

2025- THE BALANCING ROLE OF INVESTIGATION AND EXAMINATION OF MEANS (EoM) PROCESSES IN ASSESSING ALTERNATIVE DISPUTE RESOLUTION (ADR) FOR PRELIMINARY CASES

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ABSTRACT

Socio-economic factors are often heard during mitigation and appeal sessions. Through the Political, Economic, Social, Technological, Environmental and Legal (PESTEL), the Preliminary Investigation, Cross-investigation, Examination of Means (EoM) and the balance of Cross-examination tools and processes are very crucial in ensuring the case integrity. The judiciary, legislative, regulators and policy makers share common objectives in inspecting the necessary assessments on precedent cases moving towards sustainability of adapting Alternative Dispute Resolutions (ADR). Cases that range from trivial offences to quasi criminal may have better chances to be put under the ADR mediation, probation and community service, reintegration and juvenile rehabilitation considering the degree of offence. However, there might be elements and challenges in deriving a Roadmap by having certain standards, policies and framework that promotes ADR initiatives in addressing the offenders-such may encounter from the PESTEL effects. Thus, this paper shall examine the process importance- the investigation and examination processes, the legal and regulatory initiatives taken by the policy makers and regulators in promoting the ADR initiatives in Brunei Darussalam. The methodology adopted in this article includes documents analysis, quantitative survey and interviews from the relevant local experts and executors in the related field.

Keywords: *Enforcement, Investigation, Examination of Means, Mitigation, Deterrence, Justice and Alternative Dispute Resolutions*

INTRODUCTION

In these challenging times, post-covid 2021, society is impeded with struggles, non-exceptions around the world, political turmoil, instability, economic challenges, social issues, technological revolution influences, environmental challenges from natural disaster and many uncertainties seen to have caused hardships.

This study however does not encourage people with desperation to break the law or in any way to utilize socio-economic as a literal excuse to undermine the law, but to observe the technical approaches extended in the legal system which are almost often overlooked or less recorded as to validify the elements of not only the socio-economic factors but also to encourage diligent practice of investigation in the legal system. The scope of case law that is assessed in this paper ranges between trivial and quasi criminal cases only that does not involve any corporal punishments or mandatory capital punishments cases.

METHODOLOGY

This study is legal research by applying document and case law analysis techniques of statutes of evidence and offenders into account.

This paper utilizes PESTEL perspectives; Political, Economic, Social, Technological, Environmental and Legal (PESTEL) tools and components to explore the potential cause and impact towards balance and sustainability encompassing all factors.

There are numerous classifications of PESTEL based on categories that generally share common objectives in that they promote social values and perspectives. The PESTEL opens up perspectives related to the current political system or political location, economic status and situation, social factors, technological status, environmental and legislative perspective.

A mixed research of Qualitative and Quantitative research methodology such as experts' interview and survey are also applied in this study.

LITERATURE REVIEW

This study focuses mostly on analysing the related statutes of Evidence, Offenders and related case statutes. Simultaneously, also assess on some of the precedent cases (in the field of quasi-criminal cases) only.

Chapter 4 of Brunei Law interpreted "Investigation" as inquiry or examination into any matter or thing, whether or not a formal inquiry or examination is held, and includes any preliminary inquiry or examination conducted by a public officer or other person authorized by law to conduct such inquiry or examination.

However, in this study context the Examination of Means (EoM) and Cross-Examination (CE) are not stipulated in the Interpretation, however within this study context, the EoM and the CE, the term is coined and utilized in the legal proceedings related to debt recovery. Under the Rules of the supreme Court mentioned the Examination of judgement debtor as this process typically involves assessing debtor's financial situation to determine their ability to repay a debt which may include the examination of the debtor's income, assets and other financial resources.

Trivial and quasi criminal case refers to a civil proceeding that may result in a penalty akin to a criminal penalty but it is not a criminal offence and a conviction of a quasi-criminal offence will not result in criminal record. (Wex,2023) Quasi-criminal offences involve morally or blameworthy conduct, however the prosecution of a quasi-criminal offence often proceeds in a similar manner as to a criminal case in terms of procedure. (Cflaw,2022)

The legal system is a complex and multifaceted institution that aims to uphold justice, protect human rights, and maintain social order. However, not everyone has equal access to the legal system, and some groups may face various barriers and disadvantages that prevent them from obtaining fair and effective legal representation and remedies.

The socio-economic deprived groups may include the poor, the homeless, the disabled, the elderly, the minorities, the refugees, and the victims of abuse and discrimination. Social exclusion describes a state in which individuals are unable to participate fully in economic, social, political and cultural life, as well as the process leading to and sustaining such a state. Social exclusion "Exclusion consists of dynamic, multi-dimensional processes driven by unequal power relationships interacting across four main dimensions—economic, political,

social and cultural—and at different levels including individual, household, group, community, country and global levels. It results in a continuum of inclusion/exclusion characterized by unequal access to resources, capabilities and rights which leads to health inequalities”, (Popay and others, 2008, p. 2). “Social exclusion is a complex and multi-dimensional process. It involves the lack or denial of resources, rights, goods and services, and the inability to participate in the normal relationships and activities, available to the majority of people in a society, whether in economic, social, cultural or political arenas. It affects both the quality of life of individuals and the equity and cohesion of society as a whole” (Levitas and others, 2007, p. 9). “Social exclusion is what can happen when people or areas suffer from a combination of linked problems such as unemployment, poor skills, low incomes, poor housing, high crime, poor health and family breakdown”(United Kingdom Office of the Deputy Prime Minister, 2004, p. 2). Social inclusion “ The process of improving the terms for individuals and groups to take part in society” and “The process of improving the ability, opportunity, and dignity of people, disadvantaged on the basis of their identity, to take part in society” (World Bank, 2013, pp. 3-4). “Social inclusion is a process which ensures that those at risk of poverty and social exclusion gain the opportunities and resources necessary to participate fully in economic, social, political and cultural life and to enjoy a standard of living that is considered normal in the society in which they live. It ensures that they have greater participation in decision making which affects their lives and access to their fundamental rights” (Commission of the European Communities, 2003, p. 9) These definitions are cross referred and quoted from (UN,2016).

The legal system may assist the deprived in several ways, such as below:

- 1) Providing legal aid and pro bono services to those who cannot afford to hire a lawyer or pay for court fees. Legal aid and pro bono services may include legal advice, representation, mediation, arbitration, and litigation support. Legal aid and pro bono services may be offered by public agencies, non-governmental organizations, law firms, law schools, bar associations, or individual lawyers who volunteer their time and expertise.
- 2) Enacting and enforcing laws and policies that protect the rights and interests of the deprived and address the root causes of their deprivation. Laws and policies may include anti-discrimination laws, social welfare laws, human rights laws, consumer protection laws, environmental laws, labour laws, immigration laws, and criminal justice reforms. Laws and policies may also aim to promote access to education, health care, housing, employment, and other essential services for the deprived.
- 3) Educating and empowering the deprived to know their rights and responsibilities under the law and to seek legal assistance when needed. Education and empowerment may include providing legal information, awareness campaigns, workshops, seminars, publications, online resources, hotlines, helplines, or referral services. Education and empowerment may also involve engaging the deprived in participatory processes that allow them to voice their concerns and influence legal decision-making.
- 4) Collaborating and coordinating with other actors and stakeholders that work to improve the conditions and outcomes of the deprived. These actors and stakeholders may include civil society organizations, community groups, social workers, health professionals, educators,

researchers, media outlets, or international organizations. Collaboration and coordination may involve sharing information, resources, expertise, best practices, or advocacy strategies.

Investigation and cross-investigation are usually done in the preliminary stage. In other contexts and situations, examination of means and cross-examination may also refer to two important aspects of legal proceedings, particularly in court cases. Both are crucial for ensuring fairness and accuracy in eliciting relevant evidence and information from witnesses and other parties involved in the case. Examination of means refers to the process of questioning a witness or party in a legal case- to obtain information about the case, and to explore the credibility and reliability of a witness or party, to question the witness's credibility and to expose any inconsistencies, contradictions or biases in their testimony. Through examination of means, parties are able to present evidence and establish facts relevant to the case. Hindsight, cross-examination enables to explore any potential weaknesses in the argument or evidence brought about by allowing parties involved to examine and cross-examine evidence and witnesses in ensuring justice is served fairly and justifiably.

FINDINGS

A quantitative survey (2023) on a sample of N=19 (consist of 10 males and 9 females) experts that has a minimum 5 years of experience in the field of legal, enforcement, intelligence, investigation, rehabilitation and reintegration and counselling from the Municipal, Immigration, Labour, Prison, Health enforcement and Magistrate court to explore the role of expertise in examinations of means in assessing Alternative Dispute Resolution (ADR) for preliminary cases.

According to the survey, high representation of 78.9% demonstrates that the experts have had case encounters related to the socio-economic constraint attached to it.

Do you encounter any cases you investigate or examine that has social-economic constraint attached to it?

19 responses

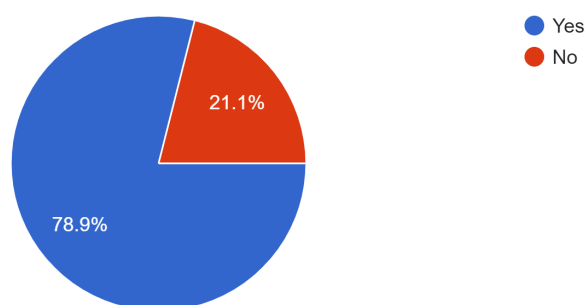


Chart 1: Pie Chart Case encounters related to socio-economic constraint

No.	CASE CAP.	Offence	Mitigation and Appeal	Status Penalty/Results
1.	57	Tax evasion	Bankruptcy	Pending
2.	68	Itinerant hawkers (Roadside)	Economic Limitation	Allowed seasonally (Ramadhan only) and moved to a proper location
3.	30	Compound	Economic Limitation	Reduce penalty
4.	241	Premise closure due to invalid licence	Economic Limitation	Reopening after licence with contract agreement for first time offender only

Table 1: Samples case law on mitigated case due to socio-economic appeal

Table 1 illustrates some of the cases shared by samples that display how the initial enforcement findings on a valid social-factors testing lead to a mitigated case. Case samples referred are based on preliminary cases investigations and examinations.

The Preliminary Stage

The investigation process is a crucial stage in the criminal justice system, as it determines whether there is sufficient evidence to prosecute a suspect. However, the investigation process may also recover socio-economic backgrounds that may affect the results in prosecution. For example, the investigators may uncover information about the suspect's income, education, employment, family, health, or social networks that may influence the decision to charge, plea bargain, or sentence them. These factors may also affect the suspect's access to legal representation, bail, or diversion programs. Therefore, the investigation process may not only reveal the facts of the crime, but also the context and circumstances of the suspect and their alleged offence. Hence it is very important that integrity, neutral expertise and standards are applied to prevent such bias of assessing the “credibilities”.

The initial investigation will formulate a series of cross investigation or examination to accumulate results of Exhibits for Investigation Paper (IP) that will be sent to the Deputy Public Prosecutors for further assessment and summons. Upon confirmation, a subpoena will be issued displaying how the initial process is crucial through the stages until prosecution and conviction is served.

The Identification

Socio-economic deficiency is a term that refers to the lack of resources, opportunities, and social support that some people face due to their economic status, race, gender, or other factors. It can affect various aspects of a person's life, such as education, health, employment, and criminal justice. In some legal cases, evidence of socio-economic deficiency can be used to explain or mitigate the behaviour of a defendant, especially if they are accused of committing a crime out of necessity, desperation, or lack of alternatives.

Alternatively, a lawyer may claim that a person who committed a crime has the potential to rehabilitate or reintegrate into society, if they are given access to adequate resources, opportunities, and support such as these case examples:

- 1) A first-time offender who stole food or money could benefit from financial assistance or counselling. They could also learn budgeting skills or join a savings group.
- 2) A juvenile who committed a violent act could benefit from anger management or therapy. They could also participate in community service or join a support group.
- 3) A disable or young person who dropped out of school or failed to find a job could benefit from education or employment services. They could also enrol in vocational training or join a mentorship program.

Note that the 3 case examples as above note several social and legal factors such as first-time offender, minor (age of 18 below), juvenile and young person and person with disability.

However, using socio-economic deficiency as a defence strategy is not always effective or appropriate, as it may also imply that the defendant is not fully responsible for their actions, or that they are unable to change or improve their situation. Moreover, it may also reinforce negative stereotypes or prejudices about certain groups of people who face socio-economic challenges. Therefore, lawyers who use this type of evidence should be careful and selective about how they present it, and consider the potential impact it may have on the stakeholders and public at large. Similarly, this correlative stigma between socio-economic status and crime may also paint preliminary criminalization to the “innocent until proven guilty” as per stipulated in the Human Rights if inappropriate technical and standard measures of investigation and thorough examinations are not practiced and applied.

It is very important not only to recognize that examination of means is part of the process of mitigation and appeal due to substantial, admissible and reliable reasons, positive consideration and evaluation have the long-term impact on practices on the society which is the “S” element and the “E” element which is the environment- in this case the state as a whole.

Nevertheless, these preliminary examinations and cross-examinations are very crucial to be determined and administered through standard techniques that pass the reliability and validity testing for the benefit of the doubt.

One of the common methodologies in the debtors’ case is to fill up the official forms provided or the EoM form and attach the relevant documents for further assessment and review as shown in Figure 1.

This is when the P-Political usually represented by leaders and authorized persons, E-Economical usually represented by economy experts and T-Technological and L-Legal expertise and elements without prejudice, administered their expertise into the decision making.

The integration of these PESTEL elements then will ensure decisions in a wider context but represented by the specific expertise due diligence. A liability and risks will be weighed and disclaimer for agreements are usually drafted where necessary.

B. Awang/Dayang membuat permohonan untuk:
Application made for:

Perbelanjaan Kanak-Kanak Sekolah (seperti buku, alat tulis, pakaian seragam) <i>Children's School Expenses (e.g. Books, Stationery, uniform)</i>	<input type="checkbox"/>
Perbelanjaan Kereta (seperti kos membaiki kereta, pembayaran cukai 'Road Tax', bayaran insuran) <i>Car Expenses (e.g. Fixing, Tax Payment, Insurance Payment)</i>	<input type="checkbox"/>
Perbelanjaan pengubahsuaian Rumah <i>Home Renovation Expenses</i>	<input type="checkbox"/>
Yuran Peperiksaan <i>Examination Fees</i>	<input type="checkbox"/>
Perbelanjaan lain (sila jelaskan di bawah): <i>Other Expenses (Please state below):</i>	<input type="checkbox"/>

C. Sila senaraikan perkara-perkara yang dipohonkan:
Please list down matters applied for:

Bil.	Perkara-perkara yang dipohonkan <i>Matters applied for</i>	Jumlah yang Dipohonkan <i>Amount</i>
1.		\$

Figure 1: Borang Permohonan Mengurangkan Bayaran Setiap Bulan (Appeal form to reduce monthly payment)
Source : Brunei Judiciary website

BORANG KAJI SELIDIK GERI TEPI JALAN (BULAN RAMADHAN)

Keterangan Peribadi

- Nama:
- Alamat Tempat Tinggal:
- No. KP / Warna:
- Warganegara:
- Nombor Telefon:
- Purata jumlah hasil yang diperolehi setiap hari:
- Jumlah Tanggungan (Jika berkenaan):
- Jenis Aktiviti Perniagaan:
- Tarikh / Tahun Mula Berjaja:
- Hari Berjaja:
- Jam Berjaja:
- Lokasi Berjaja:

Kenyataan / Ulasan lain (Jika Ada)

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.....

.....

Pengakuan

Saya yang bernama di atas mengakui dan mengesahkan bahawa segala keterangan yang saya berikan adalah benar dan betul. Saya boleh dijatuhkan hukuman jika keterangan saya tidak betul / palsu. Saya mengakui, memahami dan bertanggungjawab sepenuhnya akan tahap risiko keselamatan dan kebersihan yang ada di kawasan ini.

Tandatangan :

No. KP / Warna :

Kerajaan Pejabat

Pegawai Penyasat (I.O) : Saksi (ID) :

Tandatangan : Tandatangan :

Tarikh :

BPL/2020

Figure 2: Itinerant hawkers form (Ramadhan season only)
Source: Municipal Board

ANALYSIS AND DISCUSSION: REGULATORY FRAMEWORK INITIATIVES IN BRUNEI DARUSSALAM

The involvement of legal and regulatory makers is very significant to ensure balance initiatives

are also recognised as sustainable principles to promote the pursuit of alternative dispute resolutions as the necessity arises.

Education and awareness are the basic foundation, every commonality with the principles underlying PESTEL, Investigation, Examination and Justice Accessibilities. Systematic and reliable practice is necessary to potentially bring about positive outcomes alongside socio-economic impact to the nation, and may increase the level of compliance and respect towards the legal and enforcement system. In addition to it, the Islamic associated elements such as the Maqasid Shariah with ethical practices are also required specifically and in line with the general rules and requirements stipulated in the Shariah law that could be researched further.

Nevertheless, the application of screening for security reasons is as important as recognizing the disputes. Hence the methods, techniques and several options suggested will be discussed elaborately through this study.

There are five possible factors in which socio-economic factors may affect various aspects of a case, process, outcomes and impact and consequences, including the parties involved, the legal strategies employed, and the overall implications for individuals, communities, and society such as Access to Justice, Legal Strategies, Settlements and Dispute Resolution, Social implications and economic consequences briefly summarize as below:

- 1) Access to Justice: Socio-economic factors, such as income, education level, and social connections, can significantly impact a party's ability to access the legal system. Individuals or communities with limited resources may face barriers in hiring experienced lawyers, accessing legal information, or navigating complex legal processes. This can lead to unequal representation and affect the outcome of a case.
- 2) Legal Strategies: Socio-economic factors can influence the legal strategies employed by parties involved in a case. Parties with greater resources may be able to afford expert witnesses, extensive investigations, or skilled legal teams, giving them an advantage in presenting their arguments and evidence. In contrast, economically disadvantaged parties may face challenges in gathering evidence or accessing experts, potentially weakening their legal position.
- 3) Settlements and Dispute Resolution: Socio-economic factors can also impact the likelihood and nature of settlements or dispute resolution in a legal case. Parties with greater resources may have a stronger bargaining power and position during settlement negotiations, potentially leading to more favourable outcomes. Conversely, parties with limited resources may choose to settle due to financial constraints, even if the terms are not ideal.

- 4) Social Implications: Legal cases can have broader social implications, particularly in matters relating to civil rights, discrimination, or other societal issues. The outcome of a case can set legal precedents, influence public opinion, and shape policies and regulations. Socio-economic factors can influence the perception and acceptance of legal decisions within society, potentially influencing public discourse, and creating a ripple effect beyond the immediate parties involved.
5. Economic Consequences: Legal cases can have significant economic consequences for individuals, businesses, and communities. Judgments or settlements may involve monetary compensation, fines, penalties, or other financial obligations. These outcomes can impact the financial stability of individuals or entities involved and potentially influence economic activities in the affected region.

It is important to recognize that socio-economic factors may affect inequalities and biases into the legal system as aforementioned. Hence in efforts to ensure equal access to justice, legal aid such as Pro bono, and representation can help mitigate these disparities and promote fairness in legal proceedings to serve the society fairly. Such that the First Information Report (FIR) and Records, Initial Investigation Report (IIR) and the following stages of preliminary examination and cross-examination are the key to the integrity and reliability of the case.

Additionally, considering the socio-economic impact of legal cases can help policymakers and society at large identify systemic and universal issues working towards a more just and equitable legal system and policy making in general.

PRO BONO, COMMUNITY SERVICE, REHABILITATION AND REINTEGRATION

Pro bono is a term that refers to legal services provided free of charge or at a reduced cost to people who cannot afford to pay for them. Pro bono lawyers can handle a variety of cases, such as civil claims, immigration, family law, consumer protection, and criminal defence except for capital punishments. As not every case is eligible for Pro bono assistance. Some factors that may affect the availability of Pro bono services include the complexity of the case, the availability of funding and resources, the urgency of the situation, and the potential impact of the case on the public interest.

In Brunei Darussalam, there is no specific pro bono service, however a legal advice clinic such that pro bono is offered seasonally for free through the Law Society of Brunei as their Corporate Social Responsibility Programme (CSR) to assist the disadvantaged whom were impeded by legal issues.

The legal system can assist in pro bono work in various ways, such as providing funding, resources, training, recognition and incentives for lawyers who volunteer their time and skills to help people who cannot afford legal services.

Some examples of pro bono work are:

- 1) Representing low-income individuals or groups in civil claim matters, such as housing, immigration, family law, consumer rights, disability rights, etc.

- 2) Providing legal advice or assistance to non-profit organizations, community groups, social enterprises, etc. that work for the public interest or social justice.
- 3) Participating in legal education or outreach programs that inform the public about their legal rights and responsibilities, or raise awareness about important legal issues.
- 4) Advocating for law reform or policy change that benefits marginalized or disadvantaged communities or causes.
- 5) Collaborating with other professionals, such as social workers, health care providers, educators, etc. to address the holistic needs of clients or communities. Such requirements are also stipulated in the Offenders Act (Probation and Community Service), CAP 220.

The following section examines the legal and regulatory initiatives taken by the policy maker and regulator in initiatives in diligently determining whether or not the balance role of examination is sufficient to support decision towards discretion on Alternative Dispute Resolution.

Do you feel that suspect who encounter socio-economic problems should be given discretion?

19 responses

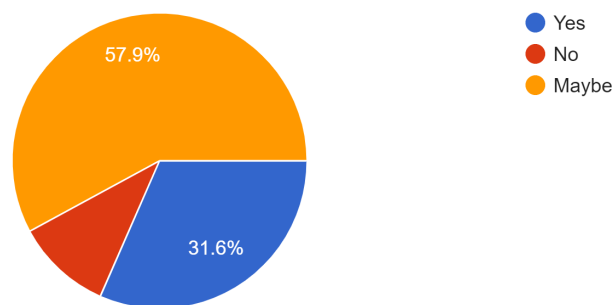


Chart 2: Percentage of expert initial opinion on whether suspect (offenders) should be given discretion before the context of CE and EoM were put in the context of following question

Do you think cross-examination of initial investigation and further investigation of EoM would assist you better in giving a more valid recommendation to the suspects mitigation and appeal?

19 responses

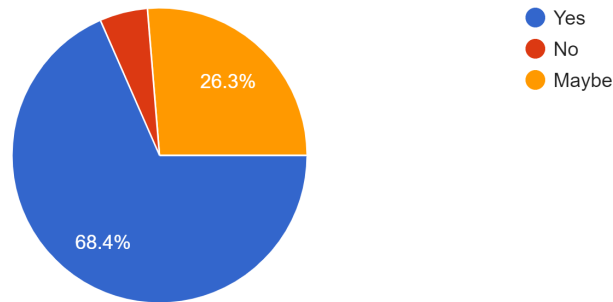


Chart 3: Percentage of expert opinion on CE and EoM assisting valid recommendation for mitigation and appeal

A high portion of 57.9% doubt whom answer “Maybe” were reflected in the question whether suspects or offenders encounter socio-economic problems should be given discretion, comparatively the doubt became clearer once the element of cross-examination as tool were put in the following survey question as portrayed below, reflected a strong confidence of 68.4% “Yes” that somewhat fulfils the requirements of the being the Examinations of means and Cross-examination with guidelines, where reference must be made functional as one of the strategies administered.

Based on the tools analysis that includes exhibit collection, investigation techniques, examination tools, and cross examination during the preliminary stage of investigation-68.4% of samples agreed that the said tools would assist better in giving a more valid recommendation to the suspects mitigation and appeal. While 26.3% are saying “Maybe” and a definite “No” from 5.3% from the sample N=19

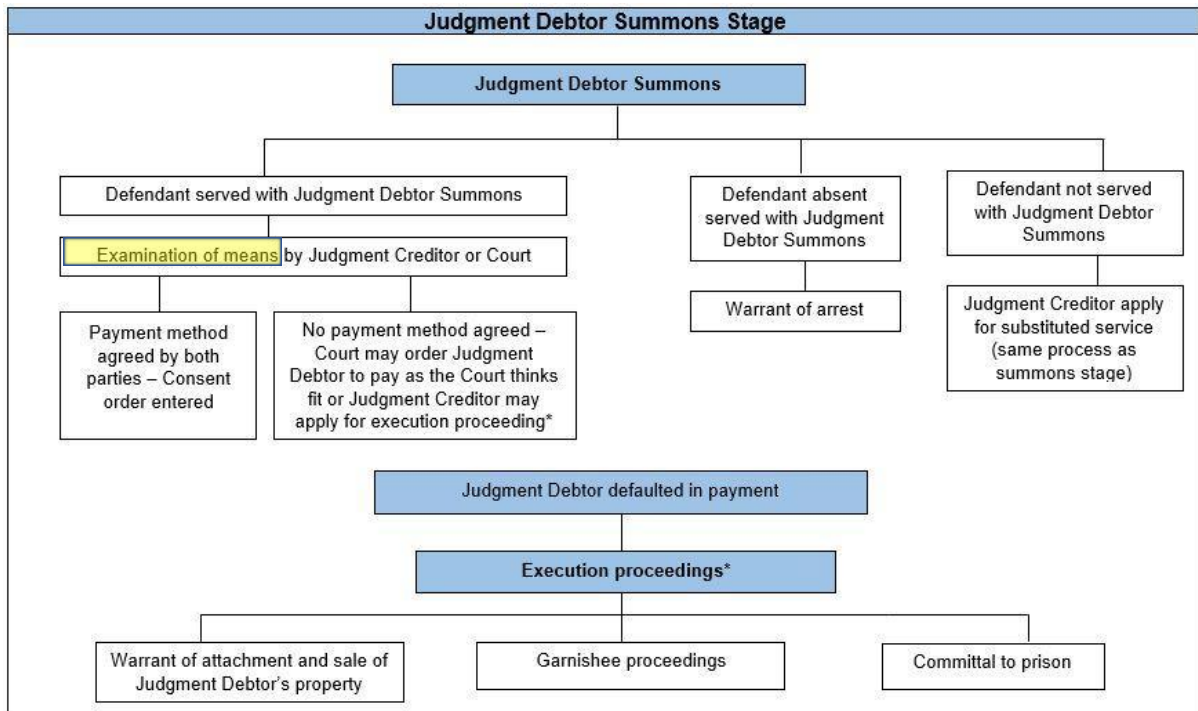


Figure 3: Judgment Debtor summons stage (Source: Brunei Darussalam Judiciary Department, 2023)

Figure 3 observes the EoM tool is utilized as the part of preliminary process as mitigating measures to allow EoM to be analysed accordingly based on the Socio-Economic factors as in the form stipulated in Figure 1. The existence of this procedure reflects how the judicial system identify that socio-economic element as one of the challenges faced by the suspects based on the court experiences. A formula of policy will not occur as standard operating procedure when it is invalid. This confirms the fact that the role of PESTEL element play a role in determining the Standard Operating Procedure in Case Management.

CONCLUSION

Which would you recommend as alternative sanction?

17 responses

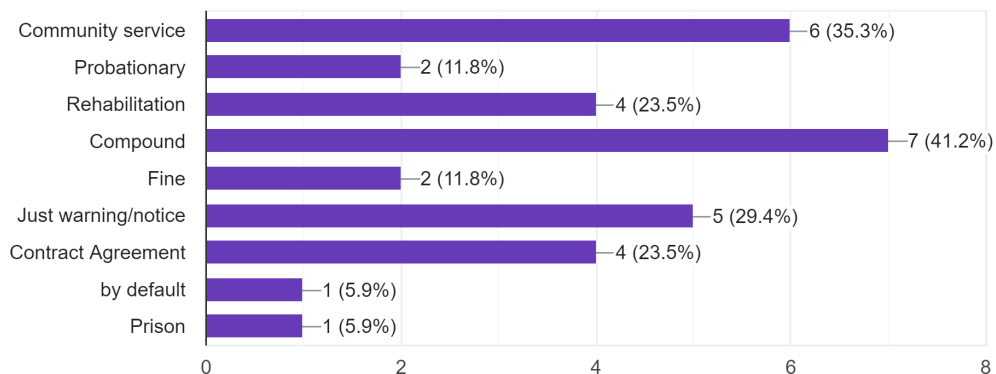


Chart 4 : Alternative sanction opted in the survey

Chart 4 suggested recommendations range of Alternative sanctions as mitigated penalty where majority suggested compound to be issued, and second majority offers community services as other options while 29.4% suggested warning notice, both 23.5% offers rehabilitation and Contract agreement, a fair portion of 11.8% offers fine and probation, whereas fair percentage of both 5.9% still offers by default penalty such as imprisonment. A further interview on this entailed found out the latter were suggested as deterrent strategy.

On what kind of case basis do you think that discretion should be utilize?
19 responses

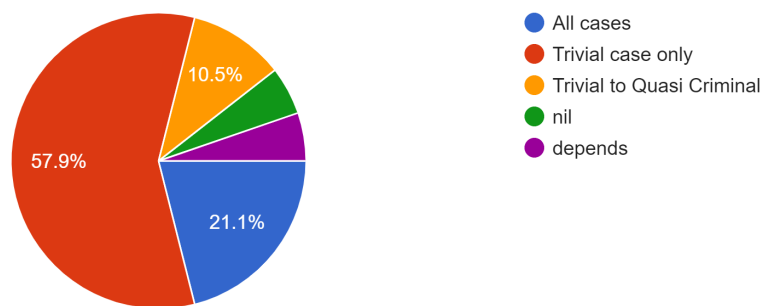


Chart 5: Percentage on suggested case category for discretion

A majority of 57.9% of experts believe that discretion shall only be utilize on trivial cases only, in contrast with the second majority bearing 21.1% who believes that discretion should be given in all cases while a fair portion of 5.3% believes in no cases should deserve any discretion at all, and the same portion believes discretion shall be given based on undefined “depends”. While 10.5% agrees on discretion shall be utilized on trivial to quasi criminal cases as well.

Consistent with what is currently practiced in the Court, in the case of DPP vs Offender on the case of possessing two homemade rifles as an offender convicted of possessing arms without a licence. In this case, mitigation and appeal of “family hardship caused by incarceration of a breadwinner” were dismissed as the socio-economic reason does not justify any consideration for reduction of the offender's sentence which was six years and six months jail with three whipping. The appeal was dismissed by the Chief Justice highlighting the serious threat to public security and as a deterrent sentence (Faisal, 2023).

Evidently the government’s encouraging efforts to increase the number of public awareness on Alternative Dispute Resolution (ADR) should be emphasized as to craft sustainability towards these alternatives. This will increase the public right of justice access accordingly and towards achieving these objectives, the relevant parties would need to work together and support the ADR frameworks in line with the objective sustainably.

As a Roadmap, the ADR initiatives in Brunei Darussalam has been taking up interest in the recent years gaining trust and awareness while performing training on identified stakeholders as alternatives to litigation. (BDAC, 2023)

ASEAN has formulated a legal cooperation framework that facilitates the exchange of information, expertise, and best practices among the member states on various legal matters, such as civil law, criminal law, and alternative dispute resolution. These initiatives aim to enhance the rule of law, access to justice, and legal protection for the socio-economically deprived cases in ASEAN and the sustainability of ADR as an alternative to litigation. (Lee et al, 2021) Alternative Dispute Resolution opens up many possible doors towards mediated cases with negotiated terms and agreements, probationary, community service, rehabilitation and reintegration to say a few. Figure below is an ideal process flow in the approved case for mediation.



Figure 4: Process flow for Mediated case Agreement (Municipal Board)

This actually intensifies more clarity and awareness on the level of severity, degree of cases and the impact on the society at large especially on the access to justice. The opening up of ADR actually strengthened transparency, accessibility and awareness that awareness, education, management and facilitation are as important as the deterrent strategy applied on enforcement and litigation.

Ultimately, in conclusion, the aim of examination of means and cross-examination is to uncover the truth and ensure that justice is served. The advancement and research exploration on these technical skills shall not be overlooked, neither undermined nor stagnant. With the advancement in the fourth revolution, these technical aspects could be explored more by the assistance from the Technological factor. By allowing these alternative explorations, the legal system seeks to establish impartial outcomes for all regardless of background on the road to a fair access towards justice.

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2. Expert interview experiences on number of cases by ratio that has socio-economic factors as mitigation, 2023 *(Personal Interview with Haji Sabri, Head of Tax Credit Control Unit, Municipal Board, Brunei Darussalam)*