

# Legislative and judicial body of brunei essay sample

Law



Under the 1959 constitution there was an elected Legislative Council, but only one election has ever been held, in 1962. Soon after that election, the assembly was dissolved following the declaration of a state of emergency, which saw the banning of the Brunei People's Party. In 1970 the Council was changed to an appointed body by decree of the Sultan. In 2004 the Sultan announced that for the next parliament, fifteen of the 20 seats would be elected. However, no date for the election has been set. Administratively, the country is divided into four districts.

Note: the Legislative Council met on 25 September 2004 for first time in 20 years with 21 members appointed by the Sultan; it passed constitutional amendments calling for a 45-seat council with 15 elected members. No time frame for an election was announced.

The Legislative Council currently consists of 20 appointed members, and has only consultative powers. Although there are no elections, the following legal parties exist:

- \* Brunei National Solidarity Party (PPKB)
- \* Brunei People's Awareness Party (PAKAR)
- \* National Development Party (Brunei) (NDP)

Former parties include:

- \* Brunei National Democratic Party (BNDP)
- \* Brunei People's Party (Parti Rakyat Brunei)

The Legislative body of Brunei exercises the Unicameralism type of legislature.

## Judicial Branch of Brunei:

Brunei has a dual legal system. The first is the system inherited from the British, similar to the ones found in India, Malaysia and Singapore. It is based on the English common law, but with codification of a significant part of it. The common law legal system covers most of the laws in Brunei.

\* English common law (laws made by judicial courts instead of the executive branch or legislative statutes.)

The structure of the common law courts in Brunei starts with the magistracy. There are currently less than 10 magistrates for the country, all of whom are locals. A rung above the magistracy is the intermediate courts. This was set up to be a training ground for the local. There are currently two intermediate court judges, both are locals.

The High Court of the Supreme Court currently consist of three judges, two of whom are locals. The Chief Justice is a High Court of Hong Kong judge.

There is no jury system in Brunei, a judge or magistrate sits alone to hear a case except for capital punishment cases where two High Court judges will sit.

The Court of Appeal of the Supreme Court consists of three Judges, all of whom are currently retired British judges. The Court of Appeal sits twice a year for about a month each time.

The other system of Justice in Brunei is the shariah courts. It deals mainly in Muslim divorce and matters ancillary to a Muslim divorce in its civil

jurisdiction and in the offenses of khalwat (close proximity) and zina (illicit sex) amongst Muslims.

The shariah court structure is similar to the common law court structure except that it has no intermediate court and that the Court of Appeal is the final court of appeal.

All magistrates and judges in both the common law courts and the shariah courts are appointed by the Government. All local magistrates and judges were appointed from the civil service with none thus far being appointed from the private practice.