

ASEAN Judicial Dialogue WEBINAR
Judicial Education and Training in the Time of Pandemic: Challenges and Lessons

Working Group on Judicial Education and Training (WG-JET)
Council of ASEAN Chief Justices (CACJ)

Brunei Darussalam Country Paper

The Brunei Judiciary has always recognised the importance of Judicial Education and Training for its Judges and Judicial officers. This notion is affirmed in one of the themes found in the Brunei Judiciary's Strategic Plan that states:

“The Judiciary shall maintain and improve the quality and accessibility of the continuing legal education programs and other programs provided to the members of the Judiciary”

The Brunei Civil Court/Judiciary is primarily responsible for providing training in legal education for its Judges and Judicial Officers. However the State Judiciary Department also provides assistance and support for training of Judges, Judicial Officers and all other court staff in general administrative areas and other relevant courses.

Courses are offered by the government through the Civil Service Institute for all staff, judicial officers and judges in general areas such as leadership skills, communication skills, project management and others. Courses offered by the government are managed by the State Judiciary Department.

Civil servants of the Government of Brunei should attend at least 100 hours of training every year.

The Human Resources Committee (HRC) was established in 2018. The HRS was set-up in order to monitor, suggest and recommend training for Judges and Judicial Officers to attend. The HRC nominates Judges and/or Judicial Officers to attend courses for approval from the Chief Registrar and the Chief Justice. In total, the HRC oversees the judicial education and training for 21 Judges and Judicial Officers.

The HRC is comprised of heads of units and senior management. This committee receives invitations or suggests training and courses and nominates Judges and Judicial Officers to attend. The HRC will provide write recommendations with reasons as to the relevancy of the intended course, taking into account the topic, mode of delivery and costs involved. The recommendation is then sent to the Chief Justice through the Chief Registrar for approval.

Courses are either specifically selected from known organisers or organisations or are chosen based on invitations received from various organisers/organisations. Courses or training chosen should have a particular emphasis on improving the competency and efficiency of the Judiciary.

Specifically for Judges and Judicial Officers, courses are divided in 'core topics' and 'relevant topics'. 'Core topics' are given priority and is adaptable to the needs of the judiciary at the present time. 'Relevant topics' have a broader range and typically include all other legal topics.

Currently, the core topics include:

- Judicial Management
- Decision Making and judgment writing
- Judicial Conduct / judge-craft
- Maintaining Health and Well-Being

Additional training for that may also be that may also categorised as 'relevant' but is not limited to include:

- Assessing the credibility of witnesses
- Using computers as a research and a management tool
- Lifestyle issues
- Problems in evidence
- Litigants in person
- Sentencing
- Alternative dispute resolution
- Specialized education in specific areas of law, for example, Domestic application of international law, Problem solving jurisprudence, Violence and abuse in intimate relationships, Science and the law, Judicial safeguards for preventing wrongful convictions, Youth criminal justice

Training is also identified into groups of people such as:

- Junior Judicial Officers – Officers who have been on the bench for 1-7 years
- Senior Judicial Officers – Senior Registrars or Senior Magistrates or/who have been on the bench for 7-15 years
- Junior Judge – Intermediate Court Judges sitting on the bench for 1-7 years
- Senior Judge – High Court and Court of Appeal Judges
- Court Administrators – Judges or Judicial Officers involved in judicial administration

After attending a course, the Judge and/or Judicial Officer must prepare a written report, outlining the topic and the key takeaways. The report is then distributed and presented through a 'share and discuss' session for all Judges and Judicial Officers. Ideas and opinions are exchanged and possible changes to practice, procedures and policies are then explored.

The Brunei Judiciary has continued to offer its Judicial Officers since the start of the pandemic in 2019.

Training by the Judiciary has always been on an ad hoc basis with recommendations to offer courses that are run routinely with our regular partners including:

- The Singapore Judicial College

- The Singapore Supreme Court through its mentoring and attachment programme
- Institut Latihan Kehakiman Dan Perundangan (ILKAP) in Malaysia,
- ASEAN-USPTO
- The Judicial Training College in Thailand
- The Judicial College, England
- CMJA/Civil Service College, England
- Public Administration International, England

In light of the pandemic, on-line courses or training the preferred method of conducting training for judicial officers and staff after taking into account the relevancy of the topic being offered. There is some flexibility in the working hours due to different time zones to facilitate training.

In 2020, a total of 47 courses were offered. The Judiciary attend 10 of the said courses. Most common reasons for non-attendance is due to unavailability of officers to attend and also relevancy of the course.

By the 1st half of 2021, 27 courses have been offered, to which 5 courses were attended by the Brunei Judiciary.

Although travel in and out of Brunei has been restricted, the Brunei Judiciary has engaged in several courses online. In addition, the judiciary has also proposed to conduct several courses in-house with the trainers presenting or teaching from overseas through inter-governmental ties or cooperation from international or regional bodies. Where possible, the Judiciary has also proposed to conduct training locally in person where the trainer/presenter is already in Brunei.

The Civil Service Institute in Brunei has continued to offer training to all government civil servants during the pandemic by using online platforms.

Some advantages to online training include:

- Adapting to change i.e. the new norm
- Cost savings
- Increase number of participants
- Flexibility with respect to location and time

However, we must not forget the disadvantages of online training:

- Less interactive
- Less personal
- Some training may not be suitable in just 'lecture' form

Despite the pandemic, it is still possible to conduct provide legal education and training. It is also an opportune time to conduct training especially during lockdowns/restricted movement orders as a majority of cases are adjourned and the free time may be used for officers to participate in training and furthering their judicial education instead.