

## Syariah by surprise in Brunei



Media coverage of Brunei's further roll out of its Syariah Penal Code has focussed predominantly on its potential effect on Queer\* Bruneians, and to a lesser extent, its effect on women. These laws do carry alarmingly severe penalties. The focus on Queer\* issues is understandable, and activist and advocacy groups have been integral in attracting international media attention. But this coverage risks missing concerning elements of the legal changes.

The news that the full implementation of the Syariah Penal Code (2013) (SPC) would begin on 3 April circulated widely throughout late March. International media reported on aspects of the implementation, especially sentences such as stoning to death and amputation of hands and feet. But within Brunei, the news seemed to catch local people unawares.

While the Attorney General's Chambers had published a gazette on 29 December 2018 stating that the full SPC provisions would commence on 3 April 2019, there was little to no publicity around the notification. Local newspapers were not covering the story, and no public discourse occurred—symptomatic of a culture of self-censorship, and government-enforced censorship within Bruneian media.

Elements of the SPC have been in effect since 1 May 2014, known as “phase one” of an overall process to implement a Syariah based criminal law system. The SPC was supposed to be rolled out in three stages. In March 2018, it was announced that a draft Criminal Procedures Code on Syariah had been approved by the Brunei Islamic Religious Council and consented to by His Majesty Sultan Haji Hassanal Bolkiah. At the same time, the Minister for Religious Affairs announced to the Legislative Council that the next phase would be “carried out according to the right administrative time” and emphasised that the phased implementation of the SPC “aimed to provide or enable strategic planning and early preparation in orderly manner and concrete actions by various relevant agencies including investigations, prosecution and judiciary with the implementation of sentences and penalties.”

There were no further announcements from the Attorney General’s Chambers or Ministry of Religious Affairs regarding the SPC before the 29 December notification of full implementation. This begs the questions: what happened to a phased implementation and the grace periods surrounding each phase?

Over the past few years, with such little public attention given to the SPC, there had seemed to be a growing consensus that perhaps phases two and three would not be implemented. There had been few convictions under phase one. Nor did the introduction of the SPC seem to correspond to any obvious changes to social attitudes and norms which may have warranted such a drastic change to the legal system.

The lack of coverage in local media adds to the concern. Several days passed between when news of the full implementation began to circulate widely on social media and in international media, and when any local news media covered the story. The coverage was typically a single article in each media outlet reporting that the Prime Minister’s Office had issued a press statement confirming the full implementation. Sultan Bolkiah gave a public speech on 3 April for the Islamic holiday Laylat al-Mi’raj which called for increased Islamic education and knowledge in the country, but did not make any reference to the SPC changes which were commencing that day.

In 2013, when the government first announced its intention to pursue a wider reaching Syariah law system, protests and dissent came from many corners of the world (including a prominent Boycott Brunei movement, which affected hotels owned by the Brunei Investment Agency). Perhaps the low profile given to this latest development is a tactic to avoid such condemnation. However, while international condemnation is not desirable for any government, many local voices are supportive of the SPC and the 2013 boycott seemed to draw the defences of local people.

There has been some internal dissent, particularly in anonymous online forums. In late March, an Instagram account reportedly belonging to a prince posted an image of a raised, rainbow-coloured fist with text that questioned whether the news of the 3 April implementation was real, and condemning it if true. The account was later set to private for some time, before disappearing.

The lack of official information and explanation of a major legal and policy change is incredibly concerning. While it's not unusual for the Bruneian government to operate in an opaque way, the importance of this change and the dearth of relevant information is stark. More cynical analysts point to the poor economy, the Sultan's age, and increasing globalisation and information access as clues to Brunei's tightening laws. While these explanations may go some of the way to interpreting these changes, they are not new challenges for the country and there have been no major developments in those areas.

Why are these laws being implemented now, and in such secrecy?

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***Editor's note: New Mandala has ascertained the identity and credentials of the author and extended anonymity at their request.***