial independence. That was also said by, I think, in the opening remarks, it must actually be done. So there's a need to have political will to do it. It can't just be seen to be done but needs to actually be implemented so at the end of the day whether that person still has discretion autonomy in the law on the act it says something but in practice something else happens right ? so that's quite unfortunate but that's one but in order to rectify the whole problem we need to see it from the whole ecosystem from the legislative and also the executive side.

Ms. Lily (Moderator):
Thank you very much, actually I would like to ask more from the civil law perspective from one of you but the time is pressing. I have been stared at so now we have to really conclude okay 30 seconds.

Pol. Col. (Dr.) Siriphon Kusonsinwut:

No problem, then I say that I'm in Thailand the tradition is so good in general case but we need to be truly thinking about in some political politics case in some free speech case in some ICPPR that get involved and also some court may be instantly reformed because as Professor Prasit said about the Constitution Court, we look into the public trust maybe zero, not more than one from ten. Okay also about the court itself I think the judge must be proud to be the judge and then make the justice become true not only the justice in the books but it must be true in the library life and then I think that when we talk about the justice, I think most of them are good, but in some special ones, they might be reformed. Okay , thank you very much.

Ms. Lily (Moderator):
Okay, thank you very much. Must be good at heart and so as a judge. So thank you very much, all the panelists today. And now I must hand over the panels to Mr. Tanuwat so we can have the appreciation sections.

TOPIC DISCUSSION 2

DIGITAL TRANSFORMATION OF COURTS: INNOVATION, CYBERSECURITY, AND ACCESS TO JUSTICE

MODERATOR:

Ms. Lily (Nhonlaphat Pitpiboonpreeya)
Director of the LLB Programme, Rangsit University (RSU)

PANELLIST:

1**. Mr. Harangu Shanaka Roshan Gunasekara**
Partner, Head of Data Protection and Privacy, FJ&G de Saram, Sri Lanka

2. **Atty. Leland R. Villadolid, Jr.**
Co-Managing Partner & Senior Partner, Angara Abello Concepcion Regala & Cruz Law Offices (ACCRALAW), Philippines

3. **Judge Hazarena Hurairah**
Acting Chief Registrar/Intermediate Court Judge, Supreme Court in Brunei Darussalam

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Ms. Lily (Moderator):
Distinguished guests, ladies and gentlemen, we are back to the second session of the World Judicial Integrity Forum of 2026. And once again, I will be your moderator for these sessions. So, in this second session, the topic that we are going to be focusing on is more advanced. We are talking about digital transformation of courts, innovation, cybersecurity, and access to justice. And we are honoured to have the experts come from Sri Lanka, Malaysia and also Brunei. So ladies, oh Philippines, sorry. Sri Lanka, Philippines and Brunei. I am really sorry. And now ladies and gentlemen, without further ado, I would like to invite Mr. Shanaka Kunasekara from Sri Lanka. He is the partner and head of data protection or privacy of FJ&G de Saram to give the opening remarks.

Mr. Harangu Shanaka Roshan Gunasekara:
Good morning everyone. Thank you for having me and the topic is digital transformation of codes innovation cybersecurity and access to justice So we begin from innovation I think we all know the code systems worldwide are slow in terms of adapting innovation. So we are in the era of artificial intelligence, which is basically generative AI, and how do we integrate this into the judicial system so that the efficiency can be increased. We all know the principle justice delayed is justice denied. So unless we keep up with the technology, what happens is that the public trust that we all talked about will start slowly deteriorating. And to a certain extent, worldwide, the justice system has deteriorated in a way that because everybody believes if you go to court, the process is slow and the judgment will come at a much later date. So the need for integration of innovation into the judicial system is more critical than ever.

So in the panel discussion we will dwell into how the artificial intelligence can play a role there and the challenges that are there especially the digital divide and the lack of infrastructure which will prevent the innovation from being ruled out because in a country where there a judicial system you need to address both the rural areas developed areas all together So when you are addressing all the

sectors of the economy, you cannot roll out the technology which is cutting edge without actually providing the infrastructure to the rural segment as well. So the innovation with the challenges and how do we overcome those challenges, we'll have to delve into that.

And then cyber security, with the innovation in the digital sphere, the number one threat is the cyber security challenges. That means the hacking to the social engineering, all that would result in confidential information being lost or damaged. Say for example, if it would be equivalent to burning down a court registry, the physical registry, to actually hack into a database and then ensure that the data is encrypted in a way that the evidence can no longer be retrieved. So cyber security while adapting innovation cyber security also needs to be maintained. As you all know cyber cybersecurity is founded upon any information security system. I would say it was founded upon the CIA triad confidentiality, integrity and availability. So integrity is actually part of the topic of this forum. And integrity in cyberspace practically means ensuring that the data is protected and it's also free from corruption, data corruption. And so that cyber security aspect needs to be built into the innovation steps that we are taking. That means ensuring that the information management system is continuously improved so that the challenges are identified, risk is analyzed, treatment options are found, and they are deployed and monitored, and the cycle should continue.

So then the third aspect is access to justice. This is where innovation and the bridging of social inequalities needs to take place because the more you drive towards innovation, the more issues of access to justice can arise. Because even if you have internet literacy, dealing with the e-code system is not an easy challenge because even a person who has literacy would find it difficult to deal with a sophisticated system. So the accessibility features, ensuring that the necessary training is provided, public awareness is provided, all that is required. In addition to that, providing the infrastructure, ensuring that there are stable internet connections, ensuring that there is no power outage during hearings, and if that happens, how do we ensure the session is progressed and making available the resources, such as the break rooms for the client and lawyers to have discussions? All that becomes relevant, ensuring access to justice. And with that in, I think we can dwell into a discussion with my learned colleagues on the topic. Thank you.

Ms. Lily (Moderator):
Thank you very much for your wonderful remarks. I would like to ask Mr. Shanaka Gunasekara, Partner and Head of Data Protection and Privacy of FJ&G de Saram. And now I would like to invite our next panelist, Mr. Leland R. Villadolid, Jr. from Philippines, Co-Managing Partner and Senior Partner of Angara Abello Concepcion Regala & Cruz Law Offices to commence his remark.

Atty. Leland R. Villadolid, Jr:
Hello Yes good morning everybody. To start with, I'd like to introduce the word Ugnayan. Ugnayan is a Filipino word which means connection between the people and its institutions. And this is one of the guiding principles of our Philippine Supreme Court in trying to use digital innovation to bridge this gap between people and the judicial institutions. So the reason why digital innovation became critical is the irony is that 95.8 million Filipinos out of a population of 117 million are actually media users. So the Philippines is one of the highest users of internet, and you have 98 million internet users and about 50% of households with internet. But again the problem there is that you have areas that are in far areas that don have the required infrastructure to adequately bridge this gap between

people who actually need access to courts through this access to courts. And that is the reason why our Supreme Court thought that you leverage digital innovation in order to bring justice to the people.

Now what else was the trigger that spurred our Supreme Court in furthering the advance of digital innovation in the country? One was the 2023 incident where there was a breach of the e-payment system of the judiciary. And the next one was the 2025 cyber attack in which a number of government institutions were simultaneously attacked, and were subjected to cyber attacks. The Supreme Court itself was subjected to 9 million DDoS attacks, but fortunately all of these were successfully repelled by the cyber cybersecurity systems of the Supreme Court. So, and because of this, what happened was the Supreme Court came out with a SPJI, which means Strategic Plans for Judicial Innovation. The four core principles of this SPJI was timely and fair justice, transparent and accountable justice, equal and inclusive justice, with use of technologically adaptive management. And that was supposed to be a five-year plan which started in 2022 all the way up to 2027.

And during that period, the following reforms were implemented. One was the eCourt, which is a digital platform for electronic service of filing and service of summons. Then we also have remote hearing and equal access to law. Because of the problem of lack of the infrastructure, the idea was to bring justice to the people so we have video conferencing buses that would go to remote areas where remote hearings could be conducted for the people. We have digitization of payments. And having established all these digital forms of innovation in providing justice or access to justice, the next question that needed to be tackled was, how do you now use AI with respect to the environment of providing access to justice? And we have three core principles that were established. Human in the loop, wherein it is always the human that has oversight over the AI. Human in command, final decision is always with the human, and human on the loop, from the beginning stage, from the development, adoption and implementation there will always be human intervention. So human in the loop, human in command and human on the loop.

One of the AI software that is already in use in the Supreme Court is the use of scripting. This is wherein they use an AI-enabled software to transcript voice-to-text transcription. And this is used by all; it is mandated to be used by all court stenographers throughout the Philippines. When this was implemented in March 2026, you had an efficiency rate of 90% in terms of completion and speed of the transcription of the stenographic notes.

Cybersecurity in the judiciary. Of course, one of the first things that we did was migrate data to the cloud because it ensures there's a disaster recovery system in place. It's easier to monitor. Then we have a secure platform, all courts were given the respective PJ365 accounts. This is the high enterprise version of Microsoft Office. And then, of course, we have constant cybersecurity training for personnel. You have what you call constantly monitoring and testing, like the Supreme Court has red, blue, and purple teams. The red team is tasked with constantly trying to infiltrate the system, the blue team to repel, and the purple team to monitor the interaction between the red and blue teams. So these are done. It's like a sort of penetration testing that is done throughout the year to ensure that the cybersecurity systems of the judicial portal are safe.

Now, the immediate results of the implementation of the innovations of the Supreme Court is that it

has improved. Prior to the implementation of these innovations, we had an average inflow of 43 cases per month and a total pending cases of 704. So this was pre-pandemic with the early implementation of these judicial reforms, first-level courts have improved in terms of disposition from 53% to 60%. Second-level courts for 30% to 40%. Now, this may seem low, but it is a good start because it's to ensure that the data is secure, and at the same time, you will see that there is a marked improvement in the disposition of cases.

Significant improvements require holistic reform. The Supreme Court has started this way back in 2022, but you would also need a holistic approach in the sense that the digital technological infrastructure needs to be improved by, so that improves coordination from the telecommunications companies. It will also need coordination with other branches of government like the Executive Department, who is in charge of the Department of Justice and the Public Defender's Office, and of course also coordination with the Integrated Bar of the Philippines. Because you cannot just have the one aspect, meaning the judiciary, improving or providing all these technological innovations without having a similar approach or strategy from the part of the Executive Branch and the integrated bar to the Philippines. So that is it for my report. Thank you very much.

Ms. Lily (Moderator):
Thank you very much, Mr. Leland R. Villadolid, for providing us with a very clear example of frontier improvement. An example from the Philippines from the judicial system with digitalization with a concept that I haven't heard about. I think many people haven't heard about it, such as Ugnayan scriptics and many more. And now I would like to invite Judge Hazarena Hurairah from Brunei Darussalam to deliver your opening remarks.

Judge Hazarena Hurairah:
Assalamualaikum good morning. I come from the perspective, a twofold perspective. I'm a court administrator, so I'm involved in the implementation and execution of the digitalization of the courts. and I'm also a sitting judge, so I'm also coming from the perspective of a user of digital services. So I just wanted to quickly walk through our journey over the last 10 years. It wasn't something that we aspired to in Brunei, to have our system to be digitalised. It was really something that we thought was necessary.

So in 2015, we embarked on our digital journey. It first started with the judiciary case management system. And it was really a system that was adopted from Malaysia. It was a Malaysian company that came in and built the system for us. And it really transformed the way we offered our services in court and it wasn't just only criminal and civil cases we rolled it out to all our court services including marriages probate and bankruptcy. So this really was a fundamental shift in how we delivered court services.

Phase two is where we implemented or pushed digitalization a bit more. So between 2015 to 2020, we implemented online hearings, and this really coincided with COVID. Because we had already had our files digitalized, 99% of our cases could be conducted online by the time COVID happened. We also made it mandatory for our registered users to file all court documents online, and all three levels, so from the lowest level up to the apex court, they all used the digital system.

I think I'm not sure if it was the same cyber attack, but in 2025, Brunei also experienced a cyber attack. And because of that we had to take our system down. It was something that we felt that to ensure that the confidence of the public was maintained, we didn't want the problem of information being leaked, so the whole system was taken down quite quickly. So technology may fail, but justice has to keep on prevailing. So what have we learned from this incident? First is resilience. If the system goes down, we must have a backup system to ensure that we can continue with operations. We now know because of the influx of cybercrime threats, the system must be secure and there must be governance to help ensure that it is a holistic approach, that it's not only the judiciary's problem, but it's also the government's problem. And then third is access to justice. We understand that a lot of people are still very unfamiliar with the use of technology, particularly litigants in person, they're still very important to us. So digitalization shouldn't be a barrier, but it really should help people access our system, our services.

So resilience, I won't say too much on this, but basically what happened is because the system went down, we had to have a system that was semi-use of tech and still go back to a manual system. So really it was in preparation to ensure that when the system did come back on, we could then integrate all the files that had gone manual. Pillar 2, and this really was a response by our government. When the use of AI started to really come in, the government reacted quite quickly. So we have a one government private cloud to ensure sovereignty of our data and also mandatory security testing through the various government agencies as well. In the court system itself, we've also issued AI governance principles. So how our court uses, or the people in the judiciary will use AI responsibly.

Pillar three access to justice. The system is designed to accommodate everyone so people who are used to technology who like technology, and people who don't necessarily are comfortable with technology. An example would be by default we do online hearings, but if a litigant feels that they're not comfortable with online hearings, they can always approach the registry and put in a request to have an in-person hearing. So it's still very flexible in Brunei.

From 2025, we have now embarked on a five-year project. We are looking now to JCMS 2.0. be extending our legal services. So services that weren't included in our first system will be rolled out. So this includes legal aid, admission of practitioners, enhanced automation, so people can key in information and the court forms or the court documents will be produced automatically for them. Data decisions are especially useful for me as a court administrator, KPIs can be generated based on data as well and of course we cannot forget the use of AI and that will be integrated into our system. So the objective is always the same with or without technology. Justice should be efficient, secure and accessible and that's it.

Ms. Lily (Moderator):
Thank you very much, Judge Hazarena Huraira from Brunei, as the Acting Chief Registrar of the Intermediate Court Judge of the Supreme Court of Brunei Darussalam for your immense details in your journey through court legislation, especially in cyber attack. And as we already discussed in the cyber attack issues, I would like to ask the question regarding the cyber attacks in terms of your personal opinion Mr. Shanaka, how do courts strengthen the cyber security framework to protect sensitive judicial data and prevent system vulnerabilities?

Mr. Harangu Shanaka Roshan Gunasekara:
Yes thank you for that question, so in terms of protecting digital information I think a code system should follow the same approach that is taken by the private sector because when it comes to cyber security there are no two standards. International standards remain the same. Now say for example in this part of the world and it's internationally accepted, ISO 27001 which is information security management system. So what does it provide for ? is basically that CIA a triad, confidentiality, integrity and availability.

So around that, there is a framework that is developed. And the beauty of adapting a framework, whenever you are deploying cyber security measures, if you deploy an internationally accepted framework, the beauty of that is it's certifiable. Meaning it's very easy to say I am protected. But the members of the public especially when the cyber attack takes place and when the cyber attack takes place in other jurisdictions as well, they ask the question how are we protected? You say we are protected but how are we? The only way to do that is to go for a certification and that's where the standards are coming in. And they are the, if you look at the framework itself, the framework provides that there should be leadership and commitment which is number one, especially in the public sector what happens is sometimes it begins. But thereafter with the government changes, policy changes, it drops. But with a certification in what happens is that each year there is a mandatory auditing that takes place. If you find non-confirmities what will happen is you lose the certification. Then immediately alarm bells go off because then the members of the public can perceive that the system is no longer secure.

Then, with leadership and commitment, you begin with a risk assessment. That's the number one thing. It's easy to deploy technology and think you are secure, but the risk assessment. What are the risks? If I am to deploy artificial intelligence and if a particular solution is selected, what are the risks that are involved? And a full-scale risk assessment and based on the risk assessment, you need to develop a risk treatment plan. The risk treatment plan would then identify information security controls, people, organizational, technical and otherwise. So all those controls will thereafter address each and every identified risk. Then you need to document it. A statement of applicability and based on the statement of applicability you deploy thereafter the security measures. But actually prior to deploying it each risk needs to be brought down to an acceptable level which we call risk appetite. If the risk appetite is at an acceptable level only you end up deploying it. So that's why every technology needs to get tested in that way. So if the risk level is unacceptable, you cannot deploy it. It means that you are not saying no for the technology, but you are ensuring that until it is brought up to a particular level, you don't deploy it.

So then once you do the risk treatment plan and then you deploy, the other key absolute thing is continuous monitoring. I think my learned colleague from the Philippines as well as the learned colleague from Brunei both mentioned that with the cyber threats that are coming in and my learned friend from Philippines mentioned the red team, blue team, purple team. That is where the monitoring, continuous monitoring and then hardening of the systems. Because in cyberspace you have the white hackers, the black hat hackers and the white hat hackers. So the same approach that is being used is the continuous monitoring and based on the continuous monitoring it needs to go to the continual improvement. Not continuous improvement, continual improvement. Because

continuous improvement suggests every second you are improving. In the properly structured information security management system what you are expecting is gradual increment. Meaning not every day but you monitor, you figure out the solutions, then you improve, continually improve and then the cycle continues. So it's a continuous cycle, there is no stoppage. If at any point of time there is a stoppage, then the system collapses because you begin with a secured system, because the threat landscape continuously evolves. If you do not continue, the system becomes vulnerable. And that is why the certification again is important because you cannot maintain a certification unless you continue with the cycle. I hope that adequately answers the question.

Ms. Lily (Moderator):
Yes you have really answered the question. Thank you very much. You think we need to have a standard, a clear standard and a framework to have a certification. Thank you for the practical approach of how the certification framework should be. So it should be in an international framework right? The same or standard, you think globally?

Mr. Harangu Shanaka Roshan Gunasekara:
Yes, because let me give a private sector perspective. Now with the GDPR KMN, worldwide, if you are to provide services which involve processing of PII, then obviously the controller based in, let's say, European Union cannot come to Malaysia or Sri Lanka or Brunei or Philippines and figure out whether this person has an environment which is suitable for handling data. So what do they have to do? What they do is they say either I will come for an audit which is not practical or you provide me a certification and that's where the standards go develop. So these independent standards like ISO 27001, SOC2, and then for the PIMS, ISO 27701, all got developed to address those needs. So from a small company providing services to a larger scale company, these standards are scalable and they are applicable to the public sector as well.

So when you follow a standard like that, let's say for example with the future there will need to be integration between judiciaries, especially mutual assistance in electronic documents. So you need to have APIs that are secure from both ends. So if the system now says for example we need to collaborate with the Philippine system which seems to be far ahead of Sri Lanka at the moment. But at that point the Philippine needs to ascertain by linking any of these systems in mutual assistance am I exposing my system to a threat. But if I have the certification then immediately as opposed to a red flag what you have is a green flag so then what you need to do is only limited level of penetration tests limited level of security assessment and also figure out in the auditing certificate what are the issues that have been raised so interoperability integration all that can be achieved if there is a standardization.

Ms. Lily (Moderator):
Okay, thank you very much, it's very clear. And what about Mr. Leland's perspective in the cybersecurity framework to protect sensitive judicial data and prevent system vulnerabilities, because in the Philippines you have been attacked as well right ? So what is your perspective on this?

Atty. Leland R. Villadolid, Jr:
I think to be able to adequately prepare for this there are certain truths that we need to recognize and accept. First is that black hackers will always be there to attempt to find out the defenses of

these institutions. They may do so for money, just for fun, or just to be plainly disruptive, because that's what they do, these black hackers. White hackers, on the other hand, are the ones responsible for defending these institutions and sniffing out these black hackers. So it is not a fixed standard, or it constantly evolves or changes. Like for now, the current acceptable mantra is that right now it is the principle of zero trust cybersecurity, which means that in accessing the cyber framework of a company, you trust no one.

You always assume internally that you trust no one. And then the second principle is the principle of less privilege which means that the least amount of privileges you give to a user the better. In other words, instead of maximizing the user's privileges in a certain system, you scale it down to the least possible so that it reduces the exposure. Then the third is that each level has a depth of protection. In other words, each device, user, even the printers, endpoints, all of that have their respective multifactor authentication, user access privileges, and all that. It's all combined. So it's redundant. There's always this redundancy. So again, but all these things, they're all now. What's applicable now? In the future, you know, the black hacker will think of something better, and then we have to react accordingly.

Ms. Lily (Moderator):
Yes because I think in the future it might even be a gray hacker right? Sometimes black sometimes white. So I think your serial trust is really working in this regard. So we have discussed the cybersecurity framework, and now I would like to ask Judge Hazarena, in terms of managing digital evidence and online proceedings, how can court ensure procedural fairness and due process?

Judge Hazarena Huraira:
Yes, I think technology is an enabler, but it's not the means to the end. So the basic principles of evidence still apply. Our Evidence Act wasn't amended that much to cater to digital evidence, except that we now accept certain forms of digital evidence. But the main principles are still the same. admissibility, weight, those really are left to the judge.

Ms. Lily (Moderator):
Yes. So the judicial principle still needs to rest with the judge. So is it the same as in terms of, you know, the balance between the efficiency gain from digitalization with the need for human judgment and judicial discretion?

Judge Hazarena Huraira:
Definitely. So I think when you talk about use of technology or digitalization, it's very much a linear process. A lot of numbers, a lot of zeros and ones. Yes, no algorithms. But when you talk about court proceedings, each case is distinct on its own facts. The way parties react is different from case to case. So balancing the use of technology and the nuances of people is very important. I think you have to cater to both. And again, it comes to whether or not a person is comfortable with the use of technology or not. And it's very much a policy in Brunei that if you are not ready to take on board digital systems, we will still cater to you, so we have maintained a person at the registry or at the counters to assist our court users.

Ms. Lily (Moderator):
So do you have the standard as a term of limitations of how far we can go in terms of digitalization using digital tools involved in the judgment and the procedure of the courts?

Judge Hazarena Huraira:
Yes so we do have specific internal AI guidelines and it does set out what you can and shouldn't use AI for obviously when we're doing legal research or when lawyers bring us documents, they bring a lot of documents and sometimes it's just not practical to go through thousands of volumes of documents so AI can be used to summarize information for the judiciary but ultimately the decision has to come from the judge and i don't think that is something that will ever change in the new future.

Ms. Lily (Moderator):
Yeah because many of the audience were really curious about AI judge you know, ideas. So you're strictly thinking that the discretion and digital decision needs to come from a human being that has morals, ideas as a judge, right? So now I would like to ask all of you, all the panelists in terms of digital inequalities, how the judicial system addresses the issues of digital inequality and ensures equal access to justice for all users. But before that, maybe you can give us an example of how digital inequality manifests when we apply AI or digital tools.

Mr. Harangu Shanaka Roshan Gunasekara:
So if I take my country's example and the internet penetration is not at 100%. So we are at about, I would say, 51%. And so with that being the case, if you end up deploying an e-code system, you would immediately see that certain part of the community would be left out. So the internet expansion is absolutely key. Even if you have the internet expansion, then comes the other challenge. I'll give the easiest example. So lawyers would say I am familiar with Microsoft Word, but the moment they are asked to work from Microsoft Excel, they say I am not that much familiar with it. Because you may have internet literacy you may know how to use a particular software or social media whatever but when you are given a different platform usability of that platform, the accessibility of that platform, that depends on how easy that can be perceived and how easy it can be used. So the digital divide there again can arise if the system is very sophisticated. So the system itself can be given to digital devices. Then on the other side of it, you will have the infrastructure, other infrastructure. Say for example if I want to be a witness and I am summoned to be a witness if I don't have an electronic device at my home then there is a problem.

Then when you adopt security protocols. Now one of the biggest things that you would see is many people use mobile phones. But how many of them actively update when there is a security patch coming in? Hardly anyone. So that is why in an enterprise environment, you have the central push. But in a human society you can't do a central push. So let's say you have a device. It is up to the standard but you haven't updated. You try to login in and the system denies you access because the security access has not been applied and the system is detecting that as a security threat. So there is a clear knowledge gap. And even if once you update the knowledge, then how do we keep up with it? Because the environment constantly changes. So the digital divide will always be a subject. But all you can do is, how do I minimize it? Never, you can have the absolutely brilliant goal of elimination, but it will only be a dream.

Ms. Lily (Moderator):
So we need to keep updating the knowledge gap and capacity and I think awareness of this right and infrastructure cooperate to create equality. How about Mr. Leland in your perspective?

Atty. Leland R. Villadolid, Jr:
Well, as you've seen earlier from my slide, there's really, if you look at it in terms of percentage, there's no digital inequality in terms of, because 85% of the population have access to the internet. It is really more of educating stakeholders and convincing them to convince the lawyers and for the lawyers to convince their respective clients of the importance of using these digital devices to be able to have more in law. If they can use their respective digital devices to do other things, because they're so active in the internet doing all this social media and all that, then they should use that same zeal in being able to use their digital devices in order to have more in law. So it's a question of education and convincing stakeholders of the importance of using these digital devices and innovation in order for them to protect themselves by using the law.

Ms. Lily (Moderator):
Okay, so the stakeholders need to be managed in terms of the inequalities. And how about you, Judge Hazarena?

Judge Hazarena Huraira:
I was thinking about this. Brunei is quite similar to the Philippines. We've got a high internet penetration rate, over 90%, I think. So we don't have a problem in that sense. But maybe there might be a mismatch in the language. So coming from Brunei my mother tongue is Malay and English is usually the second language. But in the court system or in the civil courts, English is the first language. So often it's not so much about people not being comfortable with using technology. It's probably the language barrier and the fact that there needs to be a lot of translation and interpretation services. But now that I know Philippines uses script text, and I'm sure that it is able to catch different languages, I think it's definitely something that we could look into.

Ms. Lily (Moderator):
So you think about applying the same approach?

Atty. Leland R. Villadolid, Jr:
Just a correction. Right now, the system allows them to translate Tagalog. Yeah, but in the Philippines, you know, you have a lot of dialects, but right now, principally, it's Filipino that can be used to translate to English.

Ms. Lily (Moderator):
So it's really effective in terms of the translation. And I am curious as to whether even the older generations in the Philippines and Brunei are really into the digital tools that they are really using in terms of law?

Judge Hazarena Huraira:
I had litigants who are mature so I would say over 60 years old who have been quite comfortable with using online hearings so it really hasn't been much of a barrier in Brunei to use technology I

mean it's very easy nowadays you just need to have the application turn on your phone and connect so it's really not a problem.

Atty. Leland R. Villadolid, Jr:
It's like doing a carrot and stick to these older practitioners and then when I refer to the older practitioners that includes me because you mandated it or required it during the mandatory continuing legal education which are required to secure every three years. So you just insert it as a requirement that you have to be you know have you have to know all these tools. Then you also need to educate judges. They also have, because there are also judges who are resistant to all these digital innovations. They also have to undergo their respective judicial training programs to update them with all these tools.

Mr. Harangu Shanaka Roshan Gunasekara:
I agree with my learner colleague and and I think as has been done in Brunei if I have not misunderstood it so up until a particular stage hybrid system will have to be maintained because you can't leave out the rural community and I completely agree with regard to the people who have the capability but not sort of like their resistance to adapt then then there has to be immediate push. You cannot have that attitude. You need to agree. And with regard, say for example, I think we were having a discussion even on this particular topic among ourselves. I think in the Philippines you have the mobile code system where to provide. So now that's, there are other countries also that have adapted. So that's another solution that is available where the infrastructure is brought to the area. So that, and then obviously I believe there will be officers who are handling the kiosk and all that would be there. So that again would minimize the digital inequalities. So there are various tactics that are available. Obviously as we mature we may find different techniques such as the mobile code system.

Ms. Lily (Moderator):
Okay so we need a proactive approach maybe in terms of the digital welfare something like that right? So now I want to move into the regards of the key challenges and how to solve the challenges in implementing e- filling system, virtual hearing, and digital case management platform. May I start with…

Judge Hazarena Huraira:
Okay. I think when we first embarked on our digital journey in 2015, cyber threats weren't really a big thing. It's not something that we necessarily thought of. But now, fast forward 10 years, it really is something that you have to consider. And because of that, I think in the last five years, at least five government organizations look after different aspects of cybersecurity. Last year, we implemented the data protection order. We also got an agency called BruceCert who looks after the certification of any cybersecurity issues or threats. There quite a few of them and because they still new I not too versed in them but really it has come as a holistic approach and we have decided because I know it's usually argued whether or not judiciaries should have their own cloud or is it better to go with the big companies like Amazon and Google and subscribe to them and Microsoft as well. But we've decided that to protect our security, we've gone for a government cloud system. So we maintain the sovereignty of our data.

Atty. Leland R. Villadolid, Jr:
Mine will just be brief. With respect to the Philippine judiciary, it adopted a hybrid approach. So it makes use of the cloud, and at the same time it has on-prem services to manage certain applications. The thinking is that at least not all the eggs are in one basket or are in the cloud. The second point is that traditionally you have the castle and moat mentality where everything inside the castle is protected and everything to prevent outside But that has already been discarded because we know that attacks can come from both internal and external So the applications, the cybersecurity measures implemented by our Supreme Court is the defense in depth. Defense in-depth strategy means each device application has its own independent sets of cybersecurity measures. So it's layered and redundant. And it covers it all. It covers the device, the endpoint, even the printer, anything that the user. So those are the things that are being done. And then on top of that, as I mentioned earlier, you have the constant monitoring and testing by the red, blue and purple teams.

Mr. Harangu Shanaka Roshan Gunasekara:
From the Sri Lankan step, we are still at the inception. Basically, in September, in 2021, with the COVID came in, we adapted emergency rules to allow proceedings conducted for urgent matters by way of digital hearings and thereafter in 2025 Sri Lankan judges, Supreme Court judges and a team of professionals visited India because India has made quite advancement in terms of digitizing their judicial system and they are actually in the process of setting up national judicial data grid. And with that knowledge borrowed from India, we have also launched the e-Code project, where recently the Supreme Court conducted the very first full digital hearing. And in terms of challenges and how to overcome them, it's still a journey that they are looking at because as we roll out, they will have to end up ensuring that the system is protected.

So that is where I actually advocate and as well as argue in Sri Lanka, it has to be standardized because at the end of the day, otherwise it's about them saying, okay, I follow this particular set of protocols. Now, my learned colleagues pointed out very clearly that the challenge landscape evolves. So when the challenge landscape evolves unless you standardize lets say for example now he pointed out Ciro trust doctrine and the access controls. So all of them are principal controls. But how you adapt them, the content of it needs to evolve. So that's why when you standardize, unless let's say your encryption level increases to that level, you don't get the certification.

I'll give a very simple example. Now, in the olden days, a six-digit password was enough. Now the current recommendation, 12 characters, again is a combination. So unless you evolve your password policy in that particular way, you will not be able to keep up with the security. So you can have endpoint security, you can have all access controls right now. The moment the challenge comes, you have to change the landscape again. So that is why standardization is actually the number one thing I would advocate for.

Ms. Lily (Moderator):
Yes, even though the countries have, you know, different backgrounds and capabilities, you still believe that we need to have a certain standard, it is the same, right?

Mr. Harangu Shanaka Roshan Gunasekara:
Well, I think it's a sort of a misunderstanding in that way. Standardization in the sense, following a

standard framework. Say for example the ISO if you take the ISO itself it has 92 controls. So all the 92 controls it does not say that for the encryption this is the encryption 256 128. What it says is encryption. And then you have to actually do a risk assessment of your organization and figure out what is the level of risk encryption that we need to have. So, that's what it means by standard ISO. You follow a framework. You have a goal, you follow a framework, and then implement based on your risk. That's what it means. It doesn't mean that everybody has a 12-digit password. It simply means you need to have a password policy appropriate to the risk that you have undertaken.

Ms. Lily (Moderator):
That's very clear. So, because the time is up. So, if any audience has any questions, maybe we could ask after the sessions to our panelists today. So I have to conclude these sessions and then hand back the stage to Mr. Tanuwat. Thank you.

TOPIC DISCUSSION 3

COMMERCIAL COURTS, INSOLVENCY REFORM, AND INVESTOR CONFIDENCE IN ASIA

MODERATOR:

Ms. Lily (Nhonlaphat Pitpiboonpreeya)
Director of the LLB Programme, Rangsit University (RSU)

PANELLIST:

1. **Mr. Wan Kai Chee**
Co-Head of the Financial Services Department & Partner, Rahmat Lim & Partners, Malaysia

2. **Mr. Nik Syahril Bin Nik Ab Rahman**
Director of Policy and Legal Division, Malaysian Department of Insolvency (MDI), Malaysia

3. **Mr. Mohamad Daud Bin Ismail**
Lawyer, Advocate & Solicitor, Daud Ismail & Company, Brunei

Ms. Lily (Moderator):
Thank you very much, Mr. Tanawat. So, welcome to the afternoon sessions, ladies and gentlemen. Let us get back to the third sessions of the World Judicial Integrity Forum of 2026. I am Nhonlaphat Pitpiboonpreeya, Director of the LLB Programme, Rangsit University (RSU). And once again, I will be your moderator for these afternoon sessions. And in our third session, we shall discuss the topic regarding commercial courts, insolvency reform and investor confidence in Asia. And we are honoured to have the experts from both Malaysia and Brunei as our panellists in these sessions.

So ladies and gentlemen, please welcome our first panellist, Mr. Wan Kai Chee from Malaysia. He is Co-Head of the Financial Services Department & Partner, Rahmat Lim & Partners, which also associate with Allen & Gledhill LLP in Singapore. Our next panelist is Mr. Nik Syahril Bin Nik Ab Rahman from Malaysia. He is the Director of Policy and Legal Division, Malaysian Department of Insolvency (MDI). And our last panelist for this session is Mr. Mohamad Daud Bin Ismail from Brunei Darussalam. He is a Lawyer, Advocate & Solicitor, Daud Ismail & Company and the adjunct lecturer at the Faculty of Law of Universiti Islam Sultan Sharif Ali (UNISSA).

Ladies and gentlemen, in order to gain investor confidence and maintain economic stability across Asia, especially in interconnected economies nowadays, the commercial courts need to play a pivotal role to strengthening commercial court specialization, improving insolvency procedure, especially effectively balancing the corporate recovery and creditor protections, and reducing procedural delays and improving consistency of the adjudications. The court also needs to enhance the cross-border recognition of the judgment, and these are the scope of the focus that we are going to discuss in this panel discussion. So without further ado, ladies and gentlemen, I would like to invite Mr. Wan Kai Chee to present his opening remarks.

Mr. Wan Kai Chee:
Hello. Hi. I Kai Chee from Rahmat Lim and we a law firm in Malaysia Kuala Lumpur and we're part of

Allen & Glad Hill as mentioned just now. So Allen & Glad Hill, we've got offices in Singapore, Vietnam, China, Indonesia. So we have different regional offices, and our focus is, well, we have full-service practice, meaning corporate work and litigation work as well, and litigation including, restructuring all the way to insolvency. And one of the main practice areas we have that we help clients with is investment, foreign investment, cross-border investment.

And so, of course, this thing is very important when we look at the contracts, investment contracts, and many agreements. It always comes up. Firstly the clients will look at the country, look at the country, see whether you know it, whether it suitable for investment or not. So macro, a lot of macro considerations, the business case and investment case. So that always comes first, that always comes first. Basically whether they're going to make money or not based on taxes, incentives, things like that. But also a very important thing, and you know I think it's been discussed a lot this morning, the rule of law right. That what you can expect, whether or not you know, when you sign contracts, when you put in your money, the money is safe right. So that's of course very important and a lot of times we're talking about millions and billions. So for any country to be able to make sure that investors will come in, that the capital can be attracted, all the correct things need to be in place. And this includes things like investment treaties, so G2G arrangements to make sure that if there is some problem, there could be maybe even investor state arbitration or claims available for the foreign investor.

In terms of what we see daily, that is a practical aspect of this topic is the dispute resolution clause. So, of course, we're talking about judiciary now and the courts, and that is the alternative today, adopted by many jurisdictions of arbitration. So, just looking back, arbitration is a very old thing already and it's well established. But the reason why it came about is because maybe a lot of parties felt courts were not working as well as they should be working. Meaning the kind of disadvantages you might have found in the past. Maybe nowadays you don't really see those problems or the problems are different or maybe the problems are reversed. So often actually we choose arbitration or we talk to clients and say okay choose arbitration instead of court. But yes, there are still cases we advise clients use a court dispute resolution.

Previously, it used to be things like cost and delay that mean that you want to stay away from court, that you want to go to arbitration. But today that can be reversed. So arbitration can take longer and the costs can be higher. And in terms of enforcement, arbitration, as I mentioned, there's more and more now being done where it's more easily enforceable, more directly enforceable, and no appeal. So that's pros and cons. There are pros and cons to it. Arbitration, you know, you have a case where it's private, and you don't really go into the situation where there's precedent, right? So there are also benefits. There could be benefits there for certain parties where if you have a dispute and you settle it in a certain way, whether there is a precedent you know against you for future cases. Because in, you know, Malaysia, being a common law country, that's relevant. Whether, you know, there is reported cases for the same point, because then that will be binding on you if you have disputes, similar disputes in the future. So also along the way, we will find that there are various other things relevant for investor protection. But I'll just start with that. Thanks.

Ms. Lily (Moderator):
Thank you so much, Mr Wan Kai Chee. Now I will invite Mr. Nik Syahril Bin Nik Ab Rahman for his

opening remarks.

Mr. Nik Syahril Bin Nik Ab Rahman:
Hello, good afternoon everyone. My name is Nik. I'm from the Department of Insolvency Malaysia, or better known as MDI. I realise that this is such a challenging time. I'm referring after lunch. So I try my best to keep things short. My opening remarks is anchored on my slides. I am talking about insolvency reform in Malaysia. What we have displayed on the screen is the map of Malaysia consisting of two key areas, the peninsula Malaysia as well as Sabah and Sarawak.

Why insolvency reform matters? We want to show that insolvency is no longer a domestic matter. Just like other things, it has stretched us across the globe, across jurisdiction and through digitalization. I want to show the journey that Malaysia has shared. We have managed to evolve and pass through many reforms. We have embarked upon the transformation of personal insolvency as well as corporate insolvency. The traditional approach has been asset realisation, creditor recovery as well as formal winding up. But now the modern approach is rescuing businesses, make it more viable. And the growing concern must be preserved and we also do our best to protect the employment opportunities of people who are in the system and we want to ensure that there's continuity in economic value. Our reform philosophy is this, saving viable enterprises creates greater justice rather than premature liquidation.

The globalisation of insolvency, we see that a typical Malaysian company may have creditors in Singapore, assets here in Thailand, financing in Hong Kong, arbitration in London and digital assets including cryptocurrency globally. So without cross-border cooperation, proceedings may become fragmented and localised, the costs will multiply, the time taken will multiply, the value of the assets depreciated and the judicial conflicts started to contradict and converge. The result would be an inefficient uncertain and injustice to the parties concerned.

So this is our jewel in the crown, the Cross Insolvency Act 2026. This is based on ANSI trial, model law on cross-border insolvency. Our objectives as listed there, international cooperation, judicial coordination, recognition of foreign insolvency proceedings, efficient restructuring of multinational enterprises and this is what people want, greater certainty for investors and creditors. This is our journey. If you would notice throughout this roadmap, it highlights the nine-month period. This is something that the Global Committee is praising Malaysia. This is our landmark achievement. We managed to pass this Cross-Border Insolvency Act within 9 months, akin to say, I just want the baby without knowing the labour pains.

These are the 17 key agencies that were involved from the ideation until the realisation of the cross-border insolvency. And you will notice this cut across the board, not just a singular government entity. And the four pillars of the unscriptural model law framework, we have already gone through this discussion in New York last month. And why is this reform historic for Malaysia? That's a paradigm shift. Previously, we rely more on common law principles. Now it's a more structured, more recognized regime, more harmonized procedures and international cooperation framework with other jurisdictions and increasing judicial certainty. The transition is from territorial insolvency towards cooperative global insolvency governance.

The key driving theme of this forum is integrity. This can also be found in cross-border insolvency, where the judiciary as global coordinators can converge in a single proceeding. The recognition of other jurisdictions' decision, this is a game changer. The original impact on ASEAN. ASEAN can be a hub for insolvency. This is something that we can unlock together. Everybody wins based on this win basis. That the impact. And we hope to drive our neighboring countries to come on board together. Together we can make it with the ASEAN spirit. And everybody knows that the economic and the investment implications, there's a multiplier effect to this. The impact on financial institutions. Everybody likes this. And the impact on the Malaysian legal profession, this creates cross-border insolvency specialists. Like Datuk Nordin earlier in the morning mentioned, that there is a specific judicial academy that has been set up in Malaysia, that will be the driving force for this.

And the centre of main interest, for those who followed the ancestral discussions, they would know that there is already a growing interest in Kwame. And we cannot run away from technology. Everybody's talking about it. Crypto assets, AI enterprises, digital platforms, cloud-based assets and decentralized finance, DEFI. And that would mean as said tracing would be a challenge. We don't want to see another JOLO. The challenges ahead. We need the judges and judicial officers to increase their capacity building as well as the enforcement. We need more bite than bark. There is differences in legal traditions and customs, and also the cost of multinational proceedings. We have yet to see this because the Cross Border Insolvency Act will be enforced in Malaysia next month.

The Central Thesis for Justice, Reform and Resilience, we combine that under the Cross Border Insolvency Act, it's not just a legal reform, but a total transformation of Malaysia's economic governance architecture. This is our vision for Asia. We want to see an Asian Insolvency Corporation framework using and leveraging ASEAN judicial insolvency protocols. We want to have regional recognition arrangements. We want to have shared judicial training, digital insolvency platforms, this can be done as well as cross court communication mechanism. This will shape on how we want to move forward. A resilient, rules-based insolvency ecosystem for the global south.

The key takeaways from today's session, I would hope to see that the institutional maturity, commitment to the global standards, economic modernization and the judicial evolution to carry out these tasks. Ultimately, the message is, effective insolvency systems are essential pillars of justice, economic resilience and global trust. In a connected world, justice cannot stop at national borders. Insolvency reform is therefore not merely economic policy. It is a commitment to fairness, resilience and the rule of law. I believe this is the common values that we share here today. Khàawp khun khráp, thank you.

Ms. Lily (Moderator):
Thank you very much, Mr Nik Syahril. And now, i would like to invite Mr. Mohamad Daud Bin Ismail to deliver your opening remarks.

Mr. Mohamad Daud Bin Ismail:
Thank you Ms Moderator. I am happy to be here today just to share based on Brunei perspective. So it's a privilege for me to be here in Bangkok. Thank you for the organizing committee to basically to invite me to share Brunei's perspective on how commercial courts and insolvency reform help build investors' confidence across Asia. I think for a start, Brunei believe a strong institution, independent

courts are the bedrock of economic growth. When investors trust contracts will be upheld, and then of course the insolvency process will be fair, predictable. So this forum is basically timely for us to exchange our ideas so that we are able to share the common goal to ensure that the investor's confidence will be felt.

I just started on commercial court in Brunei Darussalam. I think it's a full — I think as you are fully aware, I think we are common law system and our basic courts have defrooted with the common law system and basically the courts have defrooted with the common law and of course this system has been considered. In Brunei, I think we are still maintaining our basically with UK and in fact we have our courts up to the freebie council. It's something that is a bit rare but I think it's only in civil cases and also it must be agreed upon during the high court stage. But essentially, I think importantly, I think the commercial court in Brunei, I think will actually contribute to the confidence in investor. I think what we have, I think it was introduced in Brunei in February 2016. And I think this is important because this commercial court will deal with cases concerning the problems, disputes between the parties.

So we have this, what we are having is speedy efficiency. I think it's important. Of course, we have specialized expertise. We have judges who are possessing, basically, in areas such as banking, insurance, and construction, and international trade, of course. We have also, I think, alternative dispute resolution that is available, arbitration. I think that's my valid friend. And that is also in practice. But we have our own Brunei arbitration center in Brunei. I think that has been an important step for us to try to resolve the dispute between those investors. In fact, I think the Brunei Research Centre is leading mediation, arbitration and other resolution. So of course as we have been talking about technology, I think our courts also basically have dealt with this e-judiciary case management to resolve basically the approach. So with the digital approach, I think we have to be able to be more accessible to local and international investors.

Now, as we know, commercial court, basically, we have these issues of, I think Brunei is adopting Brunei Vision 2035. I think this is something that we are hoping to establish Brunei as a stable hub for investment and competitive landscape in Brunei. Of course, as I said, the Brunei adoption of the arbitration is one of the areas that we are looking to promote the resolution of the dispute. Not necessarily through the court system but I think through arbitration and mediation.

Now looking at insolvency reforms, I think this is an area that my learned friend from Malaysia has spoken very well but we are also developing this particular area. So our insolvency reform is founded in an act, in Soberty's Act 2016, very new. But we are looking at this one to allow, I think that's what the issue of rescuing distressed companies from being winding up. I think this is an area that we are also looking into to ensure that the problem company can be rescued and rehabilitated so that the problem company can be held. So the highlight of this insolvency reform, there are two areas I think that is important to look at. Judicial management — the company will look into a judicial manager to resolve the problem that is faced by the company is in trouble. And then there is also we call it CVA, Corporate Voluntary Arrangement. So this allows the creditors to look into a possible rescue of the company, to allow it to be.

So we have this, basically, in this reform. I think I just want to share, this is what we call it, the shift

towards rescue and rehabilitation. I think it is important so that the company will not be winding up. When we rescue the company, of course, in the end of the day, we are looking into preserving the business, and preserving the jobs and value and also the investor's confidence. Of course, importantly, the issue of having this insurance reform is to ensure that the creditors are also being protected. I think we look into the interest of the creditors will be protected, and of course, there are issues of reservorship work. I think it's like, I think, whilst in Malaysia, I think they are now further with, we have this cross-border insurance reforms, but we will be properly looking into the area as well. I think it's important to have a clearer framework for cross borders so that we can resolve it in a more structured manner so that we will be able to look into as well as that.

Now, just to conclude in respect of resolving this impact on foreign investment climate, I think what we have here, the synergy between our commercial court and response created basically a balanced legal ecosystem in Brunei. So we will be able to allow there was enforcement of contract between parties. Of course, there is an issue of trying to, if there is any problem, early exit. And of course, there is a risk reduces mitigation. Of course, the foreign investment in Brunei, we have foreign investment, and this reform will be able to allow that. Now just to conclude this session, we will basically — the purpose of having proper commercial courts together with insolvency reform will basically allow us to see a more better framework, and also that would allow the investment between the cross border investment can be improved. That would be sharing my perspective of Brunei system. Thank you.

Ms. Lily (Moderator):
Thank you, Mr Daud. So now, we are moving to the first question. So firstly, I would like to ask Mr. Wan Kai Chee as an expert of corporate and financial matters of both domestic and cross-border transaction. How can judicial system better support investor confidence through transparent and reliable dispute resolution mechanism?

Mr. Wan Kai Chee:
So in Malaysia we had many many things happen including as my colleague mentioned Joe, you all maybe know him, but other things very big restructurings big insolvencies, you know listed companies delisting having to delist, so yes many problems but of course a lot of these are not so related to the court, right? So the court does what they do and, you know, a lot of the times it just, everything has happened elsewhere and it's just that there's one part. It's not even everything. Just one part goes to court and then, you know, court needs to say something about it, right? So a lot of the time, it's the — for parties, is the — almost you know on the one hand it's maybe supposed to be the first resort but it's also often the last resort where okay the regulatory framework the government action or whatever else could happen, you know, didn't solve the problem, then you need to go to court to enforce rights.

So and you know there have been some examples of how for parties for companies you can have practical issues coming up. And so one case I would mention is this case which we are working on and it's still ongoing. It's actually in two parts. There was one litigation all the way up to federal court, and then the counterparty lost. Counterparties are a listed company, Malaysian listed company. And then they tried again. So the company board did a second action against our client. Our client is a foreign investor. So that is still ongoing, and it's under appeal process to federal court. So, as you may

know, in Malaysia, federal court is the highest court and it ends there. Before that, it's court of appeal and high court, generally.

So, the specific issue here is that after the first litigation, there was an AGM of the listed company. The shareholders were talking about this thing where, you know, the listed company was suing our client. And then they asked, oh, so how much has it cost for us to go all the way to federal court and lose? So the director said 800,000 ringgit, which is about 6 million baht. So lawyers were paid 6 million baht for going to federal court and losing, right? So, which is what happens. But then the company started the second litigation. And so the issue here is that all the time, when companies do that, they are spending the company's money. It's not the director's own money. It's the company's own money when they sue the shareholders. And so it's not to the loss of the board or the individual directors because it's not their money. It's the company's money.

And what happened for the second litigation is it went to High Court and the High Court held in favour of the company. This is the company to say okay, directors when you do this, when you make this claim, it's correct. And then it went to Court of Appeal and was reversed. So Court of appeal looked at and said no no no this is definitely wrong right, you were wrong to sue for this and, and you know impliedly you were wrong to spend the money because legal fees — you know I'm a lawyer but still it needs to be correctly spent right. So the issue here though is that because the high court already held in favor of the illicit issuer, it's going to be very hard to go against the directors to say, okay, you know, directors have director's duties. Very hard to go back to them and say, hey, you're in breach of director's duties, please pay. Please pay back the company because, you know, the shareholders are the ones who are actually affected.

So yes, even though with a court system, there's appeal, and it's not so simple that if you are a judge at a particular level to say, okay, I'm just going to decide this way, if it's wrong, somebody else will fix it. In this sort of case, there's an implication, which is we will be telling our client, no, you can sue the directors because if the high court judge can think that it the correct thing to do, then you know, you as a director, you just a regular person, you know, you not a lawyer, you not a judge, if you think that's the correct thing to do, then it is, you know, very well justified. So that was, you know, just one case I'll talk about that, that is still a current one. And, you know, there are other examples as well, but yeah, I'll just mention that one.

Ms. Lily (Moderator):
Yes, and how do you think we can solve that in your perspective?

Mr. Wan Kai Chee:
So I think, you know, us as lawyers, we also know judges, right, from our contact, whether from work or from university or as neighbours and friends. So there is, like what I mentioned, a little bit of thinking where sometimes you say yes, I'll decide this way and it's wrong, somebody else will fix it if you're not federal court. So that shouldn't — you should try to move away from that, move away from that thinking, because it can matter.

Ms. Lily (Moderator):
Thank you very much, Mr Wan Kai Chee, and now I would like to ask Mr. Nik Syahril, in this kind of

problem how can we reform to improve the efficiency and predictability of insolvency and restructuring framework across the region?

Mr. Nik Syahril Bin Nik Ab Rahman:
Number one, you need to have the right law. Number two, you need to have the right people. Whether as a judge, as a lawyer, as a creditor, as a shareholder, as a director. Because court would always be the last resort. Essentially what we have in insolvency is people are fighting over claims. People are in debt all the time. Because in the case of Malaysia, the jurisdiction for winding up is at high court. We have 21 high courts in Malaysia. Where there is a high court, there is a Department of Insolvency. When it comes to winding up, we wear our hat as official receiver. We have liquidators who would scramble for companies that have valuable assets. At the moment, we have about 28,000 of winding up cases throughout the country. And out of that 28,000, 27,000 comes under the purview of official receiver, where we act as provisional liquidator. That means these 27,000 companies does not have any assets whatsoever. This is what I call no income, no asset, NINAS.

So how do you deal with that? And companies, it takes its own life. It's a separate legal entity. So there's multiple issues coming at us. Not just that. It can be for tax purposes. It can be for money laundering purposes. So you are dealing with this creature. A creature of statute. That's why I say, first you've got to have the right law. Once you have the right law in place, you have to put the right people. And for creditors, they just want to get the payment of dividends. And under insolvency, dividends are the proceeds of the sale of those assets. The job of a liquidator, a good liquidator, is to make sure that you sell those assets, you pay off the creditors, and return if there any the surplus to the former directors who are the shareholders.

This is where rescue mechanism. My learned friend here talks about judicial manager and the corporate voluntary arrangement. It does not work. When it comes to court winding up matters, parties are at dispute if the company has assets. And in the case of Malaysia, our winding up laws are under the Company's Act 2016. At the petition stage, the court has to ensure that the petitioner nominates a liquidator in the event the court agrees to grant a winding up order. And our finding is the petitioners couldn't be bothered to nominate the approved liquidator. Why? The cost of appointing the liquidator is a lot. So even at that stage, the court, the petitioner, the lawyers who are advising the petitioner, must know that you do not simply wind a company. Lives are at stake. Livelihoods are at stake. When a company goes down under, they pay no tax to the government. And the government earns nothing. So that affects the whole ecosystem.

At the very beginning, you have the financial stability laws where banks can go through the credit assessment system to grant loans. And banks, they are earning their profit through those loans. But what happens if there is a default in loans? So this is the whole ecosystem from beginning to the end. We are not just taking this on a compartmentalized approach. No. Most countries you have a very established entry system. Banks love giving loans. That's why they survive. But when it comes to default, they quickly put in their claims. And they know for a fact that the companies no longer viable. NINAS. And you don't expect liquidators coming down and sweep up everything for the benefit of creditors. This is where the official receiver in Malaysia plays that part as a social balancer, the equalizer. Because most of these companies are small and medium enterprises. You know, so the spectrum of issues converges. So this is where we try to unpack and try to get the low hanging fruits

first. This is where also we want to ensure that there's no preferential treatment over a bigger creditor than a smaller one, as well as a foreign creditor over local creditors. Because essentially you want to make sure that the foundation is right. So to answer your question, I'm sorry, there's no short answer to that. It's not a yes or no. It requires another session, perhaps nearer to Sukhumvit. All right?

Ms. Lily (Moderator):
Thank you very much. So you have mentioned that we need a good law and a good court, with a long answer. Can I have example of the jurisdiction or any system that you think, okay, maybe not so perfect, but close to a very good model that Asian regions can follow. It doesn't have to be within Asian or it could be Malaysian.

Mr. Nik Syahril Bin Nik Ab Rahman:
Okay, they have already established a creditors regime that is very efficient. They have been doing that for the last century. And for your information, MDI is 102 years old. We were established in 1924. But that's how old our system is. We do not move with times. That's why when the cross-border insolvency was passed by parliament, we have built into that. That would be our game changer. Everything would have to be digitalized. So, learning, taking a leaf from Blasenberg experience, everything is digitalized. So, you can do asset tracing. You know, you follow the breadcrumbs. And not forgetting other laws as well, not just insolvency. You got to have your tax system in place. You got to have your money laundering system in place. This all comes together as a package. So what we do here, from what we can do, is just focusing on insolvency, but we need to harmonize it, not just at the national level, regional and international. So Lassenberg sits just nicely within Europe. But how they do things there, I can tell you, but not here.

Ms. Lily (Moderator):
Yeah, it's about the culture as well, right? And they are a small country. So can we really follow them as, you know, most of us are developing countries with lots of populations and different cultures, do you think?

Mr. Nik Syahril Bin Nik Ab Rahman:
Yeah, because legally they inherited the civil system, the continental system. Whereas in Asia you are a hot pot of many systems. There are some civil, there are some common law, there are some hybrid. So that's the challenge even at ASEAN region, you know, but we have the ASEAN platform, we can talk, we can discuss in the ASEAN spirit because we have the same objective. So the devil are in the details as always, but you know as Confucius say a journey of 1000 miles starts with a single step. So I believe today is our first step towards that same journey, same direction together. With that can-do spirit, you know, when there is a will, that's a way. Thank you.

Ms. Lily (Moderator):
Thank you. I believe so and hope so. So we can use them as the guideline and we kind of adapt what we can take, right? So I would like to ask Mr. Mohamed Daud that what are the key challenges in reducing delays and improving consistency in the commercial dispute resolution? Let's get into the practical approach.

Mr. Mohamad Daud Bin Ismail:
That is a tough question. But basically, I think, of course, ensuring that the dispute should be settled without delay. Because if you are looking into disputes, I think there are many challenges to be faced. I think basically a delay dispute will cause numerous challenges. Basically the parties will be having unhappiness and trying to — so, of course, the court will be running up to you. Of course, the court will have to decide on this. So I think basically it is important for parties to look into how to resolve the dispute in a speedy manner. A speedy manner meaning that I think try to work out. I think don't go to the court. The court is the last resort. So it is important for us, I think lawyers to seek. I think initially we are in Brunei, we are recommending parties for mediation. Mediation is one of the basically called assistant mediation. But if not, then we can go to the Brunei Arbitration Center. Or we have an arbitration that can be conducted not only in Brunei, but it can be conducted in Singapore or any other forum that is agreed by parties.

I think the main thing is that the problem that we are facing is if I think the parties should be encouraged. I think in Brunei, the court encourages mediation to be considered in the first instance. Let parties work out their differences and let parties to do that. But in the event that I think systemization fell, and then again, encourage the arbitration. I think arbitration to look into a possible resolution of that problem by way of arbitration. I think that would encourage parties to come to us. Because, as I said, the challenges of having protracted disputes, I think it is bad for the parties. Of course, in the end of the day, the court will come to the rescue to resolve that. But I think the court may have to decide one way or the other. So sometimes I think it is good for parties to come to an amicable settlement either by way of petition or by way of arbitration to resolve the matters.

Ms. Lily (Moderator):
Thank you. Thank you very much for your perspective. And now, may I ask from your perspective as well, how do you think we can solve such challenges in reducing delays and the consistency of the commercial court dispute in your perspective, if you have anything in addition?

Mr. Wan Kai Chee:
Well, I think for commercial matters, and I think also maybe part of what this topic had in mind, the issue of more and more specialisation. So in Malaysia, there are many different types of specialisation for courts already, whether you talk about industrial cases or maritime time or specific courts with a specialty. So I think, yeah, some needed mention that judges need to be good judges, but also there are some of this that other things that come in right.

Which is how — for whether it arbitration or the court system and you have the technical technical disputes — what happens is you know you need to bring your expert winners, bring expert winners, and if it's about a certain construction thing or engineering thing or whatever, then you have the expert saying, you know, what it is — well, what some people say, what they're chosen to say or paid for to say, but of course they are the experts and they need to do it properly right, they need to give the evidence properly. And you know compared with arbitration where you can have a tribunal with experts, not only those who are legally qualified but within the tribunal as well you have people who have that expertise.

So of course with a court system you have that as well right built in. And of course the issues there — I suppose there are some operational issues about resources right, resources and all of that. And if there are enough cases, then yes, it will be worth doing. And I think that's what we're seeing more and more of in the region, including Singapore and other places.

Ms. Lily (Moderator):
Okay, she reminds us already that we have five minutes left, so I briefly ask maybe Mr. Nik Syahril of how can court balance creditor protection with the need to facilitate corporate recovery and business continuity in terms of balance.

Mr. Nik Syahril Bin Nik Ab Rahman:
Okay, to keep it short, three things. Number one, judicial trust. Number two, institutional integrity. And number three, regional cooperation.

Ms. Lily (Moderator):
How about you? (refers to Mr Mohamed Daud)

Mr. Mohamad Daud Bin Ismail:
I share the views. I think it's important for the court to play good role in trying to resolve the dispute. Of course, in the end of the day, I think the cooperation is required. I think in order to have maybe a regional cooperation, it's important for us to resolve because basically investor confidence in Asia will take have to be try to to be resolved in the best possible way by cooperation.

Ms. Lily (Moderator):
Thank you very much we are concluded for this session so I would like to thank you every panelist for this fruitful discussion. Thank you very much.

TOPIC DISCUSSION 4

STRENGTHENING JUDICIAL COOPERATION:
CROSS-BORDER LEGAL COORDINATION AND INSTITUTIONAL EXCHANGE

MODERATOR:

Ms. Lily (Nhonlaphat Pitpiboonpreeya)
Director of the LLB Programme, Rangsit University (RSU)

PANELLIST:

1. **Mr. Philip Teoh**
Partner, International Lawyer & Arbitrator, Azmi & Associates, Malaysia

2. **Pol. Capt. Amornphan Nititheeranont**
Senior Advisor, Acting Assistant Secretary-General / Former Judge, Personal Data Protection Committee (PDPC), Thailand

3. **Pol. Lt. Col. Worakorn Nattamangkang**
Inquiry Inspector, Investigation Subdivision, Investigation Division, Immigration Bureau, Thailand

4. **Ms Li Yu Jie (Pre-Recorded Video)**
Inquiry Inspector, Investigation Subdivision, Investigation Division, Immigration Bureau, Thailand

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Ms. Lily (Moderator):
Thank you very much, Mr. Tanuwat. And now, ladies and gentlemen, we have commenced until the last sessions of the World Judicial Integrity Forum of 2026. So, my name, once again, is Nhonlaphat Pitpiboonpreeya. I am the director of the Bachelor's of Laws program, Rang Sidd UniversityDirector of the LLB Programme, Rangsit University (RSU). And I will be the moderator for your last sessions here. In this session, ladies and gentlemen, we are going to commence in regarding the strength of judicial cooperation, cross-border cooperation, and institutional exchange. And we are honored to have the expert, both from Malaysia and from Thailand as well.

So, ladies and gentlemen, please welcome our first panelist, Mr. Philip Teoh from Malaysia. He is Partner, International Lawyer & Arbitrator, Azmi & Associates. Our next panelist is Pol. Capt. Amornphan Nititheeranont from Thailand. He is former judge and currently the Senior Advisor Acting Assistant Secretary-General, Personal Data Protection Committee (PDPC). And our next panelist, even though she not here today but she sent us the pre of her remarks, she is Ms Li Yu Jie from China. She is researcher of China Legal Research Center, Executive Deputy Director of the Overseas Interest Protection Center of the Southwest University of Political Science and Law, the residence expert of Chongqing International Centre for Policy and Legal Service of Airport Economic Zone, and also the foreign legal expert advisor of Southwest University of Political Science and Law, China-Asean Legal Research Centre. And our final panelist for this session, ladies and gentlemen, is Pol. Lt. Col. Worakorn Nattamangkang from Thailand. He serves as Inquiry Inspector, Investigation Subdivision, Investigation Division, Immigration Bureau.

Ladies and gentlemen, as Asian countries become more connected, it is inevitable that we have to

strengthen our judicial cooperation, especially in terms of the cross legal coordination and institutional exchange. So in these sessions we are going to tackle the practical mechanism of judicial collaboration among Asian jurisdictions including procedural collaboration, information sharing and judicial training. And we're also going to discuss how to promote the international collaboration, deepen legal understanding among Asian courts, while respecting the national sovereignty and distinct legal system and legal tradition of each nation. And we hope to gain this practical approach from our panelists today. So without further ado, ladies and gentlemen, I would like to invite Mr. Philip Teoh to commence his opening remark.

Mr. Philip Teoh:
Good afternoon. I am pleased that I have been invited to speak at this conference. What I have heard so far this morning is contribution from experts from different countries. And you can have integration of the legal aspect and the judiciary system in ASEAN. Before you have integration you must first have understanding. And the understanding, we must try to understand how each country's laws operate, how each country's decide cases through their own judiciary or through other methods of dispute resolution. So this includes very prominently arbitration. And each country have their own arbitration center. In fact, several years ago, I argued a reinsurance dispute in the Thai Arbitration Center concerning a Thai reassured insurance company against a Malaysian reinsurer. And in Malaysia, we have our own centre, the AIAC. And in some countries, there's more than one centre. In fact, the countries of China, they have multiple centres, countries of India, they have multiple centers. Actually, in this area, is not necessarily better. It confuses the user. It confuses the business. So to a large extent, a lot of Indian businesses refer their cases to the Singapore Arbitration Centre.

I want to give some overview, which my slides will present. So the Malaysian legal system, like Singapore, like Hong Kong, we have what is called a colonial past. And because of a colonial past, a lot of the laws of Malaysia have British origins. Example, I do a fair bit of shipping. The Merchant Shipping Ordinance derives its origin from the Merchant Shipping Act, UK, 1894. Malaysia also have a Contracts Act. Our Contracts Act derived from the Indian Contracts Act 1894 which is a codification of the English common law. And in fact, in many areas, we still have a continuing reception of English law. For example, there are provisions in the Civil Law Act. And when you insure cargo or ships under marine insurance, the forms of insurance, they use English forms and in the English forms you have what is called a choice of law, choice of English law. This raises the issues or conflicts which I will cover in a short while.

Malaysian courts are courts in the common law tradition. Our courts are run on an adversarial basis. As contrast to courts in Indonesia, courts in Thailand, because the Indonesian and Thai courts are of the inquisitorial system. And in Thailand and Indonesia you have what is called a civil code. In 2012 I argued in Singapore a breakdown of a joint venture dispute where the agreement was subject to Indonesian law. And under Indonesian law, the whole dispute had to be tried under the civil code. And actually, Malaysian courts and arbitrators too, we can apply foreign law. So in the arbitration case, what happened was I'm the counsel, and the three arbitrators were mainly common law lawyers.

However, the arbitrators were still able to decide under the applicable governing law. And how did

they do that? Parties had to bring in the expert foreign law experts and they brought in each of them lecturers from universities of certain repute. Similarly in the Malaysian courts if there is a dispute and the contract of the parties in dispute say apply Chinese law, so what? Of course, the judges, the Malaysian lawyers, will not understand Chinese law. Again, they will bring in experts for that particular law. However, if the matter consists English law, to a great extent, we can refer to textbooks. And understanding the different laws, applying the different laws when there's an issue. Obviously, if you have a breakdown of a joint venture between a Thai party and a Malaysian party, the first thing you need to do is look at a contract. Is the contract subject to any particular law? And you will decide how to go about resolving the dispute under that particular law. This is the issue of conflicts of law.

Conflicts of law is very important in this area. In the two main areas which I handle, international arbitration and shipping, it always rises. For example, the cargo which is carrying the Malaysian exporters' ship is a Japanese carrier. The Japanese carrier under the contract, the Bill of Lading provides for any dispute, it should be filed in the Tokyo District Court. And the other aspect about dispute between companies of different nationalities, one must realize after the dispute is tried, how are you going to enforce the dispute? Actually, the courts are not so, how to put it, efficient universally.

Malaysian court judgments are recognized in very few countries, and the countries are Singapore, Hong Kong, several states in India. However if you have an arbitration award between an Indonesian party and a Malaysian party that award can be enforced in 172 countries under the New York Convention. And to a great extent, the courts in Singapore and Malaysia are arbitration friendly. So again, this is a conflict issue. If in the contract there is an arbitration clause, you bring the case in the Malaysian court, the judges upon application by one party will say, look, this is not a proper forum. You go to arbitration.

However, certain actions can be taken in the Malaysian court. For example, ship arrest. And in fact, that also brings me to one particular topic. The newly set up division of the Malaysian court, International Commission, ICAD. Basically what this court, which is a court in the KL High Court system, it decides on disputes within foreign parties and it also subsumes the jurisdiction of the former Admiralty Court. This is ICAT. I do appear quite often. In fact, three weeks ago, we arrested two vessels and up to today, while I'm here, my lawyers having cases before the judge. So ICAT was set up in 2nd of March this year. And according to the Chief Justice of Malaysia, the purpose of ICAT is to try cases involving foreign parties and as well the Admiralty Court. The Admiralty Court was set up in the year 2010.

The very first Admiralty Judge was Tan Sri Nalini, who later became the Federal Court Judge. She retired sometime in February. And I have been trying cases before her court. In fact I argued the very first reported case of her court. So what is the whole purpose of the Admiralty Court? The whole purpose of the Admiralty Court is to have a court where there is expertise by the decision maker, and in fact, by virtue of the establishment of the court, it also helps to promote the maritime lawyers' expertise.

What is the difference between Malaysia as a common law jurisdiction, the adversarial system, and the civil law inquisitorial system? In fact, the prominent aspect is the court and the judge is

independent, impartial. In some civil law courts, the judges have what is called an inquisitorial role, meaning they will investigate issues which may not have been fully raised by the parties, but the Malaysian courts do not do that. It is left to the counsel of both parties to raise issues for and against their case.

And I heard this morning about advancement technology. The Malaysian courts are very used to online hearings. So if you have trials, what the courts have done if they have reverted back to physical hearings. However, if you have interlocutory applications, these still are commonly handled through online hearings, through applications like Zoom. And this advancement after COVID saves a lot of time. In fact previously if we have what is called a case at the case management stage we had to go to the court and wait from 9am to 12 o'clock because the judge will be hearing other cases. So we have to be in court. However, now where we can have the hearing by Zoom, we can be in our office. We can, in a way, not save time on travel and also be able to do other matters before our hearings start. And this is a security for course application hearing, which I handle with my lawyers.

Before the case goes for trial, the Malaysian courts would have what is called a court-annex mediation. In a court-annex mediation, the parties are given a chance to refer the case to a different judge, a judge who is not going to try the case. And what the judge will try to do is try to explore both parties' case. However the role of the mediating judge is not to try the merits before the trial. He is trying to convince the parties to come to a compromise. Try for compromise. And if the mediation succeeds, parties will enter into a consent judgment. If it fails, then what happens is it reverts back for trial. And because we have an adversarial system, you need to bring witnesses. Witnesses, whether the particular persons are cogent, they have personal knowledge of the matter.

This is important. If the witnesses are brought of crucial facts, then you have a loophole in your case. And we also use what is called witness statements. Witness statements are very important. In fact, these are prepared by lawyers. But as lawyers, we need to go through with the witness. I had several cases where I cross parties. You look at question number three referring to this document before the trial. Have you seen this document? And that witness says no. Then there was another case, a case where dangerous goods cargo exploded, sinking my client's ship. The chemist gave four pages of the packing. I asked, were you present during packing? He said no. We have to conclude. And this is arbitration. The main difference in arbitration is that the person who decides is a chosen dispute resolver and this is chosen by the parties. Yes, I think I've come to the end of my presentation.

Ms. Lily (Moderator):
Okay thank you so much, Mr Philip Teoh. And now I will like to ask Pol. Capt. Amornphan Nititheeranont to deliver your remarks.

Pol. Capt. Amornphan Nititheeranont:
Okay, good afternoon. I will share between the gap in a border-ed world now. The first, we want to know what the key challenge faced by the Asian Judiciary in strengthening cross-border legal cooperation. I see in Malaysia I have online court. But do you know in Thailand, in Thailand, the online court hearing is allowed for domestic only, not for international hearing. When this field enter our court today, they are rarely confined without our border. We face the challenge in broad criminal and civil sphere.

I think police colonel lieutenant Waragorn will share in criminal sphere. But now I want to share in civil proceedings. The primary obstacle is the service of judicial document. You can see an example in this slide. Court often rarely heavily on diplomatic channels. And this process is slow now. Even more challenging is the execution of judgment and seizure of access because the cause authority generally ends at the nation border. In Thai law. To resolve this issue, we must embrace three pillars of reform. Harnessing technology. Aligning domestic law with global standards and building 24-7 network and data in Turkey.

Okay the next topic is I want to share the handling cross commercial dispute. How can judicial coordination be improved to reduce uncertainty and delay? I say that the most problem is the delay for document legal. One of main challenges in courts border commercial dispute is delay. I know many people may have heard the saying, just delay is just deny. Right? Eventually when calls need to send legal documents, abort or enforce judgment in another country. To improve this, ASEAN country choose strengthening judicial cooperation, use more digital technology system and electronic communication, and continue improving legal coordination between in jurisdiction. I know now Thailand have cooperation with another country only six countries in judicial regard.

Under low technology and digital platform, technology facilitates cross-border judicial cooperation. We must use technology to bridge the time gap in international law. Technology can improve communication, evidence sharing, and coordinate between jurisdictions. Within our course, we are expanding the electronic service of process and verify digital system. We can reduce notification period from months to days. At my office, we call the PDPC Thailand.

We regulate the personal data protection. We also see that international cooperation must move toward real-time information exchange. Under our framework on technological harm, financial institution and telecommunication provider are able to exchange information more rapidly to identify suspicious transaction and cyber related offenses. Corporate's stronger digital cooperation and secure information sharing system will become increasing importance of effective cross-border judicial cooperation.

On the topic of strengthening judicial cooperation through cross-border legal coordination and institutional exchange with a particular focus on the China-ASEAN region, I will also extend this discussion to an emerging yet under-explored issue: the regulation of private security actors in cross-border contexts. In recent years, the intensification of economic integration and transnational mobility between China and ASEAN has not only facilitated regional development, but has also generated increasingly complex legal challenges. Transnational crimes, including telecom fraud, human trafficking, and cyber offenses have expanded both in scale and sophistication, raising significant concerns for regional governance. This development suggests that purely domestic legal responses are no longer sufficient.

Our regional trends further illustrate this growing tension between deepening integration and expanding cross-border risks. China-ASEAN trade has continued to grow rapidly in recent years, exceeding $1.2 trillion in 2024. At the same time, cyber-enabled fraud and transnational crime activities across Southeast Asia have also increased significantly. This development demonstrates

that closer regional connectivity not only creates economic opportunities, but also generates more complex legal and regulatory challenges that require coordinated judicial responses.

Against this backdrop, judicial cooperation has evolved from a technical legal mechanism into a central component of regional governance. This transformation can be understood through the lens of non-traditional security. Rather than focusing solely on state threats, cooperation increasingly addresses transnational risks that cut across jurisdictions and involve both state and non-state actors. Existing frameworks between China and ASEAN already reflect this shift. For example, the China-ASEAN Plan of Action 2026-2030 places explicit emphasis on mutual legal assistance, prosecutorial collaboration, and judicial capacity building, alongside the institutionalization of regular exchanges among legal professionals. Such initiatives indicate a gradual movement from fragmented national responses toward more coordinated regional approaches. Moreover, cooperation has expanded beyond traditional crimes to include cybercrime and financial crime, reflecting an ongoing shift toward more integrated and institutionalized forms of governance.

Recent developments in regional security cooperation demonstrate this trend. Along the Mekong River, China, Laos, Myanmar, Thailand and Vietnam have institutionalized joint law enforcement patrols and established integrated security cooperation mechanisms to combat cross-border crimes such as drug trafficking and telecom fraud. At the same time, ASEAN and China continue negotiations on the South China Sea Code of Conduct, which aims to provide a more stable and rules-based framework for managing maritime disputes and reducing regional tensions. These initiatives reflect a broader shift from fragmented responses towards more coordinated and institutionalized regional governance.

However, despite these developments, significant challenges remain. One of the most persistent issues lies in the diversity of legal systems across ASEAN member states, combined with China's distinct legal framework. Differences in evidential standards, procedural norms, and extradition practices continue to complicate effective coordination. As a result, cooperation often depends on ad hoc arrangements rather than fully harmonized legal mechanisms.

It is within this evolving landscape that the role of private security actors becomes particularly salient. As Chinese overseas investments continue to expand across Southeast Asia, private security companies are increasingly involved in protecting assets and personnel. Recent regulatory developments illustrate both the opportunities and risks of this trend. For instance, Myanmar's private security services law, enacted in 2025, establishes a legal framework for the operation of both domestic and foreign security providers while requiring coordination with state authorities. This raises important questions. Private security companies operate outside traditional state law enforcement systems, yet they play a growing role in cross-border security governance. Without proper regulation, this may lead to unclear accountability, blurred enforcement authority, and potential human rights concerns.

In light of these challenges, it is increasingly important to broaden the scope of judicial cooperation beyond traditional state-to-state mechanisms. This may involve developing shared regulatory principles, enhancing information exchange, and establishing clear frameworks for supervising non-state actors operating across borders. At the same time, strengthening judicial cooperation also

requires sustained investment in legal capacity building. This includes expanding judicial training programmes, promoting cross-border professional exchanges, and supporting the development of internationally competent legal professionals. Such efforts are essential for improving mutual understanding and ensuring effective implementation of cooperative frameworks across different legal systems.

In conclusion, judicial cooperation between China and ASEAN is undergoing a significant transformation from a set of technical legal interactions into a more comprehensive system of regional governance. Addressing emerging challenges, particularly those associated with private security, will require deeper legal coordination, stronger institutional trust, and a more inclusive approach to regulation that reflects the evolving nature of cross-border security. Thank you.

Ms. Lily (Moderator):
So now, I would like to invite Pol. Lt. Col. Worakorn Nattamangkang to deliver your opening remarks.

Pol. Lt. Col. Worakorn Nattamangkang:
Okay. I'm not an academic. I'm the practical officer that I will say that something in reality, the problem, the conflict about the border enforcement and humanitarian protection. I attend two international conferences in 2019 Trans Conference and then the last year the ASEAN POULE Conference. I want to tell you that everything has changed so far for the situation about the crime in ASEAN and its impact in the region. So we will talk about the problem in current situation. Now we know that the ASEAN is a very popular region from the world now. We have several countries, several ecosystems, several courts, several — believe it. It's very diverse compared to the other regions of the world. You see that Thailand linked up to the land border to Myanmar, Laos, Malaysia and Cambodia. In maritime of the ASEAN we have the number of borders connected to Indonesia, connected to Malaysia, and Brunei had the land connected to Malaysia. So why is the problem communicated? What I'm saying about is the national security and human rights obligation.

In the three pathways of the judicial system of the ASEAN, we have three pathways. First is the domestic ecosystem, an international relation and the law enforcement between the country. What is the problem? All the national security in each country in Asia have own agenda. Moreover we have the United Nations treaty or agreement that to accept. Right in Thailand, for example, we signed the refugee treaty to accept the refugee. But in reality, we did not write any law to support them. It is a nation, it is a worldwide problem. So when the UNSR accept the refugee, they are also overstayed in Thailand. And police can catch them and go to the court, to the judicial system. And judicial sentence they have got the penalty, and then just lead them to the public. It's a loop, right? It is endless loop.

What's the problem of the tradition court in ASEAN, not only Thailand? Why is it happening? There's someone that evac from some country to end up to be the refugee but the local system, local legal system, doesn't support them. What's it happen now? This is a question that everybody should answer now today. You see that the asylum seeker, the refugee, and the normal criminal — that we should identify first: what's happening, what they do, what they did, what is the real problem behind them. Some countries require the criminal in Thailand, but they have double stated that they are the criminal of some country and the refugee of the UNHCR. This is the recent problem of the international relations today.

And now first of all the problem is more complicated because it has the scammer and human trafficking, modern enslavement. The problem that we had to identify: what is the victim? What is the criminal? It's a very sensitive issue now for law enforcement and legal system that's challenging us today. You see that? The anatomy of human trafficking, recruitment. Somebody may be outside ASEAN, around the world. I met them every day. Bangladesh, India, Brazilian. Somebody from African, Nigerian, went to some country in ASEAN and did the bad thing like the scammer to write to scam and get the money from somebody in Japan, Spain, England, UK, United States. The question is, they did in some country, they scammed, they had the base in some country. They had a compound in some country. And they scammed other people in some country very far away but connected by internet, with area of ecosystem that enshrined them. This is a problem. I encounter today many cases. This is a question that without the answer today.

How do court respond to them? Now, the problem is more complicated. When we, in terms of issue of the human trafficking law, if they are with them but they also did committed the crime, how we identify them? If they are with them, we have to process for the protection to the court, to the judiciary. So, who are them? Criminals or with them in the ecosystem? How do you know that they are innocent? They just go because they earn wealth, earn good income, or they intend to attend the criminal organization? This is a question that the judicial system should answer. How do you identify? How we protect the innocent? How we sentence the criminal? The problem is not already ASEAN. You see that? In the red line, confirmed it's a victim trafficking.

Somewhat in the general life, it's very important because we know it's a criminal or victim, but we have no evidence. Because the evidence is far, far away in another country. How the judiciary, how the judge can believe them? They are torturing, they are scamming. What is the way of the evidence that court should identify them? And I want not to talk about the burial because it's very clear that it's not a victim or anything. But the problem is not the different method about the tradition system, but we also have the United Nations commitment. There's a problem. The question is, we have the global standard and the domestic operation. And I forget to put it in the slide, it's the regional operation. Like I attend the conference, it really communicates problem. Sometimes the criminal, the criminal that some country claims they are the criminal. But in some country it's not a crime. That's a problem because sometimes it's a political opinion — the armed groups or insurgents, religion persecution, race, ethnic violence. But the UN accept that. But in the local law system, they are the criminal. They did the crime. What about this problem? What would be next in Thailand? I think it's the same around the world.

When we have — sometimes we have somebody that committed a crime and we remove and depart them back. But sometimes it's not about overstay or committing a crime from the local. But the government is far, far away and requires us to catch them and bring them to the system. In the history of Thailand, we have one case that very popular, that when we want to depart — which country that departs — is the case of the Mr. Victor Boos. He's the armed — no, no, I'm not armed group, he's the armed merchant. He is a citizen of Russia but the United States wants them to bring them to the United States to the judicial system. And this case had brought to the Thai legal system and court justified that the Thailand, between Thailand and the United States have obvious protocol, obvious treaty, we signed about the criminal. So then the court depart them to the United States. In

other ways, Russia also vetoed us that the United States use the political pressure under the Thai court. So the question is which country have the legitimacy to bring them? You see that the border control is very, very complicated and very important. We — it's about security and service, two pathways, two issues, very big issue. But it's very contrast, very contrast. How do we maintain the security and also provide the service?

Now I think it's for the conclusion. The problem is not only the problem of the difference between the ecosystem from each country, but we also have the United Nations agenda to accept that because we are all the members of the United Nations. And finally, I think the question that we should discuss in this forum, that how we accept the middle way together. What is the middle way? What is the consensus of the legal system that we can accept together?

Ms. Li Yu Jie: [Pre-recorded]
Good afternoon,It is a pleasure to speak today on the topic of enhancing judicial cooperation through cross-border legal coordination and institutional exchange, with a particular focus on the China–ASEAN region. I will also extend this discussion to an emerging yet underexplored issue: the regulation of private security actors in cross-border contexts.

In recent years, the intensification of economic integration and transnational mobility between China and ASEAN has not only facilitated regional development, but has also generated increasingly complex legal challenges. Transnational crimes—including telecom fraud, human trafficking, and cyber-enabled offences—have expanded both in scale and sophistication, raising significant concerns for regional governance. These developments suggest that purely domestic legal responses are no longer sufficient.

Current regional trends further illustrate this growing tension between deepening integration and expanding cross-border risks. China–ASEAN trade has continued to grow rapidly in recent years, exceeding 1.2 trillion US dollars in 2024. At the same time, cyber-enabled fraud and transnational criminal activities across Southeast Asia have also increased significantly. These developments demonstrate that closer regional connectivity not only creates economic opportunities, but also generates more complex legal and regulatory challenges that require coordinated judicial responses.

Against this backdrop, judicial cooperation has evolved from a technical legal mechanism into a central component of regional governance.

This transformation can be understood through the lens of non-traditional security. Rather than focusing solely on state-centric threats, cooperation increasingly addresses transnational risks that cut across jurisdictions and involve both state and non-state actors. In this sense, judicial collaboration becomes a mechanism not only for law enforcement, but also for managing shared vulnerabilities within an interconnected regional space.

Existing frameworks between China and ASEAN already reflect this shift. For example, the ASEAN–China Plan of Action (2026–2030) places explicit emphasis on mutual legal assistance, prosecutorial collaboration, and judicial capacity-building, alongside the institutionalisation of

regular exchanges among legal professionals. Such initiatives indicate a gradual movement from fragmented national responses toward more coordinated regional approaches. Moreover, cooperation has expanded beyond traditional crimes to include cybercrime and financial crime, reflecting an ongoing shift toward more integrated and institutionalized forms of governance.

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However, despite these developments, significant challenges remain. One of the most persistent issues lies in the diversity of legal systems across ASEAN member states, combined with China's distinct legal framework. Differences in evidentiary standards, procedural norms, and extradition practices continue to complicate effective coordination. As a result, cooperation often depends on ad hoc arrangements rather than fully harmonised legal mechanisms.

It is within this evolving landscape that the role of private security actors becomes particularly salient. As Chinese overseas investments continue to expand across Southeast Asia, private security companies are increasingly involved in protecting assets and personnel.

Recent regulatory developments illustrate both the opportunities and risks of this trend. For instance, Myanmar's Private Security Services Law, enacted in 2025, establishes a legal framework for the operation of both domestic and foreign security providers, while requiring coordination with state authorities. This raises important questions. Private security companies operate outside traditional state law enforcement systems, yet they play a growing role in cross-border security governance. Without proper regulation, this may lead to unclear accountability, blurred enforcement authority, and potential human rights concerns.

In light of these challenges, it is increasingly important to broaden the scope of judicial cooperation beyond traditional state-to-state mechanisms. This may involve developing shared regulatory principles, enhancing information exchange, and establishing clearer frameworks for supervising non-state actors operating across borders. At the same time, strengthening judicial cooperation also requires sustained investment in legal capacity-building. This includes expanding judicial training programmers, promoting cross-border professional exchanges, and supporting the development of internationally competent legal professionals. Such efforts are essential for improving mutual understanding and ensuring effective implementation of cooperative frameworks across different legal systems. In conclusion, judicial cooperation between China and ASEAN is undergoing a significant transformation—from a set of technical legal interactions into a more comprehensive system of regional governance. Addressing emerging challenges, particularly those associated with private security, will require deeper legal coordination, stronger institutional trust, and a more inclusive approach to regulation that reflects the evolving nature of cross-border security.

Thank you.

Ms. Lily (Moderator):
Thank you very much, so now we are having some time left a little bit for the panel discussion, approximately five minutes. So we are going to ask an answer in brief. Okay. So for Mr. Philip Teoh first, is it possible that we could have a recognition and enforcement of foreign judgment across Asian jurisdiction or we do have to strictly respect the sovereignty of its jurisdiction?

Mr. Philip Teoh:
It's not so much respecting sovereignty, it's having the statutory framework. So if you want to look at example Thailand, the Thai court judgments, Thailand has to enter into a reciprocal law or arrangement with other countries. Because, example, Thai judgments are not recognized in Malaysia. It's only if the Malaysian recognition and enforcement of Judgments Act includes Thailand. But it will not include Thailand if Thailand doesn't have a similar law. So that is why arbitration is the logical way to have judgments recognized — and not so much judged, it's called awards actually — recognized and enforced.

Ms. Lily (Moderator):
Okay thank you very much. And now moving fast to Pol. Lt. Col. Worakorn Nattamangkang. I would like to ask that nowadays what are the most significant challenges and obstacle in Thai judicial process when the international dispute reached the court? And how should we strengthen cooperation with the international community to effectively overcome such issues?

Pol. Lt. Col. Worakorn Nattamangkang:
Okay, I just say that and show in my slide that very challenges when these people enter our course today is about very confined within our border. We face distinct challenges in both criminal and civil rights such as when we send legal document. Sometimes we use six to 12 months for one document. We need to translate and set it in diplomatic journal. And in criminal sphere, Mr. Waragorn shared as human trafficking. I will share another about extradition. In Thailand we have the extradition law but in real practical we use deportation in immigration act. Don't use the extradition law because it's used many more times and sometimes, exception about political criminal and social criminal, I think many countries used the diplomatic channel, not in court channel.

Back to the civil supply, I will think to resolve this problem, we need to have the cooperation in ASEAN country. We need to have 24-7 networking. We, last year, Thailand signed the UN Convention in Kimono as Vietnam. We need to use the technology digital system to share the digital evidence to article. And I think this is not digital system only. We need the security. It's very important for the record document to comply with cyber security law and cyber security standards. It will help close the gap time to form the many time will shortly.

Ms. Lily (Moderator):
Okay, so Pol. Lt. Col. Worakorn Nattamangkang, in brief, we have only one minute left. So you have mentioned many key challenges, okay? So what is the most critical way to solve such challenges that come in your mind? Like the most crucial one?

Pol. Lt. Col. Worakorn Nattamangkang:
The most crucial one is we must accept that the holistic is the most important from the judicial system in the judicial system because it's sometimes very sensitive. For example, I went to the European Union. The commitment is different from the ASEAN. It's a hard commitment. They have court, they have parliamentary, rigorous system about the EU, but ASEAN don't have. ASEAN, when they have the conflict between the rule or immigrants, they use the diplomacy, they use the soft soft way to solve the problem. The critical thinking, the critical problem, is about how is the relation between — how the commitment between the nation. If we can answer this question, we will answer the problem of all things. Thank you.

Ms. Lily (Moderator):
Thank you very much, all the panelists. And now I hand the stage back to Mr. Tanuwat for the appreciation section.