



**ROYAL ACADEMY FOR JUDICIAL PROFESSIONS**

# Cambodian Legal System for Commercial Dispute Resolution

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# 1. Cambodian Legislative System

1. Originally, Cambodian legislative system followed Continental system or civil law system due to the influence of French legal system.
2. Currently, Cambodia has two main codes serving as the basis for resolving cases:
  - Civil code and code of civil procedure
  - Criminal code and code of criminal procedure

# 1. Cambodian Legislative System (Cont)

## **Civil code and code of civil procedure**

1. Civil code is the cluster of substantive laws that determines various conditions in the relationships between individuals, individual and asset, including other rights.
2. Code of civil procedure is the cluster of legislations to resolve civil disputes.
3. Special case: with regard to civil dispute and commercial dispute, the amount of the subject of complaint does not exceed 5 million Riels and may not be appealed to the court of appeal (Art. 260, code of civil procedure)
4. Judicial power covers all cases, including administrative cases (Art. 128 of the constitution).

## 2. Cambodian Judicial System

1. The jurisdiction of Cambodian court is divided to 3 levels:

- . court of first instance
- . court of appeal
- . supreme court

2. Trials shall be conducted in the name of the Khmer citizens in accordance with the legal procedures and laws in force (Art. 129 of the constitution).

3. Only judges shall have the right to adjudicate (Art. 129).

## 2. Cambodian Judicial System (Cont...)

### 1. Court of First Instance

- Lower level jurisdiction with the rights to resolve all types of cases and is based in 25 capital/provinces
- military court
- All decisions made by the court of first instance are subject to an appeal to a higher level jurisdiction.

### 2. Court of Appeal

- Jurisdiction to resolve cases of appeal from the court of first instance
- Court of appeal exists in 4 regions/zones: Phnom Penh, Preah Sihanouk, Battambang and Tbong Khmum.

### 3. Higher Court

- receive grievances from all courts of appeal
- parties have agreed not to make an appeal in civil case (Art. 260 of code of civil procedure)
- There is only one supreme court in Phnom Penh.

### 3. Commercial Dispute Resolution System

1. The courts of the 3 levels of jurisdiction are skilled in:

- . civil cases
- . criminal cases
- . **commercial cases**
- . labor cases and other skill areas as needed.

2. composition of specialized court:

- . presiding judge
- . judge
- . court clerk

**Specialized judge shall be appointed by the court president of each jurisdiction (Art. 15, 38 and 58 of the law on the organization of the court).**

**Specialized court shall be established by a Royal Decree (Art. 14, 37 and 57 of the law on the organization of the court).**

## 3. Commercial Dispute Resolution System (Cont...)

### Commercial Dispute Resolution Procedure:

1. Based on the law on the organization of the court 2014, Cambodia has not yet had any specialized court.
2. Commercial dispute resolution rules shall follow the flow of civil procedure (Art. 89, para 1 of the law on organization of the court).
3. Flow of civil procedure includes: complaint and fact adjudication procedures.





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Thank you!