

JUDICIAL POLICE PROFESSION (END)

WHAT'S NEW

The government issued a sub-decree on the table of annual taxable income and the monthly list of taxable salaries on 28 September 2022 for purpose of determining the table of annual taxable income achieved by a natural person, sole proprietorships and the portion to be distributed to each member of the partnership company which not consider as legal entity and table of monthly taxable salaries of resident employees. The income achieved by a natural person, sole proprietorships, and distributed share to each member of the partnership company which not consider as a legal entity is subject to annual income tax from 0 riel to 18 million riels tax rate 0%, 18,000,001 riels to 24 million riels tax rate 5%, 24,000,001 riels to 102 million riels tax rate 10%, 102,000,001 riels to 15 million riels tax rate 15%, up to 15 million riels tax rate 20%. For resident employers taxable on monthly salary will be deducted by the employer from 0 riels to 1.5 million riels tax rate of 0%, 1,500,001 riels to 2 million riels tax rate of 5%, 2,000,001 riels to 8.5 million riels tax rate 10%, and 8,500,001 riels to 12.5 million riels tax rate 15%, and up to 12.5 million riels tax rate 20%.

1. Who are Judicial Police Agents?

In the September monthly legal brief vol.33 (1), we already discussed judicial police, which is divided into 3 different types. In addition, we also described the judicial police officers, which is one among 3 types. Thus, we will discuss the two remaining types of judicial police which include Judicial Police Agents, Officials, and Public Agents with special accreditation. Judicial Police Agents refer to officers and deputy officers who don't have the status of the judicial police. All the judicial police agents shall make an oath in front of the Court of First Instance, which they will perform their duty faithfully. Moreover, if they obtain the qualification as judicial police agents afterward, they will not require to take the oath again.

2. What are the main responsibilities of Judicial Police Agents?

Each judicial police agent has the power to examine the crime and assist judicial police in the performance of their duties. Judicial police agent helps judicial police by collecting information and composing report that is as valuable as ordinary information to judicial police. Therefore, we can conclude that the Judicial Police Agents is a unit of management and practice. Article 78 of The Code of Criminal Procedure stated about the judicial police agent's mission which has: (1) examine misdemeanors, including petty offenses. (2) Assist judicial police in the performance of their duties. Judicial police Agents shall make records on misdemeanors and petty offenses they have examined. Those records are place as the information only. In any case, judicial police agents shall not be allowed to perform any duty reserved for judicial police officers. The violation action undertaken by the judicial police agents shall be deemed null and void.

3. What are the qualifications to become judicial police agents?

According to article 76 of The Code of Criminal Procedure, the qualifications to become judicial police agents are:

1. Officers and deputy officers who do not have the status of judicial police officer.
2. Other national police agents.

3. Other officers of the Military Police Forces who do not have the status of the Judicial Police Officers.
4. Other soldiers in Military Police Forces.

5. Who are the civil servants and public agencies with special qualifications??

Among the missions that are assigned, many public agents are missions to prevent and control the violation of the law governing their field by inspecting and documenting those situations. This agent is also under the authority of prosecutors when it serves as a judicial police officer. Some separate laws can provide rehabilitation within a certain period of time and within certain jurisdictions to some civil servants to become judicial police agents and judicial police officers.

Official and Public Agents perform the functions within their jurisdiction only as required by law. For criminal investigation, official and public agents are required to make a report which is placed as the information only.

6. What are the conditions for becoming a qualified public agent?

Article 52 of The Code of Criminal Procedure stated that “Other civil servants and public agents who have been authorized the power by separate laws to investigate crimes shall be under the authority of a Royal Prosecutor when they perform this duty. The formalities and procedures for providing rehabilitation shall be determined by joint Prakas between the Ministry of Justice and the relevant ministries. Those civil servants and public agents shall take an oath that they will perform their duties faithfully. The oath shall be taken in front of the court of first instance and the formula of the oath is defined by Prakas of the Minister of Justice.

Lastly, we hope this newsletter can be the information and additional knowledge for readers to better understand the roles and responsibilities of the judicial police.

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