The rule of law in a strong state

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Thin and thick conceptions of the rule of law

Legal theory distinguishes between a thin and a thick conception of the rule of law. The thin conception requires that the state act through general, public, prospective and stable laws, applied by independent courts, with officials themselves subject to the law. The thick conception adds substantive requirements, such as democracy, the protection of fundamental rights and a free press. Singapore satisfies the thin conception to a very high degree. Its relation to the thick conception is contested.

Singapore's own jurists have engaged with this distinction openly. Former Chief Justice Chan Sek Keong has argued that the courts give effect to the rule of law within the constitutional framework that Parliament creates.[1] Critics such as Jothie Rajah have described the Singapore model as an "authoritarian rule of law", in which law serves to legitimise state power as well as to constrain it.[2] For a financial centre the debate is of practical importance, because investors must decide whether the qualities measured by the thin conception will remain stable in a system that does not fully meet the thick one.

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Judicial review and the limits of executive discretion

The courts of Singapore have asserted their power to review the legality of executive action. The history of that assertion is instructive. In *Chng Suan Tze v Minister for Home Affairs*, decided on 8 December 1988, the Court of Appeal held that the discretion of the President and the Minister to detain persons under the Internal Security Act was subject to an objective test and therefore reviewable by the courts. It declared that the notion of a subjective or unfettered discretion is contrary to the rule of law. Parliament responded within weeks. A new Article 149(3) of the Constitution, in force from 27 January 1989, and amendments to the Internal Security Act, in force from 30 January 1989, restored the earlier position and restricted judicial review of detention to questions of procedure.[3]

The episode shows both sides of the system. The courts stated a principle of legality in terms that any common law court would recognise. The legislature, controlled by the governing party, then confined its application in the area of internal security. Outside that area the principle has survived. Later decisions of the Court of Appeal have relied on it to review the exercise of statutory powers of detention and administration. For commercial actors, the important point is that the review of administrative discretion remains available in the fields that concern them, such as licensing, taxation and procurement, even if it is rarely used against the financial regulator.

Defamation, contempt and online falsehoods

The limits of the Singapore model are most visible in the law governing public speech. Political leaders have brought defamation actions against opposition politicians and critics. Observers cite the frequency of such suits as one factor in the dominance of the governing party.[4] The Administration of Justice (Protection) Act 2016 codified the law of contempt of court, including the offence of scandalising the judiciary.[5] The Protection from Online Falsehoods and Manipulation Act, passed on 8 May 2019 by 72 votes to 9 and in force from 2 October 2019, allows ministers to

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direct the correction or removal of online statements that they consider false. Those affected must first ask the minister to vary or cancel a direction and may then apply to the High Court.[6]

These laws do not touch the enforcement of commercial contracts. They shape the environment in which the press, academics and civil society discuss the state, including the conduct of the government in economic matters. A financial centre depends on information as well as on courts. The quality of public debate about banking scandals, regulatory failures and state-linked companies is one of the channels through which errors are detected and corrected. That function is narrower in Singapore than in Geneva or London. The official response to the money laundering case of 2023 came mainly through government statements, parliamentary answers and court proceedings.

Why a dominant party submits to law

The central puzzle remains. The People's Action Party has governed since 1959. In the general election of 3 May 2025 it won 87 of the 97 elected seats with 65.57 per cent of the vote.[7] A government with that majority can amend most provisions of the Constitution with its own votes. It has nevertheless maintained a judiciary that decides commercial and administrative cases independently and an anti-corruption agency that has prosecuted its own ministers.

The explanation lies largely in the economic strategy of the state. A small country without natural resources depends on foreign capital, foreign companies and foreign talent. Those actors require predictable law and honest officials and can leave if they do not find them. The founding generation of leaders drew this conclusion explicitly and built the legitimacy of the state on performance, of which clean government and reliable law are part. Lee Kuan Yew described the fight against corruption as a condition of survival in his memoirs.[8] The policy of paying ministers and senior officials salaries benchmarked to the private sector, which the government justified as a defence against corruption, belongs to the same logic. Ministers in Singapore are among the highest-paid politicians in the world.[9]

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A second explanation lies in the self-interest of a dominant party with a long horizon. Corruption inside the governing party would threaten its electoral base and its claim to govern better than any alternative. The prosecution of ministers, painful in the short term, protects the party's central asset, which is its reputation for integrity. The same logic explains why the courts are left free to decide commercial cases. Their credibility serves the strategy of the state, while the limits on judicial review in sensitive areas are drawn openly by legislation, where Parliament must answer for them.

The model has a vulnerability. Its rule of law depends to a large extent on the continued commitment of the political leadership, since the formal constraints on that leadership are weaker than in a federal democracy with direct popular votes. Investors have so far had no reason to doubt that commitment, since the transfers of power from Lee Kuan Yew to Goh Chok Tong, Lee Hsien Loong and Lawrence Wong have preserved it. Chapter K.VI considers how far the model can be expected to hold until 2035.

Integrity under pressure

The years since 2023 have tested the system on several fronts at once. The prosecution of a minister, the money laundering case involving assets of about three billion Singapore dollars and the penalties that MAS imposed on nine financial institutions in July 2025 all showed weaknesses.[10] They also showed institutions that responded through investigation, prosecution and the courts. All ten defendants in the money laundering case were convicted and surrendered assets of about 944 million Singapore dollars.[11] Chapter E.VI examines the case, its consequences for the banks and the penalties of July 2025.

Not every case has been resolved in a way that satisfied observers. In the Keppel affair, which arose from bribes paid in Brazil by a subsidiary of a Singapore state-linked group, the bureau closed its investigation in 2023 for lack of sufficient evidence and issued warnings to six former employees in place of prosecution.[12] The decision was criticised in Parliament and in the press, because the group had admitted the bribery in proceedings abroad. Chapter H.V discusses the case together

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with the deferred prosecution agreements and corporate criminal liability in Singapore. For the present argument the case marks the outer limit of the anti-corruption regime. Its strength lies in domestic corruption, whereas foreign bribery committed by Singapore companies through foreign intermediaries is more difficult to prosecute at home.

Notes

1. Chan Sek Keong, "The Courts and the 'Rule of Law' in Singapore", *Singapore Journal of Legal Studies* [2012] 209–231. ↩
2. Jothie Rajah, *Authoritarian Rule of Law: Legislation, Discourse and Legitimacy in Singapore*, Cambridge, Cambridge University Press, 2012. ↩
3. Wikipedia, "Chng Suan Tze v Minister for Home Affairs" (accessed November 2026): [1988] SGCA 16, [1988] 2 SLR(R) 525, judgment of 8 December 1988; the court applied an objective test and stated that "the notion of a subjective or unfettered discretion is contrary to the rule of law". Wikipedia, "Chng Suan Tze v Minister for Home Affairs" (accessed November 2026): Parliament passed amendments in January 1989 to reverse the decision; a new Article 149(3) of the Constitution took effect on 27 January 1989 and the amendments to the Internal Security Act on 30 January 1989, returning judicial review to the 1971 position in *Lee Mau Seng*. ↩
4. Wikipedia, "Politics of Singapore" (accessed November 2026): "defamation lawsuits against high-profile political opponents" cited as a key factor in the dominance of the People's Action Party. ↩
5. Administration of Justice (Protection) Act 2016 (Act 19 of 2016), passed on 15 August 2016 and in force from 1 October 2017; codifies contempt of court, including scandalising the court. ↩
6. Wikipedia, "Protection from Online Falsehoods and Manipulation Act 2019" (accessed November 2026): bill approved on 8 May 2019 by a 72–9 vote; in force from 2 October 2019; "Government ministers will issue instructions to correct falsehoods through an appointed Competent Authority"; an

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application to vary or cancel a direction is made first to the minister, and applications "must be made within 14 days to the High Court". ↩

7. Wikipedia, "2025 Singaporean general election" (accessed November 2026): elections held on 3 May 2025; the PAP won 87 of 97 seats with 65.57% of the vote; the Workers' Party retained its ten seats. Wikipedia, "Politics of Singapore" (accessed November 2026): Singapore has been "governed by the People's Action Party (PAP) since 1959". ↩
8. Lee Kuan Yew, *From Third World to First: The Singapore Story 1965–2000*, Singapore, Times Editions, 2000, chapter "Keeping the Government Clean". ↩
9. Wikipedia, "Politics of Singapore" (accessed November 2026): "Ministers in Singapore are the highest paid politicians in the world, receiving a 60% salary raise in 2007"; a committee to review politicians' remuneration was appointed in 2011. ↩
10. Wikipedia, "2023 Singapore money laundering case" (accessed November 2026): assets "worth 3 billion SGD"; the Monetary Authority of Singapore "imposes S$27.45 million in penalties on nine financial institutions" for anti-money laundering breaches linked to the case (July 2025). ↩
11. Wikipedia, "2023 Singapore money laundering case" (accessed November 2026): all ten accused convicted; sentences of about 13 to 17 months; total of S$944 million surrendered by the ten convicts. ↩
12. Wikipedia, "Corruption in Singapore" (accessed November 2026): in the Keppel case, the CPIB closed its investigation in 2023 for insufficient evidence, and six former employees received warnings instead of prosecution. ↩

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