Ler o sistema como um todo

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Para um advogado de Zug, a ordem jurídica de Singapura apresenta um paradoxo. Em um aspecto, o direito escrito é mais acessível do que o direito suíço, porque um único site reúne todos os Acts e regulamentos em inglês, com uma função point-in-time, e porque a MAS (Monetary Authority of Singapore) explica suas próprias normas em documentos de consulta redigidos com clareza. Em outro aspecto, é menos acessível, porque o direito não escrito da propriedade, dos trusts, da equity e dos remédios só se encontra nas decisões judiciais. A prática do regulador, além disso, está dispersa em notices, guidelines, FAQs e respostas a contribuições com força jurídica diversa. A tentação do jurista continental é ler o Act e parar por aí. A tentação do jurista de common law é ler os casos e ignorar o regulador. No trabalho com ativos digitais, ambos os hábitos falham. O profissional bem-sucedido lê em conjunto o Act, a legislação subordinada, os instrumentos da MAS e os casos, e sabe qual deles vincula quem.

Os demais capítulos desta Parte constroem sobre essa base. O Capítulo II descreve a instituição que redige a maioria dos instrumentos que acabamos de mencionar.

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