

## Preface

Dear Readers,

On behalf of the Editorial Board of the UCL Journal of Law and Jurisprudence (UCLJLJ), it is our pleasure to present Volume 14 of the Journal.

Since its inception, the UCLJLJ has consistently attracted high quality articles in every call for submissions. Consequently, the Editorial Board often has to grapple with a tough choice regarding the articles which should proceed to publication from the rich pool that we receive. This year was no exception. We received exceptional articles, the majority of which, if not for time limitations, would have proceeded to publication. After careful consideration, we selected five articles to feature in this Volume. These articles tackle tough, contemporary legal questions ranging from the application of Bentham's panopticon, to the impact of crises on democratic legal orders, through the pressing novel issues in banking fraud, to environmental equity, and lastly, legislative integrity.

In the first article, 'Examining the Panopticon as an Icon of Jeremy Bentham's Philosophical Ideas', Jeevan Shemar evaluates Jeremy Bentham's idea of the panopticon. Jeevan critiques the conventional representation of the panopticon merely as a symbol of totalitarianism and repressive penal policy with detrimental effects on the incarcerated and society as a whole. He argues that a keener examination, in fact, demonstrates that the panopticon is a tool with a broader reach as it unifies Bentham's beliefs about a range of topics, particularly human governance, economics and innovation, and reveals how these aspects can be employed to maximise utility for the human good. Ultimately, the panopticon must be viewed holistically, as a tool that can maximise human pleasure and inflict pain.

In 'Resilience or Regression? Navigating Legal Transformation in the Era of Permacrisis', Jana Ruwayha argues that we are living in an era of permacrisis that is characterised by continuous and overlapping crises which buttress one another. In this state, Jana posits, emergency powers are not being used sparingly, as they ought to, but are rather invoked too frequently, such that they have become embedded in different legal frameworks. She cautions that this trend poses threats to democratic principles. Based on the Complex Adaptive Systems theory, Jana recounts the evolution of legal responses and how they impact (or disrupt) democratic governance. She argues that strong protection of fundamental human rights, resilience, and adaptability remain core in ensuring that democratic legal orders are upheld in the face of recurring crises which define our era.

Following this, Nat Shum, in his article titled ‘Authorised Push Payment Fraud: Theorising a Loss Allocation Model’ examines Authorised push payment fraud (APP fraud), a trend whereby a bank customer transfers funds from their account to another account that is controlled by a fraudster. He investigates the differing loss allocation schemes that the UK and the European Union have put in place in response to APP fraud, and finds that both regimes are deficient. Consequently, Nikita devises a principle-based loss allocation model that properly addresses the concepts of fault and moral hazards that are embedded in APP fraud. Nikita’s model takes account of the different factors at play, such as customer fault, the absence of a fixed upper limit on customer liability, and the need for eliminating exceptions for vulnerable customers. In this novel scheme, apportionment of liability is more balanced as customers are incentivised to take reasonable steps to identify fraud patterns, while banks are required to perform specific duties to prevent authorised fraud.

The penultimate article is ‘Articulating the Theory of Right-Holding and the Rights of Nature under Earth Jurisprudence’ by Kaden Pradhan. Kaden critiques the ‘rights of nature’ which is one of the core components of Earth Jurisprudence. He argues that scholars have yet to provide a compatible theory of right-holding. Consequently, it is not clear which natural entities can hold rights. Furthermore, different jurisdictions hold conflicting views on the substantive content of the rights of nature. He also contends that while some of the central tenets of the rights of nature do not flow from Earth Jurisprudence principles, others are merely redundant. In response, he constructs a right-holding theory that coheres with the principles of Earth Jurisprudence. To this end, he argues that ecosystems as well as large-scale holons should constitute the right-holders, with animals and humans holding such rights only for the purposes of upholding political morality. He devises a detailed scheme of how the rights held by ecosystems and holons should be balanced against human interests, and how such rights can be enforced and reinstated in the event that they are infringed upon.

The last contribution in this issue is ‘Complying with Legislative Procedural Rules: Why Legislatures Should Foster This Goal and How it Can be Done’ by Luís Otávio Barroso da Graça. Luís emphasises the importance of adhering to procedural rules in the legislative process. He argues that complying with procedural rules in law-making not only advances the rule of law, but also protects participation and allows lawmakers to present divergent viewpoints, thereby strengthening democratic representation and clarifying the content and purpose of the proposed legislation. Consequently, Luís presents several avenues for upholding legislative procedural rules, such as effective use of points of order, reliance on impartial staff, as well as guaranteeing free expression both within and outside the legislature. Finally, he

contends that although the legislature is the organ of the state charged with the responsibility of making laws, the judiciary should, in appropriate but limited circumstances, review alleged procedural breaches by the legislature.

We are grateful to the authors for submitting their articles to the UCLJLJ, for their efforts in incorporating the editors' comments, and for their paramount patience throughout the editorial process. We would also like to thank all of those who submitted manuscripts which were not accepted for various reasons. Taking the time to put together a manuscript is, in itself, a commendable effort, and we hope that our comments will help you develop your ideas further.

We are indebted to our editors who worked tirelessly to deliver timely and meaningful feedback on the submissions that we received. It is thanks to you that we have been able to put together this Volume, and adhere to the UCLJLJ tradition of double-blind peer review. We are also grateful to the previous Faculty Advisor, Dr. Pedro Schilling De Carvalho, for his generosity in inducting us into the practices of the UCLJLJ, and to the current Faculty Advisor, Dr. Stavros Makris, for his unwavering guidance and support throughout this process. Lastly, we thank Ian Caswell from the UCL Press for his technical support.

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