

Book Review

SENTENCING PRINCIPLES IN SINGAPORE¹

By Kow Keng Siong

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1 The first edition of Kow Keng Siong's *Sentencing Principles in Singapore*, published in 2009, quickly established itself as a reliable resource on sentencing in Singapore. Ten years on, the author has produced a much-needed second edition. It is much needed because of the tremendous developments that have taken place in criminal sentencing in Singapore over the last decade. The author, presently a Chief Prosecutor in the Crime Division of the Attorney-General's Chambers, is eminently qualified to produce this work, with his considerable experience over more than two decades as a prosecutor and District Judge.

2 The foreword to this second edition by the Chief Justice of Singapore, the Honourable Sundaresh Menon, succinctly describes three key trends in the case law over this period, and it bears summarising them here. First, there has been a steady increase in guideline judgments by the court, led in large part by the Chief Justice himself. Secondly, the amendment of the Criminal Procedure Code² in 2010, preceded by the establishment of the Community Court in 2006, has resulted in a rise of community-based sentences. This regime provides greater flexibility for the courts to provide individualised justice and reduce the rate of incarceration. Thirdly, courts in Singapore, more than their counterparts elsewhere, encourage the Prosecution and Defence to assist the court through submissions on sentencing. Counsel now have a responsibility to make sentencing submissions, and this book will be an invaluable resource to practitioners.

3 The book itself is organised in four parts. The first part, containing 14 chapters, deals with general sentencing considerations. It covers fundamental principles underpinning sentencing, including constitutional matters, sentencing objectives, proportionality and guideline judgments. The second part, constituting ten chapters, focuses

1 Singapore: Academy Publishing, 2nd Ed, 2019.

2 Cap 68, 2012 Rev Ed.

on specific sentencing considerations, including aggravating and mitigating factors; nature and effect of the offence; and characteristics and circumstances of the offender. The third part, made up of nine chapters, examines various sentencing options and sanctions, including fines, imprisonment, corporal and capital punishment, probation and discharges, as well as community sentences. The fourth part has three chapters and deals with procedural matters pertaining to the sentencing decision, appeals and revisions.

4 For students and academics, the most interesting section of the book is the first part dealing with fundamental principles. This is where the author deals with most of the high-profile sentencing decisions involving constitutional challenges, the death penalty, separation of powers and retrospectivity. The Singapore judiciary has in recent years handed down a treasure trove of judgments in these areas. While this book does not – and was never intended to – explore and analyse these decisions, the author has collected the leading authorities and extracted the core principles and rulings which academics and students will find useful as a springboard for their research. Having said that, perhaps in a third edition, the author may choose to treat the first part of this book slightly differently from the other parts of the book, which should continue to have a practitioner flavour. The first part lends itself to scholarly and critical analysis, which will only add to the prestige and value of the overall work. The book after all is on sentencing principles and not sentencing practice.

5 When writing a book review, one is always obliged to be critical, and if there is one aspect of the book that could be improved, it is the indexing. The headings and subheadings were not always helpful when looking for specific points: for example, sentencing for drug offences. A more granular index for particular drug offences or type of drugs would have been helpful. However, this is a minor criticism that does not detract from the overall value of the work.

6 The book is clearly aimed primarily at practitioners and the author has certainly succeeded in his mission, stated in the foreword to the first edition, of presenting the material in “succinct, reader-friendly paragraphs to facilitate easy references and searches”. For the busy practitioner, a textbook must be easily accessible, accurate and reasonably comprehensive. *Sentencing Principles in Singapore* more than delivers. It is a volume that should find a place on the bookshelves of all law firms with a criminal law practice.