

**REMARKS AT THE SIGNING CEREMONY OF THE MEMORANDUM OF
UNDERSTANDING BETWEEN THE SUPREME COURT OF THE
REPUBLIC OF SINGAPORE AND THE SUPREME COURT OF THE
REPUBLIC OF INDONESIA**

Monday, 30 March 2026

The Honourable the Chief Justice Sundaresh Menon
Supreme Court of Singapore

Chief Justice Sunarto

The Honourable Justices of the Supreme Court of Indonesia

The Honourable Bambang Hery Mulyono, Chief Judge of the High Court of
Denpasar

Mr Erik van der Veen, Head of Office of the United Nations Office on Drugs and
Crime in Indonesia

Fellow judges

Distinguished guests

Ladies and gentlemen

I. Introduction

1. Good evening. Let me first express my heartfelt appreciation to Chief Justice Sunarto and our dear friends from the Indonesian judiciary for the gracious and generous hospitality you have extended to us from the moment of our arrival in Bali. The warmth of your welcome has been deeply touching, and I am most grateful for that. We especially enjoyed the afternoon we spent at the Garuda Wisnu Kencana Cultural Park.

2. It is a particular pleasure to be here in Bali, because there is perhaps no better place anywhere in the world for our deliberations on judicial well-being than an island known for wellness, with its lush landscapes and beautiful shores. The special atmosphere of this island is known the world over and it affords a welcome space for reflection and provides an apt background to the thoughtful and meaningful discussions that we will be having over the next few days.

3. I will have the opportunity to speak to you tomorrow morning about the importance of judicial well-being and why I believe it is of fundamental importance to securing the rule of law. But let me just say this evening how delighted I am that we have managed to secure the participation of almost all the ASEAN judiciaries here for this critically important inaugural event. Once again, let me say how grateful I am to Chief Justice Sunarto and his entire team, and to the home team in Bali, led by Chief Judge Bambang Hery Mulyono, for all the effort that has gone into making this possible.

II. Memorandum of Understanding

A. Close ties between the Indonesian and Singapore judiciaries

4. This evening, while I have the floor, allow me to say a few words about the Memorandum of Understanding that we have just signed, and more broadly, to speak about the enduring friendship between the judiciaries of Singapore and Indonesia – a friendship that this MOU both reflects and reinforces, and a friendship that is a model for friendship within the wider ASEAN community.

5. As Justice Syamsul Maarif said a few minutes ago, this MOU builds upon the one that we signed in Jakarta in 2023, which laid an excellent foundation for deepening cooperation between our judiciaries. The earlier instrument identified four key pillars of cooperation: first, cross-border commercial law; second, international commercial courts and international commercial dispute resolution more broadly; third, engagement with the International Consortium for Court Excellence and the International Framework for Court Excellence; and fourth, judicial education and training, an area in which our partnership has been especially close and productive.¹

6. Close and fruitful relationships between institutions happen because of close and fruitful relationships between the people behind those institutions. This evening, allow me to pay a particular tribute to the three Chief Justices of Indonesia with whom I have worked: the current Chief Justice, my very dear friend Chief Justice Sunarto; his immediate predecessor, Chief Justice Syarifuddin; and his predecessor, Chief Justice Hatta Ali.

7. Throughout the tenure of those three Chief Justices, allow me also to pay particular tribute to two of my dearest friends in the Indonesian Judiciary, Justice Syamsul Maarif and Justice Agung Sumanatha, who have been outstandingly supportive in building this relationship. It is the personal relationships that make this possible, and let me say to each of you how grateful I am.

¹ Sundaresh Menon CJ, Remarks at the Signing Ceremony of the Memorandum of Understanding for Judicial Cooperation Between the Supreme Court of the Republic of Singapore and the Supreme Court of the Republic of Indonesia at paras 3 to 5.

8. Let me give you a few examples of what we have collaborated on. In 2024, the Supreme Court of the Republic of Indonesia collaborated with the Supreme Court of Singapore in hosting the Masterclass Programme for Commercial Judges in Asia, which was held at the Judicial Training Centre in Bogor City. That programme was a resounding success. It was attended by about 60 participants - judges from 16 jurisdictions, including not only ASEAN member states but also jurisdictions such as Australia, Hong Kong, India, New Zealand and the People's Republic of China. The feedback from that Masterclass has been uniformly and resoundingly positive. The diversity of the participants was testament to the quality and relevance of the programme, and this was due in no small measure to the dedication and meticulous planning of our Indonesian colleagues, led by my friend Chief Judge Bambang, who was at that time the Head of Policy Strategy, Judicial Education and Training. I very much look forward to continuing to work with the Judiciary of Indonesia in building on the success of that inaugural programme as we plan the next iteration of the Masterclass.

9. Our friendship is also reflected in the valuable exchanges that have taken place at the judicial level. We were privileged to have Justice Agung Sumanatha and Justice Syamsul Maarif speak at a seminar jointly organised by the Singapore International Commercial Court and the Singapore Academy of Law, held on the sidelines of the ASEAN Law Association Governing Council Meeting and the Meeting of the Council of ASEAN Chief Justices in Singapore last November. The seminar addressed the important subject of "The Future of Cross-Border Insolvency and Dispute Resolution in ASEAN". The contributions

of both Justices were insightful and demonstrated both the breadth and depth of their experience and expertise. For this I thank them very warmly. As it happens, the subject of cross-border insolvency is directly relevant to the MOU we have just signed.

B. The need for cooperation in cross-border insolvency

10. The MOU is an illustration of the importance of working to secure cooperation in cross-border insolvency. At its core, insolvency law is concerned with the orderly recycling of capital. When rehabilitation is not feasible, the law seeks at least to preserve and realise value in a manner that is fair and rational. But in a globalised economy, this task becomes considerably more complex. Imagine a multinational enterprise with assets spread across several jurisdictions that is unable to meet its obligations. Creditors in each jurisdiction may commence separate proceedings before their own courts, looking to maximise their own recoveries within their domestic legal frameworks.

11. But this immediately raises a number of fundamental questions. Which court is properly seised of the matter? What is the scope of its authority? What is the governing law? What system of rules should determine the issues that arise? What effect should be accorded to the judgments of one court in another jurisdiction? Do those judgments operate only within territorial limits, or should they have extraterritorial effects and consequences in respect of assets located elsewhere? Then there is the intensely practical question of coordination: How can courts administering assets in different parts of the world work together in a

coherent and complementary fashion in order to maximise recovery for stakeholders?²

12. If we do not address these questions, the result will be fragmentation, uncertainty and inefficiency. Creditors may rush to enforce their claims in whichever forum appears most advantageous to themselves, seeking to secure priority over others. But such uncoordinated action risks dissipating assets and value and undermining the collective interests that insolvency law is designed to protect. What may appear rational from the perspective of the individual creditor can, in the aggregate, produce suboptimal and disadvantageous outcomes for the collective.

13. For this reason, cross-border cooperation among courts handling insolvency matters is now widely regarded as a necessity. Effective coordination between courts promotes both fairness and efficiency in the administration of insolvency proceedings. It enables assets to be preserved and claims to be adjudicated in an orderly manner.

C. *Significance of the MOU*

14. As my colleague Justice Kannan Ramesh, who could not be with us this evening, has observed, cross-border judicial cooperation is most effective when

² Sundaresh Menon CJ, “The Future of Cross-Border Insolvency: Some Thoughts on a Framework Fit for a Flattening World”, keynote address at the 18th Annual Conference of the International Insolvency Institute 2018, available at <https://www.iiiglobal.org/file.cfm/63/docs/keynote%20address%20delivered%20by%20chief%20justice%20sundaresh%20menon.pdf> at para 4.

underpinned by court-to-court communication and protocols.³ That is precisely what the MOU we have just signed is: a concrete step towards achieving that objective. The MOU seeks to enhance the efficiency and effectiveness of transnational insolvency proceedings involving our two jurisdictions by fostering communication and coordination between our courts for the effective and efficient administration of cross-border insolvency and restructuring proceedings. This includes questions of recognition and the granting of appropriate relief.

15. Of course, this MOU will not eliminate all the difficulties and complexities that are inherent in cross-border insolvency. But it is a deliberate and meaningful, and I daresay, a historic step forward. Though it is not legally binding, that is of no consequence because, as Justice Syamsul Maarif said, it is underpinned by trust between our courts. The protocol provides a principled and practical framework for our engagement. It affirms our shared commitment to cooperation, and our collective resolve to pursue outcomes that are fair, efficient and ultimately just. Its deeper significance lies in the spirit of partnership and trust that it both reflects and strengthens, and I very much hope that it will become a model that extends to the whole of the ASEAN community in due course. At the moment, we have already secured bilateral arrangements with a number of jurisdictions, and it is my hope that, with this MOU with Indonesia, we will be able to extend that network and encourage the rest of ASEAN to join in.

³ Kannan Ramesh JAD, "The Case for Cooperation and Communication in Cross-Border Insolvency Proceedings", available at <https://ibbi.gov.in/uploads/resources/783a7a063499e21c0165fd151f936431.pdf> at para 24.

III. Conclusion

16. Let me conclude by saying that while tonight we celebrate progress in this very important area, this will not be the last such step. As our judiciaries continue to work together, I have no doubt that we will identify other areas where close cooperation can deliver real impact. There is a tremendous amount that we can learn from each other, and much that we can accomplish together. I look forward to continuing our journey, and to the enduring friendship that will sustain it.

17. Thank you very, very much.