



Religion

Population

Area

- Muslims : **58.5%**
- Christians : **12.2%**
- Ethnoreligionists : **10.1%**
- Buddhists : **9.7%**
- Chinese folk religionists : **5.3%**
- Confucianists : **1.9%**
- Agnostics : **1.1%**
- Others : **1.2%**

429,000

5,765 Km²

Legal framework on freedom of religion and actual application

Brunei is the only sovereign state on the island of Borneo. The rest of the island is divided between Malaysia and Indonesia. The Bruneian Empire declined during the nineteenth century and the country became a British Protectorate in 1888. The Japanese occupied the country during the Second World War. A new constitution was written in 1959 followed by independence from Britain in 1984.

Under article two of the constitution,^[1] the official religion of Brunei is Islam “according to the Shafeite sect of Ahlis Sunna Waljamaah”, which is one of the four schools of Sunni Islamic law. Article three of the constitution also provides that “all other religions may be practised in peace and harmony by the persons professing them”.

The government actively promotes the national philosophy of Melayu Islam Beraja (the “Malay Islamic Monarchy”) through the body known as the Supreme Council. Among its other aims, the council seeks to strengthen the daily practice of Islam among the people of Brunei and to ensure that this is reflected in the country’s legislation and policies. Islamic authorities actively promote and seek to propagate the Shafeite form of Sunni Islam.

Brunei’s civil and Shari’a courts operate in parallel. Shari’a courts hear criminal, family and other civil cases. They apply longstanding Shari’a legislation as well as the new Shari’a Penal Code, the first phase of which was enacted in 2014.

In many cases, non-Muslims are subject to Shari'ah as are Muslims. Various kinds of behaviour seen as inimical to the Islamic culture of Brunei are prohibited and subject to criminal sanctions which apply to all. These prohibitions include drinking alcohol and eating in public during the hours of the Ramadan fast. They are routinely enforced by means of warnings and raids. Non-Muslims are not subject to some of the specific requirements of Islamic piety, such as Friday prayers and the obligation of zakat (alms giving).

There are wide-ranging legal provisions which protect the official religion in other respects. Propagation of a religion other than Islam is a criminal offence punishable by a custodial sentence not exceeding five years, a fine not exceeding 20,000 BND (around US\$15,000) or both. No missionaries are reported to be working in the country. Any act which "tends to tarnish the image of Islam" is likewise a criminal offence. It is also illegal to criticise the Shari'ah Penal Code. Public celebrations of Christmas, including putting up decorations and singing carols, have been banned since 2015 on the grounds that they could damage the "aqidah (beliefs) of the Muslim community"^[2] Likewise, there was a tightening of restrictions on the celebration of seasonal Chinese religious events.

All religious organisations are required by law to apply for registration and to provide detailed information about themselves, their activities, the names of their members and any other information which the registrar may require. Without registration, organisations are unable to operate. The registrar may deny registration at his own absolute discretion. Failure to register may lead to a charge of unlawful assembly and result in a fine. Participation in an unregistered organisation is punishable under criminal law, including by a custodial sentence not exceeding three years. Strictly speaking, any public assembly of five persons or more, including for the purpose of worship, requires official permission. Religious assemblies, however, are generally treated as though they were private gatherings. The Catholic and Anglican Churches are officially recognised.

Attempts to expand or renovate buildings operated by non-Muslim religious groups are constrained and, as a result, facilities are often too small or otherwise inadequate. There are only a handful of churches in Brunei, as well as a small number of Buddhist or Daoist temples and two Hindu temples. While Churches and Church-run private schools may in principle repair their sites and do undertake such works, it is reported that in practice the approval process is lengthy, complex and subject to delays. There is a fatwa discouraging Muslims from assisting non-Muslims in sustaining their beliefs and this also inhibits work on non-Muslim facilities. The government uses zoning laws to prevent people from using private homes as places of worship. It is reported that the government will no longer issue permits for the construction of churches.

Criminal investigations into religious behaviour are led mainly by the Religious Enforcement Division of the Bruneian Ministry of Religious Affairs. The government regularly reports prosecutions brought against those ignore Islamic legal prescriptions such as Ramadan, the ban on alcohol and khalwat (a Sufi practice). Various kinds of administrative penalties, including travel bans, are also imposed on those accused of such crimes against Islam.

The government has banned outright a number of religions. These include the Ahmadiyya form of Islam, Al Arqam (a Malaysian-based Islamic sect), the Bahai faith and the Jehovah's Witnesses. The bans originate in fatwas issued by the State Mufti or the Islamic Religious Council. Muslims who wish to renounce their faith may do so at present, but must formally notify the Islamic Religious Council.

Schools administered by the Ministry of Religious Education or the Ministry of Religious Affairs provide Islamic religious education. In these schools, Islamic education is compulsory for resident Muslim children. The government reports that many non-Muslim students choose to participate in Islamic education as well. Muslim parents are also required to enrol their children in schools which provide ugama (supplemental religious education). If they fail to do so, they may be fined or imprisoned for up to one year. In schools, teaching materials do not cover other faiths.

Private Church schools are recognised by the Ministry of Education and accept pupils of any religion, Schools (including Church-run private schools) are not permitted to teach religions other than Shafeite Islam; failure to comply may result in criminal penalties. No provision is made for the teaching of other forms of Islam. Faiths other than Islam may be taught

only in private contexts, such as family homes or state-approved Churches.

The importation and distribution of religious literature is also closely regulated by law. The government strictly controls the importation of Bibles and other non-Muslim religious writings. Audio-visual material for television or film is censored. Images of religious symbols, such as crosses, in magazine articles are routinely redacted.

Friday sermons in all mosques are the same. They are prepared by the Ministry of Religious Affairs and delivered by state-registered imams. The government has warned the population against other forms of Islam, such as liberal Islam, Salafism and Wahhabism. The approach to Islam in the country is sometimes justified as a bulwark against extremism.

Most official meetings open with Islamic prayers. Businesses are closed during Friday prayers and restaurants do not serve food during the fasting hours of Ramadan. Residents are required to carry identity cards, which, in practice, are used to identify the religion of the bearer. Visitors to the country are asked to specify their religion when making a visa application.

The press in Brunei fairly regularly carries stories of conversion to the Shafeite school of Islam. Such conversions are incentivised by the state, which provides those who change their religion with benefits such as welfare payments, new homes, generators, water pumps or sums of money to enable them to undertake the Hajj. These incentives are aimed especially at indigenous groups in rural areas, but both foreigners and native Bruneians are among the converts. Although in theory a Muslim may marry a non-Muslim in Brunei, weddings are conducted by state-approved imams who require the non-Muslim party to convert before they will officiate at the ceremony.

| Incidents

The fact that the press in Brunei is not free and practises self-censorship when discussing politics and religion limits open discussion of liberty of belief in the country.

There are reports that both Muslims and non-Muslims feel the pressure to conform to Islamic norms of behaviour, both because of specific legal prohibitions and societal pressures. It is reported, for example, that Muslim women feel pressure to wear the *tudong* (head covering) even where it is not specifically required. Non-Muslims say that they feel under pressure to convert to Islam and Muslims who would like to practise a different religion say they are concerned about the social consequences.

Some Church leaders say that not insignificant numbers of Muslims have expressed willingness to allow other religions to celebrate their own feasts. Members of the Christian community report that they practise a form of self-censorship when it comes to the public articulation of their faith. Christians believe that they face discrimination in the workplace and for this reason they are absent from top positions in the government.

Attempts to proselytise in the past have led to detention, sometimes without charges. In the period under review, no reports of detention for proselytising have been reported. There are occasional expressions of hostility towards Christians on social media in Brunei.

| Prospects for freedom of religion

The next phases in the implementation of the *Shari'ah* Penal Code (SPC), which have been under discussion for several years, have not yet come into effect. There is widespread international concern about the code's full application since it includes the death penalty and various kinds of corporal punishment, including amputation of hands for theft and stoning for sodomy. Criticisms have sometimes been trenchantly rejected by the Sultan. Full implementation would also mean further, stringent limitations on religious freedom. For example, apostasy from Islam is punishable by execution, as is contempt for the Prophet Muhammad or insulting the *Qur'an*.

The implementation of the SPC involves three phases. The second phase will not come into effect until a year after the publication of the Criminal Procedure Code (CPC). In March 2018, it was reported that the Islamic Religious Council had approved a draft of the CPC and that the Sultan had consented to its publication in the *Brunei Government Gazette*.^[3] Further details are awaited. Prospects for freedom of religion are, therefore, dire for everyone.

| Endnotes / Sources

[1] Brunei Darussalam's Constitution of 1959 with Amendments through 2006, [constituteproject.org](https://www.constituteproject.org/constitution/Brunei_2006.pdf?lang=en), https://www.constituteproject.org/constitution/Brunei_2006.pdf?lang=en, (accessed 23 March 2018).

[2] Barney Henderson, 'Sultan of Brunei bans Christmas "because it could damage the faith of Muslims"', *The Telegraph*, 22 December 2015, <https://www.telegraph.co.uk/topics/christmas/12063373/Sultan-of-Brunei-bans-Christmas-because-it-could-damage-faith-of-Muslims.html>, (accessed 23 March 2018).

[3] Rokiah Mahmud, 'Next Phase of Syariah Penal Code Underway', *Borneo Bulletin*, 11 March 2018, <https://borneobulletin.com.bn/next-phase-of-syariah-penal-code-underway/>, (accessed 31 March 2018).