

CONSTITUTIONAL PLURALISM IN SOUTHEAST ASIA

27 & 28 July 2017, Thursday & Friday
Faculty of Law, National University of Singapore



PARTICIPATION IS BY INVITATION ONLY

As seats are limited, please register your interest to attend at <http://goo.gl/cpQ2i1>

Deadline for registration: **24 July 2017, Monday.**

For more information, please contact Alexandria at cals@nus.edu.sg



Centre for Asian Legal Studies
Faculty of Law

Constitutional Pluralism in Southeast Asia

Faculty of Law, National University of Singapore

27 & 28 July 2017

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PROGRAMME SCHEDULE

27 July 2017, Thursday

- 0900** ***Registration & Coffee***
(Lee Sheridan Conference Room)
- 0915 – 0920** ***Welcome Address***
Dan W. Puchniak, DIRECTOR
CENTRE FOR ASIAN LEGAL STUDIES, NATIONAL UNIVERSITY OF SINGAPORE
- 0920 – 0930** ***Introduction***
Jaclyn L. Neo, PRINCIPAL INVESTIGATOR
NATIONAL UNIVERSITY OF SINGAPORE
Bui Ngoc Son, CO-PRINCIPAL INVESTIGATOR
NATIONAL UNIVERSITY OF SINGAPORE
- 0930 – 1200** **Panel 1**
Moderator: Nicole Roughan, NATIONAL UNIVERSITY OF SINGAPORE
- Constitutional Pluralism in Singapore*
Eugene KB Tan, SINGAPORE MANAGEMENT UNIVERSITY
- Constitutional Pluralism in Malaysia*
Dian A. H. Shah, NATIONAL UNIVERSITY OF SINGAPORE
- Constitutional Pluralism in Brunei*
Dominik Müller, MAX PLANCK INSTITUTE FOR SOCIAL ANTHROPOLOGY
Kerstin Steiner, LA TROBE UNIVERSITY
- Constitutional Pluralism in Indonesia*
Dian A. H. Shah, NATIONAL UNIVERSITY OF SINGAPORE
Herlambang P. Wiratraman, UNIVERSITAS AIRLANGGA

1200 – 1330

Lunch

Portico Staff Lounge, Federal Building, Level 1

1330 – 1530

Panel 2

Moderator: Michael Dowdle, NATIONAL UNIVERSITY OF SINGAPORE

Constitutional Pluralism in Vietnam

Bui Ngoc Son, NATIONAL UNIVERSITY OF SINGAPORE

Constitutional Pluralism in Cambodia

Taing Ratana, CONSTITUTIONAL COUNCIL OF CAMBODIA & PANNASASTRA
UNIVERSITY OF CAMBODIA

Introduction to Laos' Constitution

Khamphaeng Phochanthilath, ZICOLAW (LAOS) SOLE CO., LTD

Constitutional Pluralism in Laos

Bui Ngoc Son, NATIONAL UNIVERSITY OF SINGAPORE

1530 – 1600

Coffee Break

Outside Lee Sheridan Conference Room

1600 - 1800

Panel 3

Moderator: Maartje De Visser, SINGAPORE MANAGEMENT UNIVERSITY

Constitutional Pluralism in Myanmar

Nyi Nyi Kyaw, NATIONAL UNIVERSITY OF SINGAPORE

Constitutional Pluralism in Thailand

Apinop Atipiboonsin, THAMMASAT UNIVERSITY

Constitutional Pluralism in the Philippines

Bryan Dennis Gabito Tiojanco, YALE LAW SCHOOL

1800

End of Day 1

28 July 2017, Friday

0945

Coffee

(Lee Sheridan Conference Room)

1000 – 1030

Panel 4

Moderator: Kevin YL Tan, NATIONAL UNIVERSITY OF SINGAPORE

Constitutional Pluralism in Southeast Asia: A Positive Account

Jaclyn L. Neo, NATIONAL UNIVERSITY OF SINGAPORE

Bui Ngoc Son, NATIONAL UNIVERSITY OF SINGAPORE

1030 – 1200

Commentaries

Kevin YL Tan, NATIONAL UNIVERSITY OF SINGAPORE

Thio Li-ann, NATIONAL UNIVERSITY OF SINGAPORE

Roundtable Discussion

Moderator: Jaclyn L. Neo, NATIONAL UNIVERSITY OF SINGAPORE

1200 – 1205

Concluding Reflections and Closing Remarks

Jaclyn L. Neo, PRINCIPAL INVESTIGATOR

NATIONAL UNIVERSITY OF SINGAPORE

1205 – 1300

Lunch

Portico Staff Lounge, Federal Building, Level 1

End

Constitutional Pluralism in Southeast Asia

Faculty of Law, National University of Singapore

27 & 28 July 2017

SPEAKERS' BIOGRAPHIES

(sorted in alphabetical order by family name)



Dian Diana Binti ABDUL HAMED SHAH is a Research Fellow of the Centre for Asian Legal Studies, Faculty of Law, National University of Singapore. She completed her S.J.D. at Duke University School of Law in October 2014, where she also served as the President of the Duke Law School S.J.D. Association. Upon graduation, she worked as a Senior Lecturer at University of Malaya Law Faculty, where she taught Constitutional Law. Prior to her obtaining her doctorate, she graduated with an LL.B (Warwick University) and an LL.M (Duke University) in 2008 and 2009, respectively. Dian's recent work focuses on the interaction of law, religion, and politics in plural societies and in the past few years, she has spent time conducting field research in Indonesia and Sri Lanka. She had previously won an American Institute for Sri Lankan Studies (AISLS) Pre-Dissertation Grant to carry out research in Sri Lanka and has served as a visiting researcher at the Freedom Institute, Jakarta. Some of her work has been published in the Indonesian Journal of International and Comparative Law and the Oxford Journal of Law and Religion. Dian is currently completing her first monograph entitled "Constitutions, Religion, and Politics in Asia" (under contract with Cambridge University Press), which arises from her doctoral work at Duke. She also serves as the Deputy Editor of the Asian Journal of Comparative Law. Her research interests span the fields of constitutional history, comparative constitutional law, and human rights.



Apinop ATIIBOONSIN is a young scholar in the fields of comparative constitutional law and administrative law from Thailand. After receiving his LL.B., with honors, from the Faculty of Law, Thammasat University in 2012, he began his academic career at his alma mater as a lecturer, where he was appointed as an editorial committee of the prestigious Thammasat Law Journal. He later graduated from LL.M. program at Columbia Law School in New York as Harlan Fiske Stone Scholar in 2016. After his return to Thammasat University, he works under the Department of Public Law, teaching courses such as constitutional law, administrative law, and fundamental rights. Currently, his research concentrates extensively on constitutional law in Southeast Asia with a focus on the role of constitutional courts in coping with political conflicts. He also frequently gives advice to Law Reform Commission of Thailand as a legal expert.



BUI Ngoc Son is a Senior Research Fellow of the Centre for Asian Legal Studies, Faculty of Law, National University of Singapore. He holds a PhD in law from The University of Hong Kong. He has also held visiting research fellows at Harvard Law School, Melbourne Law School, and Tsinghua University School of Law. He is the author of the book *Confucian Constitutionalism in East Asia* (Routledge, 2016). He has publications with *American Journal of Comparative Law*, *Law & Social Inquiry*, *Illinois Law Review*, *Washington International Law Journal*, *Washington University Global Studies Law Review*, and other Cambridge and Oxford Journals. He is interested in comparative constitutional law and theory, comparative law, socialist law, and Asian law.



Nyi Nyi KYAW is a Postdoctoral Fellow of the Centre for Asian Legal Studies, Faculty of Law, National University of Singapore. He was born and raised in Myanmar where he did his undergraduate studies. He did his postgraduate studies doing two masters degrees in international political economy and human rights & democratisation (Asia Pacific) at Nanyang Technological University and Sydney University respectively. He then joined the University of New South Wales to do his PhD. He has published articles on Buddhist nationalism, citizenship and Muslims in Myanmar. At CALS, he will mainly work on how Buddhist nationalism has led to the passage of four race and religion laws in Myanmar, plus other projects on citizenship, constitutional politics, and human rights in Myanmar. His research interests are law and religion, law and social movements, citizenship, human rights, constitutional politics and nationalism. He is mainly interested in how religion, social movements, and nationalism have affected law and citizenship in Myanmar.



Dominik M. MÜLLER is the Head of the Research Group ‘The Bureaucratization of Islam and its Socio-Legal Dimensions in Southeast Asia’ at the Max Planck Institute for Social Anthropology (Germany). Before joining the MPI, he was a post-doctoral researcher within the Cluster of Excellence ‘Normative Orders’ at Goethe-University Frankfurt (2012–2016) and a PhD student at the same institute (2008–2012). He studied anthropology (major), law and philosophy in Frankfurt and Leiden (2003–2008). His PhD thesis on the rise of pop-Islamism in Malaysia received the Frobenius Society’s Research Award 2012 and was published by Routledge in 2014 (“Islam, Politics and Youth in Malaysia: The Pop-Islamist Reinvention of PAS”). An article on the same topic received a Commendation from the journal *Indonesia* and the *Malay World* (SOAS) in its Young Scholar Competition 2014 (“Islamic Politics and Popular Culture in Malaysia: Negotiation Normative Change between Sharia Law and Electric Guitars”).

He has published invited articles on Brunei Darussalam in the prestigious year-ender issues of the journal *Asian Survey* (UC Press) for 2015 and 2016. Since completing his PhD, Müller has held visiting positions at Stanford University (2013), Universiti Brunei Darussalam (2014), the University of Oxford (2015), and the Centre for Asian Legal Studies (CALS) at NUS (2016). Parallel to his work at the MPI, he is a Fellow at the

CALS (2017-2020) and will be a Visiting Fellow in "Law and Social Change" at the Islamic Legal Studies Program at Harvard University in 2018. He has taught seminars at the universities of Frankfurt, Mainz Heidelberg, Halle and Leipzig. He has also conducted research on Brunei for the Human Rights Resource Centre and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). His research interests include the relationship between Islam and the state, religious bureaucratization, popular culture, and dynamics of normative change in Southeast Asia (particularly Brunei, Malaysia, and Singapore).



Jaclyn L. NEO is an Assistant Professor of Law at the National University of Singapore (NUS). She specializes in constitutional law, focusing on minorities and religion. She was a recipient of two graduate scholarships from NUS under which she completed her Masters of Law (LL.M.) and Doctor of the Science of Law (J.S.D.) at Yale Law School. Jaclyn has published in the *International Journal of Constitutional Law (I-CON)*, *Oxford Journal of Law and Religion*, *Human Rights Quarterly*, and the *Singapore Journal of Legal Studies*. Her article on domestic incorporation of international human rights law in a dualist state won the Asian Yearbook of International Law's DILA International Law Prize. Jaclyn is an Executive Committee member of the NUS Centre for Asian Legal Studies and was also recently appointed to the editorial board of the *Asian Journal of Comparative Law* and the *Asian Yearbook of International Law*. Jaclyn was appointed as a consultant to WongPartnership in 2015. She is the sole editor of a recently published volume on *Constitutional Interpretation in Singapore: Theory and Practice* (Routledge, 2017).



Khamphaeng PHOCHANTHILATH is a Lao lawyer with more than 12 years of legal experience from major international full service law firms. Her practice focuses on foreign direct investment, corporate and commercial, employment, banking and intellectual property. She has been involved in a number of major transactions advising on relevant laws regarding foreign investment and assisting with legal compliance, conducting legal due diligence, trademark registration and licensing requirements in Lao PDR. She also has extensive experience in government coordination and relations. She obtained her degree in Bachelor of Law from National University of Lao PDR. She is a member of the Lao Bar Association and a member of the Inter-Pacific Bar Association.



Kerstin STEINER is an Associate Professor at the Law School, La Trobe University, specializing on Southeast Asia and the intersection of law, religion, culture, politics and economics. She is also an Associate of the Asian Law Centre and the Centre for Indonesian Law, Islam and Society, both at the University of Melbourne. She has held numerous visiting positions including being the first (female) non-Muslim visiting scholar at the Department of Shariah and Law, Academy of Islamic Studies, University of Malaya; Associate Professor at the Graduate School of Politics and Law, Osaka University; and more recently a visiting scholar position at the Centre for Socio-legal Studies, Oxford University. She presented her research extensively at a range of prestigious institutions including Oxford University; University of Warwick; Social Science Research Centre (WZB) Berlin; University of Melbourne; and the Australian Institute for International Affairs, the top think tank in Southeast Asia and the Pacific according to the Global Go To Think Tanks Index in 2015 and 2016. One of her notable works is *Islam, Law and the State in Southeast Asia*, a co-authored two volumes series published by IB Tauris (2012). She has also provided expert advice on Islam and law in Brunei, most notable for Musawah for their submission to CEDAW in 2014 and most recently for their comparative Islamic family law project.



Ratana TAING is an Advisor to the President of the Constitutional Council and Senior Lecturer of Law at Pannasastra University of Cambodia. He holds master degree in development studies at Graduate Institute of International and Development Studies in Switzerland and a master degree in law at the Royal University of Law and Economics (Cambodia). He has published widely in English and Khmer on Cambodian constitutional law. He is interested in constitutional law, administrative law, legal history, and religious philosophy.



Eugene KB TAN is an Associate Professor of Law at the Singapore Management University (SMU). He is also an adjunct faculty at the Singapore University of Technology and Design, and has taught, as a visiting professor, at the Yonsei University Law School in Seoul, South Korea. An advocate and solicitor of the Supreme Court of Singapore, Eugene was educated at the National University of Singapore, London School of Economics and Political Science, and Stanford University where he was a Fulbright Fellow. He has published in various edited volumes and peer-reviewed journals, including *Journal of Church and State*, *Israel Law Review*, *The China Quarterly*, *Ethnic and Racial Studies*, *Ethnopolitics*, *Law and Policy*, *Singapore Year Book of International Law*, *Hong Kong Law Journal*, *Citizenship Studies*, *Terrorism and Political Violence*, *Intersections: Gender and Sexuality in Asia and the Pacific*, *Yonsei Law Journal*, *Singapore Law Review*, *Asian Journal of Business Ethics*, *Australian Journal of Asian Law*, and *Journal of Asian Business*. Between February 2012 and August 2014, Eugene served as a Nominated Member of Parliament in Singapore's 12th Parliament. Eugene's inter-disciplinary research interests include constitutional and administrative law, law and public policy, the regulation of ethnic conflict, and the government and politics of Singapore.



Bryan Dennis Gabito TIOJANCO (Bo) is a J.S.D. candidate at Yale Law School, where he earned his LL.M. degree in 2014. His dissertation has two aims: first, to explore how the prevailing Philippine founding narrative and the Philippine legal aesthetic defeat the promises of the 1986 Philippine Revolution; and second, to retell the narrative and offer a conceptual toolkit for redeeming these promises. Bo was a Yale Fox International Fellow at the National University of Singapore during the 2016-17 academic year. Bo is a member of the Philippine Bar. He is also a lecturer at the University of the Philippines, College of Law, where he obtained his J.D. degree, cum laude. He was twice an editor of the Philippine Law Journal, and an editor of the Yale Journal of Law and the Humanities. His works have been published in the Philippine Law Journal, the Philippine Daily Inquirer, the Manila Times, the UP Law Center Press, Vibal Publishing, and the Max Planck Encyclopedia of Comparative Constitutional Law.



Herlambang Perdana WIRATRAMAN is a lecturer in the Constitutional Law Department and the Executive Director of the Centre of Human Rights Law Studies (HRLS), Faculty of Law, Universitas Airlangga (Surabaya, Indonesia). He completed his Master of Arts on Human Rights and Social Development at Mahidol University, Thailand and PhD at the Van Vollenhoven Institute, Leiden Law School, the Netherlands in 2014. He has written numerous books, including "Good Governance and Legal Reform in Indonesia" (Bangkok, 2007) and "Press Freedom, Law and Politics: A Socio-Legal Study" (Zutphen, 2014), and several book chapters and journal articles. He was previously a Visiting Professor in Graduate Studies of International Development department at Nagoya University (2015) and a Visiting Lecturer at the Vietnam National University (VNU) Law School (2017). He previously served as a Chairperson of the Indonesian Association of Legal Philosophy (AFHI, 2013-2014) and the Indonesian Lecturers Association for Human Rights (SEPAHAM Indonesia, 2014-2017). His research interests include human rights, constitutional law, law and society, freedom of expression, freedom of the press, and academic freedom.

MODERATORS' BIOGRAPHIES

(sorted in alphabetical order by family name)



Michael DOWDLE is an Associate Professor at the Faculty of Law, National University of Singapore. Born in the United States, he graduated with a JD from the New York University School of Law in 1992. He was in-country program director for NYU Law's China Law Program from 1994 to 1997 in Beijing, where he was also a visiting professor at the Beijing University School of Law. From 1997 through 2000, he was a Senior Research Fellow at the Columbia Law School's Center for Chinese Legal Studies. He was appointed Himalayas Foundation Distinguished Visiting Professor in Comparative Constitutional Law at Qinghua University Law School in 2002; Fellow in Public Law at the Regulatory Institutions Network (RegNet) of the Australian National University in 2003; and held the Chair in Globalization and Governance at Sciences Po in Paris in 2008. Since 2008, he has been on the faculty of NUS. His research interests are in comparative public law - in particular public law and constitutionalism as it manifests outside of the countries of the North Atlantic - and in 'regulatory geography'.



Nicole ROUGHAN joined the Faculty of Law at the National University of Singapore in June 2013, having held appointments as Temporary Lecturer in Jurisprudence at the University of Cambridge, Teaching Officer at Trinity College Cambridge, Adjunct Lecturer at the University of Kent at Brussels and Lecturer at Victoria University of Wellington, New Zealand.

Nicole's current research lies in general jurisprudence and pluralist jurisprudence. She is the author of *Authorities: Conflicts, Cooperation, and Transnational Legal Theory*, published by Oxford University Press in 2013. Nicole's major works in progress include a monograph entitled *Officials*, also to be published by OUP, an edited collection on *The Pursuit of Pluralist Jurisprudence* (with Andrew Halpin) and a project on *Philosophy of Indigenous Laws*.



Maartje DE VISSER is Assistant Professor of Law at Singapore Management University. Prior to this, she held appointments at Maastricht University and Tilburg Law School in the Netherlands. Maartje read for law at Maastricht (meester in de rechten, cum laude) and Oxford University (MJur with distinction), and obtained her PhD at Tilburg University (cum laude). The topic of her doctoral thesis formed the basis for her first book, entitled *Network-based Governance in EC Law: The example of EC Competition and EC Communications Law* (Oxford, Hart Publishing, 2009). Maartje's main research interests are in the fields of European and comparative constitutional law. Between 2008 and 2013, she was a member of the European and National Constitutional Law (EuNaCon) project, funded by the European Research Council (ERC), researching the organisation and operation of constitutional review in 11 European countries and the European Union. The results of her research will be published as *Constitutional Review in Europe – A Comparative Analysis* (Oxford, Hart Publishing, forthcoming late 2013). Maartje has further published on judicial networks and judicial dialogues, EU institutional law and comparative constitutional law, and has recently co-edited a volume entitled *Constitutional Conversations in Europe – Actors, Topics and Procedures* (Antwerp, Intersentia, 2012).

COMMENTATORS' BIOGRAPHIES

(sorted in alphabetical order by family name)



Kevin YL TAN is an Adjunct Professor at the Faculty of Law, National University of Singapore. He graduated with LLB (Hons) from the Faculty of Law of the National University of Singapore in 1986 and joined the teaching staff of the same faculty that same year. Subsequently he obtained his LLM (Master of Laws) and JSD (Doctor in the Science of Law) at Yale Law School, being the first Singaporean to achieve the latter. From 1986 to 2000, he taught at the Law Faculty, specializing in Constitutional and Administrative Law, Law and Government, Law and Society and International Human Rights. He has published widely in his areas of specialization and has written and edited some 30 books on the law, history and politics of Singapore. He is currently a director of Equilibrium Consulting Pte Ltd; Adjunct Professor, S Rajaratnam School of International Studies, Nanyang Technological University; Editor-in-Chief, Asian Yearbook of International Law and Editorial Board member, Korean Journal of International & Comparative Law.



THIO Li-ann teaches and has published widely in the fields of public international law, human rights law, constitutional and administrative law. She was formerly Chief Editor, Singapore Journal of International & Comparative Law (2000-2003), General Editor, Asian Yearbook of International Law and Editor, International Journal of Constitutional Law. She is current on the editorial board of the Journal of East Asia and International Law, National Taiwan University Law Review and on the Advisory Board of the New Zealand Yearbook of International Law, Australian Journal of Asian Law and International Law & Human Rights Discourse. She has taught courses at the law faculties of Hong Kong University and the University of Melbourne. A leading Singapore constitutional scholar, she co-authored Constitutional Law in Malaysia and Singapore (Lexis Nexis, 2010, 3rd ed) and co-edited Evolution of a Revolution: 40 Years of the Singapore Constitution (Routledge-Cavendish, 2009), both with Kevin YL Tan. She was an expert witness before the Australian Federal Court and academic freedom consultant to the University of Warwick (2005). She was twice ranked an NUS Excellent Teacher and received the NUS Young Researcher Award in 2004. From Jan 2007-July 2009, Professor Thio was a Nominated Member of Parliament (Eleventh Session).