ASIAN JOURNAL OF COMPARATIVE LAW

VOLUME 15 • ISSUE 2 • DECEMBER 2020 • ISSN 2194-6078



CAMBRIDGEUNIVERSITY PRESS

Asian Journal of Comparative Law

The Asian Journal of Comparative Law (AsJCL) is the leading forum for research and discussion of the law and legal systems of Asia. It embraces work that is theoretical, empirical, socio-legal, doctrinal, or comparative that relates to one or more Asian legal systems, as well as work that compares one or more Asian legal systems with non-Asian systems. The Journal seeks articles which display an intimate knowledge of Asian legal systems, and thus provide a window into the way they work in practice. The AsJCL is an initiative of the Asian Law Institute (ASLI), an association established by 13 leading law schools in Asia and with a rapidly expanding membership base across Asia and in other regions around the world.

Subscriptions: The Asian Journal of Comparative Law is published twice a year in July and December. The 2020 price for an online and print subscription for institutions (excluding VAT or sales tax) is \$447.00 in the USA, Canada, and Mexico and £279.00 in the UK and elsewhere. The 2020 price for an online-only subscription is \$370.00 in the USA, Canada, and Mexico and £233.00 in the UK and elsewhere. EU subscribers (outside the UK) who are not registered for VAT should add VAT at their country's rate. VAT registered subscribers should provide their VAT registration number. Prices include delivery by air when appropriate. Japanese prices for institutions are available from Kinokuniya Company Ltd, P.O. Box 55, Chitose, Tokyo 156, Japan. Orders, which must be accompanied by payment, may be sent to a bookseller, subscription agent, or direct to the publisher: Cambridge University Press, Journals Fulfilment Department, UPH, Shaftesbury Road, Cambridge CB2 8BS, UK, email: journals@cambridge.org; or in the USA, Canada, and Mexico: Cambridge University Press, Journals Fulfillment Department, 1 Liberty Plaza, Floor 20, New York, NY 10006, USA, email: subscriptions_newyork@cambridge.org. Prices include delivery by air. Periodicals postage paid at New York, NY and at additional mailing offices.

Permissions information: All rights reserved. No part of this publication may be reproduced, in any form or by any means, electronic, photocopying, or otherwise, without permission in writing from Cambridge University Press. Policies, request forms, and contacts are available at: http://journals.cambridge.org/action/rightsAndPermissions. Permission to copy (for users in the USA) is available from Copyright Clearance Center http://www.copyright.com, email info@copyright.com.

Advertising: Enquiries should be sent to the publisher at ad sales@cambridge.org.

Open Access: Please visit Open Access Publishing at Cambridge (cambridge.org/openaccess) for information on our Open Access policies, compliance with major funding bodies, and guidelines on depositing your manuscript in an institutional repository.

Asian Journal of Comparative Law and all other Cambridge Journals can be found at journals. cambridge.org.

Asian Journal of Comparative Law

Editors-in-Chief

Arif A. JAMAL National University of Singapore, Singapore

Kevin Y.L. TAN National University of Singapore, Singapore

Book Review Editors

David DONALD
The Chinese University of Hong Kong, Hong Kong

Michael W. DOWDLE National University of Singapore, Singapore

Deputy Editor

Wilson T.V. TAY Taylor's University, Malaysia

Managing Editor

Abigail C.Y. KWAY National University of Singapore, Singapore

Editors

Rehan Aindri ABEYRATNE The Chinese University of Hong Kong, Hong Kong

BATBOLD Amarsanaa

National University of Mongolia, Mongolia

Ngoc Son BUI

The Chinese University of Hong Kong, Hong Kong

Simon BUTT

University of Sydney, Australia

Wen-Chen CHANG

National Taiwan University, Taiwan

Yun-Chien CHANG Academica Sinica, Taiwan

CHEN Weitseng

National University of Singapore, Singapore

Melissa CROUCH

University of New South Wales,

Australia

Yetty Komalasari DEWI University of Indonesia, Indonesia Mario GOMEZ

International Centre for Ethnic

Studies, Sri Lanka

Gen GOTO

University of Tokyo, Japan

GUO Li

Peking University, China

Hisashi HARATA

University of Tokyo, Japan

Robin Hui HUANG

The Chinese University of Hong

Kong, Hong Kong

Joongi KIM

Yonsei Law School, South Korea

I INI I in

National University of Singapore,

Singapore

Jaclyn NEO

National University of Singapore,

Singapore

Munin PONGSAPAN

Thammasat University, Thailand

Panthip PRUKSACHOLAVIT Chulalongkorn University,

Thailand

Dan W. PUCHNIAK

National University of Singapore,

Singapore

Woo-Young RHEE

Seoul National University, South Korea

SAW Tiong Guan

University of Malaya, Malaysia

Dian A.H. SHAH National University of Singapore,

Singapore

Narongdech SRUKHOSIT

Chulalongkorn University, Thailand

Arun THIRUVENGADAM

Azim Premji University, India

Umakanth VAROTTIL

National University of Singapore, Singapore

WANG Jiangyu

City University of Hong Kong,

Hong Kong

YAP Po Jen

The University of Hong Kong,

Hong Kong

George ZHENG

Shanghai Jiao Tong University, China

Associate Editors

Lance W.P. ANG National University of Singapore, Singapore Leon Vincent CHAN National University of Singapore, Singapore Benjamin LAWRENCE National University of Singapore, Singapore Muhammad Nurshazny B RAMLAN National University of Singapore, Singapore

Advisory Board

Abdullahi Ahmed AN-NA'IM Emory University, USA

CHAN Sek Keong former Chief Justice of Singapore, Singapore

Albert H.Y. CHEN The University of Hong Kong, Hong Kong

Jacques DELISLE University of Pennsylvania, USA Yasuo HASEBE Waseda University, Japan Vikramaditya KHANNA University of Michigan, USA

Kon Sik KIM Seoul National University, South Korea

H.P. LEE Monash Universit

Monash University, Australia Curtis J. MILHAUPT Stanford University, USA J. Mark RAMSEYER Harvard University, USA SHEN Weixing

Tsinghua University, China Frank K. UPHAM

New York University, USA

Wen-Yeu WANG Wallace National Taiwan University, Taiwan

YU Xingzhong Cornell University, USA

Asian Law Institute (ASLI)

Board of Governors

Co-Directors

Kelry LOI Associate Professor Faculty of Law, National University of Singapore, Singapore

WEE Meng Seng Associate Professor Faculty of Law, National University of Singapore, Singapore

Members

LI Weifang

Dean, School of International Law, East China University of Political Science and Law, China

PAN Jian Feng

Dean, Peking University Law School, China

FU Hualing

Dean, Faculty of Law, The University of Hong Kong, Hong Kong

Sudhir KRISHNASWAMY

Vice-Chancellor, National Law School of India University, Bangalore, India

Srikrishna Deva RAO

Vice-Chancellor, National Law University, Delhi, India

Edmon MAKARIM

Dean, Faculty of Law, University of Indonesia, Indonesia

Bintan Regen SARAGIH

Dean, Law School, University Pelita Harapan, Indonesia

Yutaka OSAWA

Dean, Graduate Schools for Law and Politics, University of Tokyo, Japan

Naoki KUMANO

Dean, Faculty of Law, Kyushu University, Japan

Farid Sufian Bin SHUAIB

Dean, Ahmad Ibrahim Kulliyyah of Laws, International Islamic University Malaysia, Malaysia

Johan Shamsuddin Bin Hj SABARUDDIN Dean, Faculty of Law, University of Malaya, Malaysia

Fides CORDERO-TAN

Dean, College of Law, University of the Philippines, Philippines

Simon CHESTERMAN

Dean, Faculty of Law, National University of Singapore, Singapore

Ki-Jeong HAN

Dean, School of Law, Seoul National University, South Korea

Tsung-Fu CHEN

Dean, College of Law, National Taiwan University, Taiwan

Pareena SRIVANIT

Dean, Faculty of Law, Chulalongkorn University, Thailand

Contents

	ARTICLES
195–224	Same-Sex Marriage in Japan: Prospects for Change (BY INVITATION) Frank K. UPHAM
225-249	Outlawing Opposition, Imposing Rule of Law: Authoritarian Constitutionalism in Cambodia Benjamin LAWRENCE
250-280	Do Better Lawyers Win More Often? Measures of Advocate Quality and Their Impa in Singapore's Supreme Court Simon CHESTERMAN
281-309	Adaptations of the United Kingdom Takeover Panel in Hong Kong and Singapore: Convergence or Divergence? Emma ARMSON
310-333	An International Due Process Standard for Competition Adjudication? A Critical Approach Soojin NAM
334-362	Replicating Silicon Valley? Law and Human Capital in the Making of China's Tech Startups Li-Wen LIN
363-384	Form and Substance in Singapore Constitutional and Administrative Law Kenny CHNG
	REVIEW ESSAY
385-393	A People's Constitution: The Everyday Life of Law in the Indian Republic Rohit DE (Reviewed by Mathew JOHN)
	RESPONSE ESSAY
394–401	How to Write New Constitutional Histories? The Casebook of Everyday Life <i>Robit DE</i>
	BOOK REVIEWS
402–405	The Indian Legal System: An Enquiry Edited by Mahendra Pal SINGH and Niraj KUMAR (Reviewed by Moiz TUNDAWALA)
405-412	Capital and Ideology Thomas PIKETTY and Arthur GOLDHAMMER (Reviewed by Delphine NOUGAYRÈDE)
	ADDENDUM
413-413	Directors' Duties in Singapore: Law and Perceptions – ADDENDUM Pearlie KOH and Hwee Hoon TAN