

The Bureaucratization of Religion in Southeast Asia



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ABOUT THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

WHO WE ARE

The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan U.S. federal government commission created by the 1998 International Religious Freedom Act (IRFA). USCIRF uses international standards to monitor violations of religious freedom or belief abroad and makes policy recommendations to the President, the Secretary of State, and Congress. USCIRF Commissioners are appointed by the President and Congressional leaders of both political parties. The Commission's work is supported by a professional, nonpartisan staff of regional subject matter experts. USCIRF is separate from the State Department, although the Department's Ambassador-at-Large for International Religious Freedom is a non-voting, ex officio Commissioner.

WHAT RELIGIOUS FREEDOM IS

Inherent in religious freedom is the right to believe or not believe as one's conscience leads, and to live out one's beliefs openly, peacefully, and without fear. Freedom of religion or belief is an expansive right that includes the freedoms of thought, conscience, expression, association, and assembly. While religious freedom is America's first freedom, it also is a core human right that international law and treaty recognize; a necessary component of U.S. foreign policy and America's commitment to defending democracy and freedom globally; and a vital element of national security, critical to ensuring a more peaceful, prosperous, and stable world.

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EXECUTIVE SUMMARY

Southeast Asia is a culturally diverse region where five major systems of belief—Animism, Buddhism, Christianity, Hinduism, and Islam—converge and intersect with a wide spectrum of ethnicities and territories. The constitutions of countries in the region include provisions ostensibly aimed at protecting people’s freedom of religion and belief (FoRB), as outlined in a range of international human rights mechanisms such as the Universal Declaration of Human Rights (Article 18), the International Covenant on Civil and Political Rights (Article 18), and the UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief (Article 1). In practice, however, these governments do not widely protect FoRB, often citing the need to ensure national security and religious harmony.

The international community has traditionally focused its discourse on FoRB on laws and policies that infringe on religious freedom, especially the freedom of minority communities. In contrast, this report shifts the spotlight to an often-overlooked phenomenon that contributes to FoRB violations: the bureaucratization of religion. In addition to their relevant laws and policies, governments in Indonesia, Malaysia, Singapore, and Thailand in particular use administrative mechanisms to manage religious affairs in their respective jurisdictions. This process of the “bureaucratization of religion” results in the empowerment of civil servants to undertake direct and ideological intervention in domestic religious affairs, affecting not just religious, ethnic, gender, racial, and sexual minorities, but also members of the respective religious majorities.

This report highlights five major features of bureaucratization of religion that limit people’s FoRB in Southeast Asia as governments:

1. Employ national religious frameworks and administrative structures to oversee religious affairs in the country and ensure the status quo of the dominant religious group and/or interpretation.
2. Develop close relationships with quasi-governmental religious organizations to conduct religious outreach and influence citizens’ beliefs to align them with the official interpretation of religion.
3. Issue administrative frameworks for religious practices in order to shape the manifestation of religious beliefs, including registration of religious organizations and places of worship, regulation on proselytization and conversion, and identification of religious beliefs on official documents.
4. Establish moral policing institutions and bodies of religious legal rulings to ensure the enforcement of the officially favored religious principles and make them legally binding.
5. Create systems of dual legal jurisdiction, primarily to project the influence of the state to the judiciary—serving to entrench Sunni Islam in Malaysia and Indonesia while limiting the role of Islam in Singapore and Thailand.

INTRODUCTION

Article 18 of the Universal Declaration of Human Rights (1948) states that freedom of religion must be ensured to all citizens regardless of their belief system. Such a principle is also present in other key international human rights documents, such as the International Covenant on Civil and Political Rights 1966 (ICCPR) and the UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief (1981), Article 1. Similarly, freedom of religion or belief (FoRB) is theoretically guaranteed in the constitutions of most Southeast Asian countries and under the international human rights treaties they ratify. However, research shows that laws, policies, and context-specific practices actually restrict FoRB in much of the region.¹

In assessing the state of FoRB, most studies and reports have focused on analyzing how legal restrictions curb its implementation.² Yet, there is increasing evidence³ that certain governments bureaucratize religion in ways that make the management of religious affairs another source of restrictions. To demonstrate this emerging trend and its impact on FoRB, this report analyzes the bureaucratization of religion in four Southeast Asia countries: Indonesia and Malaysia as Muslim-majority countries, Thailand as a Buddhist-majority country, and Singapore as a multi-confessional country.

This report argues that the bureaucratization of religion in Southeast Asia directly limits the FoRB in the region, for both majority and minority religious communities. Furthermore, it highlights the paramount importance of overlapping rights, as the bureaucratization of a country's religious affairs consistently results in further limitations to other fundamental rights, such as freedom of expression, as well as gender-based and ethno-religious discrimination. A thorough understanding of the impact of such administrative management of religions on FoRB in Southeast Asia is necessary for those seeking to analyze and respond to FoRB conditions in the region.

1.1 METHODOLOGY

Research for this report took place between September 2022 and March 2023, in two interrelated phases. The first phase included extensive desk research on FoRB conditions in the four countries under examination and compared them to international standards. To do so, the research team used primary sources including international human rights covenants, such as the ICCPR, and the domestic legislative and regulatory frameworks related to religious affairs in the four countries explored in this report. The team also used secondary sources, including reports about the structure of state-linked religion-oriented organizations; documents by domestic and international human rights organizations; data from civil society organizations (CSOs) and think tanks; news pieces by local and international media outlets; and documentation from U.S. government open sources.

The second phase consisted of primary data collection to complement the desk research. The team conducted 24 in-depth key informant interviews with representatives of the state sector (parliamentarians and members of state-linked religious bodies) and members of civil society (academics, spokespeople of religious organizations, interfaith groups, and national and international non-governmental organizations (NGOs)). The second phase also included four focus group discussions with members of religious and civil society groups in Indonesia, Malaysia, Singapore, and Thailand.

¹ [Asia Centre, 2017.](#)

² [Künkler, 2018.](#)

³ [Fox, 2019.](#)

1.2 BACKGROUND: SOUTHEAST ASIA'S RELIGIOUS LANDSCAPE

Southeast Asia's population of 680 million people⁴ comprises hundreds of ethnic groups and five major belief systems: Animism, Buddhism, Christianity, Hinduism, and Islam.⁵

The four case studies included in this report are indicative of the religious complexity observed in the region.

- Although Indonesia is ethnically and religiously diverse, Islam largely dominates its religious landscape. The country recognizes six religions: Buddhism, Confucianism, Hinduism, Islam, Protestantism, and Catholicism. Of those six systems of belief, Islam has the most devotees: a total of 87% of Indonesians (231 million people) identify themselves as Muslims (98.8% of whom are Sunnis, 1% Shi'a, and 0.5% Ahmadiyya).⁶
- Islam is also the dominant religion in Malaysia, as 61.3% of its population is Muslim. Buddhism (19.8%), Christianity (9.2%), and Hinduism (6.3%) are also widely practiced. The *Bumiputra*, or native Malaysian ethnic groups, make up 62.5% of the population; ethnic Chinese citizens comprise 20.6% of the population, while Indians account for 6.2%.⁷
- Singapore is a city-state and the most religiously diverse nation in the world.⁸ Ethnic Chinese citizens make up the largest community (74.2%), followed by Malays (13.7%), and Indians (8.9%). It is also a secular state where various religions coexist— Buddhism (31.1%); Christianity (18.9%); Islam (15.6%); Taoism (8.8%); Hinduism (5%); other (0.6%); and non-religious (20%).
- Unlike Singapore, Thailand is a highly ethnically homogeneous country. It has 70 million inhabitants, 75% of whom are ethnic Thais, 14% are ethnic Chinese, and 3% are ethnic Malays.⁹ Despite not having an official religion, 94.6% of Thailand's population practices Buddhism.¹⁰

Given the diversity of faiths in Southeast Asia and their common intersection with ethnic identity, domestic and transnational conflicts of a religious nature have exemplified

the regional challenges associated with FoRB. These conflicts include transnational violent religious extremism as well as state-interference and policing of proselytization, "correct" religious behavior, and houses of worship. The use of various laws to manage religious conflict has resulted in a range of restrictions on freedom of religion, including but not limited to the countries on which this report focuses. The Pew Research Center's Government Restrictions Index¹¹ found that five countries—Malaysia, Indonesia, Myanmar, Brunei, and Singapore—had *very high* government restrictions related to religious practices (6.6 or above out of 10) in 2020. The Index also categorizes Vietnam, Laos, and Thailand as countries with *high* government restrictions on religion (ranging between 4.5 and 6.5).

Specific to the four countries reviewed in this study, research has found that hostility toward non-majority variants of Islam and Christian communities has increased in recent years in Indonesia. In Malaysia, religious discrimination against non-Muslim communities is rampant. In Thailand, members of Muslim minority groups in the South encounter harsh anti-terrorist measures imposed by the military. In Singapore, freedom of expression—especially regarding religion—is curtailed in the name of national security and religious harmony.¹²

Given the complexity of the religious landscape in Southeast Asia, many governments have relegated the everyday management of religious affairs in their countries to their respective bureaucracies. This bureaucratic management of day-to-day religious affairs often aligns with the political goals of those in government, while also aiming to manage tensions between the dominant confessional interpretation of the ethno-religious majority and various minority groups. The efforts of political actors to manage and promote a specific interpretation of the majority faith can also facilitate political mobilization from the majority community or reinforce those in power.

⁴ [World Population Review, 2022.](#)

⁵ [Pew Research Center, 2014.](#)

⁶ [CIA, 2022.](#)

⁷ [CIA, 2022.](#)

⁸ [Pew Research Center, 2014.](#)

⁹ [World Population Review, 2022.](#)

¹⁰ [CIA, 2022.](#)

¹¹ [Pew Research Center, 2020.](#)

¹² [Asia Centre, 2021.](#)

1.3 THE BUREAUCRATIZATION OF RELIGION

“Bureaucratization” is the process whereby the executive branch delegates authority to administrative organs of the state to issue regulations and direct human and financial resources towards a particular function of the state. This process is accompanied by a formalized and institutional decision-making process and hierarchical structure for managing the roles and responsibilities related to this function.¹³ Applied to the management of religion by public officials, the process of “bureaucratization of religion” empowers civil servants to undertake direct and ideological intervention in religious affairs.¹⁴

This report assesses five ways through which governments bureaucratize and intervene in religious matters.

- First, political actors create a national religious framework and accompanying government structures. These mechanisms shape that state’s approach toward religion in two ways: by adopting domestic policies that mirror how governments understand and conceptualize a given religion, and by incorporating the government’s favored interpretation of religion to guide the elaboration and implementation of related laws. As a result, religious practices are shaped to fit the socio-political aims of ruling governments and the state-sponsored interpretation of a particular religion.
- Second, governments fund and/or cooperate with quasi-governmental religious and interfaith organizations as separate mechanisms to drive officially preferred religious narratives and set standards for the practice of religion, in accordance with their national religious frameworks.

These organizations in turn support and inform the socio-political goals of ruling governments.

- Third, governments create complex administrative procedures to manage religious affairs, and not always through departments or agencies that are explicitly related to religion. These procedures often create burdens for those who deviate from the state-sponsored interpretation of religion in each country. Such procedures include the registration process for religious organizations, building houses of worship, and religious conversion.
- Fourth, religious and/or moral police enforce officially recognized religious principles, enabling those principles to become legally binding despite their status merely as moral obligations.
- Fifth, governments control the interaction between secular and religious courts to ensure the prioritization of the state-favored religion. Religious courts further state-sponsored interpretations by working in tandem with religious policing to penalize those who deviate from religiously based moral decrees.

Bureaucratic management of religion is a common practice to varying degrees worldwide, not just in Southeast Asia.¹⁵ However, it can be especially problematic in countries with weak rights-protection mechanisms, as bureaucratic procedures that curb FoRB and related rights are often perpetuated as part of a given government’s effort to manage religious affairs and enforce a specific interpretation. For that reason, FoRB principles outlined in international conventions and national constitutions must, in addition to national legal provisions, be used to evaluate the ways in which state bureaucracies manage religious affairs on a day-to-day basis.

¹³ [Larsson, 2017.](#)

¹⁴ [Künkler, 2018.](#)

¹⁵ [Künkler, 2018.](#)

BUREAUCRATIZATION OF RELIGION IN SOUTHEAST ASIA

This chapter outlines and analyzes how Indonesia, Malaysia, Singapore, and Thailand have increased control over the religious affairs in their countries and how this control has impacted FoRB through the five primary forms of bureaucratization just described.

2.1 NATIONAL RELIGIOUS FRAMEWORKS AND GOVERNMENT STRUCTURES

Religion plays a critical role in the societal and political spheres of all four countries. The executive branches have each proactively adopted comprehensive management of religious affairs in their territories by attempting to bureaucratize religions. This phenomenon has increased their overarching control over religious issues and crafted administrative tools to promote the state-sponsored interpretation of a particular religion.

Indonesia: Article 29(2) of the Indonesian Constitution (1945) “guarantees all persons the freedom of worship, each according to his/her own religious belief.” *Pancasila* (the ‘Five Principles’), Indonesia’s nation-building blueprint, was created in the post-colonial era to delineate Indonesia as neither a secular nor an Islamic state¹⁶ and comprises five principles, the first and most prominent of which is the belief in one god. On top of this core principle, religions also require official state recognition, but only six traditions are officially recognized: Islam, Protestantism, Catholicism, Buddhism, Hinduism, and Confucianism. The Indonesian government has used the first principle of monotheism to craft a social landscape that promotes religious plurality while accommodating Islam’s historical position and influence. Other forms of spirituality, including animism and polytheism, are not recognized as religions, while atheism is outlawed. At present, MPR Decree No. 1¹⁷ regulates *Pancasila*, labeling it as a national pillar and the foundation for federal laws.

The Ministry of Religious Affairs (MORA) is responsible for managing religious affairs in Indonesia. Religious education projects account for 85% of the country’s budget (IDR 70.4 billion, or more than USD 4 million) in 2023.¹⁸ The other 15% account for the management of religious groups and places of worship. Despite consisting of various departments for each of the six official religions, MORA has since its inception been a site of contention as various Islamic groups have sought to control it. In addition, those religious communities not recognized as official by MORA are forced to register through the Ministry of Education and Culture as socio-cultural organizations. Under Sukarno’s Presidency, from 1946 to 1965, MORA primarily created resources for the Muslim community, such as increased capacity to manage Islamic schools and the Islamic courts.¹⁹

Under President Joko Widodo since 2014, MORA has promoted *moderasi beragama* (moderate religiosity), an ideology that seeks to eliminate religious radicalism and fundamentalism as part of the government’s wider policy for preventing violent extremism.²⁰ This has resulted in efforts to promote interreligious dialogues and create stronger relationships between the six faith groups recognized by the government, therefore perpetuating the exclusion of unrecognized religious minorities. Nonetheless, Islamic politics continue to dominate MORA—particularly among Islamic grassroots organizations vying for control of the ministry and, by extension, the elevation of their interpretation of Islam through government policy.

MORA remains a relatively centralized ministry in Jakarta with provincial and sub-district offices reporting directly to the head office. Certain powers related to the administration of Islam have been gradually delegated to specific agencies such as the Court and the local governments to enact regional regulations.²¹ For example, the region of Aceh maintains autonomy in terms of legislating and implementing Islamic

¹⁶ Madinier, 2022.

¹⁷ 2003.

¹⁸ MoF Indonesia, 2022.

¹⁹ Ropi, 2017.

²⁰ Hasyim & Saat, 2020.

²¹ Cammack, 1997.

laws (Law No. 18²²; No. 11²³), and Law No. 11²⁴ identifies the principles of Islam as the key guidelines of its governance. In this region, Islamic law applies to all residents, Muslim and non-Muslim alike, who must “respect the implementation” of the law (Art. 126(2)).

There are no official state religious councils at a federal level in Indonesia. Instead, there are several quasi-government organizations, which are non-governmental in nature but receive funding from the government and whose leadership is linked with national political actors. Some of these organizations are established by law or recognized by the government, as discussed later in Section 2.2. In Aceh, the Ulama Consultative Council (*Majelis Permusyawaratan Ulama*) is established by law and positioned in an equal partnership with the Acehese government. It is involved in the legislative process and provides guidance for resolving differences of opinion on religious matters, while the *fatwas* it issues serve as a source of laws and policies in the region.

Malaysia

Malaysia is a confessional state that upholds the superiority of the ethnic Malay people (*Ketuanan Melayu*) and the Islamic religion over other cultures, races, and religions. This notion is buttressed by the narrative that the colonial era placed the Malay community in an inferior socio-economic position.²⁵ Following the end of colonialism, that perception of inferior status resulted in calls to establish Islamic culture as the national culture²⁶ to safeguard its Malay roots. To that end—and even though Art. 11(1) of the Malaysian Constitution (1957) grants citizens the right to practice their religion of choice and manage their own religious affairs (Art. 11(2))—Malays are constitutionally determined indivisible from Islam (Art. 160) while Islam is regarded as the “religion of the Federation” (Art. 3).

At the same time, an effort has been made to ensure Islam’s higher status in relation to other religions; for example, the King must “safeguard [Malays] special position” (Art. 153), thus protecting the condition of Islam as the Federation’s religion. Additionally, the constitution was amended so that

the law “may restrict the propagation of [religions]” among Muslims (Art. 11(4)) to “protect the religion of Islam.”²⁷

Malaysia has several federal and state-level bureaucracies that administer Islamic practice. Issues related to that religious tradition are by nature state matters, overseen by the respective State Religious Councils (SRCs). Due to this structure, the administration of Islam has historically been state-led, but several waves of Islamization since the 1970s have pushed its centrality at both the state and federal levels. This incremental process of Islamization has resulted in a state-sponsored version of Sunni Islam of the Shafi’i school, managed by government agencies at the federal and state levels.²⁸

Members of SRCs include a chair and deputy, representatives from the Secretary of the State, the State’s Legal Advisor, the Head of State Police, and Islamic law scholars. The chair, deputy, and scholars are appointed by the respective Sultans or, in states without a monarch, the Governor. Each state’s department for Islamic Affairs implements the policies set by the SRCs and sultans.²⁹ The National Council of Islamic Religious Affairs coordinates the policies established by the SRCs and sultans, overseeing *fatwa* issuance and advising the Conference of Rulers in matters related to Islam.

At the national level, the Department of Islamic Development Malaysia (*Jabatan Kemajuan Islam Malaysia* (JAKIM)) oversees the enforcement of Islamic laws nationwide, standardizes Syariah (Shari’a) law and Syariah Courts, and develops Islamic education programs.³⁰ It is important to note that the Syariah Court system, overseen and standardized by JAKIM, is technically an administrative body and not a judicial wing of the government. In 2023, the most recent budget year, JAKIM received a government appropriation of RM 1 billion (around USD 224 million). Another RM 400 million (less than USD 89 million) is allocated for other functions of the Prime Minister’s Department related to “Islamic Development.”

²² [2001](#).

²³ [2006](#).

²⁴ [2006](#).

²⁵ [Chin, 2015](#).

²⁶ [Hunter, 2021](#).

²⁷ [Mamat v. Malaysia, 1986](#).

²⁸ [Ibid.](#)

²⁹ [Steiner, 2018](#).

³⁰ [MoF Malaysia, 2022](#).

Thailand

Article 67(2) of the Thai Constitution³¹ states that “the State should promote and support [...] dharmic principles of Theravada Buddhism.” It also mentions that the state “shall have measures and mechanisms to prevent Buddhism from being undermined in any form.” This statement appears to conflict with Article 31, which grants an individual the right to “enjoy full liberty to profess a religion, and exercise or practice a form of worship in accordance with his or her religious principles.”

Thailand’s three national pillars are nation, religion, and king.³² Although religion is not synonymous with Buddhism in this context, the government indeed gives special treatment to that tradition. Within the “three pillars” framework in practice, *religion* (Thai Buddhism) buttresses the Thai *nation*, and the *king* (the monarchy and the ruling regime) reigns over the *nation* through their use of *religion*. The monarch is also expected to be a good Buddhist (Article 7 legally prescribes the King to be a Buddhist), creating a shared imagination of the king as a Buddha-like figure³³ and legitimizing the government’s political role as possessor of moral high ground in a religious sense³⁴ and as compared to other cultures, races, and religions. When a religion undermines the morality and legitimacy of the royalty and the ruling government, it is deemed immoral and “not-Thai.”

The two main agencies responsible for the bureaucratization of religion in Thailand are the Religious Affairs Department (RAD) and the National Office of Buddhism. RAD, under the Ministry of Culture, manages the broad religious affairs in the country³⁵ and supports and protects Buddhism. The bulk of RAD’s annual budget of THB 335 million (USD 9.4 million) covers costs related to the works of the governmental Islamic body known as the *Sheikul Islam*, the maintenance of places of worship, and the promotion of Buddhist activities and ceremonies. These costs total THB 242 million (USD 6.8 million), while another THB 22 million (USD 617,000) is allocated to the veneration of the King and his royal family “through a religious dimension.”³⁶

The National Office of Buddhism (NOB) is allocated around THB 4.2 million (more than USD 118 million). NOB was detached from RAD in 2002, and today, it reports directly to the Prime Minister’s Office.³⁷ It had been speculated that its detachment from the more secular and multireligious RAD was to quell calls for Buddhism as the national religion.³⁸ In terms of its duties, NOB’s foremost role is to support the *Sangha* and the maintenance, restoration, and development of religious sites (THB 970 million, or more than USD 27 million in 2021). NOB also allocates THB 240 million (less than USD 7 million) for monks serving as Buddhist missionaries to what is commonly referred to as the Thai “Deep South” (comprising Narathiwat, Pattani and Yala province, and four additional districts in Songkhla province, which border Malaysia and are home to a large Malay Muslim community).

The Sangha Supreme Council of Thailand (the *Sangha*) oversees more than 205,000 Buddhist monks, 33,000 novices, and 42,000 temples.³⁹ The *Sangha* was established in 1963 in an attempt to centralize command of Buddhist clergy under an ecclesiastical hierarchy ruled by the King.⁴⁰ It standardized Buddhist texts, edicts, and monasteries across the country, and it decreed which sects fall under the order—creating a de facto list of “official” sects. Monasteries and sects not conforming to the state Buddhist ideology were either excluded or later expelled. A 2018 revision of the Sangha Act granted the King power to appoint the Supreme Patriarch of the Council and senior councilors.⁴¹

When compared to the Buddhist order, its Islamic counterpart—the Central Islamic Council of Thailand (CICOT)—is more limited in its scope and role. CICOT is placed under the Ministry of Interior and the Ministry of Education, with RAD maintaining some regulatory powers. The CICOT is led by the *Sheikul Islam*, who is indirectly elected by Chairs of the Provincial Islamic Committees—themselves elected by imams from their respective provinces. CICOT and the *Sheikul Islam* are responsible for a range of functions, from managing the Hajj and the Halal Certificate to issuing *fatwas* (Islamic religious decrees).

³¹ 2017.

³² Chambers, 2020

³³ Baker & Phongpaichit, 2005

³⁴ de Rooij, 2015

³⁵ RAD, 2017

³⁶ Budget Bureau of Thailand, 2022

³⁷ NOB, n.d.

³⁸ Buaban, 2020

³⁹ NSO, 2022

⁴⁰ Kurzydowski, 2022

⁴¹ <https://www.krisdika.go.th/librarian/get?sysid=308233&ext=pdf>

Singapore

Ethno-religiosity and multiculturalism govern the Singaporean religious scene. The government exerts a top-down approach to religious affairs in the country by establishing various laws, mechanisms, and religious councils. Before independence, the prominent role of Chinese Malaysians over Malay Muslims resulted in tensions and deadly race riots involving both groups.⁴² This dynamic changed once Singapore achieved its independence.

Today, the government “engineers” a national sense of social and religious harmony with the narrative that the Chinese population, despite constituting the majority, does not demand special privileges, so that other minority groups can enjoy equal rights.⁴³ Given the country’s turbulent ethnic and religious history, religion is often treated as a matter of national security. The Singaporean constitution,⁴⁴ Article 15(1) maintains the right to profess, practice, and propagate religion, while Article 12 forbids racial and religious discrimination. Singapore can be called a “strict multiculturalist” or an “authoritarian secularist” state, which reflects how the political arms of the government exert control over religious matters on the island.

Singapore’s government strictly regulates religious affairs. The Ministry of Culture, Community and Youth (MCCY) has a formal role in managing religious affairs under its “Community Relations and Engagement Programme.” It has a budget of SGD 107 million (less than USD 78 million), according to its 2022–23 figures. The program seeks to “promote racial and religious harmony,” develop networks “among ethnic and religious organizations,” and administer Muslim personal and family law.⁴⁵

The Islamic Religious Council (*Majlis Ugama Islam Singapura*; MUIS) was established under the Administration of Muslim Law Act⁴⁶ as a statutory body within the MCCY. The MUIS administers mosques and regulates mosque officials, issues *fatwas*, supervises religious education, and advises the President on Islamic affairs (Art. 3(2)). The Council consists of members nominated by the Prime Minister, the Minister-in-Charge of Muslim Affairs, and the MUIS President. Some seats are nominated according to recommendations from Muslim organizations.

One of the roles of MUIS has been the development of a “Singapore Muslim Identity” through a mixture of

Islamic and civic values that, among other items, promotes Muslims to “[adapt themselves] to a changing context” and be “member[s] of a multi-religious society and secular state.”⁴⁷ In effect, this places Islamic identity as secondary to the government’s secular efforts of nation-building. The establishment and strict authority of MUIS over religious affairs has both sociological and political drivers. First, Islam plays a historical role in the region, and it has many adherents in the country. Second, the Singaporean government perceives a possible threat in a religion that generally holds to a more holistic worldview (compared to other religions on the island) and could therefore represent a potential challenge to the secular state system.

2.2 QUASI-GOVERNMENTAL RELIGIOUS ORGANIZATIONS

Quasi-governmental religious organizations are entities with state-backing or official recognition from a government. Although they are semi-independent, their influence is still evident in state policy—particularly in religious affairs. The cases of quasi-government organizations in Indonesia and Thailand demonstrate how governments employ independent religious groups for their political advantage. These groups, in turn, further state-sponsored interpretations of religious doctrine, even when political actors in government are divided on which interpretation to sponsor. Given the impact of these organizations on the population and their relationship with governments, quasi-governmental religious organizations represent an important mechanism for governments to bureaucratize religion.

Indonesia: Religious affairs are primarily managed by quasi-government religious organizations. The *Majelis Ulama Indonesia* (Indonesian Ulama Council; MUI) serves as an informal body that, together with MORA, oversees Islamic activities throughout Indonesia. The links between MUI and the government, as well as the MUI’s proximity to local communities, provide a path for the government of Indonesia to indirectly manage national religious affairs and for MUI to influence the direction of government policy. MUI regulates the issuance of *fatwas* in Indonesia. As a scholarly organization, it also acts as a mediator between the government and the religious needs and demands of local groups and communities, including on issues such as women and family, inter-religious engagement, and

⁴² Seng, 2017.

⁴³ Min, 2021.

⁴⁴ 1963.

⁴⁵ MoF Singapore, 2022.

⁴⁶ 1966.

⁴⁷ Abdullah, 2013.

economic development.⁴⁸ Despite its establishment as a “social organization,” MUI’s connections with the government gives it an air of legitimacy.

Grassroots religious organizations play a major part in extending the government’s administration of religion. Groups like Nahdlatul Ulama (NU) and Muhammadiyah—the two largest Muslim organizations—have amassed more than 100 million followers. While they existed prior to Indonesia’s independence, they have since increasingly become central for the different groups of Sunni Muslims in the country. Together, these two organizations have uniquely informed the government’s approach to religion. For example, they represent moderate Islam as outlined by *Pancasila*. Their teachings, in line with democratization efforts and efforts to combat religious extremism, as well as their large number of followers, have brought these organizations to the political arena. Consequently, their leaders are often heavily involved in politics and governance. For example, President Joko Widodo (Jokowi) has sought to form strong partnerships with both organizations, incorporating a former chairman of MUI as well as Supreme Leader of NU, Ma’ruf Amin, into his administration as vice president. While in office, President Jokowi, along with other senior ranking officials in his government, has attended Muhammadiyah congresses and meetings.⁴⁹

These political connections are key to understanding how the government uses quasi-governmental religious organizations. With the appointment of some of its leaders as members of the government, the state creates a bridge between them to gain influence over domestic religious affairs. In return, these organizations provide social mobilization in support of political figures, the government, and government policies.

Thailand: Quasi-governmental organizations are primarily linked to Buddhism through two main categories. The first includes religious organizations under “Royal Patronage”⁵⁰; of the country’s 15 religious organizations, four are Buddhist, and three of those groups have been endorsed as falling under “Royal Patronage.” This status matters for two reasons. Since monarchy and government are tightly interlinked,⁵¹ the royal endorsement politicizes these religious organizations. As a result, the government benefits from the influential role of

the king and the royal family gaining access to key religious groups to exert its power. Second, the royal endorsement legitimizes these religious organizations. The fact that only three organizations have the endorsement of the royal family and all of them are Buddhist allows political elites to ensure that Buddhism is treated with preference over other religions, making them more influential over other faiths.

The second category includes individual monks and temples which have gained prominence in the Thai political sphere. Their prominence is generally a product of their individual appeal as well as their ability to link political agendas to Buddhist ones. During the country’s political crisis from 2005 to 2014, Buddhist monks were politically divided between those supporting Prime Minister Thaksin Shinawatra (red shirts) and the royalists (yellow shirts), mirroring the socio-political divide of the country at large. Both camps used their connection with Buddhism and monasticism to increase their moral standing and legitimacy. The *Dhammakaya* temple, for example, is one of the few temples that showed support to the red shirts led by Prime Minister Thaksin Shinawatra’s camp. The temple’s connections with the Pheu Thai Party—Prime Minister Thaksin’s party—were evident during its time in government, from 2011 to 2014. The then Minister of Education initiated projects with schools and universities, such as clubs and networks, that were subsequently linked to *Dhammakaya* temple.⁵² In 2012 the Minister discussed his wish for educational institutions to take students to participate in Dharma training camps at the *Dhammakaya* temple to refine their thoughts and cultivate morality.⁵³ The party used these efforts to expand its political influence and moral legitimacy.

Other temples and monks also had connections with the royalists and the military. The Santi Asoke Buddhist group had taken part in the yellow-shirt anti-Thaksin protests throughout 2006–2008.⁵⁴ Military generals paid homage to one monk from this group, *Phrabuddhaisara*.⁵⁵ His role was highly influential during the 2013–2014 protests as he employed Buddhist rhetoric to discredit Thaksin and his supporters as immoral to further the political agenda of the military.⁵⁶ These monks and Buddhist groups, among others, afforded moral legitimacy for the military to conduct successive coups in 2008 and 2014. Their

⁴⁸ MUI, 2022.

⁴⁹ Halim, 2017; Aditya, 2022.

⁵⁰ DRA, n.d.

⁵¹ Winichakul, 2001.

⁵² Prachatai, 2019.

⁵³ KomChadLuek Online, 2012; MGR Online, 2013.

⁵⁴ Heikkilä-Horn, 2010.

⁵⁵ Dubus, 2018; Tonsakulrungruang, 2018.

⁵⁶ PostToday, 2014.

criticism of the *Sangha*—of being too bureaucratized and politicized by politicians—also served as a justification to ruling governments to amend laws and regulations to purge “immoral monks” who did not espouse the prevailing political narrative.⁵⁷ One such amendment was to return the power to select the Supreme Patriarch and key *Sangha* councilors to the King, a power that had historically belonged to the King.⁵⁸

2.3 ADMINISTRATIVE FRAMEWORK FOR RELIGIOUS PRACTICES

Each of the four countries studied develops administrative regulations on religion administered by bureaucratic bodies. The respective governments mandate different rules and standards for the registration of a religious organization, for the construction and maintenance of houses of worship, as well as policies related to the identification of religious individuals. These rules are often different for the state-sponsored religion than for all other religions. Regardless of the differences that exist between the bureaucracies in various countries, the consistent goal of these administrative practices is to ensure that the state apparatus keeps control of the religious affairs in their countries, maintains some control of the day-to-day religious activities of their population, and propagates their sponsored religious interpretation(s) without disrupting what they term as societal order or social harmony.

Governments have established administrative practices to both elevate and insulate their sponsored religion and official interpretation of that religion. Other religions and/or sects face varying degrees of difficulty in having their religious practices sanctioned. These measures are treated as “natural” administrative functions of the state, but they inhibit and take away the FoRB rights of citizens. Failure to comply with these requirements or, in the case of unofficial religious organizations, an inability to comply with them, can result in limits on access to state services such as education or healthcare for members of these religious communities.

Registration of Religious Organizations

Indonesia: Any religious organizations that does not identify with any of the six officially recognized religions is to be registered as a “social organization” by the Ministry of

Home Affairs following approval by MORA.⁵⁹ As a result, indigenous and minority faiths are not officially recognized as “religions” and do not receive the same institutional support from MORA that officially recognized religions receive.

Malaysia: Non-Islamic religious groups are not mandated to register with any government agency.⁶⁰ However, as there remains some confusion regarding this matter, some of these organizations have opted to register with the Registrar of Societies, in compliance with the Societies Act. That Act established additional administrative requirements, such as obtaining approval from the Registrar of Societies to effect any changes in a group’s constitution or from a town council if an organization needs to use a new location as a place of worship in case of relocation.⁶¹

Singapore: The government compels religious organizations to register under its Societies Act.⁶² While there are some loose networks in the country for those who adhere to the same beliefs, each organization faces an ongoing risk of the government deeming it an “unlawful society.” Such unregistered societies are, in fact, considered illegal, and an invitation to join one carries potential penalties for an individual, if caught, per the Societies Act—thereby inhibiting proselytization in lieu of an actual law.

Thailand: The government allows for the registration of religious organizations under RAD Departmental Regulation.⁶³ However, it has only recognized 15 as legal organizations, excluding those constituted by law.⁶⁴ Each of these 15 organizations belongs to one of the five recognized religions; nevertheless, unregistered organizations continue to operate with little interference.

Proselytization and Religious Conversion

Indonesia: Ministerial (MORA) Decision No. 70 of 1978 regulates proselytization; it bans the act of propagating religion if directed toward members of other religious groups. Religious conversion is only legally allowed if a subject wishes to convert to one of the religions officially recognized by the government. Those who convert can list themselves as followers of the country’s “minority faiths” (*aliran kepercayaan*), without indicating which one.

Malaysia: The right to propagate religion is not constitutionally protected. Citizens in Malaysia must

⁵⁷ [Tonsakulrungruang, 2018.](#)

⁵⁸ [2018.](#)

⁵⁹ [State Department, 2022.](#)

⁶⁰ [NECF Malaysia, n.d.](#)

⁶¹ [NECF Malaysia, n.d.](#)

⁶² [1966.](#)

⁶³ [1969.](#)

⁶⁴ [Religious Information Centre, n.d.](#)

register their faith identity with the National Registration Department in order to reflect their change of religion on their national identification cards. Those who wish to convert from Islam, however, must provide documentation from their state's Syariah Court—a bureaucratic process that often prevents those who were previously identified as Muslim from legally leaving that faith. In states where apostasy is legal (Negeri Sembilan, Perlis, Selangor), the denouncement of Islam is heard on a case-by-case basis.⁶⁵ However, such a denouncement requires extended counseling sessions by Muslim authorities, often described as consisting of forced detention and guidance to correct any of the prospective apostate's "deviant teachings."⁶⁶ In states where apostasy is illegal, Muslims are effectively prevented from changing their official faith identity. Ethnic Malays are constitutionally prevented from conversion outside of Sunni Islam.

Singapore: Conversion from Islam requires the submission of a formal declaration of denunciation to the MUIS. As other religions may determine their own processes of conversion, their religious entities fall outside the state's bureaucratic purview as such. Religious harmony is cited to restrict religious propagation deemed "offensive," while laws related to religion prohibit acts that cause "feelings of enmity, hatred, ill-will or hostility between different religious groups."⁶⁷

Thailand: Although Thailand maintains the least restrictive regulatory framework compared to the other three countries under consideration, RAD Regulation⁶⁸ mandates foreign missionaries to "promote the Thai language" while propagating their religion. Additionally, missionaries cannot wear apparel resembling that of Buddhist monks.

Houses of Worship

Indonesia: Unregistered religious groups have no right to establish places of worship, although they can register such sites as social organizations.⁶⁹ Strict control on places of worship, even for registered religions, has led many religious communities to illegally build houses of worship in homes or residential areas. The increased destruction of such sites by hardline vigilante groups led MORA and the Ministry of Home Affairs (MOHA) to issue Joint Ministerial Regulations No. 9 and No. 8.⁷⁰ Those regulations, citing religious

harmony, mandate that prospective new religious sites obtain the approval of at least 90 residents of that religion as well as 60 residents of other religious communities. The registration document would then face review by the Interreligious Harmony Forum (*Forum Kerukunan Umat Beragama*; FKUB), comprised of representatives from different state apparatuses. It has been noted⁷¹ that the former MORA Minister justified this policy based on the perceived threat that the fast-growing non-Muslim community represents a threat to the majority Muslim populations. The regulations, which are viewed as stricter than earlier policies, were therefore aimed at confronting this perceived threat.

Malaysia: Islamic places of worship are under the administration of State Islamic Religious Councils (SRCs), which have the sole power to provide such permits. Furthermore, the SRCs have sole trusteeship of these places.⁷² In this way, Muslim sects or schools of jurisprudence that vary from the state-sponsored interpretation of Islam are not legally permitted to operate mosques. SRCs have placed outside Ahmadi Muslim mosques signs referring to the religious community as "not Muslim." For non-Muslims, there is a lack of clarity about whether places of worship require establishment under the Societies Act or similar laws,⁷³ which can slow the approval process for the construction of new houses of worship.

Singapore: The Administration of Muslim Law Act (AMLA) (1966) Part 5 places mosques directly under the administration and management of MUIS while also preventing the building of non-MUIS-sanctioned mosques. MUIS also handles a community fund—the Mosque Building and MENDAKI (Council for the Development of Singapore Malay/Muslim Community) Fund—as a form of a non-obligatory tax levied on every working Muslim in Singapore for the building and repairing of mosques, as well as for other social services such as religious education and community empowerment.⁷⁴ For other religions, the Urban Redevelopment Authority authorizes permits for places of worship. Further prohibitions are in place for venues that host religious activities in commercial or industrial zones; they include a ban on displaying religious paraphernalia if the sites are not in use for religious activities and a ban on ownership

⁶⁵ [Abdul Aziz, 2018.](#)

⁶⁶ [Nazri, 2020.](#)

⁶⁷ [Chen, 2014.](#)

⁶⁸ [1981.](#)

⁶⁹ [ECOI, 2007.](#)

⁷⁰ [2006 and Ropi, 2017.](#)

⁷¹ [Ibid.](#)

⁷² [Miskam & Jamaluddin, 2014.](#)

⁷³ [Singh, 2019.](#)

⁷⁴ [MUIS, n.d.](#)

by or exclusive leases for religious organizations.⁷⁵ The Ministry of National Development also maintains bidding frameworks in which plots of land are auctioned for use as religious sites; that program releases a limited number of sites each year for use in establishing specific religious sites.

Thailand: The NOB administers the recognition of temples via a Ministry of Culture Ministerial Regulation.⁷⁶ This process goes through the provincial *Sangha* hierarchy before receiving government approval—with the NOB providing the final approval. For mosques, the Administration of Islamic Organizations Act (AIOA)⁷⁷ positions Provincial Islamic Councils to determine the need for a mosque, and the district head affirms such needs before giving final approval. For Roman Catholic churches, the government has appointed a committee that screens requests before sending the nominated list for Cabinet approval under the regulation of the Office of the Prime Minister.⁷⁸ The Department of Provincial Administration has clarified that these laws do not mandate registration for all sites; registration is required, however, for legal identity.⁷⁹

Official Identification

Indonesia: ID cards allow individuals to specify their membership in one of only six religions. This limitation was mitigated by a Supreme Court ruling in 2017, which provided for an additional category of ‘believer of faiths’ (*aliran kepercayaan*) but did not allow individuals to specify a faith under that option.⁸⁰

Malaysia: The national ID card (MyKad) records religious data in its embedded data chip. Muslims and indeed all Malays, who are constitutionally mandated to identify as Muslim, have “Islam” specifically displayed in text on their ID. The government has maintained this policy as necessary for identifying the jurisdiction of the Syariah court and the religious moral police.⁸¹ For example, during Ramadan, those with Islam listed on their ID can be prevented from eating and drinking in public places. They can also be prevented from sharing hotel rooms with unrelated persons of the opposite sex. Given the difficulties in converting from Islam, ID card holders have spent time and resources challenging the

data on their MyKad⁸² due to mistakes by authorities. While these issues may primarily represent human error rather than the government’s intentional suppression of individuals’ right to religious freedom, its consistent lack of action tacitly perpetuates such suppression.

Thailand: By default, a person’s religion is usually noted as Buddhism on ID cards unless the card holder clearly specifies another faith. Citizens are also rarely told that they can opt out of having their religion shown on their ID cards.⁸³ Furthermore, only five official religions are recognized on the ID card.⁸⁴

Singapore: The national ID card does not indicate religious affiliation, although a baptism or religious certificate is required for a change to an overtly religious name in other official records.⁸⁵

2.4 MORAL POLICING AND RELIGIOUS LEGAL RULINGS

Systems of enforcement for religion-based laws and regulations are present in Thailand, Malaysia, and Indonesia. These mechanisms work together to perpetuate the official religious framework and the sponsored religious interpretation. Religiously driven law enforcement affirms the administrative nature of Islamization in Malaysia and Aceh, Indonesia. Policing functions under the authorization of governments to issue and implement moral regulations within their religious community.

For Muslim populations in Indonesia, Malaysia, Singapore, and Thailand, religious and moral decrees issued by the government or government-sponsored groups are enforced, in part, through policing. This primarily relates to *fatwas*—Islamic legal opinions—issued by the *Mufti* (Islamic jurist) and/or Fatwa Committee of each country. Whether *fatwas* have formal legal standing varies from country to country. While they have legal authority in Malaysia, Thailand, and Singapore, they have none in Indonesia. Similarly, *fatwa*-issuing organizations are either constituted by law or exist solely as religious organizations, depending on the country.

⁷⁵ URA, n.d.a; n.d.b; 2012.

⁷⁶ 2016.

⁷⁷ 1997.

⁷⁸ 2021.

⁷⁹ Phaichareon & Ahmad, 2019.

⁸⁰ Allard & Damiana, 2017.

⁸¹ Bernama, 2020.

⁸² Strode, 2018.

⁸³ Talapngoen, 2020.

⁸⁴ The Momentum, 2019.

⁸⁵ ICA, n.d.

Religious Policing

Indonesia: Decentralization efforts have given local governments the ability to issue regional regulations (*perda* or *perda Syariah*), many of which are religious in nature. *Perdas* are issued under the executive power of governors and are therefore subservient to central government regulations and subject to judicial review. These reviewing authorities are, nevertheless, not enforced in practice.⁸⁶ Notably, in Aceh, the *Wilayahul Hisbah* (WH) (Islamic religious police) enforces such regulations; it is part of the Aceh Civil Service Police Unit and holds formal powers limited to investigating cases related to Syariah law, issuing reprimands, and advising the police on Syariah matters under Governor of Aceh Regulation No. 139 of 2016. Although WH members do not have the power to charge or detain offenders, they can be seen regularly patrolling the streets of Aceh⁸⁷ and conducting raids.⁸⁸

Malaysia: Religious Enforcement Officers (REOs) assist the police and the Syariah public prosecutor's office in addressing Syariah offenses. Regulated by the SRCs, their powers range from issuing advisories to taking part in arrests. They are also authorized to investigate, examine witnesses, and execute search warrants.⁸⁹ REOs have been criticized because of their interference with personal affairs and having no set guidelines to make judgments. Furthermore, officers often lack a clear understanding of Syariah law and how to enforce it.⁹⁰ In 2022, JAKIM stated its intent to coordinate REOs across the country.⁹¹

Thailand: Religious policing manifests much differently in Thailand from the previous two contexts, in large part due to the centrality of monasticism in local Buddhist tradition. *Pravinayadhikaras*, which exist under the *Sangha*, enforce regulations and codes of ecclesiastical orders. Their powers range from issuing warnings to assisting law enforcement in the arrest and investigation of and, in some cases, in ordering monks to leave the monkhood,⁹² in accordance with Regulation of the *Sangha*.⁹³ The role of *Pravinayadhikaras*

existed prior to their legalization in 2018, which provided a clear scope for their power and responsibilities.⁹⁴ There are also cases in Yala southern province where local law enforcement has supported local Islamic groups in forcing the marriage of Muslim individuals of the opposite sex who have allegedly been found in close contact with each other in private.⁹⁵

Religious Rulings and Legal Standing

Indonesia: No formal agency in Indonesia exists by which the state can issue *fatwas*. While prominent regional clerics can issue *fatwas*, the most influential rulings come from quasi-governmental organizations such as NU, Muhammadiyah, Persatuan Islam (PERSIS), or the state-linked MUI. Local and state-level officials have taken up the issuance of *fatwas* under the MUI, which have included the rejection of pluralism, liberalism, and secularism, and the labeling of Ahmadiyyah Islam as deviant.⁹⁶ Although *fatwas* are not legally binding in this context, policymakers have based some laws in part on such rulings.⁹⁷

Malaysia: *Fatwas* have legal standing in Malaysia. As with other aspects of Islamic governance in the country, the power to issue *fatwas* lies within each SRC. At the national level, the National Fatwa Committee, under the National Council of Islamic Religious Affairs, consists of a chairman appointed among members, state muftis, Directors of JAKIM and the Syariah Judiciary Department, and nine scholars appointed by the Conference of Rulers. While *fatwas* are considered legal rulings, they are not considered legally binding until they pass to the State Fatwa Committees for adoption. If adopted at that level, they are then treated as legally binding for that individual state. *Fatwas* at the national level, meanwhile, are limited to issues that are deemed to be of national interest; *fatwas* that address Muslims' daily lives are relegated to the state level. Sultans/Governors select muftis to oversee the State Fatwa Committees, with powers that vary from state to state—ranging from sole discretion to acting on the advice of a state council or the state's executive arm.⁹⁸

⁸⁶ Cammack & Feener, 2012.

⁸⁷ Barker, 2018.

⁸⁸ Paulo, 2018.

⁸⁹ Muhammad & Shafy, 2020.

⁹⁰ Ismail, 2008.

⁹¹ Effendy, 2022.

⁹² Phanwattana, 2017.

⁹³ 2018.

⁹⁴ *Ibid.*

⁹⁵ Prachatai, 2021.

⁹⁶ Amin Widigdo & Hamid, 2018.

⁹⁷ Harimurti et al., 2020.

⁹⁸ Steiner, 2018.

Singapore: The issuance of *fatwas* is strictly regulated in Singapore, as with other aspects of Islamic administration. The Fatwa Committee under the MUIS formalizes this process, by which a court may request a *fatwa* by the Committee on a specific subject. Although *fatwas* legally remain opinions only, according to Art. 32(7) of the AMLA, the ruling of the Fatwa Committee is described as influential among the Muslim community while also accommodating the government's political projects. While they follow a particular school of Islamic jurisprudence (*Shafi'i*), they can also take into consideration the public interest under Art. 33(2) of the AMLA. A recent ruling related to the appropriation of pious endowments, for example, went hand-in-hand with a government urban development project but against positions that predominate in other Muslim-majority countries.⁹⁹

Thailand: The AIOA Section 8(4) provides *Sheikhul Islam* with the duty and power to issue *fatwas*. The Thai *Sangha* similarly engages in the role of issuing decrees on Buddhism. However, the *Sangha's* decrees center on the mainly monastic nature of the religion, precluding an effect on the wider population. Such roles have instead been taken up by the government. Since 2009, the sale of alcoholic drinks has been banned throughout the country on major Buddhist holidays, according to a PM Office Notification.¹⁰⁰ The prohibition of gambling has also been justified as having a basis in Buddha's teaching.¹⁰¹ These laws are enforced throughout the country.

2.5 SYSTEMS OF DUAL JURISDICTION

All four countries effectively maintain dual judicial bureaucracies that consist of secular and Islamic systems, although the jurisdiction of Syariah (Shari'a) Courts varies in each country. In Thailand and Singapore, jurisdiction is limited to issues such as family-related laws. In Malaysia and Indonesia, Islamic courts have had more expansive jurisdiction in recent decades. Religion, in particular the regulation of Islam, is a central issue in all four countries. These official jurisdictions are used by authorities to police adherents of Islam in complying with the state-sponsored interpretation of Islam and to punish those who deviate from this interpretation.

In terms of court hierarchy, there is ongoing contestation between civil and religious courts. Governments exercise power over religions by managing the tension with secular courts in different ways or by regulating how much power religious courts have. Ultimately, political leaders in government can amend and determine the limits of both civil and religious courts, treating the regulation of Islamic religious life as a function of the state.

Indonesia: The religious court system as established by Law No. 7¹⁰² and amended by Law No. 4¹⁰³ consists of a three-level court hierarchy: First Instance Courts, Religious Appellate Courts, and the Supreme Court (with a specific Islamic chamber). Each court has a minimum of three presiding judges with a background in Islamic law, including a chair and deputy chair. This system maintains jurisdiction over Muslims on the issues of marriage, inheritance, and pious endowments.

Before amendments in 2004 consolidated the administration of Islamic law under the Supreme Court, MORA had control over the administrative aspects of the Islamic courts. During the legislative process for the amendment, MORA pushed to maintain its status, noting the necessity as the court had a religious character.¹⁰⁴ The amendment diminished the role of the executive over the judiciary.

A 2006 amendment gave the Supreme Court sole jurisdiction over inheritance cases between Muslims. The amendment also granted the three Islamic courts the jurisdiction to decide on most matters of ownership, an authority once residing only in the civil court.¹⁰⁵ A 2009 amendment also gave jurisdiction over '*ekonomi Syariah*'—that is, commercial activities carried out under Syariah guidelines. In Aceh, while its Syariah Court has an extended function hearing cases brought under criminal Syariah law as well religious law codes passed by the Acehnese government, the authority of the court itself rests under the wider, national court system. The Supreme Court selects the Head, Deputy Head, and judges on the court, as well as provides funding, technical support, and administrative authority.¹⁰⁶ These developments point to the increasing power and role of the Syariah court in the everyday lives of Muslims and the consolidation of control by the administrative state on these courts.

⁹⁹ [Ali, 2020.](#)

¹⁰⁰ [2015.](#)

¹⁰¹ [Niyomthai, 2014.](#)

¹⁰² [1989.](#)

¹⁰³ [2004.](#)

¹⁰⁴ [Cammack & Feener, 2012.](#)

¹⁰⁵ [Ibid.](#)

¹⁰⁶ [Ibid.](#)

Malaysia: The legislative prerogative that grants state governments broad authority over Islamic matters allows for the establishment of Syariah courts; in the case of federal territories, the federal government is responsible for establishing such courts. The Constitution lists the following jurisdiction to the Syariah Courts (not exhaustive): “Islamic [...] personal and family law [and] [...] control of propagating doctrines and beliefs among [Muslims].” Each state maintains Syariah subordinate courts, a Syariah High Court, and a Syariah Court of Appeal. These Syariah Courts also maintain a certain level of coordination; for example, the appeals of state Syariah Court decisions can be heard at the federal level, in the federal Syariah Appeal Court. This appeals process is administered by the Syariah Judiciary Department, which posts four judges appointed by the Chief Syariah judge and certified by the states. In addition, JAKIM oversees the Syariah Courts Empowerment Committee¹⁰⁷ which provides recommendations to the current structure of the Syariah Courts in the country.

The Malaysia Syariah Court and its civil court counterpart have been in a tense relationship since their inception. The civil High Court had previously interpreted both its and the Syariah Courts’ place as existing under itself. Following conflicts with the parliament and Prime Minister in the 1980s, the ruling Barisan Nasional Coalition under then Prime Minister Mahathir Mohamad passed constitutional amendment Article 121(A) to separate the two courts. This amended article declared that “[The High Courts] have no jurisdiction ... within the jurisdiction of the Syariah courts.” Despite this amendment, Federal Courts have the power to limit Syariah Courts, as the two still exist under one legal system, and thus, the superior Federal High Court has the ultimate power to review and overturn decisions of the Syariah Court on constitutional and procedural grounds.¹⁰⁸ Syariah Court judgments on matters of interfaith marriage and religious conversions have been argued as unconstitutional,¹⁰⁹ but this stance has faced opposition from the government,¹¹⁰ as evidenced in affirming Art. 121(A). This contention over jurisdiction is likely to continue.

Singapore: The Syariah Court is limited in its scope and role to shaping religious affairs among Muslims. The Court and the appellant Syariah Appeal Board rest their authority within AMLA,¹¹¹ as opposed to the constitutionally established Supreme Court and its subordinate courts. Given their existence under AMLA, the Courts are overseen by the Minister-in-Charge of Muslim Affairs and the MCCY, rather than the Ministry of Law. There is a limited level of separation between the non-judicial branches (the President and the government) and the Court—with the Court subordinate to executive institutions. The Syariah Appeal Board members are chosen from a list of seven individuals nominated by the President of Singapore on the advice of MUIS under Sec. 53(3)(4). While the decision of the Court and the Appeal Board is considered final under Sec. 57, Sec. 56 allows the President to modify or reverse the decision of the Court on the advice of the MUIS. The differences by which the Singapore Syariah Court has been restricted in its jurisdiction as compared to its predecessor in Malaysia reflect the ideals that the control of government—and by extension Singapore’s Islamic administration—must fall under the supervision of the Executive.

Thailand: The Syariah court is similarly limited in this country. The Act on the Application of Islamic Law¹¹² installed Islamic laws or matters relating to family and inheritance for cases in which both parties to a dispute (or the claimant in undisputed cases) are Muslim. However, there is no codified text to be used as “Islamic law.” The arbiters of Islamic law matters, the *Dato Yuttithams* (Islamic judges), are to use as reference the principles of Islamic law on matters of family and inheritance, which both scholars and government officials participate in determining. The use of Islamic law to settle disputes is made part of the wider Judiciary regime, like in Indonesia, although such use is limited to hearing by the First Instance Courts in each province, with a civil judge and a *Dato Yuttithams* presiding over the cases. The jurisdiction is limited to four provinces in the Deep South. The merits of the decisions of the *Dato Yuttithams* are final under Sec. 4 of the Act, although appellate judges can review the adjudication on procedural grounds.

¹⁰⁷ [Malay Mail, 2022.](#)

¹⁰⁸ [Anbalagan, 2021.](#)

¹⁰⁹ [Ibid.; Hamid & Azman, 2007; MalayMail, 2016.](#)

¹¹⁰ [Ho, 2022.](#)

¹¹¹ [1966.](#)

¹¹² [1949.](#)

THE BUREAUCRATIC MANAGEMENT OF RELIGIOUS AFFAIRS AND ITS IMPACTS

The bureaucratization of religious affairs in Indonesia, Malaysia, Singapore, and Thailand has directly contributed to the overall deterioration of FoRB and associated rights and liberties, including freedom of expression and the rights to non-discrimination and equality before the law, in the region. The decline of such rights is especially significant among members of religious, ethnic, gender, and sexual minority groups.

The negative impact of the bureaucratization of religion on FoRB is evident in several specific areas: restrictions on houses of worship; barriers to conversion and proselytization; suppression of expression and criticism; discrimination against gender and sexual minorities based on religion; and facilitation of ethno-religious dominance. Each of these impacts includes more than one bureaucratizing mechanism, demonstrating that regional governments employ a variety of strategies to both manage religious affairs and propagate their sponsored interpretations of religion—the convergence of which results in FoRB and related rights violations.

3.1 RESTRICTIONS ON PLACES OF WORSHIP AND RELIGIOUS SIGNIFIERS

Majority religious groups in the region often wield considerable influence over bureaucratic processes to regulate the use of venues for religious purposes and the use of religious symbols. This influence exacerbates challenges to FoRB across the region. In several contexts, this situation leads to discrimination against religious minorities and, in some instances, may even lead to the destruction of their religious sites. It also prevents members of the majority group from exercising their right to interpret and identify their personal religious views in ways that might contradict state-sponsored interpretations. Overall, pressure from religious actors who claim to represent majority groups enables restrictions on the rights to worship and display religious signifiers. The inaction of government agencies in

warding off violence against minority groups thus remains a common issue.

Indonesia: In the autonomous province of Aceh, where 98% of the population is Muslim, a provincial law requires 120 signatures from Muslim locals for Christians to establish a church. This number is double that required by the 2006 Joint Ministerial Decree, enforced elsewhere in the nation, which stipulates that these signatures must come from members of different faiths, not solely from Muslims. The Acehese requirement resulted from local pressure driven by a widespread perception that the province is an Islamic territory and that further restrictions on non-Muslim houses of worship are necessary. Without clear legal citation, local authorities also maintain that no more than one religious minority site is to be built in a given community. Since 2014, this restriction has resulted in the demolition of more than 30 churches.¹¹³ In one case, a church in Lampung, which had been established in 2009, was denied an official permit despite satisfying the requirements; its congregants had collected the necessary signatures in 2014, but it is still forced to operate illegally. The Lampung Religious Harmony Forum (FKUB) maintained the site's illegal status after was stormed by intolerant mobs.¹¹⁴ There have also been incidents in which local communities, with the help of vigilante groups, hold demonstrations against the construction of non-Muslim houses of worship, often resulting in little to no intervention from local authorities. In some cases, protests have sparked further calls to revoke approved licenses for building non-Muslim religious sites.¹¹⁵

Malaysia: The lack of clarity by administrative officials as to the constitutional status of religious organizations has enabled unlawful threats by local communities to the operation of religious sites in the country. For example, the display of a cross in a Christian church in Sengalor sparked protests in 2015. Responding to this pressure, the city council stated that the church did not have the necessary license under the State's Building Act.¹¹⁶ The Selangor government later clarified that churches do not require permits to hold worship services.¹¹⁷

¹¹³ [Harson, 2021.](#)

¹¹⁴ [Hariyadi, 2023.](#)

¹¹⁵ [Ropi, 2017.](#)

¹¹⁶ [Rajendra, 2015.](#)

¹¹⁷ [Gomez, 2015.](#)

This example demonstrates the influence of societal groups that claim to represent the religious majority and the role these groups play when aligned with the religious views of the governing administration.

The bureaucratization of religion in Malaysia, especially with the use of law enforcement by government agencies, has resulted in limitations on the display of religious signifiers. Such government actions are tied to the effort to proselytize religious groups in line with the official religion. The authorities justify this in the name of social harmony by trying to minimize chances of “offending” majority religious groups. JAKIM’s ban on the use of the term “Allah” and other religiously themed Arabic words by non-Muslims (and Muslims who are not Sunni), in the context of the Malay language, has been a point of contention. Although the Malaysian High Court ruled to abolish a long-standing ban on Christians using the word,¹¹⁸ this issue is still highly controversial and has fueled several cases of inter-religious violence.¹¹⁹ JAKIM has also made efforts to halt the publication of modern English translations and interpretations of religious books. For example, JAKIM suggested that the Ministry of Home Affairs ban books published by the “Islamic Renaissance Front,” a religious think tank.

Thailand: In reaction to demands from Muslim communities to build a mosque, the governor of Khon Kaen province permitted the construction of a mosque only upon a referendum among the almost exclusively Buddhist community. This referendum, however, did not have a mandate from the AIOA. The decision to consult the Buddhist community likely came from the influence of extremist Buddhist groups who portrayed mosques as breeding grounds for extremist Islam.¹²⁰ Restrictions on building churches—including the Prime Minister’s task force to evaluate requests for the establishment of Roman Catholic churches—is understood among the Christian community as the Buddhist government’s attempt to limit the spread of Christianity in the country.

Indonesia: In Western Sumatra, there have been similar cases concerning the Indonesian government’s ban on the use of key terms from the Bible in the local language, restricting the rights and freedoms of Christian minorities. The MUI

Secretary-General supported the ban, noting that the people there “have no need [for] the Bible.”¹²¹ Additionally, the role of moral policing has been key to preventing religious celebrations in the country; local authorities on the island issued a blanket ban on the celebration of Christmas, for example, and Christians were only permitted to do so after negotiating with authorities.¹²²

Singapore: Since 2011, the Ministry of Education in Singapore has prohibited children from wearing religious symbols in schools. The government maintained this ban in the name of social harmony, suggesting the presence of religious symbols risked emphasizing religious differences and marginalization.¹²³ However, the measure prevented children from wearing crosses and headwear—thereby violating their right to express religious belief.

3.2 RESTRICTION ON CONVERSION AND PROSELYTIZATION

Bureaucratic agencies tend to view religious conversion and proselytization through the lens of securitization, associating potential shifts from state-favored religious beliefs to another as a potential security threat. Governments protect their monopoly on the “correct” interpretation of faith through bans on teachings considered “deviant” from state-linked religious organizations, tantamount to restrictions on conversion and proselytization. Even in cases where there is no clear legal mechanism as such, disputes regarding the scope of religious courts on the matter of marriage, divorce, and child custody can impinge on people’s freedom to convert to another religion. To limit the spread of non-majority religions, regulations on proselytization limit the ability for adherents and preachers to share their worldview, while those on conversion limit the an individual’s ability to change his or her religion. Additionally, governments tend to turn a blind eye to the unlawful forced conversion of individuals to a majority religion. The denial of ID cards to minority groups such as Ahmadiyya Muslims and indigenous groups in both Indonesia and Malaysia¹²⁴ not only results in their restricted access to basic services but also to systemic violations of FoRB that occur due to the bureaucratization of religion.

¹¹⁸ Anand, 2021.

¹¹⁹ BBC, 2021.

¹²⁰ Phaichareon & Ahmad, 2019; Prachatai, 2022.

¹²¹ Kostov, 2020.

¹²² Ibid.

¹²³ Sethi, 2011.

¹²⁴ Reuters, 2017.

Indonesia: The government enforces strict regulations on proselytization in the case of preachers from minority religions. There have been repeated instances of false allegations against such individuals.¹²⁵

Scrutiny over the conduct of “deviant groups,” along with the impunity that groups from the majority religion experience, has enabled the situation of forced conversion of minority religion adherents in Indonesia. In 2020, following continued violence that included attacks on homes, angry mobs forced Shi’a Muslims in Sampang Regency to renounce their faith and declare their conversion to Sunni Islam. The district government facilitated the mass conversion ceremony.¹²⁶ While there are ostensibly no restrictions preventing these people from converting back to their original religion, they have faced administrative barriers such as the presentation of a statement of conversion.¹²⁷ Furthermore, Indonesia outlaws Millah Abraham, a belief system that follows the three major Abrahamic faiths, and it does not recognize the Baha’i faith as a religion. One respondent noted that the government is concerned that such “outlaw” groups could mobilize large numbers of people.

Malaysia: The government utilizes a constitutional definition of the majority ethnic identity, Malay, to make it illegal for individuals of this group to convert to any other religion. The government polices this ethnic group through administrative obstacles and discriminatory policies to support its conflation of ethnicity and religion. There are continued concerns over the practice of confining Malay Christian converts in re-education camps where torture and propaganda are commonly used to “reconvert” people to Islam.¹²⁸ These camps are operated by SRCs, with JAKIM providing trained religious counseling experts.¹²⁹ Since Malays’ religious identity is legally established at birth, this official response to conversions outside of Islam enforces the limits of individual Malays to freely decide their faith or belief. They are in practice punished for converting. Throughout Malaysia, in the absence of an official court ruling allowing converted individuals to change religion, the National Registration Department—the bureaucratic body tasked with managing national IDs—continues to reject appeals to convert from Islam to another religion.¹³⁰

In addition, as of January 2023, Malaysian courts have continued to uphold the legality of unilateral conversion; for example, a court reinstated a 37-year-old woman as a Muslim despite her self-identification and life-long practice of Hinduism. The case was brought up by the Selangor Islamic Religious Council on the justification that she had been registered as a Muslim by her mother when she was a child. However, her mother’s unilateral conversion was done without the consent of the father.¹³¹ This practice of unilateral conversion is ongoing, despite the role of moderate Islamic groups trying to advocate for a limited role of the Syariah court in these cases, along with comprehensive legal measures to protect the right to convert. Government authorities such as the Mufti of the district Penang have publicly urged Hindu mothers, whose children were unilaterally converted to Islam by Muslim fathers, to accept their children’s new religion “for the good of all,” implying calls to protect social harmony.¹³² In a sense, the Mufti blames these mothers for causing additional problems for society.

Singapore: While there are no specific legal limitations on conversion or proselytism in Singapore, respondents noted that Singapore’s government practices an “unspoken given right” to protect the Muslim community against active proselytization by other religious communities. Religious communities concerned about the ambiguity of law enforcement tend to amend and restrict their behavior to avoid impinging on the strict adherence to social harmony. Religious communities also noted that the terminology of “social harmony” is vague and therefore easily deployed by authorities, but its invocation is difficult for religious groups to counter.

Thailand: In late 2021, a controversy erupted over two unorthodox Buddhist monks preaching with the help of comedic lessons to criticize the traditional understanding of Buddhism as upheld by the *Sangha*.¹³³ Thailand’s religious council became directly involved in this issue; both the *Sangha* and NOB issued a warning over this conduct. Shortly after, the two monks left the monkhood, noting pressure from superior clerics.¹³⁴ In 2004, accusations were made against a Christian disaster relief team who worked to support tsunami victims in Southern Thailand. Leading news articles claimed that Christians were “persuad[ing] the [indigenous] Morgan [people] to convert in exchange [for] new homes.”¹³⁵

¹²⁵ [Ibid.](#)

¹²⁶ [Dagur, 2020.](#)

¹²⁷ [Tarigan, 2022.](#)

¹²⁸ [Voice of the Martyrs, n.d.; McKay, 2018.](#)

¹²⁹ [Malaysiakini, 2012.](#)

¹³⁰ [FMT, 2018.](#)

¹³¹ [Ibid.](#)

¹³² [Choudhury, 2022.](#)

¹³³ [Bangprapa, 2021.](#)

¹³⁴ [ThaiPBS, 2021.](#)

¹³⁵ [Kowitzwanij, 2005.](#)

3.3 SUPPRESSION OF CRITICISM

The four governments have used administrative measures to restrict and hinder open discourse about religious issues, especially among non-majority religious groups, citing public order, religious harmony, and even national security. Governments put significant effort into bureaucratizing religion to ensure that administrative practices place enforceable boundaries on religious narratives, suppressing views that do not align with their official interpretation. Rhetoric and rebuke by bureaucratic agencies and government officials in this way can also discriminate against minority groups.

Indonesia: The quasi-governmental organization MUI has been able to exert significant influence on the country's religious affairs—exploiting its close relationship with the government—in a way that has limited the spread of “deviant” teachings from non-majority religious communities and groups. The Ahmadiyya community exemplifies the effect of this relationship, as an MUI *fatwa* urged the government “to prohibit the spreading of the Ahmadiyya faith.” Ahmadiyya Islam is not an officially recognized religion, but it is not criminalized; even so, that *fatwa* banned Ahmadis from publicly preaching teachings that “deviated” from the central teachings of Islam.¹³⁶

The Indonesian government has used the justification of religious harmony and the values of *Pancasila* to target religious groups deemed as extremists or deviants. However, in recent years, some such efforts have been linked to ploys to minimize opinions that do not align with President Widodo. Additionally, civil servants are screened for their religious views, although this screen followed research which found that 20% of civil servants hold some form of pro-Islamist views. Nonetheless, the government systematically uses the ill-defined term “extremism” to identify those who merely hold different political views.¹³⁷

Malaysia: In 2017, a Malaysian minister urged a crackdown on an atheist NGO, claiming that irreligiosity is unconstitutional and against basic human rights. The government subsequently announced that it would investigate the group, while an uproar and death threats to the group soared online.¹³⁸ Ultimately, although government officials did not take any action, that rhetoric nonetheless created

tensions between social groups and put a burden on the work undertaken by human rights defenders, particularly those who might be perceived as non-theists.

Singapore: The Singapore Societies Act requires religious organizations to submit annual reports as part of the government's review of all registered organizations in the country. Since religious organizations are legally constituted as societies, the government has oversight control of their administrative and programmatic activities. Therefore, many religious organizations regulate their narratives to avoid any confrontation with the government. Respondents from religious minority communities in Singapore note governmental practices to separate official religious groups from minority sects. For example, the bidding process for places of worship—a government-run framework for specific plots of lands to be used as religious sites—places the majority at an advantage due to their access to funds and official recognition. Furthermore, the government maintains tight control over MUIS, assuring its members lack the independence to freely express their views if they challenge the government's management of religious affairs in the country.¹³⁹

Following MUIS-held consultations with *ulamas* in the country, the government established an amendment in 1998 to establish a concurrent structure for the legal system. In this system, either the High Court (applying non-Islamic civil law) or the Syariah Court can be chosen in civil proceedings involving matters of child custody or division of property on divorce, according to Sec. 17A(3) of the Supreme Court of Judicature Act.¹⁴⁰ The process to establish this system followed widespread discontent from the Islamic community and MUIS, who complained that the process had not accounted for the concerns of Muslims. Many in the MUIS also felt constrained by an official government policy they had to represent.¹⁴¹ The government insisted on the need for the concurrent structure for a more efficient adjudication process. The suppression of expression throughout the development of a dual legal system, therefore, resulted in Syariah courts that lack independence and are influenced by the aim of the state to limit the role that Islam plays in the national legal system.

Thailand: In 2021, several monks in Thailand joined mass anti-government rallies. The *Sangha* determined that these monks had violated a *Sangha* order¹⁴² that prohibits clerical

¹³⁶ [Nastiti, n.d.](#)

¹³⁷ [The Economist, 2022](#); [Grealy, 2019](#).

¹³⁸ [Kumar, 2017](#).

¹³⁹ [Asia Sentinel, 2021](#).

¹⁴⁰ [1969](#).

¹⁴¹ [Osman, 2012](#).

¹⁴² [1995](#).

involvement in political actions.¹⁴³ However, the *Sangha* also maintains tight links with conservative political force.¹⁴⁴ Pressure against religious actors who challenge the mainstream views of the government affects not only individuals but also communities. In 2014, the Thai police—then under the command of Prayut Chan-o-cha—raided the *Dhammakaya* temple and charged its members with embezzling temple funds, likely as a retributive measure against the temple abbot who had ties to the opposition Shinawatra family.¹⁴⁵ The use of the Syariah court is limited to the four provinces in the South, and so Muslims residing outside the region are not within the jurisdiction of the court. The percentage of Islamic law cases in the court is therefore small, and *Dato Yuttithams* and local masjid committees often act as mediators for a range of cases like family disputes.¹⁴⁶ In interviews, members of the Islamic community expressed dissatisfaction with the role of *Dato Yuthitham* as instituted by the Thai government. This dissatisfaction centers on the fact that *Dato Yuthitham* are not full-fledged judges, as they are not required to have a legal background and hold a limited advisory role. Local Muslims question whether *Dato Yuthitham* can effectively interpret their disputes through the court system.¹⁴⁷

3.4 GENDER-BASED DISCRIMINATION AND TARGETING OF SEXUAL MINORITIES

In Southeast Asia, religion-based justifications have been used to promote gender-based discrimination and targeting of sexual minorities through three predominant means: regulations on clothing, norms on social behavior, and engagement with religious institutions. The bureaucratization of religion has resulted in the government incorporating rules based on religious interpretations to officially regulate how women and nonconforming gender minorities must dress. The enforcement of these governmental rules on religious conduct and clothing is then treated as an issue of maintaining rule of law. Government efforts to bureaucratize religions have subsequently limited FoRB through rulings on the behavior and social interactions of women and LGBTQI+ persons.

Indonesia: In Aceh, Indonesia, *perdas* (regional regulations) forbid women who are unaccompanied by their spouses or male relatives from working in or visiting restaurants after 9:00 p.m.¹⁴⁸ Internet cafes, tourist sites, sports facilities, and entertainment venues are also not to serve women after 11:00 p.m.,¹⁴⁹ while another *perda* bars women from working in coffee shops, internet cafes, or sports venues after 1:00 p.m.¹⁵⁰ Such *perdas* are enforced by *Wilayatul Hisbah* and result in regular patrols and raids.

Throughout schools in Indonesia, moral policing creates and enforces norms that force Christians and other non-Muslim girls to wear a long and loose-fitting coat or outer garment known as the *jilbab*. Those who do not comply are forced to leave school, despite a February 2021 decree that banned such codes. Furthermore, religious organizations successfully filed a petition for such codes to be overturned by the Supreme Court.¹⁵¹ The issue of forced dress codes, therefore, continues to present a restriction on the rights of girls in schools. Similar dress codes are also enforced for female civil servants and visitors to government offices, resulting in a number of cases of civil servants losing their jobs or being forced to resign to escape demands to conform.¹⁵²

Malaysia: Although wearing a *tudung* (a type of headscarf, worn as an interpretation of the Islamic hijab) is not mandatory, moral policing has created certain regulations concerning clothing, such as not wearing revealing clothing when entering government offices and premises.¹⁵³ Malaysia's moral police, the religious enforcement officers, similarly raid private premises and public establishments targeting individuals who break such dress codes, Muslim women who are close to non-family members of the opposite sex, and Muslims attending LGBTQI+ themed events.¹⁵⁴ For example, in 2022, the REO raided a party venue in Kuala Lumpur after learning that Muslims were attending a LGBTQI+ party there; authorities detained 20 Muslims at that event for further questioning, allowing those not identified as Muslim to leave without detention.¹⁵⁵

¹⁴³ Kurzydowski, 2022.

¹⁴⁴ Budus, 2018.

¹⁴⁵ Kurzydowski, 2022.

¹⁴⁶ Imaizumi, 2017; Sukkasem, n.d.

¹⁴⁷ Imaizumi, 2017.

¹⁴⁸ U.S. State Department 2022.

¹⁴⁹ Al Jazeera, 2015.

¹⁵⁰ U.S. State Department, 2022.

¹⁵¹ Hikmatullah, 2023.

¹⁵² Human Rights Watch, 2021.

¹⁵³ Leong, 2015.

¹⁵⁴ BBC Monitoring, 2016.

¹⁵⁵ Crellin, 2022.

At the state level, the Perlis State Fatwa Committee declared in 2021 that transgender individuals and other “men who appear like women” (as well as those who dress in non-gender conforming clothing) are prohibited from the *Haji* or *Umrah* and forbidden from entering mosques throughout the state.¹⁵⁶ In such cases, “cross-dressing” is regularly used by religious leaders as a justification to deny the rights of transgender individuals to participate in religious activities while expressing their gender identity.¹⁵⁷ These denials are examples of transgender persons being penalized for expressing their gender identity in defiance of the state-sponsored interpretation of religion and its institutionalized views on gender.

Singapore: Singapore has adopted measures that restrict the use of clothing that reflects a woman’s religious beliefs, such as the Islamic headscarf, although these rules do not apply to every sector. Although women who are public healthcare providers may wear a *tudung*—permission for which was only granted after public pressure—Prime Minister Lee Hsien Loong maintained the ban for women in the Singapore Armed Forces and for the Home Team Academy of the Home Affairs Ministry. His justification was that such institutions should be seen as impartial and secular arms of the state.¹⁵⁸

Thailand: The case of Thailand exemplifies how government rules regulating religious affairs that favor state-approved interpretations of religion can affect the ways in which members of gender minorities engage with religion. The state-backed Buddhist authorities have led a continued and successful campaign to legally prohibit members of the LGBTQI+ community from ordination as Buddhist monks. Meanwhile, the Thai Sangha Notice denies Buddhist nuns (*Bhikkhuni*)—today totaling 400–500 individuals—ordination by either the *Sangha* or the government.¹⁵⁹ These nuns are not provided legal recognition by the *Sangha* and the government as a religious group. The authorities also deny Buddhist nuns legal protection from verbal and physical attacks, in contrast to protections afforded to male monks. The NOB also does not provide the same financial benefits to monasteries run by *Bhikkunis* as it does for Buddhist temples. Among these benefits are tax exemptions, free medical care, and subsidies for building construction and running social welfare programs.¹⁶⁰

In the same vein, the Thai *Sangha* issued a resolution for temple schools¹⁶¹ across the country to adhere to Buddhist and Thai customs and to prohibit the display of religious signifiers. This resolution came in response to an appeal from rights groups for temple schools to allow their Muslim female students to wear headscarves.¹⁶² More recently, the Thai government has issued policies aiming to end the ban on wearing *hijabs* in temple schools; nevertheless, these efforts continue to face pushback from Buddhist communities and organizations.

3.5 DISCRIMINATION AGAINST ETHNO-RELIGIOUS MINORITIES

The management of religious affairs by governments in Southeast Asia often serves to curtail the FoRB rights of ethno-religious minority groups. The bureaucratization of religion has resulted in discriminatory policies and regulations that tend to uphold the views of the majority group at the expense of the views of such minority groups. This form of religious discrimination has far-reaching negative implications for members of these groups as it results in broader ethnic prejudices and damages the social harmony of their highly diverse ethno-religious environments.¹⁶³

Indonesia: The country’s state ideology of *Pancasila* recognizes six religions: Islam, Christianity, Buddhism, Hinduism, Catholicism, and Confucianism. However, this system offers no protection of religious and spiritual beliefs for the country’s indigenous peoples (IPs), and consequently, many have faced legal barriers to obtaining birth certificates, marriage licenses, and other documents. Indonesia has legally recognized the existence of minority religions through a court verdict in 2017 in which various indigenous religious beliefs are categorized under the system of faith known as *aliran kepercayaan*. Nevertheless, challenges remain in implementing this system, as governments and educational institutions have yet to update their records with this new category. Consequently, those subscribing to a faith within this category and identifying as such on their ID cards can experience institutional discrimination in the form of restricted access to healthcare, education, and government social services.^{164,165}

¹⁵⁶ [Malysiakini, 2021](#).

¹⁵⁷ [Chen, 2021](#).

¹⁵⁸ [Gozali, 2021](#).

¹⁵⁹ [1928](#)); [Daily News, 2014](#).

¹⁶⁰ [U.S. Department of State, 2022](#).

¹⁶¹ Temple schools are secular public educational institutions which share their facilities with temples but are under the purview of the Ministry of Education. They are different from religious schools.

¹⁶² [iLaw, 2011](#).

¹⁶³ [Asia Centre, 2021](#).

¹⁶⁴ [Renaldi, 2017](#).

¹⁶⁵ [Tarigan, 2022](#).

Malaysia: There have been some attempts by state-linked authorities to coerce IPs into converting to Islam. The Orang Asli constitute one of Malaysia's largest indigenous communities; about 70% of this group practices traditional animist religions, while 10% are Christian and 15–20% are Muslim.¹⁶⁶ The government has regularly sent Islamic preachers to these communities to encourage their conversion to Islam, and many members of these communities have been registered as Muslims without their knowledge and consent. Furthermore, the Kelantan Islamic Religious Council has outlined its plans to convert the Orang Asli within 30 years, with the support of JAKIM.¹⁶⁷ In Sarawak, for example, IPs have historically seen government-operated NGOs entering their communities to convert the population to Islam. Some of those who have converted have been given preferential treatment through benefits such as housing.¹⁶⁸ Although forced conversion does not occur openly, it continues in the public education sphere. Schools in areas with IPs maintain mandatory lessons on the Islamic faith, prayers, and practices, including requirements for girls to wear Islamic headscarves.

Thailand: The non-recognition of the beliefs and spiritual practices of IPs has impacted their ability to fully exercise their FoRB rights. Most indigenous communities have a strong spiritual connection to their land and livelihood; however, newly developed commercial activities in their lands, other forms of land encroachment, logging, mining and forced relocations have affected their crucial connection with their land and raised implications for their religious freedom. Since the 2014 coup, the Thai government has increased efforts to reclaim large forest areas for the development of business projects as well as for nature conservation. Some of the government's reclamation efforts contain discriminatory rhetoric conveying the false message that the presence of IPs has resulted in mass deforestation.¹⁶⁹ However, indigenous communities had settled in those lands long before the government declared them conservation parks. The efforts of the government to preserve natural spaces is further causing forced displacements of IPs based on charges of trespassing.¹⁷⁰

Another example of this trend concerns the Thai Deep South. The government has actively made efforts to manage religious affairs in the area, ostensibly to limit the spread of radical Islam among a small portion of the Malay Muslim community there. Thai authorities regularly accuse Islamic schools of indoctrinating youth with separatist ideas. In 2020, the military undertook a targeted DNA collection of Malay-Muslim men during the conscription process without their consent and mandated biometric data collection as a prerequisite for registering a SIM card. The government implemented these policies only in the South, justifying them as counterterrorism measures.¹⁷¹ The military also provided funding for intelligence-gathering operations in the Deep South that targeted Malays and human rights defenders who the government has accused of colluding with separatists.¹⁷²

¹⁶⁶ MRG, n.d.

¹⁶⁷ EMPOWER Malaysia et al., 2013.

¹⁶⁸ EMPOWER Malaysia et al., 2013.

¹⁶⁹ Keerepuwadol, 2022.

¹⁷⁰ Network of Indigenous Peoples in Thailand, 2020.

¹⁷¹ Nisit Recorder, 2020.

¹⁷² Ingkutanon, 2020.

CONCLUSION

The bureaucratization of religion to manage domestic religious affairs results in violations of freedom of religion or belief across Southeast Asia. This phenomenon has not been sufficiently addressed by the international community, as the bureaucratic management of religion takes place alongside—and generally in the shadow of—legal and policy measures whose FoRB violations garner more attention.

Religious affairs are bureaucratized in Indonesia, Malaysia, Singapore, and Thailand in five key ways: 1) the use of national religious frameworks and government structures; 2) the way in which quasi-government religious organizations extend the government's influence over religious matters; 3) the creation of an administrative framework to shape or influence how religion can be practiced; 4) the deployment of moral policing and religious legal rulings; and 5) the existence of systems of dual jurisdiction.

While these four governments publicly justify these strategies as the means to better manage domestic religious affairs and promote harmony, in reality these strategies ultimately favor members of majority groups and protect state-sponsored interpretations of a particular religion. As a result, the freedom of religion or belief is in jeopardy, and further infringed upon through bureaucratization.

ABOUT THE AUTHORS

Asia Centre is a civil society research institute in Special Consultative Status with the United Nations Economic and Social Council (UN ECOSOC) based in Bangkok, Thailand. The Centre serves as a knowledge partner, undertaking evidence-based research on issues related to human rights and religious freedoms. It publishes baseline studies and policy toolkits at the request of CSOs, development aid agencies, faith-based organizations, INGOs, and policy-makers. Additionally, it convenes events such as conferences, seminars, webinars and workshops and amplifies its advocacy for the rights of ethnic and religious minorities by producing digital content for media and social media to widen public engagement (info@asiacentre.org).

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