



FACTORS AFFECTING JUDICIAL DECISION ON CRIMINAL CASE: A  
PERSPECTIVE OF UNDERGRADUATE STUDENTS IN PHNOM PENH

LANH SREYNOCH

A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF  
THE REQUIREMENTS FOR MASTER DEGREE OF POLITICAL SCIENCE  
IN JUSTICE AND SOCIAL ADMINISTRATION  
FACULTY OF POLITICAL SCIENCE AND LAWS  
BURAPHA UNIVERSITY

2024

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ปัจจัยที่ส่งผลต่อการตัดสินใจของผู้พิพากษาทางอาญา: มุมมองของนักศึกษาในกรุงเทพมหานคร



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วิทยานิพนธ์นี้เป็นส่วนหนึ่งของการศึกษาตามหลักสูตรรัฐศาสตรมหาบัณฑิต

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ลิขสิทธิ์เป็นของมหาวิทยาลัยบูรพา

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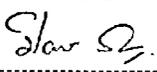
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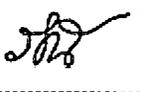
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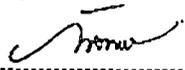
  
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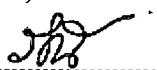
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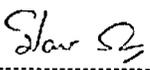
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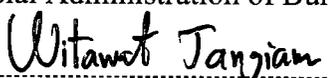
  
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Judges play virtual role in judicial system in creating a fair and lawful society. This research aimed to study a perspective of undergraduate students in Phnom Penh toward the factors affecting judicial decision on criminal case. There were 391 students participating in this study. The authors employed descriptive statistics and step-wise multiple regression to analyze the data. The result showed that legal system and judges' personal perceptions has most influences on judicial decisions on criminal case while public opinion, politics and corruption has no revelation. This showed that legal system and judges' personal perception are to be reliable, sustainable and accountable for the society.

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Burapha University, March 2022

Sreynoch Lanh

Lanh Sreynoch



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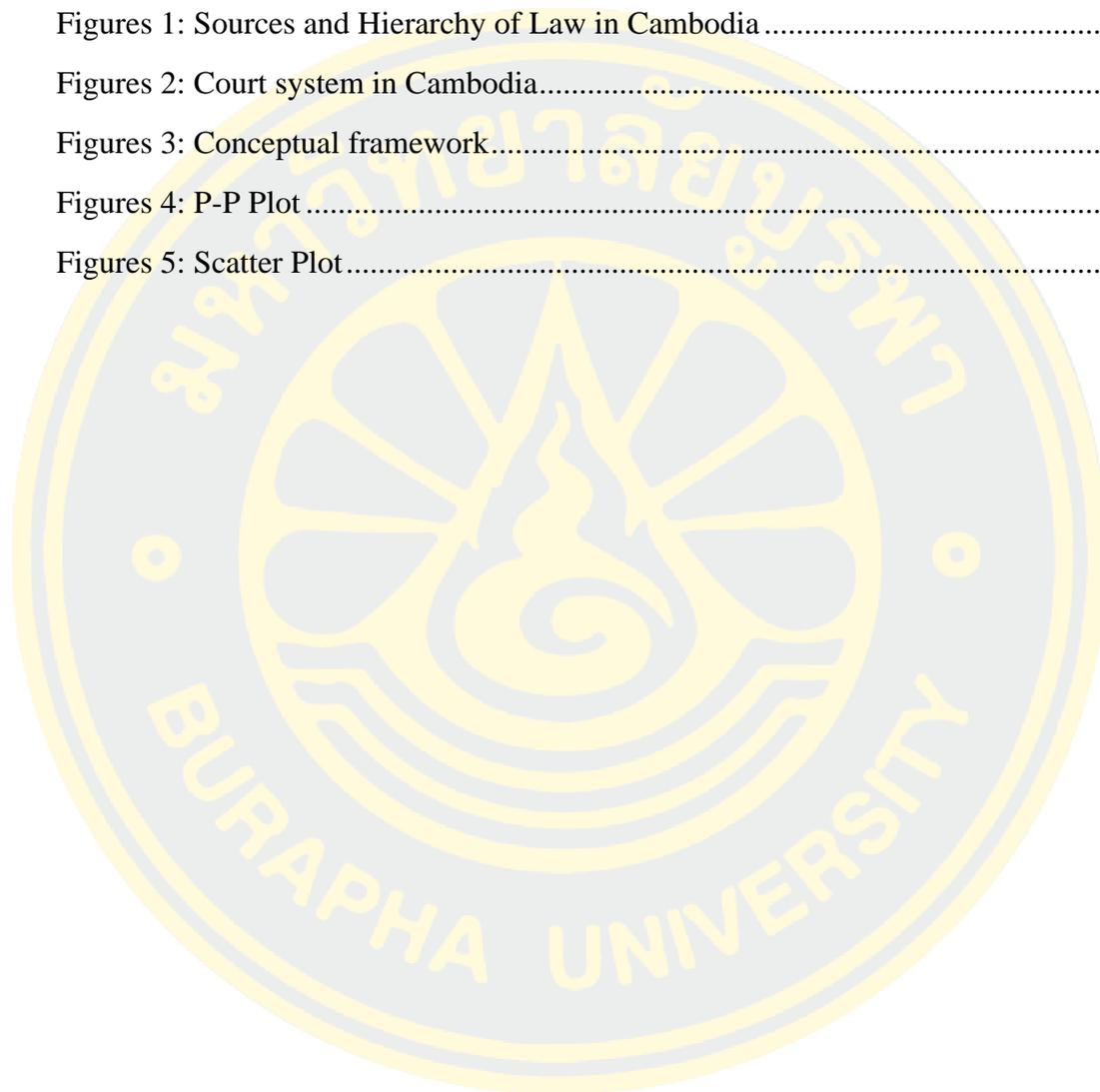
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## CHAPTER I:

### INTRODUCTION

This chapter will consist of the following outlines:

1. Background and Important
2. Research Questions
3. Research Objectives
4. Scope of Research
5. Operational Definitions
6. Expected Benefits

#### **Background and importance**

Justice is the primary distinctive feature of social institutions, as reality of the device of thought. American citizens for example, have a fairly well-formed idea of the factors the justices of the Supreme Court should rely on in reaching their decisions. Moreover, they have a sense of what factors judges actually do rely on in making their decisions. Citizens are much more comfortable with the justices relying on legal factors, especially the perceived intent of the founders. This suggests that the myth of legality, at least in the sense of a prescriptive ideal, is alive and well in American political culture. Americans may be realistic about the actual determinants of Supreme Court decision making, but they continue to believe in the ideal of the apolitical Court. That being the case, there is reason to fear that popular demystification of judicial decision making may further erode popular esteem for the Court (Scheb & Lyons, 2001).

Lee (2015) The Khmer Rouge regime's destructive impact on Cambodia is well documented. Under the leadership of Pol Pot, the Khmer Rouge controlled what was known as a Democratic Kampuchea from 1975-1979. During its short but brutal three-and-a-half-year reign, the party sought to create an egalitarian utopia that

resulted in killing of between one and three million Cambodians. Part of this destruction included the decimation of the Cambodian judiciary. Towards the end of Khmer Rouge's rule in 1979, there were only 10 legal professionals in Cambodia, in 1994, there was little improvement for the legal profession, with only an estimated fifteen qualified lawyers in the country. As the government works to rebuild itself, the Cambodian judicial gained a reputation of lacking the judicial independent and impartiality needed for effective rule of law.

Kheang Un (2009) After many years beneath overseas government tasks. In 1993, Cambodia thru worldwide corporation followed a free device with loose marketplace economic. Then, the USA had problem in coordinating freedom and sell monetary updates. During post-warfare public, innovative innovations call for a widely valid politic device, a device typically recognized as accountability.

Cambodia though, to ensure social order, it is inevitable that the region needs laws and justice so that everyone in society could receive fair and just in their living. Justice needs high accountable judges to ensure fair decisions on each and everyone in society. In responding correctly to any cases for fair decisions, there must include different factors affecting the judge's decision such as legal system, judges' personal perceptions, public opinions, political influences, and so on (David Hutt, 2019).

Even though the court system in Cambodia has its clear structures and procedures on which factors that should be the ideal to judges, it somehow not only the legal system, personal experiences and public opinions are the reasons but also the impacts of political influences and powerful people (corruption) in Cambodia. Those factors have become more formal than any other factors regarding Cambodia society. In addition to such issues, it is true that Cambodian people are currently lack awareness of how judicial system work and that may become the major reason that they do not also aware of having received unjust sometimes in life. The most interesting part is that Cambodian people seem to unconditionally accept those unjust since their perceptions have been shaped by social norms which believe that if you are poor and

powerless, then you have no expectations to get a fair judgment in any case (David Hutt, 2019).

Scheb and Lyons (2001), factors affecting judicial decisions play important roles for both court and citizens in learning judicial issues. Thus, this is relatively comparable to Cambodia society those judicial decisions in Cambodia are unlikely to be satisfied by local citizens, especially those who are in a difficult condition of not having enough money to pay for the court and lawyer fee, no enough power to raise their voice which may result in unjust and dissatisfactions.

It is well-known that crime rate in Cambodia is getting higher in this 21<sup>st</sup> century due to the modern society and the increase of the people and the needs. According to the report from the collaborative online database Numbeo (2009-2020), it is shown that the crime rate in the past 3 years has increased noticeably for the 55.21%. While there is different type of crime have been stated, the problem of corruption and bribery are up to 82.93%, Problem property crimes such as vandalism and theft are 59.5%, and the worries of being mugged or robbed is up to 56.49% among the citizens. This could be implied that Cambodian citizens are highly worrying on crime due to the fact that they may have faced/experienced as the victims. Furthermore, even though some people have no direct experience yet they could sense the fear of being mugged and robbed by having heard from people they know and/or their family members. For Example, it is clear for everyone that traveling at night in Cambodia is not safe, especially in Phnom Penh where the percentage of safety of traveling alone at night is only 39.09% according to (Numbeo, 2009-2020). This data show that traveling along in Phnom Penh at night is completely not recommended. Such issue created unsafe environment in Cambodia society; especially, in Phnom Penh where the more people the more urbanization, the more crime case happen every day.

FindLaw (2019), the formal website for court general system knowledge, the role of the law enforcement would increase when crimes occur. The police, the judge and other relevance agencies would be more involve in order to deal with such situation in reducing crime rate as well as to ensure safety for citizens. However, the most interesting part is how the judge would deal with the situation for the crime case

particularly, the mugging. It is clear that those who commit this such of act mostly are those who might have been using drug, those who may be in need of the money in dealing with their everyday lives due to the poverty, and it could also be those who are short of morality which could lead them to do such crime act when there is chance (seeing the possible mugging when other is careless of their own property on the street). Do the judges consider any of these factors when making decision on punishment? Besides, there are quite different factors affecting the judges in Phnom Penh for the case which could be the legal system, judges' personal perceptions/experiences, society influences or public opinions, political influences, and corruption (criminal may be rich).

According to such issue though, a research study should be adopted; and undergraduate students should be the participants since they are from different locations which could provide different perceptions depending on their areas. The above facts leave on-going question marks to Cambodian people considering that if those factors are truly giving impacts on judicial decisions in Cambodia. Therefore, factors affecting judicial decision on criminal case in Cambodia, especially in Phnom Penh is a crucial point that should be more studied.

### **Research questions**

1. What undergraduate students' perceptions towards judicial decision on criminal case in Phnom Penh?
2. What is the relationship between independent variables and judicial decision on criminal case?
3. What could be the suggestions/recommendations for relevant agencies?

### **Research objectives**

1. To study perceptions of undergraduate students in Phnom Penh towards judicial decisions on criminal case
2. To study the relationship between independent variables and judicial decision on criminal case

3. To provide suggestions/recommendations the findings for relevant agencies

## **Scope of research**

### *Content*

The scope of research area is conducted in Phnom Penh City, Cambodia. The study is conducted in Phnom Penh City only. This research study is expected to last for about 6 months. First, the completion of the research proposal would shell out around 1 to 3 months and then the research proposal is needed to be defended. Secondly, after defending the research proposal, the rest of the proposed duration will be spent on the last two chapters in order to complete the whole thesis.

To achieve the study, the study would employ the quantitative approach by using multiple regression analysis to find the factors affecting judicial on criminal case among the undergraduate students studying at Universities in Phnom Penh, Cambodia.

### *Variable*

The variables used in this research consisted of dependent and independent variables. The independent variables are reviewed through the previous research sources such as journal articles, textbooks, thesis, and other reliable sources.

*Independent variables:* the independent variables are retrieved from the academic papers and list all these variables into a table and find out the high frequency of variable. Based on this method, five important independent variables enable the study. They are legal system, judges' personal perceptions, public opinions, political influences, and corruption.

*Dependent variables:* there is only a significant variable that is chosen to study. Judicial Decisions is the main key term to scrutinize the factor influencing judicial decisions amongst undergraduate students in Phnom Penh.

## **Operational definitions**

To understand more on the keywords of this study, the definition of each keyword is as below:

*Judicial Decisions* refer to the decisions made by the judges in the court in purposes of ensuring fairness for people by relying on the legal systems and policies. This can be referred to the determination by a court of competent jurisdiction on matters submitted to its judgement. An unbiased judiciary theoretically have to possess, amongst different characteristics, essential attributes: celebration politics. Objectivity of party is the belief of arguments have to be adjusted with the aid of using judges who 'are unbiased from the events withinside the litigation, now no longer to be associated with them or in any manner beneath their manage or influence' Fiss Owen M (1993).

*Legal System:* Cambodia is adopting a civil law. Legal system here refers to fairness, moral rightness, a scheme or system of law in which every person receives his/her/its due from the system, including all rights, both natural and legal. One problem is that attorneys, judges and legislatures often get caught up more in procedure than in achieving justice for all.

*Judges' Personal Perceptions:* refers to a general tendency to form impressions of other people from the judges. Some forms of person perception occur indirectly and require inferring information about a person based on observations of behaviors or based on second-hand information. Van Koppen and Kate (1984) suggested that judicial decisions are influenced by the personal characteristics of the judges moderately. However, the judges, considered different techniques in making decisions. Both the characteristics of the cases and the personal characteristics of the judge cannot be explained to a substantial extent the differences in the decisions. It was concluded that judicial decisions stem from case characteristics and an interaction of personal.

*Public opinions:* This term refers to any process whereby a person's attitudes, opinions, beliefs, or behaviors are altered or controlled by some form of social communication. It includes conformity, compliance, group polarization, minority public thoughts, obedience, persuasion, and the influence of social norms (Oxford University Press). Scheb and Lyons (2001) examines the mass public's perceptions of the factors that actually influence Supreme Court decisions as well those that ought to influence such decisions. It changed into anticipated the tremendous discrepancies among what the general public believes should be the case and what it distinguishes to honestly be the case in regards to Supreme Court choice make and that those divergences have a tremendous bad effect on the general public's evaluation of the Court.

*Political Influences:* In contract law, political influence here is used for the case where one person takes advantage of a position of power over another person (more importantly, in judicial tendency). Sphere of influence, in political science, an area over which a state or organization has some indirect control. The perceptions judicial independence of judges, lawyers, general public and companies are across countries. The perceptions of these categories are strongly correlated. However, the mean score is different: judges are much more positive than the general public and companies. As to general public, highly educated citizens are generally more positive about the presence of independence than citizens with lower education levels. The difference increases with the degree of independence (Van Dijk Frans, 2021).

*Corruption:* An act done with an intent to give some advantage inconsistent with official duty and the rights of others. It includes bribery, but is more comprehensive; because an act may be corruptly done, though the advantage to be derived from it be not offered by another. Corruption is widespread in Cambodia and influences countless governments, non-authorities' organizations, and industries. There were great accusations that corruption inside the Magistrates System is extensive (Linton Suzannah, 2006).

### **Expected benefits**

Once the study is completed, this may give both direct and indirect benefits to participants, society and relevant agencies as the following:

\* Students:

- This would raise wider awareness of the factors affecting judicial decision on criminal case in Phnom Penh among undergraduate students in the 21st century,
- This would enable undergraduate students to be aware of how judges make decisions in responding to each crime case,
- This would gather possible personal thoughts from undergraduate students towards factors affecting judicial decision on criminal case in Phnom Penh and raise brighter awareness of undergraduate students,

\* Society and relevant agencies:

- The findings of this research study may help to give more suggestions/recommendations for the relevant agencies, responsible department to learn more some new interesting points resulted from the study in order to pay more attention and to improve the system,
- This research study may be a helpful hand for the law major in Cambodia

## CHAPTER II:

### LITERATURE REVIEWS

This chapter will consist of the following outlines:

1. Theories of Justice
2. Legal System
3. Judges' Personal Perceptions
4. Public Opinions
5. Political Influences
6. Corruptions
7. Relevant Studies
8. List of Factors Affecting Judicial Decisions
9. Conceptual Framework
10. Hypothesis

To study on justice process and procedure, it is important to gather all related information from previous phenomena and the present. For instance, Plato, the well-known historical Greek logician supplied the idea of the shape of soul and country to provide an explanation for social justice. Furthermore, Aristotle, Plato's student, addressed 4 fundamental factors of social justice further to a few different philosophers that have been focusing at the legal guidelines for the justice procedure and social conflicts that convey injustice to society. Besides, many specific philosophers additionally contributed their theories to justice topics with a view to be defined on this study.

#### **Theories of justice**

Dikaiosune is the Greek time period that become translated into English for its which means as "justice" in Plato's version. The simplest distinction is that the phrase in Greek has a much broader which means than that during English. It is described that justice essentially manner the moral standards amendable the dispersal of public

advantages and problems. It displays the concept that human beings should advantage the suitable dissertation or pretty proportion which worried withinside the idea of law. Dikaiosune from time to time contains comparable precise undercurrents, however it additionally makes use of the disposition wider to behave rightly to the social distinctive feature (Fernando, 2011).

Justice withinside the widest context includes many branches like specific justice, social justice, compensatory or corrective or curative fairness, and prison justice. In each department of justice deceits, the distinctive feature of 'justice', and each guy forestalls a 'just' or a 'fairness' address respect to his issues distressing his lifestyles, belongings, employment, social status, salaries. Since it's miles a distinctive feature and may be useful to manhood, justice is taken into consideration like somewhat intently linked with the activities of daily life. Justice was so appealing and closed to the human heart, which its miles stated that 'justice is regularly idea to be the best of qualities; neither night or day supreme celebrity is so wonderful, and axiomatically is justice is each distinctive feature understood'. With this, we will find justice as a high-satisfactory of lifestyles and its assurances equivalence inside society. This incredible distinctive feature surely is the primary tool for a nonviolent living (Fernando, 2011).

Plato's theory of justice quite different from and contrary to the justice as we understand it in constitutional-legal term, it can be precisely added in following two quotes from the **Republic**: "*Justice is having and doing what is one's own*" and "*A just man is a man just in the right place doing his best and giving full equivalent of what he receives*" (Fernando, 2011).

### ***Plato's theory of justice***

Plato's idea of justice based at the shape of state and soul. Soul is split into 3 fragments: The Appetitive, Rational, Spirited. The appetite mentions to desires, appetites, dehydration. It may be starving for corrupt pride and there may be no coherent awareness in its craving. The coherent element is the element withinside the soul that estimates, make balanced selections have the entire top soul as its interest. The 1/3 element is spirited, a soul part this is spirited, full of life and string desired.

The spirit obviously, if it is not despoiled an awful nurture” associates with the coherent element. National is likewise separated into 3 points: the employees, infantrymen, and potentates. The employees are the folks that withinside the industry. The infantrymen are the folks who are fine in preventing and protecting the nation; the rulers are person who've the knowledge of ruling (Hamedi, 2014).

Both phrases had comparable shape; Plato privileges that justice was the equal withinside the emotion and withinside the nation. The similarity indicates that each employee and appetites percentage the distinctive feature of moderation for his or her desires. Both guardians and spirits percentage the distinctive feature of braveness so one can defend as an entire. Finally, each ruler and rational percentage the distinctive feature of knowledge so one can manipulate the employees and appetitive, with the assist of the guardians/spirited, multi-function intention that is right for the entire state/soul (Hamedi, 2014).

### *Aristotle's theory of justice*

Mt. San Antonio College (2015) Aristotle's principle of justice bases on 4 critical factors that are same remedy, equal, fair, and what humans' merit.

a) Equality remedy: whilst one ethical proper has been violated, it's miles referred to as unjust. The unjust remedy usually takes place in society, for example, this institution ought to get higher remedy than others. Thus, whilst there may be no unjust remedy, humans can get their ethical proper no subjects in which they may be from; its miles referred to as justice.

b) Fairness: Rules also are implemented for everybody withinside the society, now no longer exception despite the fact that they may be the rulers, squaddies or workers; they may be all same concerning to law.

c) Equality: essential ethical equality is held via way of means of the society without discrimination. People from extraordinary instructions have rights to sign up for social affairs, politics, financial sports and so on.

d) What someone has accomplished makes a difference: It approach humans ought to get what they've accomplished withinside the civilization. For instance, after violating law, they ought to be sentenced via way of means of law; whilst their rights are dishonored, they ought to be delivered to the dependable jurisdictive machine and justice ought to be supplied to that (Mt. San Antinio College, 2015).

### *Theory of justice by Locke*

John Locke's idea of justice, focused on liberty and equality. It was appreciably inspired the current international. Moreover, Locke's idea was the first-rate the various ethics philosophers. John Rawls presumed without remark people equivalence and has made freedom the last but one social price. Even Karl Marx approved in part with Locke's assemble of justice; even though he predestined the ethics of uniqueness assume ethical fairness. Cochran (2007) shown that during justice definition, Locke's start line became that unjust is becoming "situation to the arbitrary will of some other mankind." Therefore, no longer is situation to the illogical purpose of some other "man" could be a kingdom of justice. Subsequently this kind of situation is a statue of liberty, Locke summed up that justice is freedom. Locke demonstrated that a completely superb view of human nature, as shown via way of means of his thought of a Nature State. Locke's instantaneously precursor, defining lifestyles for people in an international without publics stated Thomas Hobbes; with person humans dwelling by themselves, that as such poverty, nastiness. Locke considered a massively greater kind Nature State. Nevertheless, separate and impartial existences, humans could interrelate, accomplishing occupation. Mostly could be dwelling a lifestyle of most freedom. To guarantee the advantages of common lifestyles for all, that ought to be regulation and order. The legal guidelines of a network ought to imitate, stated Locke, with the nature of law. The concept of the law of nature may be outlined returned to the historic Greeks. Those became encouraged via way of means of pupils of the Church throughout Europe's Dark Ages, because the morals heart written of humans via way of means of God. Today, the maximum effective entities in maximum international locations are massive establishments. Locke's manner of thought, the lifestyles of this massive, effective our forms call for a large, sturdy authorities. Yet,

for Locke, a big, sturdy authorities always constitute a danger to freedom. The problem is a point withinside the coronary heart of Locke's thinking.

Stephen Yearwood (2015) Rights on justice is integrally self-interested. Conceivably the apologetic kingdom of shared courtesy withinside the U.S. nowadays displays greater than centuries of egoism. Most post-modernists' analysis of modernism usually and the project of clarification in particular facilities on a loss of repute for 'the different' in all circumstances, regarding integrity that check with different humans (even though Kant and Hegel did encompass mutual recognize of their integrity). Therefore, justice via way of means of Locke is liberty. While humans could bodybuilding their liberty diagnosed via way of means of regulation, its miles known as justice.

### *Theories of justice of Rawls*

John Rawls became a political truth of American seeker withinside the substantial custom. The 3 maximum essential thoughts that Rawls reveals withinside the public lifestyle of politic of an independent society is that residents were unfastened and same, and that society ought to be an honest machine of collaboration. Free political commencements of justice would consequently be targeted on clarifications of those 3 essential thoughts. Since there were numerous affordable interpretations of unfastened, same and honest, there were numerous free political commencements of justice. Free political commencements of justice will proportion sure simple structures: A free political theory of justice would assign to all residents acquainted person freedoms and rights, truths of unfastened appearance, freedom of integrity, and unfastened desire of occupation; A political theory will provide unique precedence to those freedoms and rights, specifically in needs to similarly the overall good or perfectionist values; the political theory would guarantee for all resident's enough all-reason way making powerful use in their liberty (Rawls John, 1971).

Rawls Jonh (1973) justice principle must be universalizable; this must be used as a fair system for everyone without discrimination in any circumstances. If it is found that someone has used this judicial system to make unfaithful profits, they will

definitely be facing assignments; this can be the reason of successful judicial system. Therefore, this has become an argument of the public's view of justice. Rawls also further argues that people are more likely to prefer advance principle that also called classical utilitarianism. The last two remark of Rawls's system was: 1) The choice of social institutions could create the principle of justice, not to separate the actual decisions; 2) An ideal state of justice is supposed to characterized by the principles. Judges do not only their thought in making decision if the ideal state is not carrying off. It is important that optimal state or ideal is the fundamental state in completing constitutional just.

To conclude, the theories of justice here is used to apply to the basic structure of a well-ordered society. Principles of justice are sought to guide the conduct of the parties. These parties are recognized to face moderate scarcity, and they are neither naturally altruistic nor purely egoistic. They have ends which they seek to advance, but prefer to advance them through cooperation with others on mutually acceptable terms. This may link to the research study that justice is the main role in every society. In order to run this system, all relevant characters including law enforcement, persecutors, lawyers, agencies and especially the judges play import rule to take part in running a good society.

### ***Role of justice***

According to the constitution of The Ministry of Justice Cambodia (MoJ) (2014), Article 240 which is translated from Khmer language: justice purposes are to:

- Ensure the independency of the judges in completing tasks
- Ensure just and equality to each and everyone in Cambodia society
- Organize and follow up general court administration
- Organize, lead, manage, and check the judge's tasks
- Ensure the fluency of court
- Ensure correctly law enforcement and judicial decisions among all judges and related person

- Follow up law enforcement and judicial decisions among all judges and related person
- Organize, manage, and store all judges' decisions
- Address all coming cases referred to the court
- Ensure just among judges and councils
- Monitor prison center law enforcement
- Draft press release/law in law sector
- Check and consult of law draft for MoJ and other related departments
- Organize and compose introductory documents in enforcing law with just related
- Lead and manage court professionals and officials
- Lead and manage all type of related law business and relevant employee
- Research, train, educate, and advertise law in justice sector
- Check law education and advertisement of law in justice sector
- Build international relation in justice interaction purpose and other relevance
- Manage and issue the letter of condemnation
- Accept and solve crime cases
- Manage all government officials working in ministries
- Manage court staff and relevance jobs
- Manage cash among MoJ office
- Report tasks accomplishment within the timelines, and
- Other tasks referred by the Cambodia government

In his famous increase of idea of justice, John Rawls defined really approximately the position of justice. He cited that's justice is the primary distinctive feature of social institutions, as fact of the machine of thought. An idea is high-quality and provident that want to be decayed or reviewed if it isn't always accurate; similarly, irrespective of how green and well-organized of legal guidelines and institutions, if they are injustice, it should be reformed or abolished. Each person is justice-based and inviolable, and even the welfare of society as a whole cannot be overturned. Therefore, justice denies that the loss of freedom of some people is justified by the

greater good shared by others. It is unacceptable that the sacrifice imposed on a small number is more important than the sum of the greater benefits that many people enjoy. Thus, in a just society, the liberties of equal citizens are given; the rights guaranteed by justice are not subject to political negotiation or calculation of social interests. The only thing that allows us to acquiesce to false theories is the lack of better ones. Similarly, injustice can only be tolerated if greater injustice must be avoided. As the first virtue of human activity, justice and truth are inflexible (Rawls John, 1971).

Rawls John (1971) stated in temporary from the 2 concepts of justice that he trusts may be approved with the authentic place. The first system of those concepts is uncertain. Since we move on, he studies numerous preparations and approximates grade by grade the very last assertion to take delivery of a lot later. He believes that via way of means of doing so should permit the exposition to continue in an herbal way.

The first assertion of the 2 concepts reads because the following: Firstly, all of us is to have an identical proper to the maximum sizeable scheme of identical fundamental liberties well suited with a comparable rights arrangement for others. Secondly, social and monetary disparities are organized in order for each a) fairly anticipated to be benefit for everyone, and b) connected to the spots and workplaces open to public (Rawls John, 1971).

In conclusion, as one of the most important aspects of justice is justice in the social sphere and especially in the field of public law and considering that the most important aspect of the government is the drafting of the best laws for improving the social life of citizens, the necessity of examining the relationship between justice and law and, in other words, the role of justice is of importance to formulate and enforce law.

## Legal system

Before Protectorate of the French in Cambodian felony device became basically a normal regulation device with sizeable settling repair and mediate nearby debate and felony (Forest Alain, 1980). While procession, a legit felony device ornamented after legal guidelines and France court became inflicted (as a result arbitrary with regards to crook regulation), however many instances persevered to be dealt through casual normal practices. After the mandate until 1975, the respectable legal tool and informal perform in the course of the procession were controlled. The Khmer Rouge regime of terror (1975-1979) damaged the legal tool, court officials were murdered, and traditional informal act were eroded. Between (1979- 1991) a soviet-style legal tool has become introduced from Vietnam and operated in line with political adherence as opposed to know-how withinside the area of regulation and crook justice. Many police have been educated in Russia and Vietnam and targeted totally on inner safety and intellect as opposed to on regulation and order and felony control (Gottesman Evan, 2003). Considered as a safety employer of the authorities with minimum dedication to national peacenik, the officer and entire Criminal Justice System (CJS) has a totally small status withinside the group. Possibility to the ritual justice device became uncommon as humans persevered to apply conventional determination and mediation to cope with conflicts and crimes on the village level and commune. According to the Australian Agency for International Development (AusAID), A courtroom docket gadget, designed as People Revolutionary Courts, were re-mounted in 1980 May, and official with the aid of using the enactment of June 1981 charter, legal agencies have been normally uncharted, with poor education, and concern to navy controlled (Rod Broadhurst & Bouhours, 2009). There changed into no impartial court. Any overview of verdicts and sentences reported with the aid of using the courts changed into for this reason withinside the arms of the government. More evolutions, along with the validation of Courts and Prosecutors organization and repute quo of the Institute of Public Administration and Law (IPAL) in 1982, the Supreme Court people in 1985 not deliver any widespread adjustments to the system and its repute withinside the section. In 1991, the Paris accords the reliable system has stayed arbitrary and was primarily based totally mostly on a national law aggregate of

prompted France codes from the length of UNTAC, royal orders, and legal acts with outcomes of everyday law and remainder of communist jail theories. Yet, most times live treated informally at the village or commune level.

### ***Law and regulation on judiciary of Cambodia***

Not one of a kind from different international locations withinside the place and the arena, the Cambodian prison device has evolved from unwritten commonplace regulation to statutory regulation and the civil regulation is adopted. Scholars have categorized Cambodian prison improvement into phases, specifically historical regulation and present-day regulation (RULE, 2012).

The previous mentions back to the unrecorded commonplace regulation from Funan to Angkor duration, while concluding states back to the organization of Cambodian legal guidelines from then to present. Before colonization of French (1863), Cambodia turned into ruled with the aid of using commonplace guidelines primarily based totally on agreement. Cambodian prison and judicial structures have been primarily based totally nearly totally at the French device from 1863 to 1953. This device had a robust effect now no longer simply at the regulation and prison training device however additionally on attorneys of Cambodian, judges, prosecutors, and bureaucrats till 1975. The tyrannical public regime of the Khmer Rouge eliminated the complete prison device, current legal guidelines, the judiciary, and authorities' institutions from April 1975 to December 1978. Judges, attorneys and different prison specialists have been the goal of performance. Vietnamese armies attacked Cambodia and commenced career on January 7th, 1979. With that point the USA confronted an intense scarcity of attorneys and legal guidelines. Michael Vickery defined the example as a whole prison emptiness. The prison device that occurred in the course of those years turned into closely motivated with the aid of using the Vietnamese device. From 1991 to 1993 Major regulation promulgated in the course of this era covered Cambodia's currently relevant settlement regulation (Phallack, 2012) delivered that in the duration of the United Nations Transitional Authority in Cambodia (UNTAC), some of legal guidelines along with a crook regulation, a judicial regulation, and a press regulation have been enacted. The cutting-edge prison device is a hybrid prison

device, that's a merger of Cambodian duties, the French primarily basing totally on prison device (a power from French colonization), and the not unusual place regulation device, that's a power bobbing up from overseas resource help to prison and Cambodia judicial improvement. Yet, there should be a profound study to apprehend the complete prison construction, to apprehend factors of not unusual place regulation and civil regulation withinside the Cambodian prison device. Cambodia Judicial restructuring remains withinside the procedure. It isn't finished yet. Legal and judicial reform is likewise referred to withinside the Rectangular Strategy Phase III of (Cambodia Government, 2013) proven withinside the paragraph forty that withinside the National Assembly of Fifth Legislature, the Royal Government would maintain to vigorously enforce and expand key improvements covered withinside the movement application for the execution of prison and judicial restructuring approach with unique interest on:

- 1) In addition to the near-term legal norms needed to improve the governance of the Kingdom and the Cambodian club, the further push to pass key laws on the judiciary and the Statute of Judges and Prosecutors, the Law on the Organization and Functions of the Supreme Council of the Magistrate will be leveraged in the ASEAN Economic Community 2015 and Arena Trade Organization;
- 2) Further consolidation of expert potential and duty of prosecutors and judges;
- 3) Further selling the established order of courtroom docket management connected to tribunals in any respect points;
- 4) Further armament the courts with suitable method to carry out their purposes;
- 5) Further imposing regulation distribution and education agendas;
- 6) Further expand cooperation and assistance to the Royal Cambodian Bar Association to provide prison assistance to terrorists who protect their rights and hobbies within court records equipment; and
- 7) Further selling outside courtroom docket agreement apparatuses.

In different to make sure public safety and just for the human beings in society, many legal guidelines had been assumed. Types of legal guidelines goal to sell peace, human rights, justice, and public order and morals. The below legal guidelines are tons critical for all society; human beings could not stay peaceably and correctly without those.

***Patterns and Crime categories***

Police crime facts supplied through the Ministry of Interior (MoI) differentiate among a Serious Crime Condition additionally called a “Crime” with 4 types: Rob, murder, terrorism and sexual offense; and a “Minor Crime” additionally called a ‘Misdemeanor’ with 5 types: Theft, Battery with Injury, Fraud/Breach of Trust, Use of Illegal Weapon. Human Trafficking, which includes children, for unlawful exertions and prostitution in neighboring international locations (Ex, Thailand and Vietnam), is regularly referred to as an extreme crook movement. Yet, there is a lack of experiential studies at the volume and subtleties of this unlawful employment. In a review of 18 out of 26 Cambodian prisoners, (LICADHO, 2009) observed that the range of humans imprisoned for human trafficking become 215 in 2007 and 255 in 2008 and that round 80% have been female. A current research (Chenda Keo, 2011) showed this sample and found out that maximum of those convicts, mainly the female, have been negative and uninformed entities, a lot of who were sufferer of losses of justice on the arms of a dishonest crook fairness system. The manufacture, use, and auction of unlawful pills were a crook felony in Cambodia, despite the fact that using drug seems to be categorized as a felony. The equal sorts of pills as in maximum Western international locations had been proclaimed unlawful. A current file through the National Police Commissioner shows that drug trafficking (heroin and mainly methamphetamines) is growing and that “...the call for unlawful pills three amongst students, youths and different residents had increased”. The file shows that during 2006 amount of drug trafficked to Cambodia become 3 instances better than in 2005.

### *Crime statistics*

Tendencies in violent crimes had accompanied the everyday after-war sample theorized and empirically examined through (Archer Dane & Gartner Rosemary, 1976) in which murder costs briefly boom on the quilt of armed conflicts and finally decline in Cambodia. This affords an outline of the range of crimes chronicled through police among 1998 and 2009. The costs in step with 100,000 in step with crime classes for 2009 had been the following:

*Table 1: Crime rates per 100,000 per crime categories in 2009*

<b>Crime statistics</b>	<b>Percentage</b>
Robbery	3.15%
Robbery-murder	0.36%
Murder	2.03%
Attempted murder	0.77%
Rape	1.77%
Rape-murder	0.04%
Grenade attack (considered lethal)	0.08%
Homicide (murder, grenade attacks, robbery-murder, and rape-murder)	2.52%
Assault with injury	7.19%
Theft (ordinary theft from the person, of vehicles, livestock, and burglary)	8.07%
Fraud	0.62%
Other offences	1.34%

During the fees of robbing, which includes robbery-murder, had decayed considering 1992, the variety of robbery-murders continues to be highly excessive. In rural Cambodia cattle robbery is the maximum usual felony and may have dramatic effects for each the victims and offenders. Showing that more than 80% of Cambodian populace made a scantily dwelling thru farm activity, these influences a huge variety of population. The table provides the developments of murder fees primarily based totally on police data from 1992 to 2009. It ought to be stated that those fees are

primarily based totally on murder activities, now no longer murder victims, and are consequently decrease than fees that could be calculated at the variety of victims, which changed into now no longer reliably furnished with the aid of using the police till 2008 (333 in 2008 and 331 in 2009, murder activities resulted correspondingly in 347 and 353 demises). We additionally affection the fees of murder activities earlier than 1998, in particular for 1997, which conflict with a coup, as unreliable officer data. With these degrees we want to emphasize which during Cambodia there's a substantial darkish parent of crime. The mops of United Nations International Crime Victim Survey (UNICVS) found out that maximum sufferers of crime now no longer record their victimization to the police, who similarly simplest report a fragment of the mentioned offences (Rod Broadhurst & Bouhours, 2009). For example, if it is examined the fees primarily based totally on police information in 2005 with the expected fees primarily basing totally at the UNICVS in Phnom Penh identical massive variations are practical. In place of a fee of 29 for nonfatal theft primarily basing totally on police information a fee of 1,831 according to 100,000 is expected via way of means of the UNICVS; for endless rape rather than 0.7 primarily basing totally on police information a fee of ninety-two according to 100,000 is expected. Again, for attack with harm rather than 6.5 according to 100,000 primarily based totally on police information, 1,465 according to 100,000 is expected via way of means of the UNICVS; for all theft (which includes vehicles, livestock, housebreaking and pick-pocketing) rather than 18.4 according to 100,000 primarily base totally on officer information the UNICVS expected a fee of 33,seven-hundred according to 100,000, and for fraud rather than 0.62 according to 100,000, 25,366 according to 100,000. The equal order of four importance withinside the distinction among fees primarily based totally on officer information and UNICVS become determined in Kampong Cham and Kandal in 2000 and 2005-2006. Even though real felony fees were a long way better than the legit crime fees, they have got dramatically decreased for the reason that 1998. Rod Broadhurst and Bouhours (2009) study with the judges' officer (Roderic Broadhurst, 2002) and health facility data (Wille, 2006) verify the opposition of tendencies of the fees of murder, and the UNICVS sweeps display a full-size lower in each asset and criminal violation.

### ***Constitution***

According to the Constitution (2008), Article 128: Judicial is an independent power; The Judiciary must be impartial and protect the freedom and rights of citizens. The Judiciary may consider all legal cases including administrative cases. This power shall be vested in the Supreme Court and in all courts of all levels and sectors. Along with article 129 and 130: Trials shall be conducted in the name of the Khmer people in accordance with laws in force and the legal procedures. There are only judges that have the rights to arbitrated. A judge shall fulfill this duty conscientiously and wholeheartedly, with strict respect for the laws. Judicial power shall not be granted to any executive body or legislative.

(Larkins, 1996) noted that without the guideline of thumb of legal and there is no assessments and stability consequently no assure which wealthy and effective would perform inside felony limitation center. Within this circumstance, no upright duty structures may be controlled. Parallel duty refers back to the obligation of 1 kingdom organization to another, even as vertical duty way the obligation of elected officers now no longer handiest to electorate however additionally to civil society groups among election cycles. To hold the guideline of thumb of legal. The calls for being without difficulty dominant to save that from wondering the unlawful acts of kingdom performers. An unbiased judge apparently must own, amongst different characteristics, essential attributes: politic relation. Party attachment was the perception the argument must have been adjusted through those that are unbiased from the events withinside the lawsuit, no longer being associated with some manner below manipulate (Fiss Owen M, 1993). In different words, judicial selections must be consistent with 'the goal ideas of law; no longer the general status of the litigants' (Larkins, 1996). Politic localism calls for that judges is unbiased of different politic establishments (Fiss Owen M, 1993) implying that judges must no longer be hired as 'gear to in addition political targets for stopping the thoughts (Larkins, 1996). Political insularity is critical as it allows the courtroom docket to recognized as pressure withinside the large government system' (Fiss Owen M, 1993). O'Donnell thinks even duty and obligation, in which non-public people especially the wealthy, the effective or kingdom establishments can break out felony obligation for his or her

conduct (O'donnell Guillermo, 2004). Clarification, the judge should own the capacity and the desire to earn politic obligation. Straight duty would take place when judge experience cushy and stable of function as felony indicators who is capable to argue with different establishments. When judge worry of elimination once they menace the huge pastimes of positive events, after that they should conciliate effective organizations or people to be able to live at the bench. Consequently, judicial independence is undermined. Furthermore, an unbiased judiciary is crucial for promoting, maintaining and legitimizing democracy. This is especially critical in a post-battle society in addition Cambodia, in which the regime's legitimacy calls for now no longer handiest periodical elections however the lifestyles of a suitable stage of equity; expressed as same possibility via truthful technique. This is a technique made feasible through the stress of an unbiased judiciary Ferreira and Michael (2005). Ideally, an independent judiciary not only holds everyone equal before the law and protects political and civil rights, but also holds elected officials and their associates accountable for illegal actions Huber and Dietrich Stephens (1997). To be without a doubt impartial, the judiciary should be perceived via way of means of all individuals of the society 'as a valid organization for dedication of right, wrong, criminal and illegal' (Larkins, 1996). In this way, an impartial judicial could immediate confrontations within politic elements valid fashion, a system which could reduce political violence and war of words that would threaten order of politic and for this reason advance of democracy. Thus, the nearer a judicial best kind, the higher the guideline of thumb of regulation is safe. Democracy deepen calls for the life of democracy politic force, consisting of most importantly competition politic party. The existent of colorful competition calls for life of an impartial judicial. I can be implied that the judiciary will be a device of the authorities to display and manage politic combatants and develop the pastimes of country dealers and friends (Heymann Philip B, 1994). Judicial independence is likewise compromised via way of means of institutional weak point, which incorporates confined salary and resource loss of educated employees and occasional corporation center. Small wages made judge and courtroom docket officers prone to compromise and bribery. Lack of interinstitutional cooperation is any other weak point discovered in lots of newly rising democracies, consisting of Cambodia. Since no corporation can put into effect horizontal

accountability, the judiciary can't carry out its function correctly except it gets guide from different authorities' institutions, in particular the police who check out criminal courtroom docket rules. This factor Marvin E. Frankel wrote: 'The crucial session of a widespread was that judge can't lead withinside the political system except people with the preparation of services, someway or different, to transport withinside the equal navigation' (Frankel Marvin E, 1993). The conceptual cartoon is of path an excellent kind. Yet, the decision of judges' machine to this best kind is without delay associated with higher safety of internal and politic right and outcomes in an extra equitable socio-monetary and politic facility (Ferreira & Michael, 2005).

Cambodia holds the regime of absolute monarchy considering the fact that its starting place till 1947 the primary charter promulgated with the aid of using King Norodom Sihanouk. The charter acquired the legitimate monarchal regime. The regimes modified now and again and additionally the charter did. The ultimate charter promulgated with the aid of using King Norodom Sihanouk once more after countrywide election supported with the aid of using UNTAC in 1993 was carried out till currently. The charter (1993) clutches the legitimate monarchal regime; it includes 158 articles and sixteen chapters. There were handiest 8 articles referring to bench. The charter couriers the liberation of the judiciary and the King is the supporter of that individuality from article 128 to 135. Furthermore, the Supreme Council of Magistracy will be mounted with the aid of using regulation. SCM is chaired with the aid of using the King. SCM employs the prosecutors and judges. Also, handiest SCM has responsibility to determine the punitive movement in opposition to the prosecutors or judges. Beneath the Chapter of Economy, the Constitution of the Kingdom of Cambodia, Article fifty-eight substantially cites" State belongings substantially contains mineral sources, land, crags, sea, submerged, mainland ledge, seashore, airspace, islands, forests, rivers, canals, streams, lakes, herbal sources, monetary and cultural centers, bases for countrywide protection and different centers decided as State belongings. The regulator of State residences will be decided with the aid of using regulation." While Article fifty-nine stipulates that "The State should guard the surroundings and stability of considerable herbal sources and set up a specific strategy of control of all resource area with the aid of using-products, fish,

wildlife, and aquatic sources.” Regarding the human rights and responsibilities of the Cambodian residents, Article forty-four of the Constitution specifies that “everyone, personally or communally, should have the proper to possession. Individual bodily or criminal character of Khmer people should proper to personal land. Lawful non-public possession will be blanketed with the aid of using the regulation. (Whereby) possessions of any character will be handiest withdrawn until its miles compulsory for public hobby as supplied for beneath regulation and should involve honest and simply repayment beforehand (Constitutional Council, 1993).

#### ***Code of civilization***

The complete Civil Code of Cambodian become broadcasted in 2007 comprehending 1305 articles and nine books. Overall requirements, it is expressed that the Civil Code manipulate the belongings and comparative family members. It guarantees the character pride, equivalence of fellows and female, and belongings rights. Additionally, the code pronounces approximately the honor of character liberty and could and same authority family members amongst people which includes criminal article. Training the rights and imposing the responsibility should rely upon truthfulness and uprightness (National Assembly, 2006).

#### ***Civil technique code***

The complete Cambodian Procedure Code become broadcasted in 2006; it carries 588 articles and nine books. It is targeted to solve the internal fights relying at the regulation to guard the rights of personal character. It is shown that the human beings deserve rights to receive assist from the courtroom docket and the courtroom docket itself took an attempt to address the internal instances quick and just. The events ought to put in force the internal court cases with truthfulness and trustworthiness (National Assembly, 2006).

#### ***Code of criminal***

Criminal Code of Cambodian become broadcasted in 2009 comprising 672 articles and 6 books. The popular rations of the regulation outline truly the felonies and decide the criminals. Furthermore, type of criminal is truly shown. There are 3 stages of offences as an example offences, misbehaviors, and trivial criminals. The punishments in that type in article 46, 47, and 48 describe the as: Crimes are sentenced 1) lifestyles in prison, and 2) Custody greater than 5 years, however no

longer greater than thirty years. Misbehaviors are sentenced to be in prison greater than 6 days, however no longer greater than 5 years. Trivial offences are sentenced to be in prison 6 days or less, or simplest penalized (National Assembly, 2009).

### ***Code on Criminal Process***

The complete Procedure Code of Criminal in Cambodia become broadcasted in 2007 comprehending 612 articles and eleven books. This targets at crucial the guidelines to be severely observed and implemented to be able to truly decide the lifestyles of crook offense. Article three indicates that crook movements follow to all-herbal humans or criminal entities no matter what nationalities it is and many others. Article four couriers that crook movements are introduced with the aid of using prosecuting attorney for the overall pastimes of the society. Prosecuting attorney provoke crook lawsuits and demand the software of the regulation with the aid of using investigating and trial judges (National Assembly, 2007).

### ***Law on enterprise and function of Magistracy of Supreme Council***

National Assembly (2014) become disseminated in 2014 containing 31 articles and 6 chapters. The regulation targets to assist the King for making sure the independence of the courtroom docket relying at the composition in article 1. Article 2 shows that the regulation is implemented for prosecutors and judges withinside the entire nation. The Law at the enterprise and operative of the SCM (2014) offers that the SCM-club be appointed with the aid of using Royal Decree and collected of (Article four):

- The King, President
- The Minister of Justice, Member
- The President of the Supreme Court, Member
- The Prosecutor – General of the Supreme Court, Member
- A member elected with the aid of using senate
- A member elected with the aid of using National Assembly
- A member elected with the aid of using Constitutional Council
- A member elected with the aid of using Minister of Justice
- A member as a decide elected with the aid of using high-stage courtroom docket
- A member as a prosecutor elected with the aid of using high-stage courtroom docket
- A member as a decide chosen with the aid of using lower-stage courtroom docket

□ A member as a prosecutor elected with the aid of using lower-stage courtroom docket

***Law on enterprise of the courtroom docket***

National Assembly (2014) become disseminated in 2014 comprehending eight chapters and ninety-one articles. The motive to this regulation is:

- to assure the judiciary independence
- to assure the non-biased decision and guard the proper and autonomy of the residents
- to assure the coolest method withinside the courtroom docket and hearing enterprise
- to enhance the general community offerings correctly and quick
- to assure to offer just for every instance to boom human being's self-belief and make stronger the social safety

***Law at the statute of prosecutors and judges***

This regulation become disseminated in 2014 containing 111 articles and 6 chapters. The regulation governs judge statue and prosecutors pointing at making sure the judicial independency. The regulation is relevant for prosecutors and judges withinside the entire nation. Article four offers that the man or woman to be decided on as a decide or prosecutor will be someone with honesty, capacity, and moral. Article eight shows that judges ought to determine without biases status at the ideas of regulation admiration, and no pressure is received, menace, shock, straight and oblique order from the celebration withinside other case (National Assembly, 2014).

In conclusion, no country can maintain a rule of law society if its people do not respect the laws. Everyone must make a commitment to respect laws, legal authorities, legal signage and signals, and courts. Imagine if everyone in your community decided that they did not want to be bothered by traffic laws and signals, for example, the streets in your community would quickly become a chaotic and less safe place. Police officers might be overwhelmed trying to help the situation, or ignored altogether. Furthermore, the criminals must receive punishments or the judges just ignore it. The peace in society have to depend of the law and regulations of its country so that everyone can live together peacefully.

### *Cambodian court structure*

Dispute resolution through a mediator has generally existed in Cambodian tradition such as on the case of a dispute submitted to a prominent person in a community for settlement. Dispute resolution through arbitration has not been expressly provided for in any existing Cambodian laws. In connection with extra-judicial settlement, Art. 20 of the Law on Investment in Cambodia stated „any dispute relating to investment affairs may be resolved through reconciliation or through any international proceedings agreed upon by parties “which may imply that arbitration is allowed.

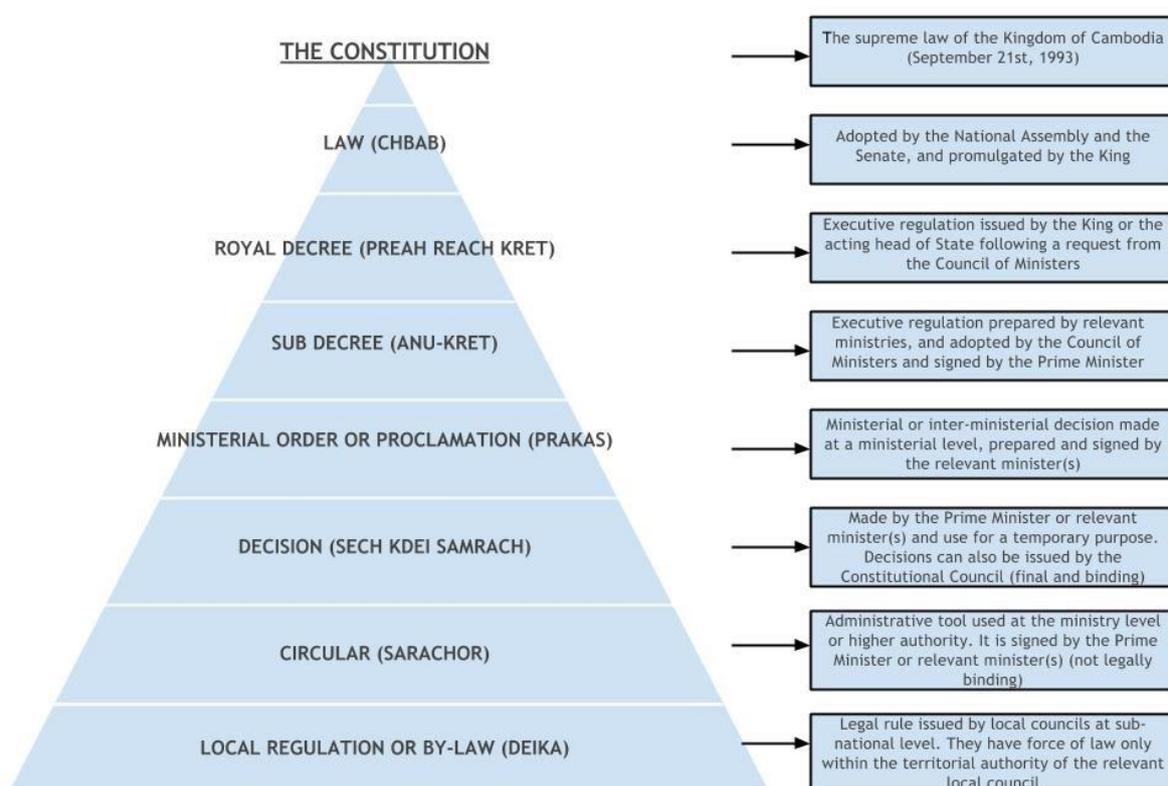
The arrival of the UNTAC in 1992 brought fundamental changes to the court system in Cambodia.

The Appellate Court was created, resulting in a three – tiered court system:

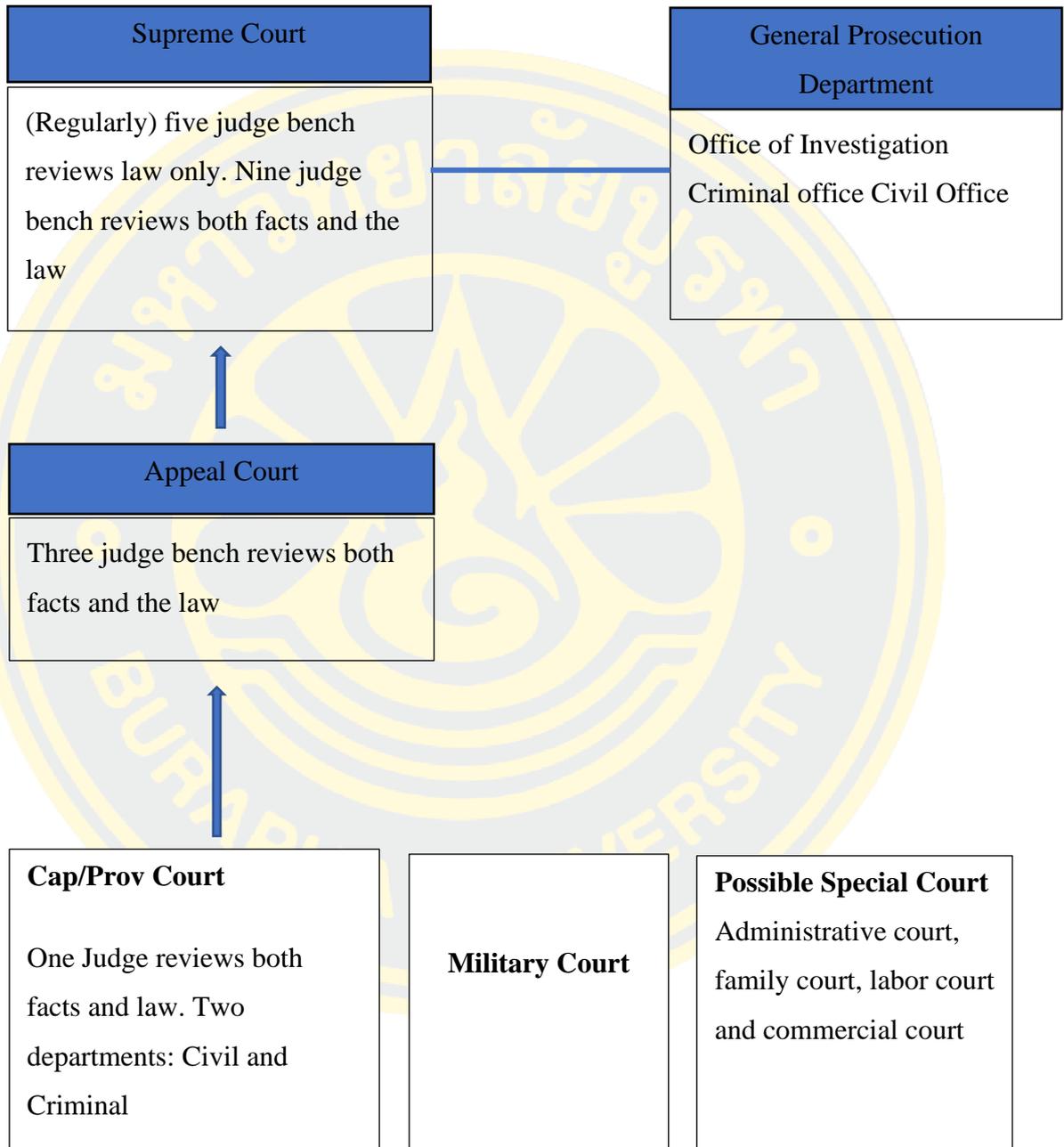
- the Municipal and Provincial Court (jurisdiction of first instance)
- the Appellate Court and
- the Supreme Court.

The Military Court is another, exceptional jurisdiction, established in 1981 by decree law. The Military Court handles cases related to military offences (Koy Neam, 1998).

*Figures 1: Sources and Hierarchy of Law in Cambodia*



Figures 2: Court system in Cambodia



### *The Criminal Justice system*

Further constitution, 2007 observed the statement of Criminal Procedure on law, that defined talents and roles of the police, courts, and prisons. Agency withinside the Cambodian CJS encompass the Ministry of Interior (MoI), the National Police Department, the Gendarmerie Militaries and the Department of Prisons. The Ministry of Justice (MoJ) is answerable for courtroom docket structure, and the Supreme Council of Magistracy for the control of prosecutors and judges. Some global sponsors together with the Australian government (AusAID) have targeted their resource on reconstructing a valid Cambodian CJS with long time applications together with the Cambodian Criminal Justice Assistance Project (CCJAP). However, despite ongoing help many Cambodian humans keep to treat the modern-day CJS has having little legitimacy, due to the fact withinside the 3 system limbs rule catch and corruption is indigenous.

#### *Police role*

The policies in Cambodia were created from the Gendarmerie and the Cambodian National Police (CNP). The Gendarmerie is frequently an army police pressure and no longer had agricultural policy making feature that it usually performs in France and bilingual countries. Yet, the report in 2007, CCJAP (AusAID, 2007) mentioned the conjoining of capabilities among the Gendarmerie and the CNP and: the next had ended up an increasing number of seen deploying to district degree in rural regions in addition to in cities and cities, performing 'country wide security' roles. The new Criminal Procedure Law affords the Gendarmerie with the equal powers of arrest held with the aid of using the Judicial Police (AusAID, 2007) despite the fact that such powers have lengthy been exercised with the aid of using them below the overall provision for arrest withinside the UNTAC penal code (Broadhurst Roderic, Bouhours Thierry, & Keo Chenda, 2013).

The shape of the Cambodian National Police consists of some of important departments consisting of human trafficking, child protection, training. Relevant police. The CNP shape is duplicate on the numerous managerial layer right all the

way to smaller level, commune level. Yet, Provincial Commissioner have to follow the countrywide regulations and approaches entrusted via way of means of the MoI, that's chargeable for salaries and working expenses, however take course from the Deputy Governor (one in concept however not often in performance, is chargeable for groundwork and different resource) approximately priorities provincial policing.

The function of Central Department of Criminal Police and Judicial Police was much like the function done via way of means of policing groups in lots of different nation. One among capabilities of Technical and Scientific Office, beneath the management of the police of court system, was to document and differentiate pronounced felony, in addition to fingerprints and offenders. Police of court system also may perform as prosecutors and were appointed to behavior examinations, however on this function, they had got confined arrested powers and have to are searching for a prosecutor from authority by according to the law. As in maximum arbitrary systems, the investigation decides arranged to the case that behavior similarly examinations.

Even so, CCJAP (AusAID, 2007) factors which negative education of law enforcement pressure and the court regularly protect the right utility of and concessions with the legal guidelines in Cambodia. For example, some police investigations turn out to be in confessions with little helping evidence. As a part of its everyday tracking of jail situations in Cambodia, the Cambodian League for The Promotion and Defense of Human Rights [LICADHO] (2007) performed interviews with prisoners in 18 prisons, and discovered that from 1999 to 2006 among 450 and 163 inmates have been tortured in police custody. However, it's far really well worth noting that during 1999 reviews of torture in police custody represented 13.7% of the populace of the surveyed prisons however that they have got gradually fallen to symbolize simplest 2.1% in 2006, 1.3% in 2007, and 0.7% in 2008. Other nine problems, affecting the CNP in popular and the Judicial Police in particular, said with the aid of using CCJAP (AusAID, 2007) are negative control and manage, and absence of prudent making plans and tools. The introduction of the Child Protection and Human Trafficking officer below the obligation of the Juridical Police is a fine return by according to CCJAP, however its efficacy is diminished with the aid of

using a “right loss definition of tasks, staff qualifications, education fulfillment, and a scheme for a way those centers will definitely role”. The conflict had ended in an overstuffed National Police Department, that become soak up discharge army employees with small experience in their national assignment and the supply of offerings to the faction. This supplies to a large mistrust feeling, meditated for example withinside the low price report of crook police victim (Rod Broadhurst & Bouhours, 2009). Assumed the extent of bribery withinside the police (Calavan, Briquets, & O’Brien, 2004) and in maximum different foundations, here may be additionally cynicism approximately impartiality and honest remedy with the aid of using such agencies. For instance, it isn't always uncommon for judge enforcement to searching for among 20-50% of value of a stolen motorcycle up the front earlier than they start an inquiry. When “avenue level” the corruption police of type has normally reduced among 2000 and 2007, lots of places general doubt approximately legal officer grew in spite of discounts in occupation (Rod Broadhurst & Bouhours, 2009).

It is hard to gain dependable statistics approximately the variety of CNP in Cambodia. CCJAP envisioned greater than 65,000 police officers in 1996 and 64,000 in 2001. They’re become a countrywide plan to lessen the 1996 choosing staff through 24,000 in 5 years, however through 2000 numbers seem having decreased through most effective 11,630. In 2001, the Judicial Police had among 8,000 and 9,000 officials, however most effective 800 had been women. Further current predictions (2007) positioned the CNP variety at 70,000. But, a file through the National Police Commissioner (January 2009) shown the full variety of the countrywide regulation performance officials as of 2008 December become 55,277 (2,325 women), of what 41,015 (1,428 women) had been primarily basing totally in 24 provincial police commissariats (Keo, Broadhurst, & Bouhours, 2011).

### *Courts and procedure*

There are 22 courts in Cambodia, one in every province and one in every of the 2 municipalities (Phnom Penh and Sihanoukville). There is likewise one Appeal Court and one Supreme Court each placed in Phnom Penh. CCJAP suggested that on January 1999, a complete of 89 judges, forty-seven prosecutors, 368 courtroom

docket clerks, and 233 different officers have been connected to those courts. The maximum current information from the Council of Justice Ministry (CJM) indicates that as of May 2006, there have been 167 judges (22 females) and seventy-two prosecutors (one female) (Keo et al., 2011).

Before 2001, little schooling become to be had for the magistracy and courtroom docket clerks, other than the legacy of 'socialist justice' uncoordinated and insufficient applications furnished with the aid of using a few NGOs have been furnished. Training guides for judges and prosecutors earlier than or after appointment have been genuinely non-existent. While a few judges had acquired college training only a few have been legally certified, along with the bulk of provincial courts presidents and prosecutors. Even the President of the Appeal Court become now no longer a certified lawyer; the most effective exception become the President of the Supreme Court, the best courtroom docket in Cambodia. There have additionally been modifications in some of Supreme Court judges, will increase withinside the pay of judges, stepped forward schooling and similarly omission of judges with the aid of usage the Council of Magistrates.

### *Infantile Justice*

There aren't any isolated courts for adolescents withinside the Cambodian Judicial System and infantile instances are processed and sooner or later perceived in regional courts withinside the equal manner as grown-ups. The law, yet, calls for that consequences for juveniles to be 1/2 of these for adults and forbids the custody of juveniles much fewer than thirteen years old, guidelines which in accordance to (LICADHO, 2007) the judges generally follow. Notwithstanding the nonappearance of minor courts and dispersed prisons, no expert schooling when it comes to the remedy of adolescent as witnesses, victims, or offenders, is supplied to officers withinside the courtroom docket system. There aren't any options to be in prisons for minors, in 2008 the latter characterized 6.3% of the jail population, a price that had regularly improved when you consider that 1999 (3.3 percent). The equal jail guidelines (Ex, exercise time) follow for juveniles and adults no training was supplied.

*Accused Rights*

Even though the precept of audacity of clean hands is cherished within the constitution of Cambodia, the manner the arbitrary gadget is taken place in Cambodia in most cases guarantees that someone is presumed responsible by the point he/she seems earlier than the courtroom docket. Guilt or innocence has a tendency to be decided throughout a before-trial stage, that took area earlier than prosecuting attorney who investigations aren't exposed to the public. The Criminal Procedure of law specified some of primary accuses' rights, which includes the proper to be knowledgeable of the credited crook act, the proper to reply or now no longer to reply the investigating choose without the help of an attorney or escort selected via way of means of the summons, the proper to talk personally with defender, and the proper to attraction a decision of courtroom docket. Yet, it is not divided for the proper to stay quiet and to have a lawyer gift throughout police interrogations. There isn't any trial via way of means of tribunal in Cambodia, or a proper to entreat responsible to a smaller offence. The rapid lawsuit, it isn't a proper supplied to the summons however a Law on Criminal Procedure division permitting law agency to ship a summons to trial directly while the offence is a crime occurred a punishment of not more than one year in prison or a crime occurred extra than one year in prison within the case of "flagrant delicto". The UNTAC article 21 (1) code specifies those kids below the stage of thirteen have to no longer be positioned in detention, there's no age of crook obligation in Cambodia (Keo et al., 2011).

Because the crook justice gadget and the felony career had been decimated all through the Khmer Rouges dictatorship there's an absence of skilled and able legal professionals in Cambodia. The Procedure Criminal Law, a summon individual had proper to be obligated through a legal professional or a "defender" as quickly because the prosecutor laid expenses and in the course of interrogations performed through him/her, the investigating decide, as much as and consisting of the trial. Article seventy-six of the Law on Criminal Procedure specified that the automated arrangement of a legal professional would have been created through the chair decide

(different divisions point out the investigation decide as opposed to the presiding decide) withinside as below:

- The sufferer is a minor with no defense.
- The summon individual is a minor with no defense.
- The summon individual is blind, mute, deaf, or has an intellectual disability.
- The summon individual isn't capable of have enough money an escort.

Sponsored through US contributors, the Cambodian Defenders Project (CDP) changed into installation withinside the mid-Nineteen Nineties to educate a collection of defenders whose function changed into to symbolize the ones accused of crimes withinside the courtroom docket. They shaped themselves into a corporation that now offers prison resource from workplaces in Phnom Penh some provinces. It encompasses 30 legal professionals in 2001, 30 helping group of workers and 17 regulation detains. CCJAP, defenders have been every now and then appeared with thought through prosecutors, judges, and courtroom docket assistants or even prohibited to appear; yet, as skilled legal professionals they elevated the usual of courtroom docket procedures. Yet, CCJAP stated that in spite of got paid respectable wages, a number of them have succumbed to the diffusing bribery located withinside the courtroom docket system. Legal Aid of Cambodia (LAC) changed into installation quickly after the status quo of the CDP because the latter cut up into wonderful groups. Funded through numerous European help estimates, in 2001 LAC had workplaces in Phnom Penh and 9 provinces and changed into workers through 18 legal professionals and 18 prison subordinates.

In 1995 a statute installed the Cambodian Bar Association and specified that most effective member of affiliation ought to exercise regulation in Cambodia. The affiliation, which in 2000 had 216 members, consists of legal professionals in non-public exercise and people withinside the felony aid/defender bodies. Although typically now no longer imparting felony services, some of NGOs dedicated in justice problems (Ex, Cambodian Women's Crisis Center, Cambodian League for The Promotion and Defense of Human Rights, Cambodian Law and Democracy Project, Cambodian Human Rights and Development Association, Cambodian Legal

Resources Development Center), offer education and recommendation to CJS employees and recommend in terms of sufferer's rights and criminals.



### *Case research and Prosecution*

Due to legacy of the French dependency, in particular when it comes to the arbitrary nature of the crook procedure of justice, there were some of same thing among the pursuance of crook instances in Cambodia and France. A first-rate analogy is the substantial function of the “decide introduction”. Two definite, but intently participating, corporations consequently behavior the pursuance and research of a crook case: judges and persecutor investigations. All province is having a public pursuance branch that function is to oversee the case added with the aid of using the juridical police. In theory, the same old direction for the prosecution, research, and adjudication of a crook case begins off evolved with the juridical police. Further obtain accusations or court cases regarding criminals and offences, acquire proof, can also additionally determine at the punishment of surmise for a most of forty-eight hours, after which made reviews law enforcement able authority. After that, the responsibility of the prosecutor was to right now is available to create price call “introductory requisition”, that suggests the crime according to the regulation, and, until it's far a blatant openly crime (if so, attorneys can continue with research with the aid of using themselves), ship it to the explore decide. Article 38 of the Law on Criminal Procedure, there is as a minimum one decides accountable for investigating crook instances in every regional court. Inspecting judges were provided substantial influences in an effort to behavior their investigation. They might also additionally attain one kind of conclusions as to the rate laid via way of means of the prosecutor and need to consequently hold a near verbal exchange after. Once each the investigation decide and the prosecutor would be happy that there is a case to response, the prosecutor defined the case to the able municipal “crook forum”. In precept there was an absolute incompetence of workplace among a tribulation decide and a consultant of the investigation decision or prosecution branch.

### *Outcomes and Alternatives of Prosecution*

Attributable to normal ethnicities and a thoughtful mistrust of the dishonest and high-priced reputable judicial device, maximum sufferers do now no longer record crime to law enforcement however to communes' chiefs. Yet, commune chiefs simplest played

a casual position in battle mediate customized toward restitution and reimbursement in place of a proper indicting or inspecting purpose. Besides, this casual device, that seems to manner and resolve a lot of instances, there aren't any official options to trial, and the reputable device does now no longer encompass provisions along with any sort of scientific or different kinds of controlled or uncontrolled reception.

The most of crook instances, aside from maximum critical ones, are thus “solved” thru the casual device. Significant instances visit lawsuit, in precept according to the process referred to earlier (in practice, because of loss of right schooling and corruption, many factors of this process aren't observed). There is not any trial thru manner of method of jury; after paying attention to the prosecution and the defense, the chair judge involves a selection on innocence or guilt and, when accused is judged punishment, involves a selection the imposed punishment.

Imprisonment earlier than or watching for trial is permitted and controlled via way of means of the Criminal Code of UNTAC. Point hold in punishment without trying have to be not more than 4 months, that may be prolonged to 6 months via way of means of a decide with suitable motives provided Article 14 (4). Article 21 (1) shown that people need to be attempted no more than 6 months that youngsters 12 below thirteen years need no longer be located in detention, and for youngsters among a while of thirteen and 18 no a couple of months, which may be folded if the kid is thrilling with crime. Yet, CCJAP said that actual frequently the courts no longer follow those policies and that many accused people have been saved in detention earlier than trial for longer durations than required via way of means of law.

### ***Punishment***

Officially, debasing remedies along with physical and community sentence aren't permitted in Cambodia. Jail and fines were the maximum usual place varieties of penalizing force through the court. There is a loss of options to be in prison Noncustodial sentences are restrained to punish, sentences suspension, and release condition according to CCJAP. There aren't any prison provisions for network paintings orders, probation supervision and acquittal systems. The courts also can

impose compensation and preparation; however, the finest use probable happens withinside the casual structure.

*Punishment for severe crime*

- *Murder*

Cambodia has abolished capital punishment on account that 1989 and no prison executions had taken region on account. However, the regulation forces large consequences of being in prison for severe crime. Limited information about the period of jail sentences is supplied through the MoI. Criminal Code, article 31 set down being in prison for a time period of 10 to twenty years for crime.

- *Rape*

Five to ten years in jail, which can't be delay, article 33 (however can, beneath article 68, was decreased through 1/2 of for offenders beneath 18). However, in keeping with LICADHO (Gannon, Harris, Hicklin, & O'Connell, 2001) judges regularly follow the regulation "accurately giving sentenced rapists sentences suspension whilst the regulation bans it".

- *Theft, housebreaking, and theft*

The Criminal Code differentiate housebreaking as theft. Article 34 demands a jail time period of six months to 5 years for robbery relying at the circumstances; for theft a jail time period of 3 to 10 years that differs in keeping with the quantity of pressure or equipment used.

- *Drug trafficking*

According to Article 98, private consumption, and manufacturing for the precise cause of private consumption, of any of the prohibited pills is punished through a satisfactory starting from US\$ 25 to US\$ 250. thirteen Article 36 stipulates that the offence of promoting or offering any of those pills to someone for his/her private consumption "will be punished to imprisonment from one month to three hundred and

sixty-five days and with a satisfactory from 1,000,000 (approximately US\$ 250) to 5,000,000 Riels (approximately US\$ 1,250) or one of the punishments.” Article 86 affords a greater intense penalty of three hundred and sixty-five days to 5 years in jail and with a satisfactory of approximately US\$ 2,470 if the medication were made to be had to adolescent. Any different drug offences for the ultimate deliberate cause of incur traffic a punishment from 5 to 20 years in prison and fine as much as 50,000,000 Riels (approximately US\$ 12,500). Long jail phrases and heavy fines are consequently prescribed through the crook code and plainly those lengthy jail sentences are certainly frequently imposed. Diverse travel advisory overseas warning on governments tourists of the intense jail punishes for drug selling.

- *Prisons*

Between the final fourteen years the predicted charges of being in prison had intensified considerably from 24.2 to 83.6 according to one hundred. The predicted scopes of woman inmates had fluctuated among 4.7 percent in 1995 and 6.4 percent in 2006 of the jail inhabitants. As stated above, among 1999 and 2008, the amounts of imprisoned juveniles had risen from 3.3% to 6.3% of the jail populace. The wide variety of institutional team of workers which turned into 1,122 in 1995 has best multiplied to 1,661 in 2008. The proportion team of workers had consequently declined from 1/2.2 to 1/6.7. In 2008, 26 prisons (three countrywide and 23 provincial) functioned in Cambodia, with a potential starting from one hundred to over 1,200 prisoners (LICADHO, 2009). The Department of Prisons’ head office is placed withinside the MoI in Phnom Penh. Within two of countrywide jails, CCI and CCII, are located 12 kilometers (7.5 miles) from Phnom Penh, and CCIII close to the border of Vietnam. Cambodian prison is mostly overcrowded. The survey of 18 prisoners, stated a housing potential for 6,410 jailbirds, however in 2004 those prisons in common functioned at 123% and in 2006 at 138% in their potential. It was taken into consideration to be one the higher jails in comparison to provincial amenities in CCI, among 22 and 25 guys might also additionally percentage a mobiliary this is approximately sixty-four rectangular meters (688.90 rectangular pedes). Meanwhile 1999, CCII homes best woman and infantile prisoners. In 2006, 285 juveniles and 256

ladies in addition to 14 toddlers and babies dwelling with their moms in jail have been imprisoned at CCII (running at 155 percent of its potential). CCII has been the best facility of this type in Cambodia. Entire alternative jails, aside from every person man CCI, residence each man and woman prisoners in extra or much less well-divided accommodations.

### ***Rectangular strategy phase III***

Cambodia's new RS III units out 4 predominant premeditated targets to

- 1) Guarantee a mean yearly monetary increase of 7%. The increase ought to be inclusive, bearable, reasonable, and robust to surprises via way of means of differentiating the monetary base to reap an extra comprehensive-primarily basing totally and aggressive shape with low and practicable increase, solid trade charge, and consistent increase in global reserves;
- 2) Create extra jobs for people, particularly youth, via way of means of in addition enhancing Cambodia's aggressive capacity to draw and inspire each home and overseas fund;
- 3) Attain extra than 1% discount in poor prevalence yearly, inclusive of the belief of the target of Cambodia's MDG, even as putting better precedence on human aid improvement, sustainable control, and environment use and herbal sources; and
- 4) Extra toughen recognized potential and domination, each national and sub-national, and make sure the efficiency and performance of municipal offerings to higher assist people.

The 4 square method of Royal Government of Cambodia RGC (2013)

Rectangle 1: Promotion of the agricultural area

- Enhanced diversification, productivity, and commercialization
- Advancement of cattle aquaculture and agriculture
- Land improvement and consent of coalmines and undischarged regulation
- Maintainable control of herbal sources

Rectangle 2: Expansion of bodily substructure

- Development of delivery and concrete infrastructure
- Irrigation and water sources and gadget control

- Electric strength improvement
- Expansion of facts and communicate expertise

Rectangle 3: Isolated area improvement and employ

- Consolidation the personal area and selling funding and business
- Expansion of enterprise and small and medium enterprises
- Expansion of the hard work market
- Finance and economic area improvement

Rectangle 4: Dimensions constructing and human aid improvement

- Consolidation training, technological know-how and technology, and technical exercise
- Advancement of fitness and nourishment
- Expansion of a social safety gadget
- Execution of populace coverage and gender impartiality

The improvement of Cambodia method has lengthily centered on 4 precedence regions: water, roads, strength, and people. To boom Cambodia's destiny aggressive benefit, RS III lifted that importance closer to human investment improvement for the subsequent five years, and now obligates the authorities to specializing in the subsequent 4 precedence regions:

- a) Emerging human sources to make sure competitiveness in a more and more open nearby hard work market;
- b) Investing in delivery infrastructure, enhancing exchange facilitation, and increasing low-price energy;
- c) Emerging and mounting value-brought farming; and
- d) Consolidation governance and potential in public institutions.

National Strategic improvement plan pointers, 2014–2018

*Goal indicators*

- a) Maintainable increase: actual GDP increase charge, per-capita GDP, inclusive increase (index), shape of GDP, paddy yield charge, % wooded area cover, general cumulative regions cleared of mines/ explosive remnants of war
- b) Poverty Decrease: poverty charge, Gini amount of intake disparity
- c) Steadiness: funding charge

d) Human improvement training and skills: crowning glory charge grade 6 (via way of means of sex), crowning glory charge grade 9 (via way of means of sex), ability level (index) Gender: % girls conserving making decision spots withinside the public area Health: joined births, IMR, percentage of stunted kids, MMR Water and sanitation: percentage of populace with get admission to secure water, percentage of populace with get admission to stepped forward hygiene

*Outcome indicators*

- a) Macro-economic control: finances sales and expenses, increase charge, FDI, cutting-edge account stability, two-manner exchange, global backing
- b) Increase sector and variation: area increase tariffs, traveler onsets, dispersal of employment via way of means of divisions, moistened area, land below agriculture, crop modification index, vendible extra index, annual sufferers of coalmines
- c) Managing of herbal sources: floor of 23 blanketed regions, network blanketed regions
- d) Infrastructure: duration of cemented roads, railway music transformed and built, TV/ radio, print media, per-capita strength use
- e) Domination: charge of issuing of land certificate to agriculturalists, warfare on property/land, crook crimes
- f) Human improvement: Poverty: poverty, toddler poverty, meals poverty
- g) Schooling: internet number one membership (boys and ladies), gross decrease secondary enrollment (boys and ladies), share of kids in faculties elderly 6–17, share of humans graduated from university. Gender: share of girls withinside the public area, lady percentage in salary employ (area-wide), internet registration of ladies in top subordinate and better training, % ladies to general finishing TVET, % girls touring reproductive care as a minimum twice, wide variety of households had troubles of ferocity at domestic Health: U5MR, malaria casualty tariffs, HIV incidence, incidence of all kinds of TB, start registering, kids malnourished, girls 15–forty nine years with anemia, kids (6–fifty nine months) with anemia Water and hygiene: get admission to secure water, stepped forward sanitation (via way of means of rural/urban).

## Judges' Personal Perceptions

Gibson (1981) mentioned that judges' personal perceptions have a significant impact in making decision on criminal case indirectly. Yet, this may vary by according to each judge's self-esteem. Gibson's study shown that restraints orientation may result from internal role expectation while activist orientation is from external role expectation. However, he continues mentioning not all low self-esteem adopt restraint orientation which mean judges with low self-esteem who view external role expectation may also adopt restraint orientation. To understand the society clearly, it is important that the judge should pay more attention both individual and general expectations. Thus, all the judicial process can be universally observed by everyone. Further findings are unknown yet, Gibson mentioned a phrase that what we say we do is also not necessarily the same as what we do. The research can be limited and he recommended that further research study may also focus on other factors that lead to judges' orientations and behaviors.

Brian H. Bornstein (2009) Decision making on criminal case are fundamentally base on legal materials and facts. However, some research studies shown that it also depends on some other factors such as background, personality and psychology of the judges. Judicial decision as a whole, also functionally systematic vary by religion. For example, Jewish judges is way more liberal according the limitation of freedom and internal status within the country. Catholic judges' liberalism may consist if different functions of individual while non-Catholics is being more conservative on others. However, they share the same purpose that judge have freedom in making decision on criminal case.

Krutz and Waskiewicz (2019) A justice's decisions are influenced by how he or she defines his role as a jurist, with some justices believing strongly in *judicial activism*, or the need to defend individual rights and liberties, and they aim to stop actions and laws by other branches of government that they see as infringing on these rights. A judge or justice who views the role with an activist lens is more likely to use his or her judicial power to broaden personal liberty, justice, and equality. Still others believe in *judicial restraint*, which leads them to defer decisions (and thus policymaking) to

the elected branches of government and stay focused on a narrower interpretation of the Bill of Rights. These justices are less likely to strike down actions or laws as unconstitutional and are less likely to focus on the expansion of individual liberties. While it is typically the case that liberal actions are described as unnecessarily activist, conservative decisions can be activist as well.

### *National code of conduct for judges*

H. Chamroeun (2010) The Sastra Kengkontrai (Known because the ballads approximately the court) couriers that withinside the function as a detector and issuer for justice to the war equivalences, the decide had to surely keep away from 5 biases such as:

- 1) *Bias of love*: The tendency to judge in favor of people and symbols we like is called the bias from liking or loving.
- 2) *Bias of fear*: the cognitive dissonance may be at least partially responsible for an increase in risk perception when people are afraid.
- 3) *Bias of anger*: An emotional bias is a distortion in cognition and decision making due to emotional factors
- 4) *Bias of greed*: irresistible craving to possess more of something (money, material goods) than one actually needs
- 5) *Bias of ignorance*: the excuse to be unaware of criminal conducts.

The judgment methods without those biases known as desirable technique – desirable technique main to choose with justice and integrity because the principle.

Preamble

The chambers of court agreed as follows:

Article 1. The independency

1. Judge are independent in their workplace and the authority of the Courts in Cambodia (known as ECCC) and may act themselves for this reason in performing their judicial features.

2. Judge is no longer have interaction in any interest that is in all likelihood to intrude with their judicial features or to have an effect on independent self-belief.

#### Article 2. Impartial

1. Judges will be unbiased and make sure the arrival of equal withinside the release in their judge features.

2. Judge should keep away from any war of interest, or being positioned in a scenario which may fairly be perceived as giving upward thrust to a war of interest.

#### Article 3. Integrity (Amended on five September 2008)

1. Judges shall behavior themselves with probity and integrity according with their workplace, there in improving public self-belief withinside the judiciary.

2. Judge should no longer at once or circuitously offer any praise that could fairly be recognized as being supposed to steer the overall practice in judicial features or the isolation in workplace.

#### Article 4. Confidence

Judge should admire the confident records acquired withinside pour in judge features and the consideration magic.

#### Article five. Rigor

1. Judge should perform wisely withinside the workout in obligations and should commit expert sports to the one's obligations.

2. Judge should make affordable pace to preserve and decorate education, abilities and private traits vital for judge workplace.

3. Judge should carry out any judges' obligations well and fleets.

4. Judge should supply selections with no any delay.

#### Article 6. Perform at some stage in lawsuits

1. In engaging in judicial lawsuits, judges shall preserve order, act according with generally familiar decorum, stay affected person and courteous closer to all members and contributors of the general citizen gift and require them to behave correctly.

2. Judge should workout alertness in managing way of wondering sufferers and deliver unique interest to the proper of members to lawsuits to same safety and gain of regulation.

3. Judge should keep away from behavior or feedback which can be racist, sexist or in any other case degrading and, to the quantity possible, make sure that any man or woman taking part withinside the lawsuits refrain from feedback or behavior.

#### Article 7. General thoughts and affiliation

1. Judge should workout freedom thoughts affiliation in the way this was like minded with their workplace and that doesn't have an effect on or seem to have an effect on independence of judges.

2. When judge is loose to take part in argument of public subjects concerning prison points, the management of just, should no longer touch upon pending instances and shall keep away from expressing perspectives that might also estimate the status and rightly act of the ECCC.

#### Article 8. The interest of judges

1. Judge should no longer have interaction in any extra-judicial interest this is incompatible with their judicial feature or the green and well-timed functioning of the ECCC, or which can have an effect on or may also fairly seem to have an effect on their independence or impartiality.

2. Judges shall now no longer workout some politic feature.

#### Article 9. Code observation

1. The concepts incorporate on it should function recommendations at the important moral requirements judges' requirements withinside the overall act in obligations.

2. There is nothing to do in this code that some manner to restriction or limitation judges independency.

#### ***International code of conduct for judges***

United States Court (2019) The Code of Conduct for United States Judges was initially adopted by the Judicial Conference on April 5, 1973, and was known as the "Code of Judicial Conduct for United States Judges.

#### **Canon 1: A Judge Should Uphold the Integrity and Independence of the Judiciary**

An unbiased and honorable judiciary is vital to justice in our society. A choose must preserve and put into effect excessive requirements of behavior and must in my opinion look at the one's requirements, in order to observe that integrity and independence of the judiciary. The Code must be interpreted and carried out to in addition the purpose.

#### **COMMENTARY**

The court rules and judgement rely upon on general self-assurance with judges' independence. These rely in activate their appearing without worry. Even though judges must be unbiased, they have to follow the regulation and must follow this rule. The obligation toleration enables to preserve general self-assurance withinside the fairness of judiciary. However, those who do not obey this Code would decrease public self-assurance that would impact machine of presidency beneath regulation.

The Canons are regulations of factors. They must be carried out continuously with universal statutes and requirements, different courtroom docket regulations and

decision regulation, and within all applicable context circumstances. The Code is to be interpreted so it is no longer impinge at the crucial of judges' independency in judicial decision making.

The Code is intended to offer steering to judges and candidates for judicial office. It might additionally offer requirements of behavior for software in court cases beneath Judicial Conduct and Disability Act of 1980 and the Judicial Councils Reform. Not each violation of the Code ought to result in disciplinary motion. Whether disciplinary motion is appropriate, and the diploma of discipline, ought to be decided via an inexpensive software of the textual content and ought to rely upon such elements because the seriousness of the wrong hobby, the cause of the choose, whether or not there may be a sample of wrong hobby, and the impact of the wrong hobby on others or at the judicial process. A lot of the regulations within the Code are always forged in widespread conditions. Judge might also additionally moderately range of their understanding. In addition, the Code is not used for a foundation for national legal responsibility or crook agencies. Last, the Code isn't meant for use for wrongful benefits.

Canon 2: A Judge may stay away from all inappropriate activities

(A) Law obeys. A choose ought to admire and observe the regulation and ought to act always in a way that indorses public self-belief within the truthfulness and fairness of the judiciary.

(B) Influence Outside. No other factors shall affect the judgement. No lending judicial status to non-public hobbies or allow one another to carry the role. A choose ought to be tested and witnessed.

(C) No discrimination. Judges shall view everyone equally in race, religion, sex, or country wide derivation.

COMMENTARY

Canon 2A. no advantages shall be taken place whilst affordable minds, with understanding of all of the applicable instances disclosed via way of means of an affordable inquiry, could finish that should be honest, integrated, or health to function a choose is unfair. General self-belief withinside the judiciary is viewed via way of means of irresponsible or mistaken behavior via way of means of judges, consisting of harassment and different beside the point place of job behavior. A choose should keep away from all wrongdoing. This applies to each expert and private behavior. A choose should assume to be the challenge of regular public check and be given free regulations that is probably considered as trouble via way of means of the regular citizen. Because it isn't always possible to listing all banned acts, the ban is always solid in standard phrases that expand to behavior via way of means of judges this is dangerous even though now no longer specially stated withinside the Code. Actual improprieties beneath this fashionable consist of law breaker, courtroom docket code, or different particular code provisions.

Canon 2B. Man or woman witness adopt the status of the court workplace to the intending wherein the choose tested and can be known as a legitimate endorsement. A choose have to depress a celebration from demanding the choose to test as a man or woman observer besides in uncommon instances whilst the needs of justice requirement. This no longer create a credit towards attesting in reaction to a legitimate warrant.

A choose have to keep away from allowing other to borrow the status of judiciary workplace to enhance the personal hobbies of the choose. For instance, a choose have to no longer use the chosen judicial function or identify to advantage benefit in litigation regarding a chum or a member of the family. In contracts for booklet of a writings, a choose have to preserve manipulate over the marketing and marketing to keep away from exploitation of the workplace.

A choose ought to be touchy to feasible abuse of the status of office. A choose ought to now no longer provoke information to a selecting choose or a period or adjustments officer however can also additionally offer statistics to such people in reaction to a proper request. Judges can also additionally take part withinside the system of judicial

choice via way of means of cooperating with appointing government and reviewing team in search call for attention and via way of means of responding to reliable inquiries regarding someone being taken into consideration for a committee.

Canon 2C. Member of a choose in an agency that adopt judgement offers upward thrust to perceptions of unjust. Canon 2C referred back to the present-day performs of the agency. If an agency shown discrimination is mostly a complicated query to that judge ought to be touchy. The solution could not be decided from an insignificant exam of an agency's present day club rolls however as a substitute relies upon on how the agency selects individuals and different applicable elements, including that the agency is devoted to the renovation of religion, ethnical or culture values of valid not unusual place hobby to its individuals, or that it's miles in reality and impact an intimate, in basic terms non-public agency whose club barriers couldn't be constitutionally prohibited. Other applicable elements encompass the scale and nature of the agency and the range of people withinside the locale who may fairly be taken into consideration ability individuals. Thus, the mere absence of various club is no longer via way of means of itself exhibit a contravention except affordable people with know-how of all of the applicable instances could count on that the club could be various withinside the nondiscrimination. Without these elements, an agency is normally stated to unpleasantly discriminate when excluded from club on the idea of race, sex, religion, or country wide starting place people who could in any other case be revealed to club.

Canon 2C handiest to club in agencies that undesirably discriminate on the premise of sex, race, faith or countrywide starting place, a club in an enterprise that engages in any awkward discriminatory club practices ban via way of means of relevant regulation oppose Canons 2 and 2A and offers the arrival of misconduct. Furthermore, it might be a contravention of Canons 2 and 2A for a choose to set up an assembly at a membership that the choose is aware of perform unpleasant discrimination on the premise of sex, race, faith, or countrywide starting place in its club or different rules, or for the choose to apply this sort of membership regularly. Moreover, public manifestation via way of means of a choose of the understanding the allowance of

awkward discrimination on any foundation offers the arrival of misconduct beneath Canon 2 and reduce public self-assurance within the judicial fairness, in oppose of Canon 2A.

When a choose found that an enterprise who's the choose involved in discrimination that might prevent club beneath Canon 2C or beneath Canons 2 and 2A, the choose is allowed, in substitute to make on the spot and non-stop trying to have the enterprise stop its practices of discrimination. Once the enterprise fails to stop this issue as right away as possible (all activities inside mastering of the practices for years), the choose have to surrender straight away from the enterprise.

Canon 3: A Judge shall work fairly and impartially

The obligations of the workplace took priority all different performances. The choose have to carry out the ones obligations with recognize for others, and have to be no longer have interaction in conduct this is harassing, insulting, intolerant, or biased. The choose have to complete to the subsequent expectations:

(A) Adjudicatory tasks

(1) A choose must be trustworthy, and hold expert exam in, the regulation and must now no longer be swayed with the aid of using personal benefits, public opinion, or caring of critics.

(2) A choose must listen and determine subjects designated, until not qualified, and must hold arrangement in all process.

(3) A choose must be a respectful and patient person to others that choose offers in a reputable capacity. A choose must obtain comparable behavior with the aid of using the ones situation to the control, inclusive of attorneys to the volume regular with their position within the adversary process.

(4) A choose must accord to anybody who has a felony hobby in a proceeding, and that person's lawyer, the entire proper to be heard in line with regulation. Except as

set out below, a choose must now no longer initiate, allow, or take into account ex-party communications or take into account different communications regarding a pending or coming near rely which are made out of doors of the current events or the attorneys. In case a choose gets an unnoticed ex-party communicate posture at the substituted rely, the choose must right away notify the events of the situation rely of the communicate and permit the events a possibility to respond, if requested. A choose may:

(a) initiate, allow, or take into account ex-party communications as legal with the aid of using regulation;

(b) while instances require it, allow ex-party communicate for preparations, however handiest in case ex-party communicate does now no longer deal with substantial subjects and the choose fairly views that no celebration will advantage a substantial benefit because of the ex-party communicate;

(c) attain the written recommendation of a disinterested professional at the law, however best after giving increase be aware to the events of the character to consult and count the issue of the recommendation and affording the events affordable possibility to item and reply to the attention and to the recommendation acceptance; or

(d) According to event consent, consult one by one with events and they suggest on the way to arbitrate or settle undecided materials.

(5) A choose need to dispose directly of the commercial enterprise of the courtroom docket.

(6) A choose need to no longer make public touch upon the deserves of a be counted pending or imminent in any courtroom docket. A choose need to require comparable restraint through courtroom docket employees' issue to the course and manage. The prevention of public touch upon the deserves is no longer expand to general situation making withinside the direction of the authentic tasks, to motives of courtroom docket course of actions created for functions of felony knowledge.

(B) Responsibilities of Administration

(1) A choose need to active release management obligations, preserve expert compete in judicial process, and ease the overall act of the executive obligations of different judge and courtroom docket employee.

(2) A choose ought to now no longer direct courtroom docket employees to interact in behavior at the behalf or because the consultant while that behavior might contravene the Code if undertaken via way of means of the choose.

(3) A choose ought to exercising the electricity of appointment pretty and simplest on the idea of merit, warding off pointless appointments, nepotism, and favoritism. A choose ought to now no longer approve repayment of appointees past the truthful price of offerings rendered.

(4) A choose ought to exercise civility, via way of means of being respectful and patient in copping up with courtroom docket employees, together with chambers staff. A choose ought to now no longer interact in any shape of harassment of courtroom docket employees. A choose ought to now no longer retaliate towards folks who record misconduct. A choose ought to preserve courtroom docket employees below the path to comparable expectations.

(5) A choose with higher officer over different judge ought to have taken affordable technique to make sure they carry out responsibilities well timed and effective.

(6) A choose ought to adopt suitable motion of dependable records simplifying the probability that the behavior violate the Code, that a judicial staff's behavior disobey the Code of Conduct for Judicial officers, or that an attorney contravened relevant policies of expert behavior.

(C) Unfitness.

(1) A choose may discharge themselves in an intending wherein the impartiality may fairly be questioned, together with however no longer restricted to times wherein:

(a) the choose has a non-public bias or prejudice regarding a party, or non-public information of disputed evidentiary records regarding the intending;

(b) the decide served as a legal professional withinside the count number in controversy, or a legal professional with whom the decide formerly practiced regulation served at some point of such affiliation as a legal professional regarding the count number, or the decide or legal professional has been a cloth witness;

(c) the decide is aware of that the decide, personally or as a fiduciary, or the partner or minor baby living withinside the household, has a monetary hobby withinside the problem count number in controversy or in a celebration to the intending, or every other hobby that would be affected notably with the aid of using the final results of the intending;

(d) the decide or the partner, or someone associated with both in the 1/3 diploma of relationship, or partner of someone is:

(i) a celebration to intending, or an agency of a celebration;

(ii) appearing as a legal professional withinside the intending;

(iii) regarded with the aid of using the decide to have a hobby that would be notably laid low with the final results of the intending; or

(iv) to the know-how possibly to be a cloth observer withinside the intending;

(e) The determine had assisted in government staff and in its functionality contributed as a determine (in a former judicial place), advisor, counselor, or substantial witness regarding the arranged or had stated the point of view concerning the merits of the precise case in dispute.

(2) A decide need to hold knowledgeable approximately the non-public and fiduciary monetary pursuits and make an inexpensive attempt to hold knowledgeable approximately the non-public monetary pursuits of the partner and minor kids living withinside the brood.

(3) For the functions of this point:

(a) the diploma of courting is deliberate in step with the internal regulation arrangement; the subsequent family are withinside the 1/3 diploma of courting: any family members and relatives; the indexed family encompass entire and 1/2 of blood family and maximum step family;

(b) “fiduciary” consists of this relation as observer, executor, and defender;

(c) “economic hobby” way possession of a criminal or impartial hobby, but minor, or a courting as advisor, director, or different lively player withinside the relationship of the parties, besides that:

(i) possession in a returned or not unusual place funding fund that holds securities isn't a “economic hobby” in such securities until the decide participates withinside the control of the fund;

(ii) a workplace in an education place or civic company isn't a “economic hobby” in security hold via way of means of the company;

(iii) the registered hobby of a policy-maker in a common coverage company, or a investor in a mutual financial savings connotation, or a comparable registered hobby, is a “economic hobby” withinside the company handiest if the final results of the intending should considerably have an effect on the price of the hobby;

(iv) possession of presidency securities is a “economic hobby” withinside the provider handiest if the final results of the intending should considerably have an effect on the price of the securities;

(d) “intending” consists of pretrial, trial, appellate review, or different ranges of litigation.

(4) Notwithstanding the previous provisions of this Canon, if a decide could be disqualified due to an economic hobby in a party (aside from a hobby that might be

considerably stricken by the final results), disqualification is no more important if decide (or the partner or small kid) relieve the hobby that offers the deck for unfitness.

(D) Allowance of no qualification. despite retreating the intending, a decide barred via way of means of Canon 3C (1) might also additionally, besides withinside the instances in particular set off in subclause (a) via (e), expose at the file the premise of disqualification. The decide might also additionally take part withinside the intending whether after discover, the events and attorneys had a possibility to consult of door the decision, written agreement or at the file which the decide ought to now no longer be disqualified, and the decide is then inclined to take part. The settlement ought to be included withinside the file of the intending.

#### COMMENTARY

Canon 3A (3). The obligation to pay attention all court cases pretty and with persistence isn't always contrary with the obligation to expose directly of commercial enterprise of the courtroom docket. Courts may be green and professional at the same time as being affected person and deliberate.

The obligation beneath Canon 2 to behave in a way that advertise public self-assurance withinside the impartial of the judiciary applies to all of the activities, together with the release of the controlled responsibilities. The obligation to be respectful consists of the obligation to keep away from remark or conduct that would moderately translated unpleasure act, chaos.

Canon 3A (4). The limit in ex-party information regarding an intending consists of communications from attorneys, regulation teachers, and others who aren't members withinside the intending. A decide can also additionally seek advice from different judges or with courtroom docket employees whose characteristic is to useful resource the decide in wearing out amendment tasks. The decide ought to create affordable actions to make certain which regulation administrator and different courtroom docket employees observe this provision.

A decide can also additionally inspire and are trying to find to facilitate agreement however ought to now no longer practice way that pressure some celebration toward capitulate the proper having debate resolution through court.

Canon 3A (5). To put off topics directly, efficiently, and pretty, a decide should reveal the rights events to announce and problems solved no including useless fee or detain. A decide ought to reveal and supervise instances to lessen or get rid of slow practices, preventable detain, and useless fetch.

Immediate character of courtroom docket's commercial enterprise calls for a decide to dedicate judicial task duties, attend punctually courtroom docket and quick in figuring out topics beneath consent and affordable measurement making certain courtroom docket employees, opponents, attorneys jointly with the decide the final

Canon 3A (6). The reproof in opposition to social remark approximately the deserves unfinished imminent remember maintains till the appellate manner is comprehensive. When the general public remark entails a case from the very own courtroom docket, the decide ought to take precise care in order that the remark does now no longer denigrate public self-assurance withinside the judiciary's integrity and impartiality, which could violate Canon 2A. A decide can also additionally remark publicly on court cases wherein the decide is a litigant in a private capacity, however now no longer on mandamus court cases whilst the decide is a litigant in a reputable capacity (however the decide can also additionally reply in accordance).

Canon 3B (3). An Appointment encompass dispensed guidance, officers including arbitrators, prosecutors, unique givers and agencies. Permission through the events to a date repayment is no longer release the decide of the duty advise through section.

Canon 3B (4). A decide don't interact in, or accept, place of business behavior that within reason perceived as wrongdoing actions for informing this behavior. The obligation to chorus from reprisal consists of revenge towards ex performer in addition to cutting-edge judiciary agencies.

Withing this code, wrongdoing performs some of behaviors had no legitimate function withinside the region of business, which include discrimination on fundamental grounds and one of a kind abusive, oppressive, or beside the factor conduct direct court staffs or others. Look at rules for disability and conduct. Rule 4(a)(2) (imparting that “cognoscible misbehavior includes: (A) wearing out unpreferred actions which include assault and sexual harassment (B) treating plaintiffs, advocate, judicial employees, or others in a obviously appealing and aggressive manner; or (C) growing an hostile art work environment for judicial employees”) and Rule 4(a)(3) (imparting that “cognoscible misact includes intentional discernment on the basis of gender identity, sex, race, color, gender, pregnancy, sexual orientation, religion, age, national origin, or incapacity”).

Canon 3B (6). General self-belief withinside the impartial of judiciary is published while judges took suitable motion primarily basing on totally on dependable records of probably misact. Correct motion relies upon at the circumstances; however, the overarching intention of such motion have to be to save you damage to the ones stricken by the misconduct and to save you recurrence. A decide, in figuring out what motion is suitable, can also additionally recollect any request for confidentiality made via way of means of someone report misact. A decide that gets dependable records shall recognize a confidential however may despite the fact that divulge the records to the leader district decide or leader circuit decide, who shall additionally deal with the records as confidential. Certain dependable records can be included from disclosure via way of means of status. A guarantee of confidence ought to surround while there is dependable records of misbehavior or incapacity that lurks the protection or protection of any character or this is critical or egregious such that it impends the honor and right operative of the judiciary. A character reporting records of misconduct or incapacity ought to be knowledgeable on the outset of a duty to reveal such records to the applicable leader district decide or leader circuit decide. Reliable records fairly probably to represent judicial misbehavior or incapacity associated with a major route decide have to be known as to the eye of the following most-senior lively circuit decide. Such records associated with a major district decide have to be known as to the eye of the leader route decide.”).

Suitable motion may also consist of direct verbal exchange with the decide or legal professional, different direct motion if available, reporting the behavior to the proper authorities, or, whilst the decide believes that a or legal professional's behavior is because of drugs, alcohol, or a clinical state, creating a personal referral to a help database. Suitable motion can also consist of responding to a summons to testify or in any other case corporate with legal professional process; a decide must be candid and sincere with punitive authorities.

Canon 3C. Withdrawal issues relevant to the partner must additionally be taken into consideration with admire to someone aside from a partner with whom the decide keeps each a family and a relation.

Canon 3C(1)(c). Within crook intending, a sufferer to return isn't always, withinside the which means of this Canon, a celebration to the intending or the problem remember in controversy. A decide who has a monetary hobby withinside the sufferer of against the law isn't always required with the aid of using Canon 3C(1)(c) stay away from the crook intending, however the decide need to achieve this if the impartiality may moderately be wondered beneath Canon 3C (1) or if the choose had a hobby that would be appreciably stricken by final results of intending beneath Canon 3C(1)(d)(iii).

Canon 3C(1)(d)(ii). The reality which an attorney in an intending joint force with a regulation corporation with which relevant with the decide is affiliated no longer of itself disqualify the decide. Yet, when the impartiality would possibly moderately be questioned" below Canon 3C (1), or the relevant was understood via way of means of the decide to have a hobby withinside the regulation corporation that would be "drastically stricken by the final results of the intending" below Canon 3C(1)(d)(iii), the requirement of discipline.

Canon 4: Judge can corporate with other activities that maybe comply with the judicial tasks

A decide can also additionally have interaction in extrajudicial sports, such as regulation-associated pastimes and relevant on each regulation-associated and illegal objects. Yet, a decide need to now no longer take part in extrajudicial sports that detract from the distinction of the office, intrude with the overall performance of the respectable duties, mirror adversely at the impartiality, cause common disqualification, or violate the constraints set forth below.

(A) Law-associated Activities.

(1) Speaking, Writing, and Teaching. A decide can also additionally speak, write, lecture, educate, and take part in different sports regarding the regulation, the prison network, and justice management

(2) Discussion. A decide can also additionally talk over with or seem at a public listening to earlier than a government or legal frame or respectable:

(a) on subjects regarding the regulation, the prison structure, or the management of just;

(b) toward the volume that it might typically be recognized the revel in presents unique understanding withinside the place; or

(c) whilst the decide is appearing seasoned in a remember related to the decide.

(3) Organizations. A decide can also additionally take part in and function an element of a non-profit center committed to the regulation, the prison system, or the management of just and might help organization withinside the control and fund. A decide can also additionally make guidelines to public and personal fund-granting organizations approximately initiatives and applications regarding the regulation, the prison, and justice management.

(4) Mediation. A decide need to now no longer act as a mediator or in any other case carry out judicial features other than the authentic obligations except expressly legal with the aid of using regulation.

(5) Practice of Law. A decide need to now no longer exercise regulation and need to no longer function own circle of relative member's attorney in any forum. A decide can also additionally, however, act seasoned and can also additionally, without compensation, provide prison recommendation to and draft or evaluate files for a member of the own circle of relatives.

(B) Charity activities. A decide can also additionally take part in and function an illegal guide of a nonprofit education and social employer, situation to the subsequent limits:

(1) A decide need to now no longer serve if it's miles probably that the employer will both be engaged in court cases that might typically come earlier than the decide in court.

(2) A decide need no longer provide funding recommendation to such an employer however can also additionally serve of administrators although it has the obligation for allowing funding decision.

(C) Fundraise. A decide can also additionally help related nonprofit regulation and social companies in making plans fund-elevating sports and can be indexed as a director. A decide can also additionally solicit budget for such an employer from judges over whom the decide is no longer supervised of participants of own circle of relatives. Otherwise, a decide need to now no longer individually take part in fund-elevating sports, solicit budget for any employer, or use or allow using the status of judicial workplace for that purpose. A decide need to no longer individually take part in club importunity if it would possibly moderately be recognized as coercion or is basically an elevating tool.

(D) Capital activity.

(1) A decide might also additionally keep and control investments, which includes actual estate, and have interaction in different remunerative activity, however ought to chorus from economic and commercial enterprise dealings that make the most the judicial role or contain the decide in common transactions or persevering with

commercial enterprise relationships with legal professionals or different people possibly to return back earlier than the courtroom docket on which the decide serves.

(2) A decide might also additionally function an energetic manager, advisor, or worker of commercial enterprise most effective if the commercial enterprise is carefully held and managed via way of means of contributors of the own circle of relatives. For this reason, “contributors of own circle of relatives” way people associated with the decide or the partner in the 0.33 diploma of dating as described in Canon 3C(3)(a), other relation with the decide or the partner continues a near familial dating, and the partner of any of the foregoing.

(3) As quickly because the decide can accomplish that without extreme economic detriment, the decide ought to divest investments and different economic pursuits that could require common disqualification.

(4) A decide ought to follow the regulations on attractiveness of presents and the prohibition on solicitation of presents set forth withinside the Judicial Conference Gift Regulations. A decide ought to enterprise to save you any member of the own circle of relatives living withinside the family from soliciting or accepting a present besides to the quantity that a decide could be authorized to accomplish that via way of means of the Regulation Judicial Conference. The member own circle of relatives” way any relative of a decide via way of means of adoption, married handled via way of means of a decide as a member of own circle of relatives.

(5) A decide ought to now no longer divulge or use nonpublic statistics received in a judicial potential for any reason unrelated to the reliable obligations.

(E) Fiduciary Activities. A decide might also additionally function the executor, administrator, trustee, guardian, or different fiduciary most effective for the estate, trust, or individual of a member of the own circle of relatives as described in Canon 4D (4). As an own circle of relative’s fiduciary, a decide is issue to the subsequent regulations:

(1) The decide ought to now no longer serve if it's far possibly that as the trustee decide could be corporate in complaints which could typically come earlier than the decide or if trust turns into worried in opponent complaints withinside the courtroom docket on the decide served beneath its appellate authority.

(2) When performing trustee, a decide is issue to the equal regulations on economic sports that follow to the decide in a non-public potential.

(F) The appointment of government. A decide might also additionally receive commission or different role most effective if it's far one which issues the law, the criminal system, or the management of justice, or if appointment of a decide is needed via way of means of federal statute. A decide ought to now no longer, in all occasion, receive the government obligations could have a tendency to undermine the general public self-assurance withinside the integrity, impartiality, or independence of the judiciary. A decide might also additionally constitute the state activities in reference to cultural and historical sports.

(G) Staff chambers and resources. A decide ought to now no longer to any extensive diploma use judicial resources, or workforce to have interaction in extra sports authorized via way of means of this.

(H) Financial Report and Compensate. A choose can also take delivery of reimbursement and compensation of fees for the regulation-associated and extrajudicial sports accredited through this Code if the supply of the bills does now no longer provide the advent of influencing the choose withinside the judicial obligations or in any other case provide the advent of impropriety, challenge to the subsequent restrictions:

(1) Compensation needs to no longer exceed an affordable quantity nor need to it exceed what someone who isn't always a choose might get hold of equal act.

(2) Tarif compensation need to be confined to real prices of food, travel and accommodations fairly sustain through a choose and, in which suitable to the occasion, through the partner or relative. Any extra price is reimbursement.

(3) A choose need to make required monetary disclosures, together with disclosures of items and different matters of value, in compliance with relevant statutes and Judicial Conference rules and directives.

#### COMMENTARY

Canon 4. Complete separation of a choose from extrajudicial sports is neither viable nor wise; a choose need to no longer come to be remoted from social wherein the choose life. Being judicial agency and someone in particular found out withinside the regulation, a choose is in a completely special function to make contributions to regulation, the felony and management of just, together with revised significant and procedure regulation and enhancing crook and adolescent just. In the quantity that time lets in and impartial isn't always guarantee, the choose is advocated, both separately or thru a bar conference, or different company committed to the regulation. Th equal limitations, judges can also interact in an extensive variety of non-regulation-associated sports.

With the bounds of relevant regulation, a decide can also additionally specific competition to the attorneys and judge everywhere withinside the international if the decide had discovered, after affordable examination, that the officer is occasioned through battle among the expert obligations of the legal officer decide or the applicable government practice.

A character apart from a partner with the decide keeps each a family and a close courting must be taken into consideration an element own circle of relatives for functions of prison help beneath Canon 4A (5), fund elevating beneath Canon 4C, and own circle of relative's enterprise sports beneath Canon 4D (2).

Canon 4A. Serve and teach at a regulation faculty are permitted, however withinside the earnings regulation faculty, provider was constrained to a nongovernment advisor.

Comply with this, a decide can also additionally inspire attorneys to offer seasoned bono prison service.

Canon 4A (4). This point usually bans a decide from arbitrate a nation courtroom docket remember, besides in uncommon situation (ex, while a decide is conciliate a confederate remember that can't be solved successfully by not addressing the associated nation courtroom docket remember).

Canon 4A (5). A decide can also additionally act seasoned se in all prison subjects, together with subjects related to litigation and subjects related to appearances earlier than or different deal with government. Therefore, a decide have to no longer abuse the status of workplace to increase the hobbies of the decide or the own circle of relatives.

Canon 4B. The converting few agencies and publicity to lawsuit made it essential for a decide often to reconsider the sports of every corporation with the decide is join force with decide if the persisted affiliation is correct. Ex, in lots of authority, hospitals are in courtroom docket greater regularly now than withinside the past.

Canon 4C. A decide can also additionally attend fund-elevating activities of regulation-associated and different agencies even though the decide won't be a disclaimer, an honor officer at the software of event. By using a name, role withinside the corporation, and designate judicial on a corporation's header, together with while funding usage elevating or request member no longer disobey Canon 4C if similar data and other designate index.

Canon 4D (1), (2), and (three). Canon three calls for disqualified of a decide in intending wherein the decide had a monetary alternativeness, but little. Canon 4D calls for a decide to chorus from carrying out enterprise and of monetary sports that would intrude with the unbiased overall duties of judicial. Canon 4H calls for a decide to document reimbursement acquired for sports out of doors the judicial workplace. A decide had rights of everyday citizens with appreciate to monetary incidents, besides for boundaries require to protect the right overall duties performance. An intently participant hold own circle of relatives' enterprise, whilst usually permissible, can be prohibited if it takes an excessive amount of time or entails wrong use of status or when the enterprise is probable to return back earlier than the courtroom docket on

which the decide serves. Owning and accepting earnings from investing no longer as such have an effect on the overall duty performance.

Canon 4D (5). A restrict on the usage of undisclosed records isn't always meant to have an effect on a potential to behave on records as vital to defend the fitness or protection of the decide or a member of own circle of relatives, courtroom docket agency, or different officials when regular in different of this Code provision.

Canon 4E. Bare house withinside the family no longer via way of means of itself make someone a member of the own circle of relatives for functions of this Canon. The character needs to be handled via way of means of the decide as a member of the own circle of relatives.

The Date of Applicable Compliance providing of this Code reports persisted provider as a curator.

A duty below this and the duty as a trustee might also additionally conflict. Ex, a decide ought to surrender as a trustee if it might bring about detriment to the accept as true withhold to whose retention may require usual place ineligibility of the determine in disobey of Canon 4D (3).

Canon 4F. The acceptance assignments want to be evaluated in slight of the desires on judicial belongings and the need to shield the courts from relevant in subjects that could display to be contentious. Judge ought to now no longer be given government occupations which would intervene with judges in dependency, intervene in overall judicial tasks, or have a tendency to ruin public self-assurance withinside the judicial office.

Canon 4H. A decide isn't always required via way of means of the Code to reveal investing and debt, besides as supplied on this point. The reform of ethics in 1989 and enforcing policies spread via way of means of the conference of judge extra regulations on repayment of judges. The performing people policies ought to be consulted earlier than a decide to enter any association concerning the result of repayment. The regulations so exposed consist of however aren't constrained to: (1) a

ban in opposition to getting “honoraria” (described as something of fee obtained for a dialogue, attendance, or article), (2) an exclusion in opposition to getting repayment for provider as a trustee, director, or officer of an earnings or nonprofit association, (3) a demand that remunerated coaching sports get hold of earlier endorsement, and (4) a hassle at the delivery of “out of doors received income.”

Canon 5: A Judge shall not be related to any political act

(A) General prevention as such:

- (1) act as a pacesetter or keep any workplace in a political company;
- (2) give dialogues for a political company or applicant, or openly advocate or face a candidate for public workplace; or
- (3) requested finances for, pad an evaluation to, or made contributions to a political company or candidate, or attended or buy a price tag for a dinner or different occasion subsidized through a political company or candidate.

(B) Resignation upon Candidacy. A choose must renounce the judicial workplace if they choose turns into a candidate in a number one or trendy election for any workplace.

(C) Another Politic Activities. A choose must no longer have interaction in another politic act. This division is no longer save you a choose from undertaking sports defined in Canon 4.

#### COMMENTARY

The term “politic group” referred to a political celebration, a collection connected with a political celebration or candidate for public place, or an organization where fundamental motive is to suggest for or towards political applicants or events in reference to selections for public office.

Code of Conduct Obedience

Those who are officers in judicial machine legal to carry out judicial features is a decide for the motive of this Code. All judges ought to observe this Code besides as furnished below.

(A) Temporary Judge

A part-time decide is a judge who adopt part-time, if constantly or temporarily, however is authorized through regulation to commit time to a few different career or profession and whose repayment because of this is much less than that of permanent decide. A substitute decides:

(1) isn't accounted for conforming with Canons 4A(4), 4A(5), 4D(2), 4E, 4F, or 4H(3);

(2) besides as supplied withinside the interest rules of conflict for temporary chef justice, must no longer exercise regulation withinside the courtroom docket on what the decide serves or in any courtroom docket issue to that courtroom docket's appellate stage or act as a legal professional in an intending wherein the decide had assisted as a decide or in any associated intending.

(B) The present of Judge

A presenting judge is a one who is assigned to act temporarily as a special substitution.

(1) When performing this position, it is not required for them to follow Canons 4A(4), 4A(5), 4D(2), 4D(3), 4E, 4F, or 4H(3); in addition, also no need to follow Canons 4A(3), 4B, 4C, 4D(4), or 5.

(2) This person no need to act like a lawyer when performing tasks in which that is opted as the process.

(C) Judge who was retired

A choose that retired from beneath relevant to Article III judge, or who's challenge to keep in mind beneath relevant to judge at the federal court, or who's recollected to judge carrier, need to observe all of the division of this Code besides Canon 4F, however the choose need to chorus from judicial carrier all through the length of extrajudicial appointment now no longer sanctioned through Canon 4F. Those different eligible retired judges for keep in mind to judge carrier (besides the ones in U.S. possessions) need to observe the divisions of this Code controlling temporary judges. However, financial disaster justice of the Peace judges who're eligible for keep in mind however who've informed the office of America court may now no longer consent to keep in mind aren't tasked to conform with the division of time in retired judges. This information should made whenever possible. Former chooses withinside the process has to observe this Code.

#### COMMENTARY

Exempting retired bankruptcy and judge judges, and those judges from compliance with the Code as Part-Time Judges, if they notify the U.S. Court Secretariat of their disagreement with the recall. The 2014 amendment to the Compliance section on was not intended to change the statutory qualifications of these judges to pensions, living expense adjustments, or other retirement benefits.

To sum up, judges are the most trustworthy person since they are in the power as well as high responsibility in making fair decisions in all case despite of those factors mentioned above such as the bias of love, fear, anger, greed and ignorance. Judges personal discipline is also another main part for running the system as a whole in order to make society peace, fairness and equality which means the criminals should receive suitable punishments and that the victims should receive a fair judgements and acceptable compensations for what they have lost.

#### **Public opinions**

Scheb and Lyons (2001) examines the mass public's perceptions of the factors that actually influence Supreme Court decisions as well those that ought to influence such

decisions. It was expected the significant discrepancies between what it perceives to actually be the case and what the public believes ought to be the case with regard to Supreme Court decision making and that these discrepancies have a remarkable negative impact on the public's assessment of the Court. More specifically, Scheb & Lyons hypothesize that the public believes that political factors have more influence on the Court than "ought" to be the case and that the public discern traditional legal factors to be less influential than they should be. It is found that the expected variances do exist and significantly detract from popular regard for the Court. On the whole, American citizens have a fairly well-formed idea of the factors the justices of the Supreme Court should rely on in reaching their decisions. A part from this, they have a sense of what factors justices actually do rely on in making their decisions. Citizens are much more comfortable with the justices relying on legal factors, especially the perceived intent of the founders. This suggests that the myth of legality, at least in the sense of a prescriptive ideal, is alive and well in American political culture. Americans may be sensible about the actual determinants of Supreme Court decision making, but they continue to believe in the ideal of the apolitical Court. According to this, there is reason to fear that popular profile of judicial decision making may further erode popular esteem for the Court.

Barnum (1985) and Page Benjamin and Shapiro Robert Y (1983) these days studied the connection among the Court's selections and public opinion extra straightly via way of means of the growing availability of public opinion polls and social surveys, searching compatibility among the Court selections of unique instances and public opinions closer to primary troubles in the ones instances. In the maximum bold have a look at of this kind, Marshall had compared the unique rule of Supreme Court with countrywide public thoughts voted of the mid-Thirties through 1980s. He observed that "the contemporary-day Court was a basically majoritarian center. The existent of polls margins, 3/5 to 2/3 of ruling court replicate the polls". Marshall reveals that the extent of cohesion changes via way of means of coverage place however sum up that the Supreme Court, turned into approximately as aware of public opinion as had been different legislative centers overall. Even though the Dahl-Dooley speculation is commonly supportive, congruence research has their boundaries too. This tells that

cohesion is so little approximately normal course. It can't discern conditions in which the Court responding to the public opinion from the ones in which public opinion is fashioned via way of means of the selections of the Court. Aggravating this hassle is the public opinion's propensity research to consciousness at a selection of the Court handiest in some indicator instances. The apparent hobby was due to their political importance. Thus, that is possibly to be the case that public is maximum fascinated and public thoughts maximum acute. It is possible that the instances for public opinion is maximum principal. Therefore, that research is constrained in what they could inform approximately the connection of the myriad and the wider developments in public opinion, extra common instances determined via way of means of the Court with little exposure or fanfare. Another hindrance of present opinion has a look at diagnosed via way of means of Barnum was that the questions requested in public opinion votes often no longer well respond intently with the unique troubles withinside the instances matched together (1985, 654). The research needs to fit unique selections with wide opinions. The small variety of Supreme Court instances in any trouble place incorporated with the absence of prolonged instances collection records on public opinion in maximum coverage regions additionally limits present research to extraordinarily easy comparisons of the final results of a case or stage of public thoughts in the meanwhile. The creation became limited by the control of statistics and that stops inspection the opportunity that may affect general thoughts at the Court would also arise at an enormous delay. Additionally, the focal point on public opinion and man or woman selections on unique coverage troubles in the meanwhile pointed out that the effect of public opinion is straightforward and instantaneously that selections of justices on unfinished instances are prompted via way of means of applicable public opinion votes visible withinside the daily newspaper. An extra rational discussion was that public opinion, if it's far dominant, impacts the Court because of moderate, nearly unnoticeable adjustments withinside the ideals and attitudes of man or woman justices that adopted, clearly no longer, to be a long-term, essential developments withinside the ideological mood of the public. Examination further opportunity calls for prolonged time collection records, formerly unavailable, on ideal developments each in Supreme Court selections and public

opinion. In easy word, the character and volume of the connection among Supreme Court selections and public opinion stays very a whole lot in question.

Mishler and Sheehan (1993) Between Supreme Court and public opinion are complex and subtle. It is neither inferred that the act has been doing nor has been done. The impact of the public mood on the Court's decisions occurs at a moderate ranking; a somewhat shorter lag appears to exist in the corresponding effects of Supreme Court decisions on public opinion. These two statements are strongly positive suggests the existence of a responsive Court whose decisions not only reflect changes in public opinion but also serve to legitimize and reinforce opinion change in a repeated process. The impact of broad trends in the ideology of the public mood on the ideology of the Court's decisions happens to be mediated partially through the effects of public opinion on the ideological composition of Congress and the party of president and, through changes in the ideological composition of the Supreme Court via these linkages. However, the evidence suggests that public opinion exercises important influence on the decisions of the Court even in the absence of changes in the composition of the Court or in the partisan and ideological make up of Congress and the presidency. The public opinion takes five years to join up on the Court's selections probably presentations every time required in advance than a newly elected president has a Court vacancy to fill and the time it takes for an trade in public opinion to be pondered in presidential elections. Even in which the Court adjusts its choices withinside the absence of club alternate, it's far probable to take the justices numerous years to interpret, perceive, and react to essential adjustments withinside the public mood. From this viewpoint, contributors of the Court seem like ideologically, in addition to politically motivated. Although the ideologies of the Court's contributors force the Court's choices substantially, fluctuations withinside the ideal spirit of public opinion and with the orientations of congress president is the key. Distinctly, the ideology of the Court settled a vital place. It is truly implied that elite opinion and public are connected at once to the Court and have an effect on its choices even withinside the absence of adjustments in Court club. At least, such are the styles of the duration 1956-1981.

### **Political Influences**

Kritzer (1978) the movement of trial judges are just as political as those of higher court judges. However, most of the day-to-day activity of trial judges takes place in a highly ambiguous political context. The political cues for trial judges in routine cases may be either vague or nonexistent, causing it difficult for the empirical social scientist to find strong bound between judicial action and the relevant variables. This argument is consistent with the view that the primary determinants of judicial behavior are the legal norms that judges must act; however, in many cases, judges are permitted a great deal of tangled discretion and political factors frequently play an important role on how that discretion is exercised.

Coughlan, John Ghouse, Sana Smith, and Richard (2012) A gadget of sponsorship existed in Cambodia that judges placed themselves carefully to strong politics in persuading judicial engagement to make certain profession elevation. Patronage adversely impacts the guideline of thumb of regulation as judges and prosecutors do now no longer carry out consistent with the regulation however on the whim of their 'patron'. Judges could threat displeasing them and will without difficulty discover their careers stagnating or maybe lose their function with the aid of using now no longer appearing consistent with their patrons' wishes. Cambodia additionally lacks of skilled judiciary, a longtime because the United States of America turned into suffers from aid and employees' shortages. These problems steadied the complete criminal gadget that suffered from critical deficiencies. Even though Judicial Reform and Legal Council had carried out an approach and movement plan for reform, a lot of those shortcomings persist. While problems relating impunity exist, they may be past the scope of this article, which specializes in preventing political interfere, corruption, and the judicial terrible document on protective truthful rights.

### ***Politics and history***

Cambodia is a minor South East Asia nation located in between Vietnam, Laos and Thailand. Cambodians had agonized civil war, genocide and foreign antagonism during the last thirty years of the 20th century. Since 1998, Cambodia has own their peace and start growing youthful population (60% are under 25 and 40% are less than

15 years old) of 13.4 million appearance poverty problem and the country is in low rank of development in the world, in 2009 137th out of 182 countries (UNDP, 2009). It is shown that 84.3% stay in rustic areas, income no more than \$1USD per day. The rest of 15.7% city residents reside in Phnom Penh capital; 95% Buddhists and Ethnic Khmers. For periods, Cambodia was governed by esteemed God Kings and that the Angkorian was the most famous dated amid the 9th and 13th centuries. During that time, Cambodia had been suffering recurring political and territorial conflicts with its neighbors including Thai and Vietnam. Until then, Cambodia was under French stately extension in Indo-China. Cambodia was recognized as a French Region in 1863, then regain independent in November 1953. Cambodia have become a constitutional autocracy led as a substitute as King or Prime Minister via way of means of Prince Norodom Sihanouk in 1954. During 1960s, Cambodia turned into progressively enmeshed withinside the complicated politics of the bloodless struggle fare and certainly considered one among its exhibition the civil struggle fare in Vietnam which then turn out to be communist below North Vietnam and South Vietnam with the helps from the United State. After that Sihanouk was removed by a deposition that led by General Lon Nol in 1970. Cambodia changed into proclaimed a republic and became into a length of civil war, that changed into furnished even extra unfavorable with the aid of using the large and unlawful US bomb concentrated on Vietcong deliver routes in the country. This battle improved the recognition and energy based on companies against the Lon Nol regime, amongst those commanding companies had been royalists and a progressive motion referred to as the Khmer Rouges led with the aid of using Pol Pot. The Khmer Rouges (KR) in 1975 beaten the sovereignty navy and arrived Phnom Penh. When in energy, the KR deflated the cities, and mounted a Chinese sponsored ultimate regime of agrarian progressive fright, that killed (via murder and hunger) 1.7 million humans and resulted in 1979 within a navy profession with the aid of using the Vietnamese. The Vietnamese navy of profession set up an electronic reproduction to be had at: <http://ssrn.com/abstract=2118319> 2 socialist regimes known as the People's Republic of Kampuchea (PRK) led consecutively and in brief with the aid of using some of previous KR traitors, and later with the aid of 6 years using Hun Sen the modern-day lengthy-serving Prime Minister, ex defector. While Vietnam withdrew its soldiers

from Cambodia in 1989, the regime changed into renamed the State of Cambodia (SOC). Therefore, 2nd civil war (with robust national anti-Vietnamese implication) commenced in 1979. The fighters constituted of PRK/SOC forces supported with the aid of using Vietnam and the Soviet Union on one aspect and on the alternative aspect KR and royal force militarily supported with the aid of using China and politically with the aid of using the USA, maximum western entrepreneurial nations and ASEAN nations. A United Nations intervention in 1991 led to a harmony agreement referred to as the Paris Accords and the established order of the United Nations Transitional Authority in Cambodia (UNTAC). UNTAC directed the approval of the existing charter and execution of the primary loose selections in 1993. The constitutionalist festivity (FUNCINPEC) gained a common however, withinside the wish of retaining a delicate peace among previous warring sections, changed into compelled into an integrally risky governmental association with the Cambodian People Party (CPP) directed with the aid of using Hun Sen. This precarious peace changed into certainly significantly threatened with the aid of using armed confrontation among the CPP and royal force in 1997 which caused a full-size variety of normality and the quilt of the co-high ministership with the conquer of the royalist's navy ability. After 1998 election, the CPP-FUNCINPEC government association changed into ultimately restored, however within a significantly FUNCINPEC. Yet, the association changed into observed with the aid of using persevered durations of political unpredictably and brutality. Enduring wallet of Khmer Rouge confrontation resulted in 1998, that additionally overlapped with the loss of life of Pol Pot. Exertions to deliver to just of the KR answerable for the extermination and murders of the progressive length had been lengthy behind schedule with the aid of using a central authority disinclined to disturb rational preparations which endorsed desertions from the KR. When writing a trial (at the same time mounted with the aid of using the Kingdom of Cambodia and United Nations acknowledged Extraordinary Chambers withinside the Courts of Cambodia) of Cambodian and global jurists had penalized the previous leader of the KR protection police for criminalities in opposition to humanity and is getting ready expenses in opposition to the few conclusive getting old influential of the KR. After 4 circles of country wide votes in 1993, 1998, 2003, and 2008, the CPP had combined

its governance over authorities and its chief and Prime Minister Hun Sen had regularly extended his manage the country.

West (2018) During the UNTAC period, judicial independence is partly ascribable to the flaws in Cambodia's constitutional arrangements and institutional design established. A legislative device with a civil regulation judicial department is the least probable constitutional association to offer for a functioning and unbiased judiciary withinside the neopatrimonialism political putting in Cambodia. Parliamentary systems, wherein the govt sits in the legislature, permit for the centralization of political power, whilst the social reason of a civil regulation device is to provide expression to the need of the legislature. In Cambodia, which means the judiciary is a mechanism of the govt, in undermining any functioning separation of powers. This is amplified via way of means of the weaker provisions for judicial assessment in civil regulation systems, wherein the constitutionality of legal guidelines can best be examined withinside the summary and now no longer in stable instances concerning the government. The felony gadget in Cambodia will now no longer supply even a skinny rule of regulation without the lifestyle of politics with behavioral habits that recognize power separations. The global network regularly ignored such trouble whilst searching for to sell judicial reforms and making exams approximately Cambodia's rule of regulation quality. Statements with the aid of using Cambodian authorities' officers concerning their interpretation of the guideline of thumb of regulation advised that nearby political elites do now no longer view the guideline of thumb of regulation as a global general trendy to attempt forwards. Despite the guideline of thumb of regulation is known influentially as a useful asset with the aid of using which the authorities modulate society, and one which must be tailor-made to the nearby Cambodian facts. The proof tested withinside the article confined that govt interference the judicial system is massive and deep. This is thru direct interfered in a few cases, however additionally thru a pervasive and entrenched lifestyle of self-censoring with the aid of using judges and different felony actors. Legal actors will take movement in the event that they acquire commands from better authorities, which might be taken into consideration as extra critical than the regulation. The proof additionally shown judges often set in prefer of authority's pursuits without

being told to do so. It was believed that judiciary is kind of corrupt, the interference from government, particularly from the Prime Minister, is visible as superb and withinside the pursuits in a few cases, in addition compromise self-belief withinside the judicial gadget. The rule of regulation calls for a normative dedication with the aid of using elites to the proposition that the country and its establishments now no longer best function consistent with regulation, however that people representing the country are problem to the regulation like another citizen. This vital is greater in a civil regulation gadget, wherein the capability of the judiciary to behave as a take a look at on electricity is weak. Cambodia regulation gadget, the law department isn't always empowered to assignment the choices of the govt and legislative in concrete times which might be examined withinside the courts. This helps the argument that with the civil judicial department and the parliamentary gadget hooked up in the course of the UNTAC period, Cambodia does now no longer have the center provisions to offer a positive gadget of tests and stabilities. Even though Cambodia had an indistinguishable framework and felony-institutional shape to some of liberal democracy nations consisting of Denmark, Germany and Japan, it shows profoundly specific effects in phrases of the independent of judiciary and the guideline of thumb of regulation. This sum up that the global network wishes to be extra touchy to the interaction among political lifestyle, institutional design, and nearby understandings of the motive and nature of the guideline of thumb of regulation whilst thinking about governance and country constructing initiatives.

### **Corruptions**

Rose-Ackerman (2007) even if the courts are unbiased of the relaxation of the nation, corruption withinside the judiciary also can occur. In fact, their very independence might also additionally clean corruption when you consider that no person has the authority to supervise them. If the judiciary is to be a powerful watchdog over the government, there should be each unbiased of the govt and legislature, and of excessive integrity. It should now no longer be challenge to stress from effective politicians or others withinside the public and personal sectors who advantage from a corrupt popularity quo. Therefore, an essential paradox exists. Judges can be biased

towards individuals who make payoffs if courts are unbiased. If they're now no longer unbiased, they'll be biased in carrier of politicians who've energy over them. Both are troubling outcomes, and recommend that favorable institutional layout is necessary, however now no longer sufficient. Some of the inter-nation version in corruption relies upon the competence of sitting judges, honesty and their norms of behavior. Nevertheless, rising democracies additionally want to assess the contrasting fashions mentioned above. Each version can carry out nicely below a few circumstances. The undertaking for reformers is to layout a software that offers with a couple of sides of independence and to find their system's unique vulnerabilities in a manner that limits corrupt incentives and presents spark off and unbiased justice.

Corruption is endemic in Cambodia that impacts many businesses, governments, and non-authorities' institutions. There was giant statement that dishonesty withinside the Judiciary System is extensive (Linton Suzannah, 2006). Yet, street-degree corruption via officials has subsided thinking about that 2000. For example, arcs of the United Nations International Crime Victim Survey (UNICVS) performed in 3 provinces in 2000/2001 and 2006/2007 confirmed that the expected costs of rent-looking for through officers had decreased from 15.6% to 12.9% in Kampong Cham and from 27.8% to 18.2% in Phnom Penh. In the 0.33 provinces, the costs (18.3%) have no longer amended. The real enjoy of corruption has additionally reduced in appreciate to police (besides in Kandal). In Phnom Penh, the percentage of sufferers of anti-corruption officer decreased from 10.1% in 2000 to 5.7% in 2005. In Kandal, however, the enjoy of corruption through cops had increased, from 3.5% in 2000 to 4.4% in 2005 and represented 24.1% of all sufferers of corruption as compared to 18.9% in 2000. In the 3 provinces the maximum regularly mentioned offenders through sufferers of corruption each withinside the first and 2d sweeps have been elected collective officers (Rod Broadhurst & Bouhours, 2009). It is extra tough to estimate the volume of corruption through the gentry, however it's far clean that a lot of rate authorities' officers had gathered accident not relevant to valid salaries. Commercial fraud affecting everyday purchasers remains widespread, despite the fact that the costs have considerably declined among 2000 and 2006, 31.8% to 18.7% in

Kandal, from 39.6% to 25.4% in Phnom Penh, and 29.8% to 22.0% in Kampong Cham (Rod Broadhurst & Bouhours, 2009).

### ***Anti-corruption law***

The anti-corruption regulation changed into disseminated on 17 April 2010 and is currently being imposed actively. The motive of the association of this regulation is to bolster governance and the guideline of thumb of regulation in main or governing the State, to sell the effectiveness of all offerings in addition to hold justice that may be an essential foundation for the improvement of poverty and society lessening. This regulation goals to fight bribery via imparting education, anticipation and implementation of the Anti-Corruption Law, as specified withinside the Penal Code and on this regulation. According to (Santepheap Kim, 2014), The Ministry of Justice has joint several remarks at the Anti- Corruption Law so this regulation is an powerful manner of making sure the conquest of bribery in all forms, tiers and sectors throughout the Kingdom of Cambodia.

### **Relevance studies**

#### ***Local Researches***

The standards of judicial is safeguarded in powers and independence through the Kingdom of Cambodia Constitution beneath Articles 128 and articles 21. In addition to an abundance of global treats sanction and integrated in Cambodian prison gadget. The standards are big in imparting powerful assessments and stabilities at the administrative, parliament and judiciary to make sure that none of organization benefit an excessive amount of power. Unfortunately, the judiciary in Cambodia is interference through politics for the reason that gadget is susceptible and surprisingly susceptible, specially from the executive, that's ruled through the Cambodian People's Party ruling (CPP). Cambodian Human Rights Action Committee on the other hand, 3 legal guidelines essential for independent judiciary had nevertheless to be disseminated, specifically the Law at the Functioning and Organization of the Court the Law at the Status of Judges, and the law alteration at the Organization and the

Supreme Council of Magistracy functions. Regardless of duplicated assurances in 2004 that those legal guidelines could be prioritized and adopted, they have not begun to be disseminated, demonstrating the RGC's susceptible dedication to prison and judicial reform. Without these measures the executive, to ensure its political dominance, exert can pressure on the judiciary. The President of the ECCC Trial Chamber Nil Nonn acknowledges the lack of a meaningful separation of powers in Cambodia, stating that "judges aren't independent in Cambodia, pressure was put and threaten on judges". As a consequence of this pressure, the courts are frequently used by the RGC to silence political opposition and criticism with civil and criminal charges regularly being filed against individuals speaking out against the government.

The Extraordinary Chambers in the Courts of Cambodia (ECCC) (2003) has undertaken some of tasks geared toward improving the ability of the country wide judiciary, cohesion to honest rights and requirements of just. Yet, those applications haven't any framework guiding. The ECCC has created inroads to enhance the felony gadget via way of means of adopting adjustments with a variety of things which includes political interference. While the reform may be occurred, especially with regards to the safety of honest rights, Cambodia is short of the primary aspect to make certain the ECCC could have an enduring RGC political will. Thus, all try to reform the search of insufficiency withinside felony gadget, the gadget of political interference and funding, may not be able to establish because this isn't withinside the RGC's hobby to set up a clearly impartial judiciary. However, there are a few hopes that the ECCC would adopt public call-in felony reform. Rather than looking ahead to the ECCC to result in the reform via way of means of itself, the ECCC have to be taken into consideration as a way of growing the root of felony reform, surround the powers separation, extra cohesions to the rights and the guideline of thumb of law, withinside public's awareness. It is apparent that simplest Cambodian humans itself could make an actual change.

### ***International Researches***

Edwards and Livermore (2008) It is inevitable that legal materials are the most important tool for the judges when deciding a case. These materials may include

agency and the recorded file in the trial court; The issues must have been recorded by relevant agencies from the trial court or agencies; the record must include oral and written argument between the parties which standard reviewed and controlled when necessary. During all the process, judges do not perform alone when making decision; it is always a wisely determination for the correct result in a case. If the relevant materials are not complicated, the issues are uncontroversial which mean judges can just be straightforward in reaching final decisions.

There are many different factors that may affect judicial decision-making group. Those can be the intelligence of the judges, age, unnerving, friendship, conflict, disagreement, frustration, social norms, and judges' point of view. The preparation and thoughtfulness of the judges can be credited by other expert judges by during the process; and this was recognized by everyone. Therefore, every legitimation submitting to the government is crucial and reliable. According to this, the rule of the judges is universal; and judges who are not following this rule may face further investigation. In this case, judges may have some opportunities to present a reasonable solution when necessary (Edwards & Livermore, 2008).

Amaral-Garcia, Garoupa, and Grembi (2009) by studying the Portuguese constitutional court, Kelsenian-type constitutional judges are independent from political parties. The results shown three main conclusions. First, constitutional judges in Portugal are quite sensitive to their political party's presence in government and their political affiliations when voting. Second, peer pressure is very relevant. Third, the reform in 1997 enacted to increase judicial independence has had no robust statistically significant effect.

Schroeder mentioned that Judges' opinions are just like a basic foundation of a judge's aspiration. These definitions are the preface demonstration of the influences of a long-life chain. Judges may rely on these inspiring factors when making a decision even though it is not included in the record. Schroeder continued to mention that each judge's background and social status are not reason in making judicial decision. In fact, it depends on each judge's personal and life experience. Judicial hunch in the belief of Jerome Frank is that it may take place for the reasons of politic,

economic, principles of law and rules, and judges' morality. However, he believes that the idea is superficial. He argues that judicial hunch can be produced by individual jurist. Judges may use his/her affection towards witness by using particular racial antagonism or their individual experiences. These may also include judges' political prejudices and economic. The judges' decision may also even be affected by the lawyers' gestures which could create unconscious biases. In contrast, if the judges used to make decision in the same person or similar case with the positive energy, the result of the next case may also get influenced by the past experience which called conscious desire. It can be concluded that the particular traits, habits and bias may determine how judges make decision in the case. (Timothy J. Capurso, 1998).

Based on a survey carried out in the metropolitan regions of Belo Horizonte, Goiânia, Porto Alegre and Recife, it is proclaimed that the discontent towards political institutions in Brazil does not justify the ongoing judicialization process because the perceptions on inequalities placed the Judiciary within the citizens' critical stance towards institutions. In consistency of the representative institutions, the Judiciary has not been able to mitigate the perceptions on the ineffectiveness of the empire of law and inequalities being unable to provide a satisfactory performance in regards to the normative ends of contemporary notions of democratic citizenship and legitimacy (Fernando Filgueiras, 2013).

The perceptions judicial independence of lawyers, judges, general public and companies are across countries. The perceptions of these categories are strongly correlated. However, the judges are much more positive than the companies and general public. As to general public, highly educated population are generally more positive about the presence of independence than those with lower education levels. The difference increases with the degree of independence (Van Dijk Frans, 2021).

### List of factors affecting judicial decisions

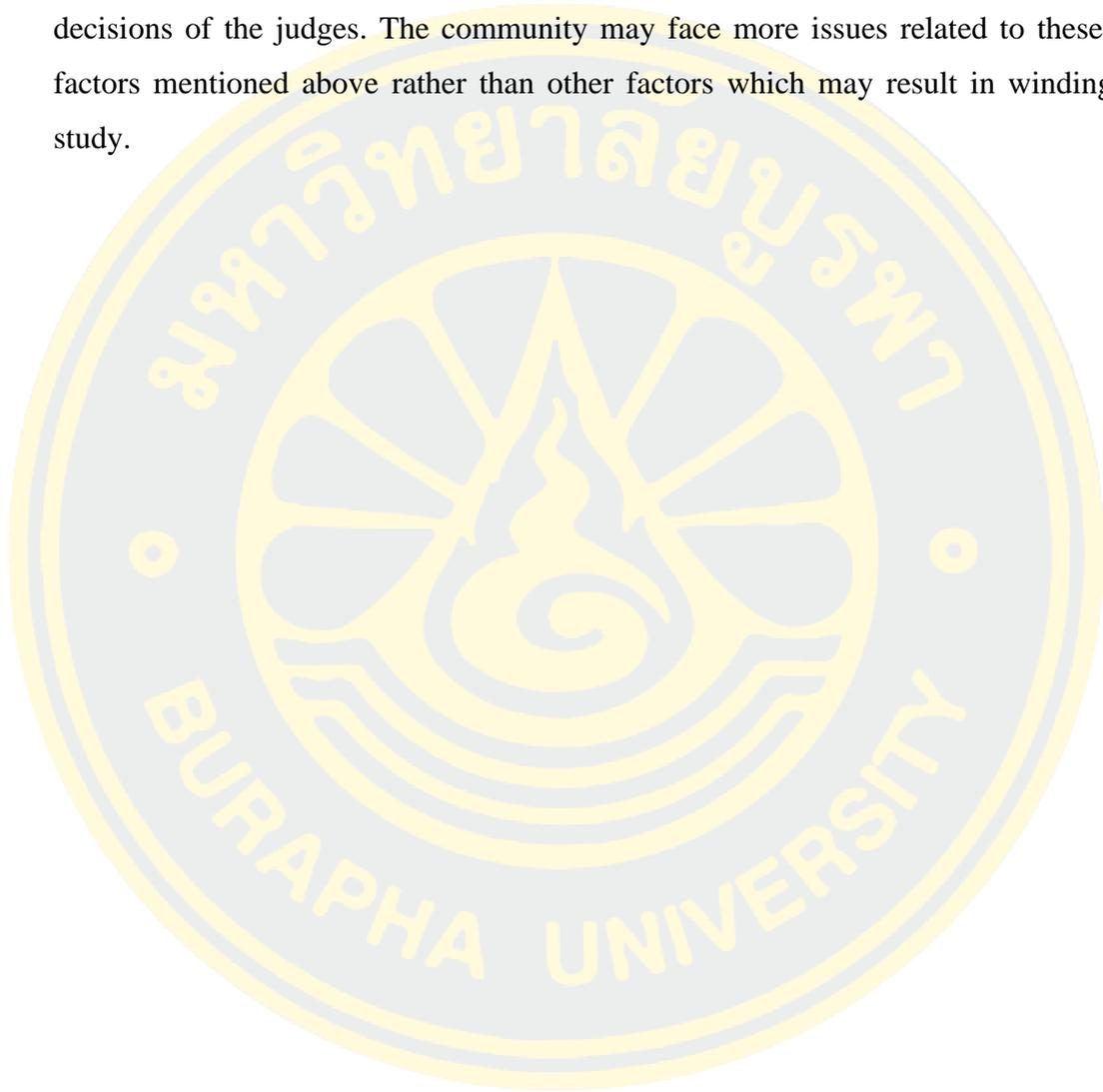
Table 2: List of Authors and Factors Affecting Judicial Decision on Criminal Case

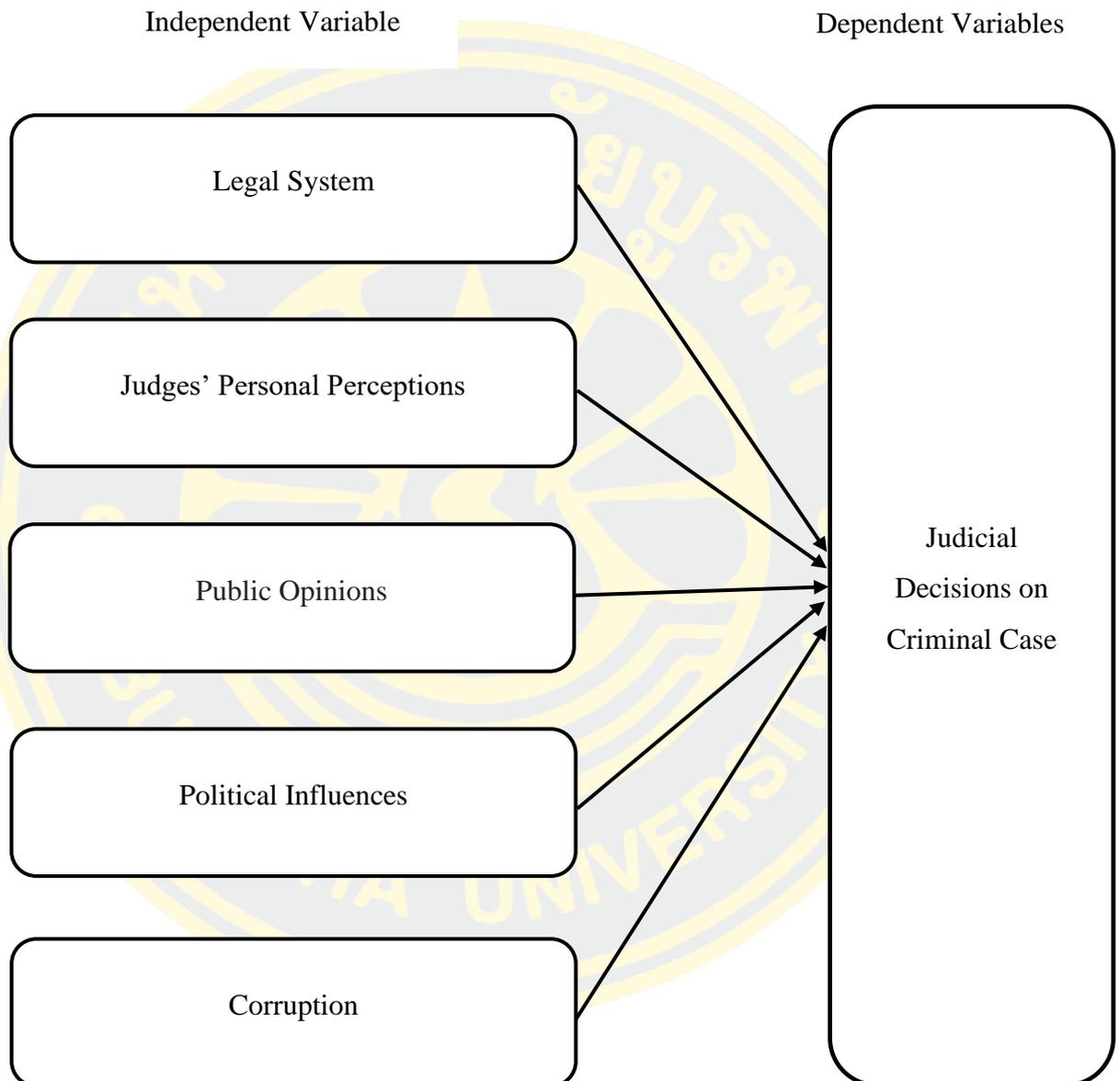
No.	Authors	Legal System	Judges ' Personal Perceptions	Public opinions	Political Influences	Corruption	Powerful people	Criminal Record Background
1	Keo et al. (2011)	√			√	√		
2	West (2018)	√			√			
3	Coughlan et al. (2012)				√			
4	Rose-Ackerman (2007)				√	√	√	
5	Amaral-Garcia et al. (2009)				√			
6	Scheb and Lyons (2001)	√		√	√			
7	Kritzer (1978)				√			
8	Timothy J. Capurso (1998)	√	√					√
9	RULE (2012)	√						
10	H. Chamroeun (2010)	√						
11	Linton Suzannah (2006)					√		
12	IIC International Criminal Court (2005)	√						
13	Numbeo (2009-2020)			√		√	√	√
14	Barnum (1985)			√				
15	Page Benjamin and Shapiro Robert Y (1983)			√				

No.	Authors	Legal System	Judges' Personal Perceptions	Public opinions	Political Influences	Corruption	Powerful people	Criminal Record Background
16	Mishler and Sheehan (1993)			√				
17	Edwards and Livermore (2008)	√						
18	Van Koppen and Kate (1984)		√					
19	Gibson (1981)		√					
20	Brian H. Bornstein (2009)		√					
21	Lumen (n.d)		√					
<b>Total:</b>		<b>8</b>	<b>5</b>	<b>5</b>	<b>7</b>	<b>4</b>	<b>2</b>	<b>2</b>

These data were collected by the researcher in order to look for various factors affecting judicial decision in crime case. According to the table above, is represented that different factor which would give impact for the Legal system (8), Judges' personal perceptions (5), Public opinions (5), Political influences (5), Corruption (4), Powerful people (2), and Criminal record background (2). Therefore, the researcher chooses the first five factors affecting judicial decision in term of its higher number of researches result. Those factors include Legal system, Judges' personal perceptions, public opinions, Political influences, and Corruption. The reason is that these five factors have more impact on this research study where the researcher here may use this as a stand on the shoulder of its giant in gathering more findings especially in Cambodia society.

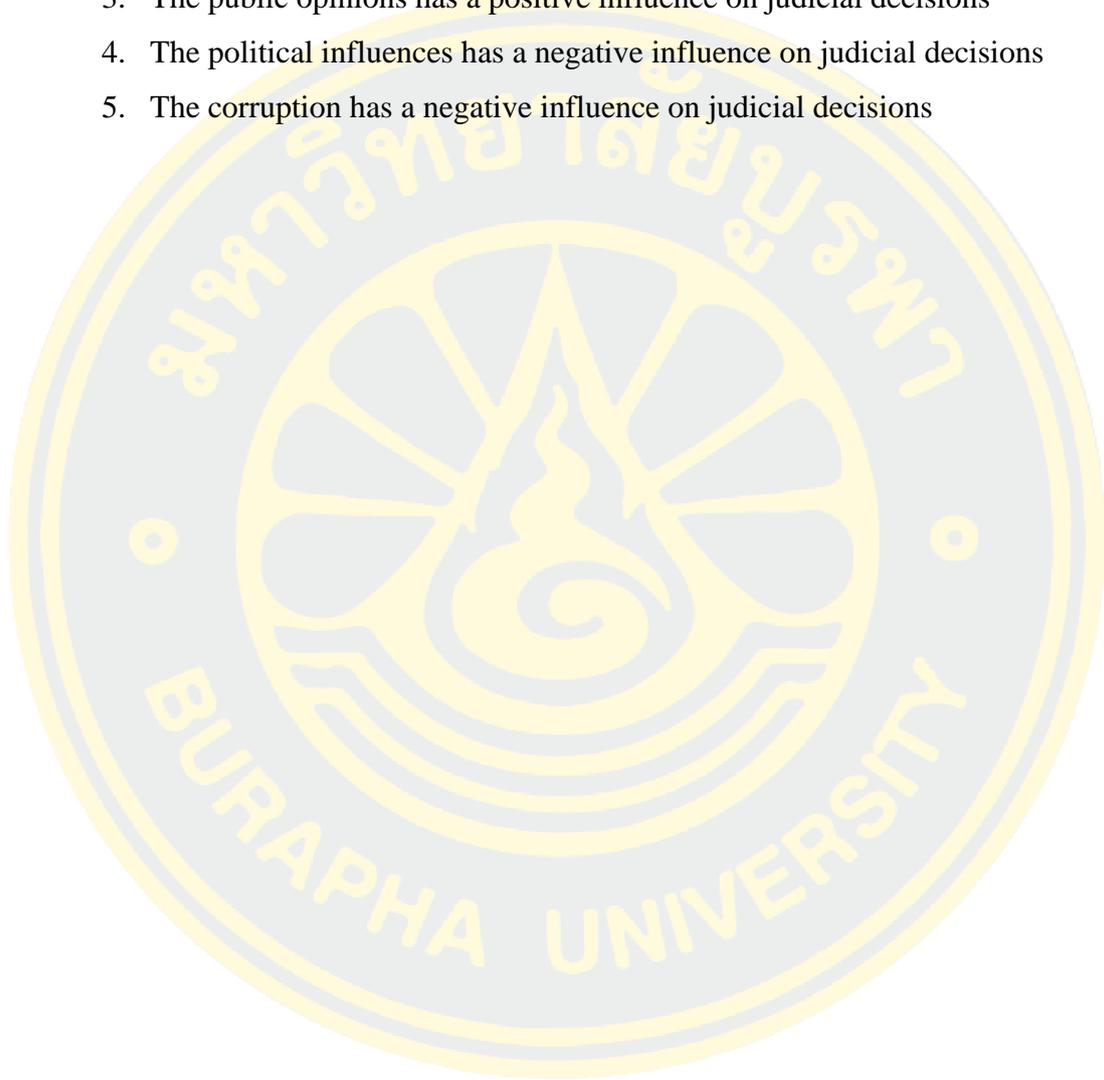
Other factors may not be chosen due to the fact that there are not enough research data to bring about enough information to be standing on for these research study. In short, this research study would focus more on the actual Cambodia society on current issues taking place regarding to the justice and equality which resulted from the decisions of the judges. The community may face more issues related to these five factors mentioned above rather than other factors which may result in winding the study.



**Conceptual framework***Figures 3: Conceptual framework*

**Hypothesis**

1. The legal system has a positive influence on judicial decisions
2. The judges' personal perception has a positive influence on judicial decisions
3. The public opinions has a positive influence on judicial decisions
4. The political influences has a negative influence on judicial decisions
5. The corruption has a negative influence on judicial decisions



## CHAPTER III:

### RESEARCH METHODOLOGY

This chapter will consist of the following outlines:

1. Research Tools
2. Population
3. Sampling
4. Data Collection
5. Research Designs
6. Questionnaire's format
7. Validation
8. Reliability
9. Data Analysis

To take a look at the subject approximately the elements affecting judicial choice on crook case in Phnom Penh, the manner of facts series is the principal part. The quantitative studies can be followed for this take a look at. In order to satisfy the goals of the take a look at, studies strategies along with samples for participation and studies equipment additionally play essential roles withinside the validity and reliability of the studies take a look at.

Two important strategies are used on this take a look at:

1. Documentary studies: to acquire facts from the books, magazine articles, newspapers, internet site as idea and associated studies consequences from many extraordinary establishments and students well matched with the subject because the secondary facts.
2. Survey studies: to acquire facts from the goal populace via way of means of the usage of questionnaires at the elements affecting judicial choice on crook case in Cambodia and what might be viable troubles resulted from judicial selections in

Phnom Penh via way of means of accumulating facts from undergraduate college students in Phnom Penh thru on-line survey.

### **Research tools**

The gear of the take a look at are to accumulate information from the well-prepared questionnaires out of the centered population, undergraduate students. The questionnaires are about to ask if those five mentioned factors give impacts on judicial decision on criminal case in Cambodia and the perceptions towards such issues among undergraduate students, specifically in Phnom Penh. Moreover, the research questions would include those issues resulted from judicial decisions and gather suggestions from undergraduate students on how to deal with the issues.

### **Population**

The population of this research study is undergraduate students in Phnom Penh. There will be multi-stages in collecting data from the sample size. Undergraduate students within three different universities in Phnom Penh will be selected for this research study and that they will be asked with a set of questions. Those three universities were: Build Bright University, Royal University of Phnom Penh, and University of Cambodia all of these universities are located in Phnom Penh city.

- An online survey form was created in order to collect the data from targeted participants.
- Since the targeted participants would be undergraduate students from three specific Universities in Phnom Penh, the researcher will contact to the officer from each of those three universities in order to ask permission in collecting data.
- The administration office from each university forwarded the questionnaires to the professors and the professors spread out the online questionnaires to their undergraduate students in the assigned universities. Any undergraduate students from those three universities can response to the online survey and the researcher have cut

out unneeded response and kept only the targeted data when reaching the number of targeted participants.

- Each participant may receive the online survey form from their professors and that they may fill in the form directly by themselves with confident. Once they have done completing the survey, they may click submit directly and that the data would come to the researcher directly with confidential.
- The answered submitted from participants are anonymous. No name or email address were required in responding the google questionnaire. The collected data would be used for the research study of factors affecting judicial decisions on criminal case in Phnom Penh only and the data will have been destroyed after the research study had completely accomplished.

### **Sampling**

The researcher randomly selected three universities out of all university in Phnom Penh, Cambodia. Targeted participants were undergraduate students who are currenting in the first to fourth year of study in these three universities which are Build Bright University, Royal University of Phnom Penh, and University of Cambodia. These three universities located in different district in Phnom Penh and offered various faculties that students can choose to study. Therefore, these three different universities are the best fits for the research study on factors affecting judicial decisions on criminal case. The targeted respondents can always withdraw from being the participants at any time. The sample size's setting can calculate utilizing the Yamane formula (Yamane, 1967):

$$n = \frac{N}{1 + Ne^2}$$

When: N = Population size

n = Required sample size

e = Error

$$n = \left( \frac{18221}{1 + (18221)(0.05)^2} \right)$$

$$n = 391 \text{ (Local Citizens)}$$

Due to the number of populations in each university and each year of study are different, the “Proportion Stratified Random Sampling” is occupied to go for the sample size by utilizing the formula as follows:

$$n1 = (n) Ni/N$$

When:            N        = The whole population  
                      Ni        = Population of the respondents  
                      n         = Required sample size  
                      n1        = Sample size

The result of sample size of the respondents in each year of study and university are as below:

*Table 3: Population and sample size of undergraduate students in each university*

University	Build Bright University		Royal University of Phnom Penh		University of Cambodia	
	Population	Sample size	Population	Sample size	Population	Sample size
<b>1<sup>st</sup> year</b>	603	13	4000	86	1238	27
<b>2<sup>nd</sup> year</b>	582	13	3540	76	1163	25
<b>3<sup>rd</sup> year</b>	436	9	2306	49	984	21
<b>4<sup>th</sup> year</b>	379	8	2154	46	836	18
<b>Total:</b>	2000	<b>43</b>	12000	<b>257</b>	4221	<b>91</b>

The total number of undergraduate students from three universities were **18221** and total number of targeted participants were **391**. The participants from Build Bright University were 43, Royal University of Phnom Penh were 257, and University of Cambodia were 91.

## **Data collection**

Data will be collected with the following procedures:

- 1) Recommendation letter was requested from the faculty of Political Science and Law, Burapha University.
- 2) After that, that letter was used to request a permission letter from the Ministry of Youths and Sports, Kingdom of Cambodia in order to ask for cooperation from the three target universities in Phnom Penh.
- 3) Developed the questionnaires and translated from English to Khmer, checked the quality of research instrument by using validity and reliability.
- 4) Tested a pilot study from 30 undergraduate students to fill in the questionnaire from other universities in Phnom Penh (different participants from the original targeted population)
- 5) After the pilot study was tested and the questionnaire was good to go, the online questionnaire was spread to targeted participants to fill in by going through the administration team in each University
- 6) After data was collected, the answer was checked to ensure the amount and quality of the usable data.
- 7) Once all data collection hit the number needed, the researcher further processed and analyzed following the process of data analysis.

## **Research designs**

This research study will be using the quantitative method in collecting data. Then, the researcher will be using online survey research and finally adopt the questionnaire in the cross-sectional format.

All the answers to the questions are not right or wrong. Everyone can provide the answer that is best fit to your situation and perspective. The researcher will use the given data to study factors affecting judicial decision on criminal case among undergraduate students in Phnom Penh as well as your perceptions.

You are being asked to take part in a research study of factors affecting judicial decisions on criminal case: a perspective of undergraduate students in Phnom Penh. Your participation in this study is voluntary, you may refuse participation or withdraw from a trial at any time without any penalty.

You will get the online survey form from the officer of your university and that you may fill in the form directly with confident. If you are agreed to take part of this study, I would like you to complete the attached link. The survey may take you approximately 5 minutes to complete. Once you have done completing the survey, you may click submit directly and that the data would come to the researcher directly with confidential.

Your personal information will be kept confidential. All your personal information will be used only for academic purposes which cause no harm. The researcher is very pleased to receive cooperation from all of you. No reference will be made in written or oral form that could link you to this study. The researcher will carefully maintain confidentiality of the data by presenting the overall result without identifying any personal information of the participants. All electric data will be stored in password-protected computers that can only be accessed by the researcher. The data would be retained for only during the research study approximately one year. After that, the data will be erased.

### **Questionnaire's format**

There are 7 parts in each questionnaire, namely Part I, II, III, IV, V, VI and VII. The questionnaires will need to be translated to Khmer language by the researcher.

- Part I is related to respondents' personal information containing gender, age, education level, place of study and occupation.
- Part II is made to ask the participants' perceptions towards judicial decisions in Phnom Penh
- Part III is made to ask the respondents on how legal system influence judicial decisions.

- Part IV is made to ask the respondents on how personal perceptions of the judges influence judicial decisions.
- Part V is made to ask the respondents on how public opinions influence judicial decisions.
- Part VI is made to ask the respondents about on how politics influence judicial decisions.
- Part VII is made to ask the respondents about on how corruption influence judicial decisions.

### **Validation**

The expert advisor will be asked to consider the questionnaires that got from the review of relevant documents as well as the questions which are developed by basing on the definition provided in chapter one. Then, the validity will be tested; and the appropriate wording language will be used in order to make revision before taking it to question the actual data collection. Furthermore, a request will be sent to an advisor (more experts may be needed) to verify and certify items in the questionnaires using the Indexes of Objective Congruence (IOC) scores on a range from -1 to 1. The three experts included:

1. Asst. Prof. Dr. Khemaree Rugchoochip
2. Asst. Prof. Dr. Terra Kulsawat
3. Asst. Prof. Dr. Ekkawit Maneethorn

Any items scored less than 0.5 are revised. In contrast, any items scored equal to or higher than 0.5 are kept.

Congruent = 1

Questionable = 0

Incongruent = -1

In order to prove that the questions are relevant to the topic, the formula below is used;

$$IOC = \frac{\Sigma R}{N}$$

IOC = consistency between the objective and content or questions and objective.

$\Sigma R$  = total assessment points given from advisor.

N = number of qualified experts.

The consistency index value must be at least 0.5 or higher to be accepted. Once the assessment or evaluation of the results received, the questions will be adjusted to ensure or confirm a consistency index value of each question must be greater than 0.5 (Ronna C. Turner & Laurie Carlson, 2003).

*Table 4: Accuracy of Questionnaire*

Variables	Before checking IOC	After checking IOC
	Number of Questions	Number of Questions
Personal Information	5	5
Participants' Perceptions	5	5
Legal System	5	5
Judges' Personal Perceptions	5	5
Public Opinions	5	5
Political Influences	5	5
Corruption	5	5

### **Reliability**

After the researcher revised the questionnaires, the researcher carried out a pilot study with 30 undergraduate students who were studying at Universities in Phnom Penh, Cambodia and are not the sample group of the research in order to find out whether or not the individual scores from the instruments are consistent or reliable. The

researcher used Cronbach's Alpha to certify reliability in order to validate the dependability. The followings are the values of Coefficient Cronbach's Alpha.

### Values of Coefficient Cronbach Alpha Meaning

- \_ > . 9 Excellent
- \_ > . 8 Good
- \_ > . 7 Acceptable
- \_ > . 6 Questionable
- \_ > . 5 Poor
- \_ > . 5 Unacceptable

The Coefficient Cronbach's Alpha should be equal to or greater than 0.7 to guarantee the reliability of the research instruments (Pallant, 2013).

*Table 5: Cronbach's Alpha of Questionnaire*

Variables	Number of Questions	Cronbach's alpha
Participants' Perceptions	5	0.881
Legal System	5	0.837
Judges' Personal Perceptions	5	0.867
Public Opinions	5	0.867
Political Influences	5	0.758
Corruption	5	0.867

## Data analysis

Once the data is completely collected, the collected questionnaires are processed and examined in a statistical program called Statistical Package for Social Science (SPSS). The statistics tools will be used in order to analyze the responses that obtain after administering analysis of the collected questionnaires. The researcher needs to make sure that the data is correctly hit the target then the further processes will be as the following: 1) Descriptive statistics 2) Independent analysis, 3) Dependent analysis, and 4) Hypothesis analysis.

1. *Descriptive data analysis:* To analysis participants' personal information such as gender, age and educational level, the frequency and percentage of those elements will be calculated.
2. *Independent analysis:* To analysis the independent variable data by using the tools such as Frequency, Percentage, Mean, Standard deviation, Coefficient of variation, Kurtosis, and Skewness.
3. *Dependent analysis:* To analysis the dependent variable data by using the tools such as Frequency, Percentage, Mean, Standard deviation, Coefficient of variation, Kurtosis, and Skewness.
4. *Hypothesis analysis:* To analysis hypothesis by using three different tools to analysis such as:
  - Basic assumptions: To recheck the collected data
  - Pearson correlation: To find the relationship between variables
  - Multiple regression: To check the collected data weather it is able to analysis

The meaning of the answer is as below:

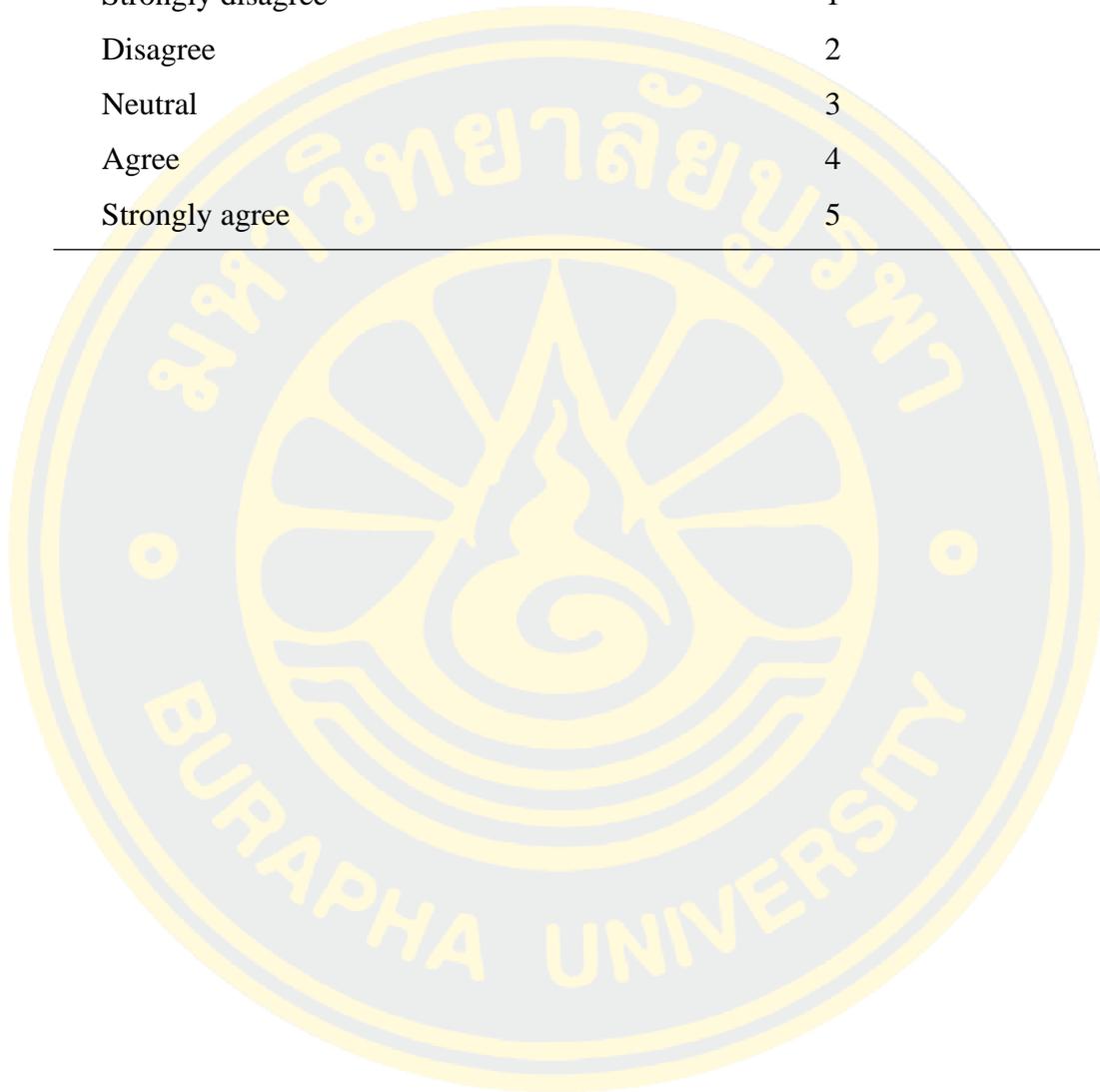
The items of the questionnaires are rated on a 5-point (Likert, 1932) ranging from 1 “strongly disagree” to 5 “strongly agree”

*Table 6: Likert scale*

---

<b>Answer</b>	<b>Score (interval scale)</b>
Strongly disagree	1
Disagree	2
Neutral	3
Agree	4
Strongly agree	5

---



## CHAPTER IV: FINDING AND RESULT

### **Introduction**

With the intention of analyze data of the research about factors affecting judicial decisions on criminal case: a perspective of undergraduate students in Phnom Penh; the researcher has taken the sample data of 391 people to analyze by using statistical methods based on the objective of the research study. With this sample, the number of participants from Built Bright University were 43 (2.15% of total students) while total of undergraduate students from this university were around 2000 students, Royal University of Phnom Penh were 257 (2.14% of the students) while total of undergraduate students from this university were around 12000 students, and University of Cambodia were 91 (2.15% of total student) while total of undergraduate students from this university were around 4221 students. According to these numbers of participants from each University, it shown the participants from each university could get access to the Google online questionnaire equally by comparing the number of students from each university that participated in this research. The results were divided into four sections as below:

- 1) Descriptive Data statistics,
- 2) Independent analysis,
- 3) Dependent analysis,
- 4) Hypothesis analysis

### *Statistics symbols*

SD	= Standard deviation
R	= Correlation coefficient
R Square	= Coefficient of determination
Adjust R Square	= A modified version of R-squared that has been adjusted for the number of predictors in the model.
Std. Error	= Standard error

ANOVA	= Analysis of variance
Sig.	= Statistical significance
B	= Unstandardized regression slope
Beta	= Standardized regression slope / Beta weight or beta coefficient
t	= Standard score for t probability distribution
H0	= Null hypothesis
H1	= Alternative hypothesis
Sk	= Skewness
Ku	= Kurtosis

### Descriptive Data statistics

*Table 7: Genders of Respondents*

Gender	Frequency	Percentage	Ranking
Male	169	43.2	2
Female	222	56.8	1
Total	391	100	

The table showed that 169 respondents were male, which accounted for 43.2 percent of the total respondents whereas the rest were female, 222, which accounted for 56.8 percent of the total respondents.

*Table 8: Age of Respondents*

Age	Frequency	Percentage	Ranking
Between 18-22	42	10.7	3
Between 23-26	243	62.1	1
Between 27-30	106	27.1	2
Total	391	100	

According to table 8, among 391 respondents, the ages of respondents were between 18 to 30 years old. The respondent whose age between 23-26 years old got the most number, which accounted for 62.1 percent.

*Table 9: Year of Study of Respondents*

Education	Frequency	Percentage	Ranking
First-year	63	16.1	4
Second-year	95	24.3	3
Third-year	122	31.2	1
Fourth-year	111	28.4	2
Total	391	100	

The table showed that respondents were undergraduate students who studied from first-year to fourth-year. There were 63 (16.1%) respondents from first-year, 95 (24.3%) respondents from second-year, 122 (31.2%) respondents from third-year, 111 (28.4%) respondents from fourth-year.

### **Variables of the study**

Abbreviation of variable:

JDoCC: Judicial Decisions on Criminal Cases

LS: Legal System

JPP: Judges' Personal Perceptions

PO: Public Opinions

PI: Political Influences

Co: Corruption

There were six variables in this research study which are Judicial Decisions, Legal System, Judges' Personal Perceptions, Public Opinions, Political Influences, and Corruption.

## Independent Analysis

*Table 10: Descriptive statistic of Legal System (LS)*

LS	Frequency	Percentage	SD	Mean	CV	Ku	Sk	Rank
LS1	21	5.5	1.08	3.49	0.31	-0.30	-0.58	1
LS2	54	14	1.09	2.80	0.39	-0.72	-0.03	4
LS3	64	16.6	1.06	2.58	0.41	-0.58	0.24	5
LS4	32	8.3	1.07	3.10	0.35	-0.56	-0.18	3
LS5	37	9.6	1.08	3.14	0.34	-0.37	-0.29	2
Total			1.08	3.02				High

Legal System contained 5 indicators. The dials are the questions asking were: I think Legal system in Phnom Penh plays virtual roles in court (LS1), I think Legal system in Cambodia is complimentary from the government and is independent (LS2), I am satisfied with the legal system in Phnom Penh (LS3), I think Legal system gives benefits to both judges and relevance people in assemble just in Phnom Penh (LS4), I think Legal system has a positive influence on judicial decisions in Phnom Penh (LS5). The table showed that the total number of respondents was 391. Standard deviations were 1.08, 1.09, 1.06, 1.07 and 1.08 respectively. Means were 3.49, 2.80, 2.58, 3.10 and 3.14 for each question and the average mean was 3.02 which was in the high rank/level respectively. Coefficient of Variations were 0.31, 0.39, 0.41, 0.35 and 0.34 respectively. Kurtosis statistics were -0.30, -0.72, -0.58, -0.56 and -0.37 respectively. Skewness statistics were -0.58, -0.03, 0.24, -0.18 and -0.29 respectively.

*Table 11: Descriptive statistic of Students' attitude toward Judges' Personal Perceptions (JPP)*

<b>JPP</b>	<b>Frequency</b>	<b>Percentage</b>	<b>SD</b>	<b>Mean</b>	<b>CV</b>	<b>Ku</b>	<b>Sk</b>	<b>Rank</b>
JPP1	29	7.5	1.00	3.20	0.31	-0.08	-0.43	1
JPP2	22	5.7	0.99	3.09	0.32	-0.40	-0.10	4
JPP3	37	9.6	1.09	3.11	0.35	-0.55	-0.31	3
JPP4	33	8.6	1.03	3.02	0.34	-0.55	-0.21	5
JPP5	29	7.5	1.03	3.12	0.33	-0.20	-0.12	2
<b>Total</b>			1.03	3.11				<b>High</b>

Students' attitude toward Judges' personal perceptions contained 5 indicators. The dials are the questions asking were: I think Judges' personal perceptions gives great benefits toward judicial decisions (JPP1), I think Judges are more likely to rely on his/her perceptions to make decisions in any cases (JPP2), I think Judges' personal perception play an important role in making decisions in the court (JPP3), I think it is inevitable that judges need to believe on their own perceptions in making decisions (JPP4), I think Judges' personal perceptions has a positive influence on judicial decisions in Phnom Penh (JPP5). The table showed that the total number of respondents was 391. Standard deviations were 1.00, 0.99, 1.09, 1.03 and 1.03 respectively. Means were 3.20, 3.09, 3.11, 3.02 and 3.12 for each question and the average mean was 3.11 which was in the high rank/level respectively. Coefficient of Variations were 0.31, 0.32, 0.35, 0.34 and 0.33 respectively. Kurtosis statistics were -0.08, -0.40, -0.55, -0.55 and -0.20 respectively. Skewness statistics were -0.43, -0.10, -0.31, -0.21 and -0.12 respectively.

*Table 12: Descriptive Statistics of Public Opinions (PO)*

<b>PO</b>	<b>Frequency</b>	<b>Percentage</b>	<b>SD</b>	<b>Mean</b>	<b>CV</b>	<b>Ku</b>	<b>Sk</b>	<b>Rank</b>
PO1	16	4.2	1.08	3.44	0.31	-0.61	-0.40	1
PO2	16	4.2	0.93	3.30	0.28	-0.03	-0.41	2
PO3	16	4.2	0.92	3.17	0.29	-0.08	-0.19	4
PO4	25	6.5	1.08	3.17	0.34	-0.60	-0.13	4
PO5	16	4.2	1.05	3.22	0.33	-0.69	-0.08	3
<b>Total</b>			<b>1.01</b>	<b>3.26</b>				<b>High</b>

Public opinions contained 5 indicators. The dials are the questions asking such as: I think Society gives impacts toward the judges in making decisions (PO1), I think Judges are more likely to rely on social thoughts to make decisions in any cases (PO2), I think Judges pay more attention on public point of view for making their decisions and always be cautious when making any decisions in responding to the satisfaction of the society (PO3), I think it is inevitable that judges need to pay attention on public thoughts in making decisions (PO4), I think public opinions have a positive influence on judicial decisions in Phnom Penh (PO5). The table showed that the total number of respondents was 391. Standard deviations were 1.08, 0.93, 0.92, 1.08 and 1.05 respectively. Means were 3.44, 3.30, 3.17, 3.17 and 3.22 for each question and the average mean was 3.26 which was in the high rank/level respectively. Coefficient of Variations were 0.31, 0.28, 0.29, 0.34 and 0.33 respectively. Kurtosis statistics were -0.61, -0.03, -0.08, -0.60 and -0.69 respectively. Skewness statistics were -0.40, -0.41, -0.19, -0.13 and -0.08 respectively.

*Table 13: Descriptive Statistics of Political Influences (PI)*

<b>PI</b>	<b>Frequency</b>	<b>Percentage</b>	<b>SD</b>	<b>Mean</b>	<b>CV</b>	<b>Ku</b>	<b>Sk</b>	<b>Rank</b>
PI1	64	16.6	1.01	3.49	0.30	-0.21	-0.37	3
PI2	86	22.3	1.03	3.61	0.29	-0.35	-0.39	1
PI3	76	19.7	1.04	3.60	0.29	-0.36	-0.50	2
PI4	58	15.1	1.12	3.37	0.33	-0.33	-0.50	4
PI5	20	5.2	1.07	2.67	0.40	-0.49	0.11	5
<b>Total</b>			<b>1.05</b>	<b>3.35</b>				<b>High</b>

Political influences contained 5 indicators. The dials are the questions asking such as: I think Judges in Phnom Penh is complimentary from politics and is independent (PI1), I think Political influences in Phnom Penh DO NOT dominant judges in making decisions at all cases (PI2), I think Politics has no impacts on judicial decisions in Phnom Penh (PI3), I think Politics has no interfere in judiciary system in Phnom Penh (PI4), I think Politics has a negative influence on judicial decisions in Phnom Penh (PI5). The table showed that the total number of respondents was 391. Standard deviations were 1.01, 1.03, 1.04, 1.12 and 1.07 respectively. Means were 3.49, 3.61, 3.60, 3.37 and 2.67 for each question and the average mean was 3.35 which was in the high rank/level respectively. Coefficient of Variations were 0.30, 0.29, 0.29, 0.33 and 0.40 respectively. Kurtosis statistics were -0.21, -0.35, -0.36, -0.33 and -0.49 respectively. Skewness statistics were -0.37, -0.39, -0.50, -0.50 and 0.11 respectively.

*Table 14: Descriptive Statistics of Corruption (Co)*

<b>Co</b>	<b>Frequency</b>	<b>Percentage</b>	<b>SD</b>	<b>Mean</b>	<b>CV</b>	<b>Ku</b>	<b>Sk</b>	<b>Rank</b>
Co1	98	25.5	1.02	3.69	0.28	-0.63	-0.36	3
Co2	98	25.5	1.04	3.72	0.30	-0.21	-0.59	2
Co3	61	15.8	0.93	3.47	0.27	-0.34	-0.01	4
Co4	107	30.4	1.04	3.81	0.27	-0.06	-0.67	1
Co5	32	8.3	1.23	2.80	0.44	-1.05	0.07	5
<b>Total</b>			1.05	3.50				<b>High</b>

Corruption contained 5 indicators. The dials are the questions asking such as: I think Judges in Phnom Penh perform work with no corruption and is independent (Co1), I think Judges in Phnom Penh do not tolerate corruption (Co2), I am satisfied with the judicial decisions making in Phnom Penh (Co3), I think There is no under-table money interfere in judiciary system in Phnom Penh (Co4), I think Rich people have a negative influence on judicial decisions in Phnom Penh (Co5). The table showed that the total number of respondents was 391. Standard deviations were 1.02, 1.04, 0.93, 1.04 and 1.23 respectively. Means were 3.69, 3.72, 3.47, 3.81 and 2.80 for each question and the average mean was 3.50 which was in the high rank/level respectively. Coefficient of Variations were 0.28, 0.30, 0.27, 0.27 and 0.44 respectively. Kurtosis statistics were -0.63, -0.21, -0.34, -0.06 and -1.05 respectively. Skewness statistics were -0.36, -0.59, -0.01, -0.67 and 0.07 respectively.

### Dependent Analysis

Table 15: Judicial Decisions on Criminal Cases (JDoCC)

JDoCC	Frequency	Percentage	SD	Mean	CV	Ku	Sk	Rank
JDoCC1	33	8.6	0.97	2.78	0.35	-0.64	0.04	2
JDoCC2	30	7.8	0.98	2.82	0.35	-0.47	0.12	1
JDoCC3	36	9.4	0.93	2.78	0.33	-0.49	-0.13	2
JDoCC4	57	14.8	0.99	2.53	0.39	-0.47	0.27	4
JDoCC5	78	20.3	1.07	2.48	0.43	-0.47	0.34	5
Total			0.99	2.68				Average

Participant perceptions on judicial decisions on criminal case contained 5 indicators. The dials are the questions asking such as: I think Judicial system in Phnom Penh is independent and reliable (JDoCC1), I think Cambodian citizens receive fair judgement from the court (JDoCC2), I am confident in judicial decisions in Cambodia (JDoCC3), I think Judges in Cambodia give fair judgement to each and everyone with no discrimination between the rich and the poor (JDoCC4), I think poor people in Cambodia receive just in any cases (JDoCC5). The table showed that the total number of respondents was 391. Standard deviations were 0.97, 0.98, 0.93, 0.99 and 1.07 respectively. Means were 2.78, 2.82, 2.78, 2.53 and 2.48 for each question and the average mean was 2.68 which was in the average rank/level respectively. Coefficient of Variations were 0.35, 0.35, 0.33, 0.39 and 0.43. Kurtosis statistics were -0.64, -0.47, -0.49, -0.47 and -0.47 respectively. Skewness statistics were 0.04, 0.12, -0.13, 0.27 and 0.34 respectively.

## Hypothesis Analysis

- Basic assumptions: To recheck the collected data
- Pearson correlation: To find the relationship between variables
- Multiple regression: To check the collected data whether it is able to analysis

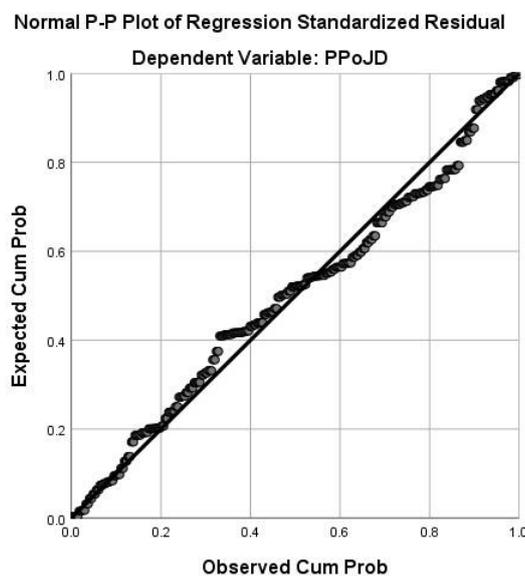
### *Basic assumptions*

Before running the multiple regressions analysis, the researcher needs to check the assumptions of normality, linearity, homoscedasticity, and absence of multicollinearity.

### *Testing Normality*

The multiple linear regression analysis requires that errors between observed and predicted values should be typically distributed. If we examine a normal Predicted (P-P) plot, we can determine if the little circle is normally distributed. If they are, they will conform to the diagonal normality line indicated in the plot. This figure shows that the data is normal. The little circles follow the normality line.

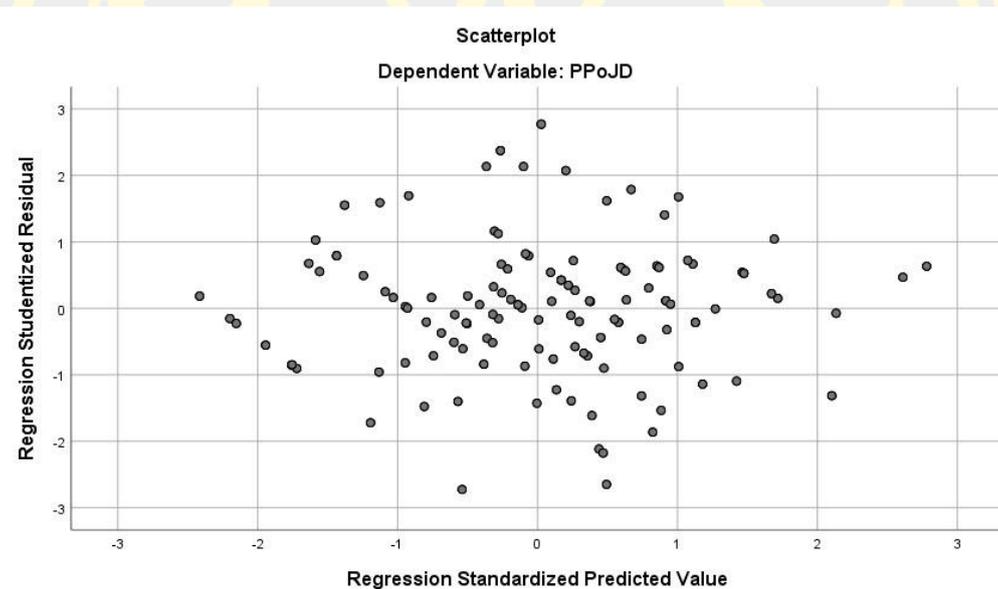
*Figures 4: P-P Plot*



### *Testing Homoscedasticity*

Homoscedasticity describes a situation in which the error term is the same across all values of the independent variables. The researcher employed scatterplot to check the homoscedasticity. According to the scatterplot, the data is homoscedastic if the data looks like you shot it out of a shotgun. It does not have an obvious pattern, there are points equally distributed above and below zero on the X axis, and to the left and right of zero on the Y axis. Figures 5 indicates the scatterplot showing homoscedastic data since there is no obvious pattern of distribution.

*Figures 5: Scatter Plot*



### *Testing Linear Relationship*

When there is a linear relationship, it means that the predictor variables in the regression have a straight-line relationship with the outcome variable. Therefore, when the residuals are normally distributed and homoscedastic, we do not have to worry about linearity.

### *Testing Multicollinearity*

The researcher used correlation matrix to check the multicollinearity problem. When computing a matrix of Person's bivariate correlation among all independent variables,

the magnitude of the correlation coefficients should be less than 0.80 indicating no highly correlated among each independent variable. Table 15 shows that there is no correlation efficient that higher than 0.80 indicating no multicollinearity problem.

*Table 16: Correlation between Independent Variables*

	LS	JPP	PO	PI	Co
LS	1.00				
JPP	0.53**	1.00			
PO	0.38**	0.58**	1.00		
PI	-0.69**	-0.33**	-0.16**	1.00	
Co	-0.68**	-0.43**	-0.30**	0.79**	1.00

\*p<.05

\*\*p<.01

### **Multiple Regression Analysis**

*Table 17: Summary of multiple regression, analysis of legal system, students' attitude toward judges' personal perceptions, public opinions, political influence, and corruption*

IVs	B	Std. E	Beta	t	Sig.
(Constant)	-0.03	0.13	-	-0.22	0.829
LS	0.52	0.04	0.53	12.32*	0.000
JPP	0.08	0.04	0.08	2.10*	0.036
PO	-0.07	0.04	-0.07	-1.60	0.111
PI	-0.24	0.05	-0.21	-4.47	0.000
Co	-0.19	0.05	-0.17	-3.51	0.001
R Square = 0.72		Adjusted R Square = 0.71		Std. Error of the Est. = 0.466	

Note: a. Dependent Variable: JDoCC

b. Predictors: (Constant), LS, JPP, PO, PI, Co

c. P-value less than 0.05

Based on table 17, R Square is 0.72 which showed that 72 % judicial decision was explained by the independent variables.

The independent variable which has the most influence on judicial decisions was legal system (0.53); follow by students' attitude toward judges' personal perception (0.08); meanwhile political influence (-0.21); corruption (-0.17); and public opinion (-0.07) have a negative influence on judicial decisions.

*Equation 1 (Unstandardized coefficients):*

Judicial decision = -0.03 +0.52(LS) +0.08(JPP) -0.07(PO) -0.24(PI) -0.19(Co)

*Equation 2 (Standardized coefficients):*

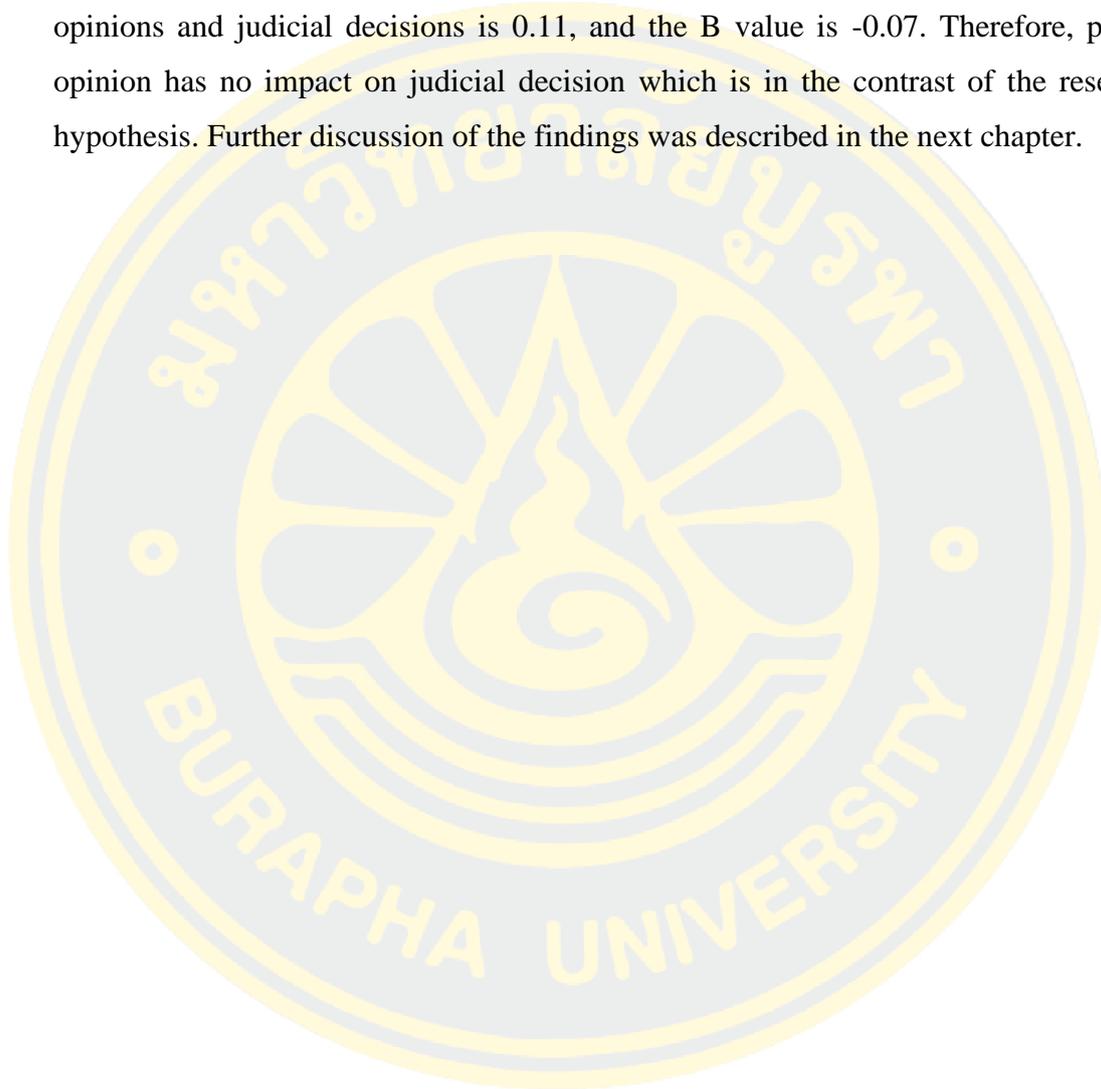
Judicial decision = +0.53(LS) +0.08(JPP) -0.07(PO) -0.21(PI) -0.17(Co)

### **Summary of Hypothesis Testing Result**

*Table 18: Hypothesis Testing Result*

<i>Hypothesis</i>	<i>Result of Hypothesis</i>
Hypothesis 1: The legal system has a positive influence on judicial decisions	Accepted
Hypothesis 2: The judges' personal perception has a positive influence on judicial decisions	Accepted
Hypothesis 3: The public opinions has a positive influence on judicial decisions	<b>Rejected</b>
Hypothesis 4: The political influences has a negative influence on judicial decisions	Accepted
Hypothesis 5: The corruption has a negative influence on judicial decisions	Accepted

Between these five hypotheses, there is one hypothesis that was rejected which is Public Opinions. This shown that Public Opinion may have no impacts on judicial decisions on criminal case in Cambodia. Multiple regression analysis rejected hypothesis of Public Opinions. The result demonstrated that the p-value of public opinions and judicial decisions is 0.11, and the B value is -0.07. Therefore, public opinion has no impact on judicial decision which is in the contrast of the research hypothesis. Further discussion of the findings was described in the next chapter.



## CHAPTER V:

### DICUSSION AND CONCLUSION

This research studies about a perspective of undergraduate students in Phnom Penh towards factor affecting judicial decisions. There are three objectives such as; 1) to study perceptions of undergraduate students in Phnom Penh towards judicial decisions on criminal case, 2) To study the relationship between independent variables and judicial decision on criminal case; and 3) to provide suggestions/recommendations the findings for relevant agencies. To answer the research question asking that 1) What undergraduate students' perceptions towards judicial decision on criminal case in Phnom Penh? 2) What is the relationship between independent variables and judicial decision on criminal case? And 3) What could be the suggestions/recommendations for relevant agencies? This chapter demonstrates the finding and result from chapter four along with the sources to support it. The hypothesis was tested by employing quantitative research with 391 respondents from three universities in Phnom Penh using cluster sampling technique.

This chapter include:

1. Conclusion
2. Discussion
3. Research Result Recommendations
4. Recommendations and suggestions for future research study

#### **Conclusion**

#### ***The variables***

There are six variables in this study: 1) judicial decisions, 2) Legal system, 3) Judges' personal perception, 4) Public opinions, 5) Political influence, Corruption.

***Demographic of data:***

Among 391 participants, 169 are males and 222 are females. The age is from 18 to 30. The age between 23 to 26 is the greatest number of participants. The participants are from three different universities namely, Build Bright University, Royal University Phnom Penh, and University of Cambodia. They are undergraduate students which are from first-year to fourth-year, and the greatest number of participants are from third-year which accounted for 122 (31.2%).

***Judicial Decisions on Criminal Cases***

There are dimensions (JDoCC1 to JDoCC5) measuring the factors affecting judicial decisions among undergraduate students in Phnom Penh. The questions include: JDoCC1 (I think Judicial system in Phnom Penh is independent and reliable), JDoCC2 (I think Cambodian citizens receive fair judgement from the court), JDoCC3 (I am confident in judicial decisions in Cambodia), JDoCC4 (I think Judges in Cambodia give fair judgement to each and everyone with no discrimination between the rich and the poor), and JDoCC5 (I think poor people in Cambodia receive just in any cases). The researcher found that the average mean was 2.68 which was in the average rank.

***The five hypotheses in the research study:***

**Hypothesis 1:** The legal system has a positive influence on judicial decisions.

Multiple regression analysis in chapter 4 support hypothesis 1. Table 16 demonstrated that the p-value of legal system and judicial decisions is 0.00, and the B value is 0.52. Therefore, legal system has a positive influence on judicial decisions.

**Hypothesis 2:** The judges' personal perception has a positive influence on judicial decisions.

Multiple regression analysis in chapter 4 support hypothesis 2. Table 16 demonstrated that the p-value of judges' personal perception and judicial decisions is 0.03, and the

B value is 0.08. Therefore, undergraduate students believed that judges' personal perception has a positive influence on judicial decisions.

**Hypothesis 3:** The public opinions has a positive influence on judicial decisions.

Multiple regression analysis in chapter 4 rejected hypothesis 3. Table 16 demonstrated that the p-value of public opinions and judicial decisions is 0.11, and the B value is - 0.07. Therefore, public opinion has no impact on judicial decision which is in the contrast of the research hypothesis.

**Hypothesis 4:** The political influences has a negative influence on judicial decisions.

Multiple regression analysis in chapter 4 support hypothesis 4. Table 16 demonstrated that the p-value of political influence and judicial decisions is 0.00, and the B value is 0.24. Therefore, the political influences has a negative influence on judicial decisions.

**Hypothesis 5:** The corruption has a negative influence on judicial decisions.

Multiple regression analysis in chapter 4 support hypothesis 5. Table 16 demonstrated that the p-value of corruption and judicial decisions is 0.00, and the B value is 0.19. Therefore, the corruption has a negative influence on judicial decisions.

The study of factors affecting judicial decisions on criminal case: a perspective of undergraduate students in Phnom Penh contains five independent variables such as legal system, judges' personal perception, public opinions, political influences and corruption. By basing on the result in chapter 4, there are four factors which are legal system, judges' personal perception, political influences and corruption significantly affecting judicial decisions out of participants' perceptions. Legal system got the highest influence on judicial decisions following by political influences, corruption, and judges' personal perception.

## **Discussion**

The research findings are discussed by basing on the research objectives as the following: 1) to study perceptions of undergraduate students in Phnom Penh towards

judicial decisions on criminal case, 2) to study the relationship between independent variables and judicial decision on criminal case, and 3) to provide suggestions/recommendations the findings for relevant agencies.

**Objective 1:** to study perceptions of undergraduate students in Phnom Penh towards judicial decisions on criminal case.

Descriptive statistical analysis in chapter 4 showed that the average mean value of judicial decisions is in the average level, 2.68. This demonstrated that the reliability on judicial decisions on criminal case among undergraduate students in Phnom Penh is average. For this reason, it is found that in each question among the five dimensions of participants' perception on judicial decisions has an average level. The mean value of each question is: JDoCC1 (I think Judicial system in Phnom Penh is independent and reliable) the mean value is 2.78, JDoCC2 (I think Cambodian citizens receive fair judgement from the court) the mean value is 2.82, JDoCC3 (I am confident in judicial decisions in Cambodia) the mean value is 2.78, JDoCC4 (I think Judges in Cambodia give fair judgement to each and everyone with no discrimination between the rich and the poor) the mean value is 2.53, and JDoCC5 (I think poor people in Cambodia receive just in any cases) the mean value is 2.48.

To sum up, the result of research showed that the undergraduate students' perceptions on judicial decisions on criminal case is limited due to the fact that the mean value of this resulted in average. Undergraduate students in Phnom Penh could understand the factors affecting judicial decisions on criminal case by depending on their knowledges and experiences only. Besides, the researcher also found that the reliability of judicial decision on criminal case among undergraduate students is also limited. Kheang Un (2009) After many years beneath overseas government tasks. In 1993, Cambodia thru worldwide corporation followed a free device with loose marketplace economic. Then, the USA had problem in coordinating freedom and sell monetary updates. During post-warfare public, innovative innovations call for a widely valid politic device, a device typically recognized as accountability. The findings of independent variables in this study will present the factors affecting the result.

**Objective 2:** To study the relationship between independent variables and judicial decision on criminal case

**Hypothesis 1:** Multiple regression analysis supports the hypothesis that legal system has positive influence on judicial decisions on criminal case according to the perceptions of undergraduate students in Phnom Penh. The result is consistent with the literature review in chapter two as the following: According to the Constitution (2008), Article 128: Judicial is an independent power; The Judiciary must be impartial and protect the freedom and rights of citizens. The Judiciary may consider all legal cases including administrative cases. This power shall be vested in the Supreme Court and in all courts of all levels and sectors. Along with article 129 and 130: Trials shall be conducted in the name of the Khmer people in accordance with laws in force and the legal procedures. There are only judges that have the rights to arbitrated. A judge shall fulfill this duty conscientiously and wholeheartedly, with strict respect for the laws. Judicial power shall not be granted to any executive body or legislative. Also, National Assembly (2014) became disseminated in 2014 comprising ninety one articles and eight chapters. The cause to generate this regulation is to assure the judicial independency, to assure the non-biased judgment and shield the proper and freedom of the citizens, to assure the coolest manner withinside the courtroom docket and prosecution association, to enhance the general public offerings efficiently and quick, to assure to offer justice for all instances to boom people's self-assurance and support the social security. Therefore, it can be seen clearly that legal system has positive influence on judicial decisions on criminal case among undergraduate students in Phnom Penh.

**Hypothesis 2:** Multiple regression analysis supports the hypothesis that judges' personal perception has a positive influence on judicial decisions on criminal case. The result is consistent with Van Koppen and Kate (1984) suggested that judicial decisions are influenced by the personal characteristics of the judges moderately. However, the judges, considered different techniques in making decisions. Both the characteristics of the cases and the personal characteristics of the judge cannot be explained to a substantial extent the differences in the decisions. It was concluded that

judicial decisions stem from case characteristics and an interaction of personal. The hypothesis is also consistent with Gibson (1981) mentioned that judges' personal perceptions have a significant impact in making decision on criminal case indirectly. Yet, this may vary by according to each judge's self-esteem. Gibson's study shown that restraints orientation may result from internal role expectation while activist orientation is from external role expectation.

**Hypothesis 3:** Multiple regression does not support the hypothesis that public opinions has a positive influence on judicial decisions on criminal case. Base on table 16, public opinion variable is not statistically signification. In other word, there is no any impact of public opinions on judicial decisions.

**Hypothesis 4:** Multiple regression analysis supports the hypothesis that political influence has a negative influence on judicial decisions on criminal case. The result is consistent with Amaral-Garcia et al. (2009) tested to what extent Kelsenian-type constitutional judges are independent from political parties by studying the Portuguese constitutional court. The results yield three main conclusions. First, constitutional judges in Portugal are quite sensitive to their political affiliations and their political party's presence in government when voting. Second, peer pressure is very relevant. Third, the 1997 reform enacted to increase judicial independence has had no robust statistically significant effect. The result is also consistent with West (2018) During the UNTAC period, judicial independence is partly ascribable to the flaws in Cambodia's constitutional arrangements and institutional design established. A legislative device with a civil regulation judicial department is the least probable constitutional association to offer for a functioning and unbiased judiciary withinside the neopatrimonialism political putting in Cambodia. Therefore, the variable of political influence has a negative influence on judicial decisions on criminal case.

**Hypothesis 5:** Multiple regression analysis supports the hypothesis that corruption has a negative influence on judicial decisions on criminal case. The result is consistent with Linton Suzannah (2006) Corruption is widespread in Cambodia and influences a lot of governments, non-authorities organizations, and trades. They were significant

contentions that corruption in the Judiciary System is widespread. Yet, street-level corruption by officers has subsided since 2000. The result is also consistent with Rose-Ackerman (2007) Corruption in the judiciary can occur even when the courts are independent of the rest of the state. In fact, their very independence may facilitate corruption because no one has the authority to oversee them. If the judiciary is to be an effective watchdog over the government, it must be both independent of the legislature and the executive, and of high integrity. It must not be subject to pressure from powerful politicians or others in the public and private sectors who benefit from a corrupt status quo. Therefore, the variable of corruption has negative influence on judicial decisions on criminal case.

Among five factors affecting judicial decisions on criminal case, there are four factors statistically significant such as legal system, judges' personal perception, political influence and corruption. However, there is one factor that is not statistically significant with the dependent variable. The variable that has most impact on judicial decisions on criminal case is legal system.

### **Research Result Recommendations**

Undergraduate students are group of people who have variety of skills. A nation cannot be developed without this group of people. As mentioned in chapter one and chapter two, judges make decisions by depending on different factors. Based on this study, the researcher found that legal system and judges' personal perception has positive impacts on judicial decisions on criminal case. The variables of political influence and corruption has negative impacts on judicial decisions on criminal case. Therefore, the researcher would like to provide recommendations as the following:

1. Court apply legal system as the soul of law in operating justice. The result of the study showed that legal system is the first and the most influence toward judicial decisions on criminal case. Even though legal system is the main soul of law, the society keep changing from time to time. Legal system at the same time should be kept updated according to the actual development of the society and the changes of

human living conditions. Legal system should be reliable, sustainable and accountable where relevant department would pay attention on.

2. Policies makers may collaborate more with education centers in Phnom Penh in providing further court and judicial system knowledge towards students since they are the next generation of human resource. The knowledge could be providing more opportunities for students to access to the site and facility of the court to gain more understanding of the actual situation, providing actual experience by creating some more seminars sharing knowledge on relevant information, and supporting public to raise their voice when experiencing unjust.

3. Based on the research, undergraduate students in Phnom Penh had a limit understanding of how legal system work and limit access to judicial system which cause the chaotic in their beliefs. It would be great if basic knowledge procedures are being raised by the lawmakers to general public. It could be some short videos being explained how judicial system work, how to access to court, where they can look for help when in need, what to expect if they experience fighting for rights and justice, and how to react when facing unlawful situation.

### **Recommendations and suggestions for future research study**

Having finished the thesis research on factors affecting judicial decisions on criminal case: a perspective of undergraduate students in Phnom Penh, the researcher has some recommendations and suggestions for future research study as the following:

1. The researcher studied only with undergraduate students in Phnom Penh that may not be able to apply to the whole students in the country. In order to apply to the whole country, next researcher may study with the participants in various places so that it will be able to apply for the whole territory in Cambodia.

2. This research thesis studied with undergraduate students which no inclusion of any other group of people. Different professions may offer different perspective on judicial decisions. Students are group of people who only just starting to the new world of the society; thus, they have limit perspectives towards judicial decisions.

Therefore, next researchers may choose variety of professions in order to check their perspectives toward judicial decisions on criminal case.

3. The researcher studied only five factors which may influence judicial decisions on criminal case which are legal system, judges' personal perception, public opinions, political influence and corruption. Therefore, to make the research topic factors affecting judicial decisions on criminal case better, the next study should look for more various factors or should study further on judicial decisions impact society.

4. The researcher only adopted quantitative method in collecting data which may not be able to get into a deeper response from the participants. It is recommended that next researchers may adopt others different methods for data collection. Qualitative method or mixed method are highly recommended which may enable the next research study related to judicial decisions on criminal case in Phnom Penh to provide further results.

## REFERENCES

(Ronna C. Turner & Laurie Carlson, 2003)



**ต้นฉบับไม่ปรากฏหน้า 125-126**

- Amaral-Garcia, S., Garoupa, N., & Grembi, V. (2009). Judicial independence and party politics in the Kelsenian constitutional courts: the case of Portugal. *Journal of Empirical Legal Studies*, 6(2), 381-404.
- Archer Dane, & Gartner Rosemary. (1976). Violent acts and violent times: A comparative approach to postwar homicide rates. *American sociological review*, 937-963.
- Barnum, D. G. (1985). The Supreme Court and public opinion: Judicial decision making in the post-New Deal period. *The Journal of Politics*, 47(2), 652-666.
- Brian H. Bornstein, M. K. M. (2009). Does a Judge's Religion Influence Decision Making? , 45(3), Page 112-115.
- Broadhurst, R. (2002). Lethal violence, crime and state formation in Cambodia. *Australian & New Zealand journal of criminology*, 35(1), 1-26.
- Broadhurst, R., & Bouhours, T. (2009). Policing in Cambodia: legitimacy in the making? *Policing & Society*, 19(2), 174-190.
- Broadhurst Roderic, Bouhours Thierry, & Keo Chenda. (2013). Crime and justice in Cambodia. In *Handbook of Asian Criminology* (pp. 167-181): Springer.
- Calavan, M., Briquets, S. D., & O'Brien, J. (2004). Cambodian corruption assessment. Prepared for USAID Cambodia by United States Agency for International Development and Casals & Associates. May-June, submitted August, 19.
- Cambodia Government. (2013). *Rectagular Strategy Phase III*.
- Chenda Keo. (2011). Human traffickers in Cambodia: from assumptions to evidence.
- Cochran, W. G. (2007). *Sampling techniques*: John Wiley & Sons.
- Constitution. (2008). Cambodia's Constitution of 1993 with Amendments through 2008. Retrieved from [https://www.constituteproject.org/constitution/Cambodia\\_2008?lang=en](https://www.constituteproject.org/constitution/Cambodia_2008?lang=en)
- Constitutional Council. (1993). The Consitution of the Kingdom of Cambodia.
- Coughlan, John Ghouse, Sana Smith, & Richard. (2012). The Legacy of the Khmer Rouge Tribunal: Maintaining the Status Quo of Cambodia's Legal and Judicial System. *Amsterdam LF*, 4, 16.

- David Hutt. (2019, May 17, 2019). The injustice of Cambodia justice. *The Cambodia Daily*. Retrieved from <https://asiatimes.com/2019/05/the-injustice-of-cambodian-justice/>
- Edwards, H. T., & Livermore, M. A. (2008). Pitfalls of empirical studies that attempt to understand the factors affecting appellate decisionmaking. *Duke LJ*, 58, 1895.
- Extraordinary Chambers in the Courts of Cambodia (ECCC). (2003). Retrieved from <https://www.eccc.gov.kh/en/introduction-eccc>
- Fernando, A. (2011). *Justice as a Basic Instrument to create Harmonious Society: with special reference to Buddhism and Platonism*.
- Fernando Filgueiras. (2013). Perceptions on justice, the judiciary and democracy. *Brazilian Political Science Review*, 7(2), 62-87.
- Ferreira, F. H. W., & Michael. (2005). *World development report 2006: equity and development* (Vol. 28): World Bank Publications.
- FindLaw. (2019). How does the criminal justice system work? Retrieved from <https://criminal.findlaw.com/criminal-law-basics/how-does-the-criminal-justice-system-work.html>
- Fiss Owen M. (1993). The Right Degree of Independence in Irwin P. *Transition to Democracy in Latin America: The Rule of the Judiciary* (Boulder, CO: Westview Press, 1993), 55.
- Frankel Marvin E. (1993). Concerning the Role the Judiciary May Serve. *Transition to Democracy in Latin America: The Role Of the judiciary*, edited by Irwin P. Stouky. Boulder: Westview Press.
- Gibson, J. L. (1981). Personality and elite political behavior: The influence of self esteem on judicial decision making. *The Journal of Politics*, 43(1), 104-125.
- Gottesman Evan. (2003). *Cambodia after the Khmer Rouge: Inside the politics of nation building*: Yale University Press.
- H. Chamroeun. (2010). Khmer Judicial Heritage. Retrieved from <https://opendevelopmentcambodia.net/topics/law-and-judiciary/>
- Hamedi, A. (2014). The concept of justice in Greek philosophy (Plato and Aristotle). *Mediterranean Journal of Social Sciences*, 5(27 P2), 1163-1163.
- Heymann Philip B. (1994). Should Latin American prosecutors be independent of the executive in prosecuting government abuses. *U. Miami Inter-Am. L. Rev.*, 26, 535.

- Huber, E. R., & Dietrich Stephens, J. D. (1997). The paradoxes of contemporary democracy: formal, participatory, and social dimensions. *Comparative politics*, 323-342.
- IIC International Criminal Court. (2005). *International Criminal Court*.
- Keo, C., Broadhurst, R., & Bouhours, T. (2011). Inside the Cambodian correctional system. *British Journal of Community Justice*, 8(3), 7-22.
- Kheang Un. (2009). The judicial system and democratization in post-conflict Cambodia. *Beyond democracy in Cambodia: Political reconstruction in a post-conflict society*, 70-100.
- Koy Neam. (1998). Introduction to the Cambodian Judicial Process.
- Kritzer, H. M. (1978). Political correlates of the behavior of federal district judges: A "best case" analysis. *The Journal of Politics*, 40(1), 25-58.
- Krutz, G., & Waskiewicz, S. (2019). Judicial Decision-Making and Implementation by the Supreme Court. *American Government 2e*.
- Larkins. (1996). Christopher M.—Judicial Independence and Democratization: A Theoretical and Conceptual Analysis. *American Journal of Comparative Law*, 44, 605.
- Lee, T. (2015). Rebuilding Judicial Ethics and Independence: A Comparative Analysis of the Cambodian Code of Ethics for Judges and Prosecutors. *Geo. J. Legal Ethics*, 28, 661.
- LICADHO. (2007). Human rights in Cambodia: The charade of justice.
- LICADHO. (2009). *PRISON CONDITIONS IN CAMBODIA 2008: WOMEN IN PRISON*. Retrieved from
- Likert. (1932). A Technique for the Measurement of Attitudes. *Archives of Psychology*. (140), 1–55.
- Linton Suzannah. (2006). Safeguarding the Independence and impartiality of the Cambodian extraordinary chambers. *Journal of International Criminal Justice*, 4(2), 327-341.
- Lumen. (n.d). Judicial Decision-Making and Implementation by the Supreme Court. Retrieved from <https://courses.lumenlearning.com/amgovernment/chapter/judicial-decision-making-and-implementation-by-the-supreme-court/>

- Mishler, W., & Sheehan, R. S. (1993). The Supreme Court as a countermajoritarian institution? The impact of public opinion on Supreme Court decisions. *American Political Science Review*, 87-101.
- Mt. San Antonio College. (2015). Aristotle's theory of justice. Retrieved from <https://faculty.mtsac.edu/cmcruder/aristotletheoryofjustice.html>
- National Assembly. (2006). *Cambodia Civil Code*.
- National Assembly. (2007). Criminal Procedure Code.
- National Assembly. (2009). Cambodia Criminal Code.
- National Assembly. (2014). The organization and functioning of the supreme council of magistracy.
- Numbeo. (2009-2020). Retrieved from [https://www.numbeo.com/crime/country\\_result.jsp?country=Cambodia](https://www.numbeo.com/crime/country_result.jsp?country=Cambodia)
- O'donnell Guillermo. (2004). The quality of democracy: Why the rule of law matters. *Journal of democracy*, 15(4), 32-46.
- Oxford University Press. Retrieved from <https://www.oxfordreference.com/view/10.1093/oi/authority.20110803100515197>
- Page Benjamin, & Shapiro Robert Y. (1983). Effects of public opinion on policy. *The American political science review*, 175-190.
- Pallant, J. (2013). *SPSS survival manual*: McGraw-Hill Education (UK).
- Phallack, K. (2012). OVERVIEW OF THE CAMBODIAN LEGAL AND JUDICIAL SYSTEM.
- Rawls John. (1971). A theory of justice. Retrieved from <https://www.cambridge.org/core/journals/american-political-science-review/article/aristotle-and-theories-of-justice/F4E0485F2F3D3211D60F109743BF4F59>
- Rawls Jonh. (1973). Some ordinalist-utilitarian notes on Rawls's theory of justice. *The Journal of Philosophy*, 70(9), 245-263.
- Ronna C. Turner & Laurie Carlson. (2003). Indexes of Item-Objective Congruence for Multidimensional Items, *International Journal of Testing*. 3(2), p 163-171. doi:10.1207/S15327574IJT0302\_5

- Rose-Ackerman, S. (2007). Judicial independence and corruption. *Transparency International, Global Corruption Report*, 15-24.
- RULE. (2012). Introduction to Cambodia Law.
- Santepheap Kim. (2014). Mission of the Ministry of Justice.
- Scheb, J. M., & Lyons, W. (2001). Judicial behavior and public opinion: Popular expectations regarding the factors that influence Supreme Court decisions. *Political Behavior*, 23(2), 181-194.
- Stephen Yearwood. (2015). Equating Liberty with Justice: John Locke's Enduring Mistake. Retrieved from <https://ivn.us/2015/01/15/equating-liberty-justice-john-lockes-enduring-mistake>
- The Ministry of Justice Cambodia (MoJ). (2014). *The organization and functioning of the Ministry of Justice Cambodia*.
- Timothy J. Capurso. (1998). How Judges Judge: Theories on Judicial Decision Making. 2, 29.
- UNDP. (2009). Human Development Report 2009 Overcoming Barriers: Human Mobility and Development. *United Nations Development Programme*.
- United States Court. (2019). Code of conduct for United States judges. Retrieved from <https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges>
- Van Dijk Frans. (2021). Perceptions of Judicial Independence in European Countries. In *Perceptions of the Independence of Judges in Europe* (pp. 29-51): Springer.
- Van Koppen, P. J., & Kate, J. T. (1984). Individual differences in judicial behavior: Personal characteristics and private law decision-making. *Law and Society Review*, 225-247.
- West. (2018). The limits to judicial independence: Cambodia's political culture and the civil law. . 5(26). doi:10.1080/13510347.2018.1553956
- Wille, C. (2006). Finding the evidence: The links between weapon collection programmes, gun use and homicide rates in Cambodia. *African Security Studies*, 15(2), 57-73.
- Yamane, T. (1967). *Statistics: An introductory analysis*. Retrieved from London: John Weather Hill, Inc.:





**APPENDIX A**

**QUESTIONNAIRES**

## Factors Affecting Judicial Decision on Criminal Case: A Perspective of Undergraduate Students in Phnom Penh

**កត្តាដែលជះឥទ្ធិពលដល់ការសម្រេចចិត្តរបស់តុលាការលើរឿងក្តីព្រហ្មទណ្ឌ:**

**ទស្សនៈរបស់និស្សិតថ្នាក់បរិញ្ញាបត្រក្នុងរាជធានីភ្នំពេញ**

**Explanation:** សេចក្តីពន្យល់៖

The objectives of this research are: គោលបំណងនៃការស្រាវជ្រាវនេះ៖

- a) To study perceptions of undergraduate students in Phnom Penh towards judicial decisions on criminal case
- b) សិក្សាការយល់ឃើញរបស់និស្សិតថ្នាក់បរិញ្ញាបត្រនៅភ្នំពេញលើសេចក្តីសម្រេចរបស់តុលាការលើករណីព្រហ្មទណ្ឌ
- c) To determine factors affecting judicial decision on criminal case in Phnom Penh among undergraduate students
- d) ដើម្បីកំណត់កត្តាដែលជះឥទ្ធិពលដល់សេចក្តីសម្រេចរបស់តុលាការលើរឿងក្តីព្រហ្មទណ្ឌនៅរាជធានីភ្នំពេញក្នុងចំណោមនិស្សិតថ្នាក់បរិញ្ញាបត្រ
- e) To provide suggestions/recommendations the findings for related agencies
- f) ដើម្បីផ្តល់យោបល់ / អនុសាសន៍ការកម្រើកសម្រាប់ភ្នាក់ងារដែលពាក់ព័ន្ធ

The questionnaire of Factors Affecting Judicial Decision on Criminal Case: A Perspective of Undergraduate Students in Phnom Penh is divided into 7 parts:

ក្របខណ្ឌនៃកត្តាដែលជះឥទ្ធិពលដល់សេចក្តីសម្រេចរបស់តុលាការលើករណីព្រហ្មទណ្ឌ៖ ទស្សនៈរបស់និស្សិតថ្នាក់

បរិញ្ញាបត្រនៅរាជធានីភ្នំពេញត្រូវបានបែងចែកជា ៧ ផ្នែក៖

Part I: Personal information

ផ្នែក ១៖ ព័ត៌មានផ្ទាល់ខ្លួន

Part II: Participants' Perceptions

ផ្នែក ២៖ ការយល់ឃើញរបស់អ្នកចូលរួម

Part III: Legal System

ផ្នែក ៣៖ ប្រព័ន្ធច្បាប់

Part IV: Judges' Personal Perceptions

ផ្នែក ៤៖ ការយល់ឃើញផ្ទាល់ខ្លួនរបស់ចៅក្រម

Part V: Public Opinions

ផ្នែក ៥៖ មតិសាធារណៈ

Part VI: Political Influences

ផ្នែក ៦៖ ឥទ្ធិពលនយោបាយ

Part VII: Corruption

ផ្នែក ៧៖ អំពើពុករលួយ

All the answers to the questions are not right or wrong. Everyone can provide the answer that is best fit to your situation and perspective. The researcher will use the given data to study factors affecting judicial decision on criminal case among undergraduate students in Phnom Penh as well as your perceptions.

ចម្លើយទាំងអស់ចំពោះសំណួរគឺមិនត្រូវឬខុស។ មនុស្សគ្រប់គ្នាអាចផ្តល់ចម្លើយ នោះគឺសមបំផុតទៅនឹងស្ថានភាពនិង ទស្សនៈរបស់អ្នក។ អ្នកស្រាវជ្រាវនឹងប្រើទិន្នន័យដែលបានផ្តល់ឱ្យដើម្បីសិក្សា កត្តាដែលជះឥទ្ធិពលដល់សេចក្តីសម្រេចរបស់ តុលាការលើករណីព្រហ្មទណ្ឌក្នុងចំណោមនិស្សិតថ្នាក់បរិញ្ញាបត្រនៅភ្នំពេញ ក៏ដូចជាការយល់ឃើញរបស់អ្នក។

You are being asked to take part in a research study of factors affecting judicial decisions on criminal case: a perspective of undergraduate students in Phnom Penh. Your participation in this study is voluntary, you may refuse participation or withdraw from a trial at any time without any penalty.

អ្នកកំពុងត្រូវបានស្នើសុំឱ្យចូលរួមក្នុងការសិក្សាស្រាវជ្រាវអំពីកត្តា នានាដែលជះឥទ្ធិពលដល់ការសម្រេចចិត្តរបស់ តុលាការលើករណីព្រហ្មទណ្ឌ៖ ទស្សនៈរបស់និស្សិតថ្នាក់បរិញ្ញាបត្រនៅភ្នំពេញ។ ការចូលរួមរបស់អ្នកក្នុងការសិក្សានេះគឺជាការ ស្ម័គ្រចិត្តអ្នកអាចបដិសេធការចូលរួមឬដកខ្លួនចេញពីការសាកល្បងនៅពេលណាមួយដោយគ្មានការពិន័យណាមួយឡើយ។

You will get the online survey form from the officer of your university and that you may fill in the form directly with confident. If you are agreed to take part of this study, I would like you to complete the attached link. The survey may take you approximately 5 minutes to complete. Once you have done completing the survey, you may click submit directly and that the data would come to the researcher directly with confidential.

អ្នកនឹងទទួលបានទម្រង់បែបបទស្ទង់មតិតាមអ៊ិនធឺណេតពីមន្ត្រីនៃសាកលវិទ្យាល័យរបស់អ្នកហើយអ្នកអាច បំពេញទម្រង់បែបបទដោយផ្ទាល់ប្រកបដោយទំនុកចិត្ត។ ប្រសិនបើអ្នកត្រូវបានយល់ព្រមចូលរួមក្នុងការសិក្សានេះខ្ញុំសូមឱ្យ អ្នកបំពេញនូវតំណភ្ជាប់ដែលបានភ្ជាប់នេះ។ ការស្ទង់មតិនេះអាចចំណាយពេលប្រមាណ ៥ នាទីដើម្បីបញ្ចប់។ នៅពេល ដែលអ្នកបានបញ្ចប់ការស្ទង់មតិអ្នកអាចចុចបញ្ជូនដោយផ្ទាល់ហើយទិន្នន័យនោះនឹងទៅដល់អ្នកស្រាវជ្រាវដោយសម្ងាត់។

Your personal information will be kept confidential. All your personal information will be

used only for academic purposes which cause no harm. The researcher is very pleased to receive

cooperation from all of you. No reference will be made in written or oral form that could link you to this study. The researcher will carefully maintain confidentiality of the data by presenting the overall result without identifying any personal information of the participants. All electric data will be stored in password-protected computers that can only be accessed by the researcher. The data would be retained for only during the research study approximately one year. After that, the data will be erased.

ព័ត៌មានផ្ទាល់ខ្លួនរបស់អ្នកនឹងត្រូវរក្សាជាការសម្ងាត់។ រាល់ព័ត៌មានផ្ទាល់ខ្លួនរបស់អ្នកនឹងមាន ប្រើសម្រាប់គោលបំណងសិក្សាដែលមិនបង្កអន្តរាយ។ អ្នកស្រាវជ្រាវមានសេចក្តីរីករាយណាស់ដែលបានទទួលកិច្ចសហប្រតិបត្តិការពីអ្នកទាំងអស់គ្នា។ ឯកសារយោងណាមួយនឹងមិនត្រូវបានធ្វើឡើងជាលាយលក្ខណ៍អក្សរឬផ្ទាល់មាត់ដែលអាចភ្ជាប់អ្នកទៅនឹងការសិក្សានេះទេ។ អ្នកស្រាវជ្រាវនឹងរក្សាការសម្ងាត់នៃទិន្នន័យដោយប្រយ័ត្នប្រយ័ត្នយ៉ាងខ្លាំងដោយបង្ហាញលទ្ធផលជាមួយមិនចាំបាច់បញ្ជាក់ព័ត៌មានផ្ទាល់ខ្លួនរបស់អ្នកចូលរួម។ រាល់ទិន្នន័យអគ្គិសនីទាំងអស់នឹងត្រូវបានរក្សាទុកនៅក្នុងកុំព្យូទ័រដែលការពារដោយលេខសំងាត់ដែលអ្នកស្រាវជ្រាវអាចចូលបាន។ ទិន្នន័យនេះនឹងត្រូវរក្សាទុកក្នុងកុំព្យូទ័រនៃការស្រាវជ្រាវប្រមាណមួយឆ្នាំ។ បន្ទាប់ពីនោះទិន្នន័យនឹងត្រូវលុបចោល។

The researcher's name is MISS SREYNOCH LANH. She can be contacted via mobile number +66804446144 and email address: sreynochlanh@gmail.com. If the researcher fails to comply with what is described in the study document, the participant Can report to the Human Research Ethics Committee Burapha University Research and Innovation Administration Division Telephone number 038-102620

អ្នកស្រាវជ្រាវឈ្មោះ : MISS SREYNOCH LANH អាចទាក់ទងបានតាមរយៈលេខទូរស័ព្ទ + ៦៦៨០៤៤៤៦១៤៤ និងអាសយដ្ឋានអ៊ីមែល: sreynochlanh@gmail.com ប្រសិនបើអ្នកស្រាវជ្រាវខកខានមិនបានអនុវត្តតាមអ្វីដែលបានពិពណ៌នានៅក្នុងឯកសារសិក្សាអ្នកចូលរួមអាចរាយការណ៍ទៅក្រុមសីលធម៌ស្រាវជ្រាវមនុស្សផ្នែករដ្ឋបាលផ្នែកស្រាវជ្រាវនិងច្នៃប្រឌិតនៃសាកលវិទ្យាល័យប៊ូរ៉ាផា ទូរស័ព្ទលេខ ០៣៨-១០២៦២០។

Thanks!  
សូមអរគុណ!

**Part I: Personal Information**

**ផ្នែក ១៖ ព័ត៌មានផ្ទាល់ខ្លួន**

Please tick ✓ in the box  or fill in the blanks to match your actual information and please answer all the questions.

សូមគូសសញ្ញា ✓ នៅក្នុងប្រអប់  ឬបំពេញនៅក្នុងចន្លោះទៅតាមព័ត៌មានជាក់ស្តែងរបស់អ្នកហើយសូមឆ្លើយគ្រប់សំណួរទាំងអស់។

**1. Gender ភេទ**

- 1) Male ប្រុស
- 2) Female ស្រី

**2. Age អាយុ**

- 1) between 18-22 ចន្លោះពី ១៨-២២ឆ្នាំ
- 2) between 23-26 ចន្លោះពី ២៣-២៦ឆ្នាំ
- 3) between 27-30 ចន្លោះពី ២៧-៣០ឆ្នាំ

**3. Level of Education ឆ្នាំសិក្សា**

- 1) 1<sup>st</sup> year student និស្សិតឆ្នាំទី ១
- 2) 2<sup>nd</sup> year student និស្សិតឆ្នាំទី ២
- 3) 3<sup>rd</sup> year student និស្សិតឆ្នាំទី ៣
- 4) 4<sup>th</sup> year student និស្សិតឆ្នាំទី ៤

**4. University សាកលវិទ្យាល័យ**

- 1) Royal University of Phnom Penh (RUPP) សាកលវិទ្យាល័យ ភូមិន្ទភ្នំពេញ
- 2) University of Cambodia (UC) សាកលវិទ្យាល័យ កម្ពុជា
- 3) Build Bright University (BBU) សាកលវិទ្យាល័យ បៀលប្រាសាទ

**5. Occupation មុនបរ (can be chosen more than 1 answer)**

- 1) Student និស្សិត
- 2) Employed ធ្វើការ
- 3) Unemployed មិនធ្វើការ
- 4) Self-employed ធ្វើការដោយខ្លួនឯង
- 5) Others ផ្សេងៗ .....



Please fill ✓ to select the level of perception that best fit your opinion. Please note that there is only one answer for each question. Please read and answer all the questions.

ចំណាំ៖ សូមជ្រើសរើសចម្លើយណាដែលអ្នកគិតថាត្រូវបំផុតតាមលំដាប់សំនួរដូចខាងក្រោម៖

1. Strongly disagree មិនយល់ស្របទាល់តែសោះ
2. Disagree មិនយល់ស្រប
3. Neutral គ្មានយោបល់
4. Agree យល់ស្រប
5. Strongly agree យល់ស្របពេញទំហឹង

**Part II: Participants' Perceptions**

**ផ្នែក ២៖ ការយល់ឃើញរបស់អ្នកចូលរួម**

N <sup>o</sup>	Questions	Strongly Disagree 1	Disagree 2	Neutral 3	Agree 4	Strongly Agree 5
1	I think Judicial system in Phnom Penh is independent and reliable ខ្ញុំគិតថាប្រព័ន្ធតុលាការនៅភ្នំពេញគឺឯករាជ្យនិងអាចទុកចិត្តបាន					
2	I think Cambodian citizens receive fair judgement from the court ខ្ញុំគិតថាពលរដ្ឋកម្ពុជាទទួលបានការវិនិច្ឆ័យត្រឹមត្រូវពីតុលាការ					
3	I am confident in judicial decisions in Cambodia ខ្ញុំមានទំនុកចិត្តលើសេចក្តីសំរេចរបស់តុលាការនៅក្នុងប្រទេសកម្ពុជា					
4	I think Judges in Cambodia give fair judgement to each and everyone with no discrimination between the rich and the poor ខ្ញុំគិតថាចៅក្រមនៅកម្ពុជាផ្តល់ការវិនិច្ឆ័យដោយយុត្តិធម៌ដល់មនុស្សគ្រប់រូប ដោយគ្មានការរើសអើងរវាងអ្នកមាននិងអ្នកក្រីក្រ					
5	I think poor people in Cambodia receive just in any cases ខ្ញុំគិតថាប្រជាជនក្រីក្រនៅកម្ពុជាទទួលបានយុត្តិធម៌ក្នុងករណីណាក៏ដោយ					

### Part III: Legal System

#### ផ្នែក ៣៖ ប្រព័ន្ធច្បាប់

N <sup>o</sup>	Questions (According to legal system, ....)	Strongly Disagree 1	Disagree 2	Neutral 3	Agree 4	Strongly Agree 5
6	I think Legal system in Phnom Penh plays virtual roles in court ខ្ញុំគិតថាប្រព័ន្ធច្បាប់នៅភ្នំពេញដើរតួនាទីសំខាន់នៅក្នុងតុលាការ					
7	I think Legal system in Cambodia is complimentary from the government and is independent ខ្ញុំគិតថាប្រព័ន្ធច្បាប់នៅកម្ពុជាមានភាពឯករាជ្យពីរដ្ឋាភិបាល					
8	I am satisfied with the legal system in Phnom Penh ខ្ញុំពេញចិត្តនឹងប្រព័ន្ធច្បាប់នៅភ្នំពេញ					
9	I think Legal system gives benefits to both judges and relevance people in assemble just in Phnom Penh ខ្ញុំគិតថាប្រព័ន្ធច្បាប់ផ្តល់អត្ថប្រយោជន៍ដល់ទាំងចៅក្រមនិងអ្នកពាក់ព័ន្ធក្នុងការទទួលបានភាពយុត្តិធម៌នៅភ្នំពេញ					
10	I think Legal system has a positive influence on judicial decisions in Phnom Penh ខ្ញុំគិតថាប្រព័ន្ធច្បាប់មានឥទ្ធិពលវិជ្ជមានទៅលើការសម្រេចចិត្តរបស់តុលាការនៅភ្នំពេញ					

**Part IV: Judges' Personal Perceptions**

**ផ្នែក ៤៖ សំណួរទាក់ទងនឹងការយល់ឃើញផ្ទាល់ខ្លួនរបស់ចៅក្រម**

N <sup>o</sup>	Questions	Strongly Disagree 1	Disagree 2	Neutral 3	Agree 4	Strongly Agree 5
11	<p>I think Judges' personal perceptions gives great benefits toward judicial decisions</p> <p>ខ្ញុំគិតថាការយល់ឃើញផ្ទាល់ខ្លួនរបស់ចៅក្រមផ្តល់អត្ថប្រយោជន៍យ៉ាងច្រើនដល់ការសម្រេចចិត្តរបស់តុលាការ</p>					
12	<p>I think Judges are more likely to rely on his/her perceptions to make decisions in any cases</p> <p>ខ្ញុំគិតថាចៅក្រមទំនងជាពឹងផ្អែកលើការយល់ឃើញរបស់គាត់ក្នុងការសម្រេចចិត្តក្នុងករណីណាក៏ដោយ</p>					
13	<p>I think Judges' personal perception play an important role in making decisions in the court</p> <p>ខ្ញុំគិតថាការយល់ឃើញផ្ទាល់ខ្លួនរបស់ចៅក្រមមានតួនាទីសំខាន់ក្នុងការសម្រេចចិត្តនៅក្នុងតុលាការ</p>					
14	<p>I think it is inevitable that judges need to believe on their own perceptions in making decisions</p> <p>ខ្ញុំគិតថាចៅក្រមចាំបាច់ត្រូវជឿជាក់លើការយល់ឃើញផ្ទាល់ខ្លួនរបស់ពួកគេក្នុងការសម្រេចចិត្តដែលមិនអាចជឿសរួច</p>					
15	<p>I think Judges' personal perceptions has a positive influence on judicial decisions in Phnom Penh</p> <p>ខ្ញុំគិតថាការយល់ឃើញផ្ទាល់ខ្លួនរបស់ចៅក្រមមានឥទ្ធិពលវិជ្ជមានទៅលើការសម្រេចចិត្តរបស់តុលាការនៅភ្នំពេញ</p>					

**Part V: Public Opinions**

**ផ្នែក ៥: មតិសាធារណៈ**

N <sup>o</sup>	Questions	Strongly Disagree 1	Disagree 2	Neutral 3	Agree 4	Strongly Agree 5
16	<p>I think Society gives impacts toward the judges in making decisions</p> <p>ខ្ញុំគិតថាសង្គមផ្តល់ផលប៉ះពាល់ដល់ចៅក្រមក្នុងការសម្រេចចិត្ត</p>					
17	<p>I think Judges are more likely to rely on social thoughts to make decisions in any cases</p> <p>ខ្ញុំគិតថាចៅក្រមទំនងជាពឹងផ្អែកលើបទដ្ឋានសង្គមក្នុងការសម្រេចចិត្តក្នុងករណីណាក៏ដោយ</p>					
18	<p>I think Judges pay more attention on public point of view for making their decisions and always be cautious when making any decisions in responding to the satisfaction of the society</p> <p>ខ្ញុំគិតថាចៅក្រមយកចិត្តទុកដាក់លើទស្សនៈរបស់សាធារណៈចំពោះការសម្រេចចិត្តរបស់ពួកគេហើយតែងតែប្រុងប្រយ័ត្នទៅពេលធ្វើការសម្រេចចិត្តណាមួយក្នុងការឆ្លើយតបទៅនឹងការពេញចិត្តរបស់សង្គម</p>					
19	<p>I think it is inevitable that judges need to pay attention on public thoughts in making decisions</p> <p>ខ្ញុំគិតថាចៅក្រមចាំបាច់ត្រូវយកចិត្តទុកដាក់លើគំនិតសាធារណៈក្នុងការធ្វើការសម្រេចចិត្តដែលមិនអាចជៀសវាងបាន</p>					
20	<p>I think Social influences or public opinions have a positive influence on judicial decisions in Phnom Penh</p> <p>ខ្ញុំគិតថាកត្តាសង្គមឬមតិសាធារណៈមានឥទ្ធិពលវិជ្ជមានទៅលើការសម្រេចចិត្តរបស់តុលាការនៅភ្នំពេញ</p>					

### Part VI: Political Influences

#### ផ្នែក ៦៖ ឥទ្ធិពលនយោបាយ

N <sup>0</sup>	Questions	Strongly Disagree 1	Disagree 2	Neutral 3	Agree 4	Strongly Agree 5
21	I think Judges in Phnom Penh is complimentary from politics and is independent ខ្ញុំគិតថាតុលាការនៅភ្នំពេញមានភាពឯករាជ្យពីនយោបាយ					
22	I think Political influences in Phnom Penh DO NOT dominant judges in making decisions at all cases ខ្ញុំគិតថានយោបាយក្នុងក្រុងភ្នំពេញគ្មានឥទ្ធិពលទៅលើតុលាការក្នុងការសម្រេចចិត្តក្នុងករណីណាក៏ដោយ					
23	I think Politics has no impacts on judicial decisions in Phnom Penh ខ្ញុំគិតថានយោបាយមិនមានផលប៉ះពាល់ដល់ការសម្រេចចិត្តរបស់តុលាការនៅភ្នំពេញទេ					
24	I think Politics has no interfere in judiciary system in Phnom Penh ខ្ញុំគិតថានយោបាយមិនមានការជ្រៀតជ្រែកក្នុងប្រព័ន្ធតុលាការនៅភ្នំពេញទេ					
25	I think Politics has a negative influence on judicial decisions in Phnom Penh ខ្ញុំគិតថានយោបាយមានឥទ្ធិពលអវិជ្ជមានទៅលើការសម្រេចចិត្តរបស់តុលាការនៅភ្នំពេញ					

### Part VII: Corruption

#### ផ្នែក ៧៖ អំពើពុករលួយ

N <sup>o</sup>	Questions	Strongly	Disagree	Neutral	Agree	Strongly
		Disagree				Agree
		1	2	3	4	5
26	I think Judges in Phnom Penh perform work with no corruption and is independent ខ្ញុំគិតថាចៅក្រមនៅភ្នំពេញមិនប្រព្រឹត្តអំពើពុករលួយនិងមានភាពឯករាជ្យ					
27	I think Judges in Phnom Penh do not tolerate corruption ខ្ញុំគិតថាចៅក្រមនៅភ្នំពេញមិនទទួលយកនូវអំពើពុករលួយទេ					
28	I am satisfied with the judicial decisions making in Phnom Penh ខ្ញុំពេញចិត្តនឹងសេចក្តីសម្រេចរបស់តុលាការក្នុងទីក្រុងភ្នំពេញ					
29	I think There is no under-table money interfere in judiciary system in Phnom Penh ខ្ញុំគិតថាលុយក្រោមតុមិនអាចចូលជ្រៀតជ្រែកក្នុងប្រព័ន្ធតុលាការនៅភ្នំពេញបានទេ					
30	I think Rich people have a negative influence on judicial decisions in Phnom Penh ខ្ញុំគិតថាអ្នកមានទ្រព្យសម្បត្តិមានឥទ្ធិពលអវិជ្ជមានលើការសម្រេចចិត្តរបស់តុលាការនៅភ្នំពេញ					