

Influences between the evolution of the legal framework & civil society in Singapore

Laidlaw Undergraduate Research and Leadership Programme

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1. INTRODUCTION

The common law system of present-day Singapore was inherited from the British rule period and has been passed down as the key foundation of law to date

Civil society encompasses diverse societal groups, consisting of community groups, NGOs, unions, religious organisations, and individuals who possess varying levels of formality, autonomy, and power (Centre for Civil Society, 2006).

- Law has been constantly refurbished and refined as a result of the people's evolving values, behaviours, and beliefs in historical, social, economic, and political contexts
- Resulting in the continuity of the evolving legal framework and the formation of Singapore's unique legal identity today

RULE BY LAW vs **PRAMATIC RULE OF LAW**
SUPRESSED CIVIL SOCIETY vs **ACTIVE CIVIL SOCIETY**

2. AIM

- Conduct literature review on debates surrounding the concept of civil society
- Examine the degree of influence of civil society on the legal framework and how, in reverse, the legal framework impacted civil society's ability to influence

3. METHOD

- A 3 months stay in Singapore for a immersive on-site research
- Compiled and accessed a comprehensive array of archived and legal resources
- Employed a secondary research approach, critically analysing the works of scholars

4. ANALYSIS

1823 Code & 1826 Second Charter of Justice



Subjected to suitability and modification

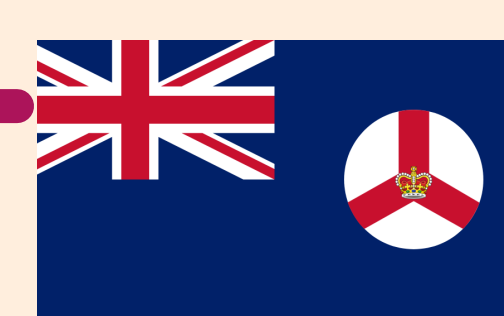
English law principles should apply with "indulgent consideration for the prejudices of each tribe as far as substantial justice will allow" — Raffles, 1824

However, in reality, English law's dominance over local conditions persisted (Goh, 2015, p. 17).

- Limited role of civil society in influencing the law
- a high level of organisational activity

Flourishing Trade

The emergence of civil society began from discontented merchants in trade-related policies



Singapore as a British Colony

Civil society was deemed crucial for strengthening implementation and legitimacy (Gillis, 2005, p. 72-73)

THE FALL TO THE JAPANESE OCCUPATION (1942 - 1945)

A growing movement towards independence and decolonisation as the war ended

LEGACIES FROM BRITISH RULE (1819 - 1942)

Establishing order & suppressing Chinese secret societies

encouraged more Chinese societies to focus on ethnic, trade, or political affiliations

Downturn to civil society

British administration became less tolerant of militant groups like the Malayan Communist Party

The unified legal system initially strengthened civil society's interaction with the legislature, leading to its growth and political engagement

However, evolving laws meant to counteract anti-colonialism and communism ultimately led to the repression and decline of civil society, weakening its vitality

5. CONCLUSION

Singapore's legal framework has been one of continuous adaptation, which shares a reciprocal relationship with civil society, which has demonstrated its important role and ability to shape progressive legal changes.

As Singapore's legal system continues to endure, it showcases the nation's adaptability, commitment to Asian values, promotion of social cohesion, and embrace of participatory democracy. While the enduring legacy of British rule remains a part of its distinct historical context, the resilience and active engagement of civil society stand as driving forces in the ongoing evolution of Singapore's legal landscape.

6. FURTHER RESEARCH

- Use a quantitative method to analyse this relationship
- Analyse the influence of foreign factors on the relationship between the legal framework and civil society
- Determine the extent to which mainstream and non-mainstream media echo the voices of civil society

MERDEKA SINGAPORE (1945 - 1965)

1948 - Singapore's first general election

- 6 out of 22 legislative council positions
- Civil societies form beneficial ties with political parties, a mark towards Singapore's self-government in the rising competitive party system

Negotiating Governance

More direct and catered legislation modification to suit the local context, e.g. Muslims Ordinance 1957

PAP's victory in the 1959 General Election

Legal efforts to instil social discipline and prioritise law-abiding citizens

- The late colonial era saw the emergence of a competitive party system that stimulated civil society's growth
- The Merdeka movement contributed to achieving self-government and fostering a growing sense of belonging to Singapore
- This period also saw the struggles of different rulers using the law for decisive measures and attempting to balance influence and integrate civil society activities into the government's agenda

Revival of Civil Society

The harsh realities of occupation ignited national consciousness, fostering an active civil society

1948 State of Emergency

- Emergency Regulations Ordinance 1948 & Preservation of Public Security Ordinance in 1955
- Riots and conflicts during the 12-year emergency

Women's Charter 1961

Influence of female activists and organizations like the Singapore Council of Women (SCW)

Civil society opposing government

- Controversial events like Operation Coldstore under the Internal Security Act
- Utilising of strategies for restructuring and weakening civil society movements

1965: Separated from Malaysia after 2 years merger

Transition Towards Consultative Politics



PM Lee Kuan Yew (1959-1990)

"The basic difference in our approach springs from our traditional Asian value system which places the interests of the community over and above that of the individual... We shook ourselves free from the confines of English norms which did not accord with customs and values of Singapore society." — Lee Kuan Yew, 1990

Indigenous Legal Development

The PAP played a crucial role in shaping Singapore's identity and cultural norms through legislation such as Societies Act 1966, Administration of Muslim Law Act 1968 and Article 153A and Article 152 of the Constitution.

Curbing Civil Society Voices

A "phase of centralisation (Tay, 1998)" which can be reflected through policies and legislation

- Supreme Court of Judicature Act 1969
- Internal Security Act 1960 & Vandalism Act 1966
- Legal Profession (Amendment) Act 1986 & Newspaper and Printing Presses Act 1974

21st Century Civil Society

"Free expression as long as you don't get into race and religion and don't start a riot. It's a signal - speak, speak your voice, be heard, take responsibility for your views and opinions." — Lee Hsien Loong, 2004



PM Lee Hsien Loong (2004-present)

Encourage participation and open debates, facilitating greater engagement between civil society and the government:

- Easing of regulations for Speakers' Corner
- Decision to end a 40-year casino ban - Active involvement of discussion by different stakeholders
- Repealing of Section 377A of the Penal Code - polarising views - state plays a more mediatory role to balance societal demands and diverse perspectives

State and civil society relationship - "Banyan tree" - government-supported civil society growth, government as a minimal safety net for welfare while encouraging a "many helping hands" policy (Tay, 1998, p. 251).

"We need a civil society to mobilise our people's energies and talents, and to create a cohesive and resilient nation... Singapore's political life must evolve in the direction of greater participation by the people, more willingness to shoulder responsibilities, and more giving to the country than taking." — Goh Chok Tong, 1997

Growth - A more participatory-style democracy

- A more participatory-style democracy
- Structured consultation mechanisms and institutions e.g. NMP, Feedback Unit & Town Councils
- 1995 Maintenance of Parents Act introduced by NMP Associate Professor Walter Woon
- Singapore 21
- Public activism campaign led by the Nature Society
- 1993 Application of English Law Act - Singapore no longer had to face the Privy Council's consideration of political factors that affected Singapore's autonomy

Challenges

- Maintenance of Religious Harmony Act 1990 - eliminate those without "discipline" (Rajah, 2012)
- 1992 Regulation of Imports and Exports (Chewing Gum) Regulations - implemented without public input (Pereira, 1992)
- The 1994 Catherine Lim controversy - an authoritarian communitarian was at play (Koh & Soon, 2015, p. 40)

- A pragmatic approach over a thick rule of law, with the desirable outcome of stability and economic growth also garnering accountability for its law.
- Singapore's local civil society now has greater space in influencing the legal framework. Institutionalised channels for civil society to express itself have been established, and the state and policymakers have shown greater tolerance towards them as long as their actions do not violate Singapore's core principles, such as racial and religious harmony and equality.