

SPEECH BY
THE RIGHT HONOURABLE THE CHIEF JUSTICE OF MALAYSIA,
TUN TENGKU MAIMUN BINTI TUAN MAT
ON THE OCCASION OF
THE OPENING OF THE LEGAL YEAR 2022
‘ACCESS TO JUSTICE AND THE NEW NORMAL’
FRIDAY, 14 JANUARY 2022
PALACE OF JUSTICE, AT PUTRAJAYA AND VIA ZOOM

SALUTATIONS

1. Chief Justices:

- (i) The Right Honourable the Chief Justice of the Supreme Court of Indonesia, Professor Dr. Muhammad Syarifuddin, SH., MH;
- (ii) The Right Honourable the Chief Justice of the Supreme Court of the Philippines, Alexander G. Gesmundo;
- (iii) The Right Honourable the Chief Justice of the Supreme Court of Singapore, Sundaresh Menon;
- (iv) The Right Honourable the Deputy Chief Justice of the Constitutional Court of Indonesia, Aswanto;

2. The former Chief Justices of Malaysia:
 - (i) Tun Arifin bin Zakaria;
 - (ii) Tun Md Raus bin Sharif;
3. The Honourable Minister and Deputy Minister in the Prime Minister's Department (Parliament and Law);
4. Right Honourable and Honourable sister and brother Judges and Judicial Commissioners;
5. The Honourable the Attorney General of Malaysia, the State Attorney General of Sabah and the Deputy State Attorney General of Sarawak;
6. The Honourable Presidents of the Malaysian Bar, the Sabah Law Society and the Advocates' Association of Sarawak;

Your Excellencies, distinguished guests, ladies and gentlemen.

Assalamualaikum warahmatullahi wabarakatuhu and a very good morning.

INTRODUCTION

[1] On behalf of the Malaysian Judiciary, I would like to bid everyone a warm welcome to the Opening of the Legal Year 2022 ('OLY 2022').

[2] This ceremony is special because it marks the tremendous efforts and lengths that we have all gone through since the onslaught of Covid-19 into our lives in late 2019 and the onset of the pandemic in early 2020. We are congregated here physically while many of you are participating in these proceedings virtually. This encapsulates the concept of the 'New Normal'.

[3] In apt fashion, the theme for OLY 2022 is 'Access to Justice and the New Normal'.

ACCESS TO JUSTICE AND THE NEW NORMAL

[4] Justice is a nebulous and amorphous term that often times lies in the eye of the beholder. The same facts may sometimes give rise to different outcomes. The essence of justice is putting faith in a fair and independent system to decide cases according to law, principles of fairness, good conscience and equity.

[5] Access to justice means more than the ability to make one's way to Court. It encompasses the element of effective access. Imbued within the notion of effective access are the ability to have a fair trial or hearing, and the right to procure a remedy considered just and fair on the merits of the case. The result is preferably a remedy that ends not just the case but the dispute.

[6] Apart from the Courts, we have the Legislature that passes laws, the Executive which enforces them through its agents and agencies, the Bar, the Attorney General's Chambers ('AGC'), legal aid schemes, non-Governmental organisations, activists, the media, and so on. It is therefore important to appreciate that it is not only the Judiciary that holds the key to "access to justice".

[7] In point of fact, it is the Executive and the Legislature that have the power to make provision for access to justice for all of the citizenry of Malaysia. And in this context, it is our immediate stakeholders namely the Bar and the AGC who can facilitate access to justice by providing the requisite aid and services to enable the people of Malaysia at all levels of society to gain access to the Courts.

[8] The crucial challenge for the Judiciary and the administration of justice now is that we have to also consider the state of access to justice within the context of the New Normal. As everyone is aware, the Covid-19 pandemic has radically altered the way in which we go about our usual lives. Handshakes are now considered dangerous and staying or working from home has become more commonplace. We have had to reduce physical and in-person transactions and movement is generally discouraged to limit transmission of the virus.

[9] The change in lifestyle and business habits such as increased reliance on the virtual world and physical distancing has also affected the legal profession and the administration of justice given that it is a very people centric service. This is especially so in criminal cases where the presumption of innocence and the right to a fair trial are maxims that reign paramount.

[10] While the pandemic has largely been debilitating, the reforms that we have introduced since 2009 have played a significant role in accelerating modern technological advancements and innovation at an unprecedented level allowing us to cope with the pandemic.

[11] With that, please allow me now to zoom into recent developments.

INITIATIVES

(A) Virtual Courts and Online Hearings

[12] Speaking of ‘zooming’ in, virtual Courts have now become an indelible aspect of our system of advocacy. I say ‘indelible’ because some have queried when and whether the Judiciary will be ‘reverting’ to physical hearings as the norm.

[13] I wish to make it clear that the Judiciary has always embarked on technological advancements, and online or virtual hearings mark our progress in this direction. The advent of online hearings is not merely a means to cope with the pandemic but a permanent feature of our justice system. There is, therefore, no question of ‘reverting’.

[14] When the pandemic first began in March of 2020, the Courts were forced to proceed with online cases on securing the consent of both parties, subject always to the interests of justice. This was because there was no clear permissive legislation stipulating that online hearings or trials are allowed at the behest of the Court. Now, Parliament has affirmatively intervened to expressly allow for online hearings irrespective of consent

but subject still to the interests of justice. There is no room for dispute as to the propriety of the method given that this shift is not unique to Malaysia.

[15] As such, allow me to emphasise the crucial change in the law by highlighting the newly inserted section 15A of the Courts of Judicature Act 1964 ('CJA 1964') which reads as follows:

“15A. (1) Without limiting section 15, the Court may, in the interest of justice, conduct the proceedings of any cause or matter, civil or criminal, through a remote communication technology.”

[16] Section 3 of the CJA 1964 in turn defines “remote communication technology” as a ‘live video link, a live television link or any other electronic means of communication’ and as one can tell, this definition is very broad. Consequential amendments were also made to the Subordinate Courts Act 1948 signifying that the continued reliance on remote hearings in the Subordinate Courts, in addition to the Superior Courts, will subsist irrespective of the pandemic.¹

[17] We as judges have adjusted well to remote hearings at least in the context of civil cases, criminal applications and criminal appeals. The screen-sharing technology, we find, assists us with reference to documents and the level and nature of advocacy has improved irrespective of whether counsel before us is senior or junior. We also think that remote hearings have made life easier for lawyers who have been relieved from having to waste time on travel.

¹ Subordinate Courts Act 1948, sections 2 and 101B.

[18] In terms of access to justice, the greater reliance on remote hearings has been a boon. More and more of the public and lawyers should feel less nervous about the grandiose nature of the Courts, and I think the fact that the Courts are more easily accessible by the click of a few buttons cuts us away from ritualism and form, and focuses more on the substantive aspects of justice – the case itself.

[19] I acknowledge that remote hearings are not perfect. There are sometimes issues with sound, internet connection and such hearings are sometimes not feasible when parties do not have the requisite means or access. Regardless the overall gain and accessibility that remote hearings bring with them far outweigh their downside which can be worked on.

[20] Accordingly, the Judiciary has invested a greater amount in technology in terms of hardware and software. In terms of hardware, we have purchased better and more sustainable screens and devices and in the Palace of Justice, at least, we have upgraded our Technology Court and courtrooms to cater to our increasing reliance on online hearings which have been equipped with video face equipment, a voice tracking conference system and a virtual conference set.

[21] In terms of software, we have invested in numerous Zoom accounts to enable more online hearings and meetings. We have also upgraded our internet services to handle the increased load. In addition, we have established a network operation centre and a security operation centre to monitor and maintain the Courts' overall network stability, operation and security.

[22] The Judiciary cannot however work alone in this effort. The members of the Bar have, by and large, become accustomed to online hearings with many preferring it over physical hearings. The same is true of lawyers in the public sector. In terms of Government agencies, much work is still needed to equip existing facilities or upgrade pre-existing facilities for online hearings. This is specifically true in the context of criminal cases.

[23] Accused persons cannot afford to have their cases being perpetually put on hold. The difficulty we have now is that the participation of the accused at trial or an appellate hearing is necessary. By this, I mean even their virtual presence is necessary. Throughout the course of the past two years, my colleagues and I have received numerous applications for adjournment on the basis that the accused is unable to attend Court because he or she or the prisons' personnel were infected by the coronavirus or had close contact with an infected person.

[24] Some prisons are able to support virtual hearings by having rooms available for detainees or prisoners whose cases are under appeal. But this is not possible for all prisons and as a consequence numerous criminal cases are adjourned due to the inability of accused persons to be physically or virtually present for their hearings.

[25] At the appellate level, we have been successful in disposing of criminal appeals from Sabah and Sarawak because they have and continued to be disposed of online. Accused persons are taken to the Kota Kinabalu Court Complex for example and their lawyers argue their appeals there while the appellate judges preside from here in Putrajaya or from home. This shows that the wheels of access to justice are not

halted, because all parties are ready and willing to make full use of technology.

[26] The Courts are ever ready to proceed with the cases that are before them and so we seek the cooperation of all parties both Governmental and from private practice to find solutions to the physical issue of attendance and to generally assist the Court with infrastructural and technological issues on their end to overcome the case load.

[27] As proof that the Courts are moving forward, we are formulating a new practice direction on hybrid criminal trials at the Superior and Subordinate Courts. Parties may be present physically in open court or remotely from any suitable location. To ensure that an accused person is not being prejudiced in any way, this exercise will only be applicable to those who are represented by counsel. For accused persons who are under remand or detention, we propose that the proceedings be conducted from the prison's location, equipped with the necessary technological tools to support video conferencing. This proposed practice direction, which will apply only to certain types of criminal proceedings, will be issued sometime in the early part of this year, subject to consultation with stakeholders.

[28] I am proud to note that apart from some of the issues I highlighted earlier, the vast majority of the Bar, the AGC and the rest of the stakeholders have responded well to our shift to the online platform. This is borne out by the fact that even full civil trials proceed online these days, which is a considerable advancement from our initial steps towards working online in 2020.

[29] We have in a space of two years by reason of the pandemic achieved greater technological advancement than we would have in the course of ten years without the pandemic.

(B) Updates, Technological Advancements, and Enhancements

[30] As most of you are aware, our shift to the virtual platform, accelerated by the pandemic, is only one part of our goal to fully digitalise Court processes, which we have been undertaking since 2009.

General Developments

[31] In my New Year Message 2021, I mentioned that we intended to fully equip all courtrooms with the e-Courts platform. I am pleased to announce that all the courtrooms in Peninsular Malaysia have been equipped with the e-Courts platform save for the Court in Yong Peng due to the need for physical infrastructural revamping.

[32] I am also pleased to announce that the Recording & Voice to Text ('RVT') System which replaced the old Court Recording Transcription ('CRT') System has been expanded throughout 320 locations in Peninsular Malaysia and only 114 courtrooms remain to be installed with the system. We are in the process of completing this.

Updated Services

[33] In making better use of technology, again with a view to enhancing access to justice, we have also undertaken serious efforts to simplify and modify our processes. Some of these changes are legislative and quasi-

legislative and will depend on action from Parliament or other bodies. I shall touch on them in greater detail later.

[34] For now, you will recall our e-Jamin system which was launched in 2020. The system allows bailors to make payment of bail completely online without having to travel to banks to open a new account. We have now further updated the e-Jamin system to eJTM or eJamin Teller Machine to also cater to members of the public who do not have online bank accounts or who do not use online banking. This is because statistics indicate that there are a sizeable number of persons who do not use online banking. Such persons may still open an account for bail via the e-Jamin application but deposit the bail amount in cash into that account via an ATM at any bank.

[35] The Judiciary accepts that the trend now is to go cashless. In this regard, we will soon be accepting payment of fines and summonses via credit or debit card. This will be implemented gradually throughout Malaysia in stages. We believe this step will help speed up or eliminate entirely over-the-counter transactions as well as reduce or eliminate long queues.

[36] Another area of progress relates to traffic summonses. We have recently introduced a system called the e-Plead Guilty or 'ePG' system to simplify the process, i.e. allowing accused persons to plead guilty to certain traffic offences without having to attend court physically.

[37] Under the present iteration of the Criminal Procedure Code, section 137 allows an accused person to plead guilty by way of letter. This aspect of the law, however, is seldom used. The ePG mechanism allows the

accused person to enter his plea remotely via a system with the ability to state mitigating factors. The Magistrate will then accept the plea and enter a conviction and any fine issued will be made payable online. This too, should serve to simplify access to justice.

[38] I move now to Artificial Intelligence or 'AI'. A crucial facet of access to justice is equality before the law. Equality before the law is a concept that 'permeates any democratic constitution and that it requires treating like cases alike and unlike cases differently as a general axiom of rational behaviour'.²

[39] A large aspect of treating people fairly is ensuring the fairness or the measure of sentence.³ In order to ensure that like cases are treated alike, sentences and punishments should be consistent. AI serves only as a guide and is not the final determinant of the punishment. Magistrates retain the ultimate discretion to pass sentence according to law especially in differing cases bearing in mind the constitutional principles of fair trial and proportionality. The AI system is, in that sense, no different from the bench book relied on for personal injury civil claims or non-binding sentencing guidelines relied upon in other jurisdictions. In this context, we are also contemplating on introducing non-binding sentencing guidelines to complement AI sentencing.

[40] Currently the AI System spans over twenty offences collectively under the Penal Code, the Dangerous Drugs Act 1952 and the Road Transport Act 1987. It is our hope that by April of this year, we can

² *Matadeen v Pointu* [1999] 1 AC 98, at page 109.

³ *Alma Nudo Atenza v Public Prosecutor and another appeal* [2019] 4 MLJ 1, [113]-[114].

increase the number of offences covered by the AI system to at least 80 offences covering a wider range of areas including offences relating to breaches of movement control orders.⁴

[41] Many of the initiatives that I have announced so far relate to the efforts undertaken by the Judiciary. The competence of the prosecutor and defence counsel also comprise key elements of a fair criminal trial. It therefore made for rather astonishing news just last year when the Federal Court acquitted and discharged an accused person for the reason that his counsel was found to be flagrantly incompetent, resulting in a breach of the constitutionally guaranteed right to a fair trial.⁵ For this reason, maintaining an adequate level of competence for the legal profession is a matter that must be zealously supervised by the Bar and the AGC.

[42] In line with access to justice, the right to fair trial and adequate representation, the Judiciary is revising the getting up fees for assigned counsel for capital crime cases which proposal has been approved by the Government on 10 December 2021. We are also revising the selection criteria for assigned counsel. Even though this form of assistance exists, the other legal aid mechanisms must continue to do their part. Likewise, lawyers should also look into doing more pro bono work.

(C) Legislative and Quasi-Legislative Changes

[43] As I have previously announced, the Judiciary has proposed amendments to certain laws in line with the need to enhance efficiency.

⁴ Issued under the Prevention and Control of Infectious Diseases Act 1988.

⁵ *Yahya Hussein Mohsen Abdulrab v Public Prosecutor* [2021] 5 MLJ 811.

[44] One major initiative is the move to limit interlocutory appeals. The proposed amendments to the law are ready, and have been approved by the AGC. We understand that the Bill will be tabled during the first Meeting of Parliament this year.

[45] The other proposed amendment is to section 137 of the Criminal Procedure Code to allow Magistrates to accept online pleas of guilty consonant with our ePG reform which I mentioned earlier. Pending the finalisation of these amendments, the e-PG system is being implemented pursuant to the Chief Justice's Practice Direction No. 3/2021.⁶

[46] Yet another important aspect is the proposed amendments to be made to the provisions of the Criminal Procedure Code relating to notices and records of appeal, that is, to allow for service of those documents via electronic means.

(D) Physical Infrastructure

[47] While we have made a permanent shift to the virtual platform, physical infrastructure remains relevant because such infrastructures still signify the physical existence of the Courts.

[48] We have opened six new courtrooms in the High Court in Malaya with a view to hearing and disposing of more cases at any given time. These six new courtrooms comprise two new courtrooms in Kuala Lumpur, two in Shah Alam, one in Sungai Petani and one in Georgetown.

⁶ Issued under section 3A of the Subordinate Courts Act 1948 as modified by the Temporary Measures For Reducing The Impact of Coronavirus Disease 2019 (COVID-19) 2020 [Act 829]

[49] Apart from opening new courtrooms we have also been renovating or relocating court premises. This is to provide a more conducive and safer working environment for judges and court staff and additionally, to cater to the convenience of the general public. Examples include the complete relocation of the Kangar Court complex as well as certain other locations in Sabah and Sarawak. We are building a new Ampang Court in Selangor and we are planning to find a new site to relocate the Shah Alam Court complex.

[50] In the Opening of the Legal Year 2020 Speech, I mentioned the establishment of a formal Judicial Academy with the aim to increase capacity building of Judges by broadening the scope and standard of judicial education. I am happy to announce that just recently, the Government has approved the use of approximately 25 acres of land in Negeri Sembilan which we propose to construct and use for the Judicial Academy and alongside it, a proposed new Nilai Court and the Chief Registrar's Office proposed Data Centre.

(E) International Judicial Cooperation

[51] Another important aspect for the Judiciary is international judicial cooperation.

[52] I echo the words of the learned Chief Justice of Singapore Sundaresh Menon who expressed in his speech during the Singapore Opening of the Legal Year 2022 that Malaysia and Singapore enjoy an especially close relationship.

[53] In July 2021, the Federal Court of Malaysia and the Supreme Court of Singapore agreed to collaborate on Court-to-Court Communication and Cooperation in proceedings concerning admiralty and shipping law matters as well as cross-border corporate insolvency matters. The protocols document a framework for cooperation and communication between the two Courts to facilitate the efficient and timely coordination of shipping and admiralty cases as well as cross-border corporate insolvency cases. This is expected to enhance judicial effectiveness and reduce costs to the benefit of businesses and relevant stakeholders in both countries.

[54] Apart from reducing costs for businesses that are already facing challenging conditions in this raging pandemic, these protocols will go a long way towards facilitating the efficient and timely coordination and administration of cross-border cases and enhancing overall judicial efficacy.

[55] The Malaysian Judiciary regularly engages in several regional and world organisations with a view to enhancing judicial best practices. This includes the bi-annual Joint Judicial Conference between Brunei, Malaysia and Singapore, the Council of ASEAN Chief Justices (CACJ), the Standing International Forum of Commercial Courts (SIFFOC), the Association of Asian Constitutional Courts & Equivalent Institutions (AACC) – just to name a few.

(F) Statistics

[56] Having apprised you of the efforts taken by the Judiciary in tandem with access to justice in the new normal, allow me to now analyse the statistics up to **November 2021**.

[57] When I refer to cases pending disposal, I mean cases pending disposal as at November 2021. And, where I refer to the number of cases disposed of, I mean cases that have been disposed in 2021 as at November including cases filed pre-2021.

General Disposal Rate

The Federal Court and the Court of Appeal

[58] Having examined the trend of registration of cases from 2017 to 2021, I note that the number of cases filed annually in all levels of the judicial hierarchy show no substantial difference whether before or during the pandemic. I attribute this to the e-Filing system which has enabled litigants or lawyers to e-file cases, documents and applications no matter the situation and notwithstanding the pandemic.

[59] The Federal Court disposed of 659 civil cases leaving 593 cases pending disposal. This translates to a disposal rate of 52.6%. As for criminal cases, 286 were disposed of leaving 283 cases pending disposal. This is a disposal rate of 50.3%.

[60] The Court of Appeal cleared a total of 4,076 cases leaving a total of 4,440 cases pending disposal. This is a disposal rate of 47.9%. In terms

of criminal cases, the Court of Appeal disposed of 846 cases. There remain 1,751 cases pending disposal. This is a disposal rate of 32.6%. This rate is particularly acute in relation to criminal appeals as the presence of the accused is necessary especially so for capital offences.

[61] As you can tell from the numbers, the pandemic has left us a sizeable backlog. This is being addressed urgently and our judges are working hard to reduce the backlog. In this context, the virtual courts platform has been immensely helpful, because it enables us to accommodate more sittings than our physical courtrooms allow.

[62] At the Federal Court, we have increased the number of sitting days in a week while the Court of Appeal has always had five sitting days in a week. In both the appellate Courts, we have increased the number of panels that preside each day and we have also increased the number of cases fixed per day.

[63] Speaking specifically of the Federal Court, in November 2020, we introduced single judge hearings especially for leave motions filed in the Federal Court that arise from interlocutory appeals.⁷ As at 31 December 2021, a total of 167 interlocutory leave motions were fixed for hearing. Of this, 133 cases were disposed of indicating a disposal rate of approximately 80%.

[64] Consequently, insofar as the judges and officers are concerned, we are working at full capacity both physically and virtually. The support from the other stakeholders of the justice system namely the Bar, the AGC, the

⁷ See: section 97 of the Courts of Judicature 1964.

police, the prisons department and so on is most crucial. Cases should proceed with minimal delay and excuses.

The High Courts

[65] The two High Courts globally disposed of a total of 89,319 civil cases and 47,298 cases remain pending disposal. This is a disposal rate of 65.4%. As for criminal cases, the two High Courts globally disposed of 6,036 cases. 5,291 cases remain pending disposal. The disposal rate is 53.3%.

[66] Our High Court Judges and Judicial Commissioners are also hard at work making full use of the online platform. All manner of trials and hearings are being conducted online for civil cases while criminal cases still pose some logistical problems as explained earlier.

[67] Human resource and more judges have always been perennial problems for the Judiciary. We project that the opening of more High Courts as mentioned earlier will better help manage and dispose of the increasing case load. We are therefore looking to appoint more qualified persons as Judicial Commissioners.

The Subordinate Courts

[68] The Subordinate Courts are the very face of access to justice for the country. They hear the vast bulk of civil and criminal cases and are thus the closest courts on the ground to the vast majority of the *rakyat*. Their performance is thus crucial.

[69] The Sessions Courts throughout Malaysia disposed of a total of 33,620 civil cases. A total of 23,430 cases remains pending disposal. That is a disposal rate is 58.9%. The number of criminal cases disposed of is 31,864 cases with a balance of 16,623 cases pending disposal. This is a disposal rate of 65.7%.

[70] As for our Magistrate's Courts, a total number of 154,465 civil cases were disposed of and 40,996 remain pending disposal. The disposal rate is a very healthy 79.0%. The total number of criminal cases disposed of is 1,317,681 though a staggering 424,555 cases remain pending disposal. The disposal rate is a healthy 75.6%.

[71] Our Subordinate Court Judges have also been working hard and must be commended for making full use of technology to conduct their cases. They have largely kept to the timeline and have steadfastly worked towards clearing their docket.

[72] The large number of criminal cases registered in the Magistrate's Courts in 2021, namely 1,352,614 cases, is largely attributable to the sizeable number of traffic summons cases in those Courts comprising about 72.7% of the total number of criminal cases registered. Not all of the traffic offences registered can be resolved via the ePG system but the number of cases that can be resolved by fully digitalising the conviction and sentence aspect of traffic summons should greatly alleviate the load on such Courts, as well as provide better access to justice for the public.

Analysis of the Trend of Cases

[73] Commercial cases are of significance, as they are, to some extent, an indicator of the country's economy as disputes are some measure of active business and trade. The number of commercial cases has been on the decline between 2017 and 2021. The drop from 2020 to 2021 was about 6%. However, only 55,305 cases were recorded in 2021 as compared to 119,258 in 2017. This is an alarming drop of about 53.6% over a short period of 5 years.

[74] Bankruptcy cases have seen an overall drop in the number of registrations between the years 2017 and 2021. Specifically, the period between 2020 and 2021 recorded a 36% decline in registrations. I postulate that the amendments to our bankruptcy laws that increased the threshold for bankruptcy claims along with other amendments has naturally reduced the number of such cases filed.

[75] In terms of corporate insolvency cases, a similar trend can be seen in that the number of cases registered yearly between 2017 and 2021 has been on the decline. The period between 2020 and 2021 recorded a decline in registrations of approximately 17%. The enactment of the Companies Act 2016 and the overall increase in the threshold for insolvency claims, I think has helped bring down the number of insolvency cases.

[76] There has been no major change in the number of drugs cases recorded. In fact, there was only a very slight increase in registrations between 2020 and 2021 – about 1.8%. The number of cases registered between 2017 and 2021 seem to be the same. It appears that the

deterrent sentences imposed for these types of offences including capital punishment have not been effective in curbing this category of crime.

[77] I turn now to sexual offences against children. By and large, there was a steep increase in the number of registrations by almost 42% between 2020 and 2021. Sexual offences against children are a serious problem and, in this regard, the Judiciary has had dialogues with the Executive about establishing more sexual crime courts to hear these cases. This will entail an increase in the number of posts allocated to the Judiciary to sit in these courts. We hope this step helps to bring down the numbers.⁸

[78] Street crime cases have been on the steady decline between the period of 2017 to 2021. 2021 recorded the lowest number with a 57.5% drop in the number of registrations. Perhaps the imposition of the various movement control orders and the resulting lockdowns left no one on the streets to commit such crimes which might explain the reason for the drop.

[79] The number of corruption cases registered between 2017 and 2021 has not been consistent, with some years recording more cases than others. However, the total number of cases registered in 2020 and 2021 shows a small increase. As corruption is a scourge in society, it is important that this area is closely monitored as it is a measure of the nation's health and image, both domestically and internationally.

⁸ General sexual cases on the other hand appear to be recording a decreasing trend of registration for the period between 2017 to 2021. Specifically, the drop between 2020 and 2021 was 3%.

[80] As for environmental cases, registration has also been on the decline for the period between 2017 and 2021. 2017 recorded 1,612 cases whereas 2021 recorded only 741 cases or a mere 9% increase from 2020.

[81] The next item is cyber cases which are either civil or criminal. Civil cyber cases, as I understand them, refer mostly to cyber defamation cases. There was a large increase of 40.6% of civil cyber cases between 2020 and 2021. The criminal cyber cases have been consistently increasing as well, with 2021 marking a slight increase from 2020 by 7.2%. The steady rise of such cases reflects the greater use of social media and perhaps the greater tendency to misuse it.

[82] The number of family cases dropped by 13.2% in 2021 compared to the previous year. However, this figure may not be reflective of the toll taken on numerous households during the pandemic as reported by the media.

[83] General civil cases also appear to have dropped by 11.4% in 2021 compared to 2020. The number of construction cases over the same period of time also shows a minimal drop with registrations averaging about 1,200 cases a year. This may well be traceable to the pandemic as well as the construction payment industry mechanism and the other alternative dispute resolution mechanisms in place.

[84] I now turn to human trafficking cases. The figures we have are between the years 2018 and 2021. Over that four-year period, the number of cases appear not to deviate too much from year to year although the trend appears to show a decline in the number of registrations. The

pandemic has greatly reduced movement in and out of the country and it is possible that the decline in the number of cases from 402 cases in 2020 to 333 cases in 2021 is attributable to the pandemic. However, the statistics show that there was also a slight decline between 2018 and 2019 well before the pandemic.

[85] We are mindful of the drop in our international ranking. However, it is understood that in an adversarial system such as ours, the Courts are, by constitutional design, incapable of taking active measures to weed out human trafficking. Even when such cases are before the Courts, judges must decide them according to the law, the facts and evidence.

CONCLUSION

[86] In conclusion, I would like to acknowledge that the past two years under the pandemic has been difficult for all of us and how we wish that we could revert to the life before the pandemic. That said, every crisis has its silver lining and the lining here is the greater strides we have all made to advance access to justice to a higher level.

[87] I would like to take this opportunity to thank all my sister and brother judges for their hard work, all judicial officers who have toiled through the pandemic, members of the Bar and the AGC for supporting our initiatives and all agencies that have cooperated with us.

[88] I would also like to thank the Executive arm for allocating the funds we require for us to continue and advance our judicial initiatives. I would also like to thank the Legislature for passing the laws that made it all the more possible to conduct online hearings. It is the Judiciary's hope that

all parties can continue to support us for the benefit of access to justice and the public.

[89] The Judiciary in turn remains committed to upholding access to justice and we will continue to decide cases without fear or favour in line with the Rule of Law and the supremacy of the Federal Constitution.

[90] With that, I wish everyone a very happy New Year. Please continue to stay safe. Thank you.