

DESECURITISATION OF BRUNEI'S CHINA SHARIA PENAL CODE ON THE PUNISHMENT TOWARDS LGBTIQ

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Abstract: This paper aims to explain policy changes of Brunei's Sharia Penal Code (SPC) regarding punishment towards the LGBTIQ community. The SPC was quietly announced in December 2018, which initially would have been implemented in April 2019. However, in May 2019, the Sultan announced that his government would not implement the SPC. The policy changes of Bolkiah will be analysed by a qualitative method with rational choice and Securitisation theory. Data will be collected through secondary data from books, journals, articles, and other sources. This research found that the policymaking was initiated as a process of Securitisation but then the government decided upon desecuritisation theory on that issue, which was affected by the global pressures. Such pressures could bring huge economic loss to both the Brunei government and Bolkiah himself, for example, by boycotting around nine properties owned by Bolkiah and those related to the Brunei Investment Agency. That process is reflected through a negotiation among security actors on which sector should be prioritised.

Keywords: SPC; Human rights; Rational choice; Desecuritisation

1. Introduction

Brunei was the first country in Southeast Asia to impose Sharia Law at the national level. Brunei Prime Minister, Hassanal Bolkiah, first formally published the Sharia Penal Code (SPC) in October 2013 and the law would be implemented in three phases. On December 29, 2018, Brunei announced the third phase of the law on attorney general's website. The SPC, which goes into effect on April 3, 2019, requires death by stoning for extramarital and anal intercourse, amputation of limbs for stealing, 40 lashes with a whip for lesbian sex and criminalization of abortion ([Human Rights Watch, 2019](#)).

Articles 82 and 84, punishing *liwat* (anal intercourse) between two men or a woman and a man, applies to both Muslims and non-Muslims. Extramarital sex and sexual relations between women, apply only if one or both are Muslim. For women trying to escape violent marriages or anyone is seen as enticing a Muslim woman to leave her family can face criminal repercussions ([Gunia, 2019](#)). Other rules include making it a criminal offense to expose Muslim children to the beliefs and practices of any religion other than Islam ([United Nations, 2019](#)). In announcing the SPC, the Sultan said that he wanted other nations to give

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their respect for Brunei's national law and will not force anyone to agree with them ([Boniface, 2016](#); [Ochab, 2019](#)).

The development of security studies made it possible to portray the issue from the lens of the societal security concept. This concept emphasises the importance of collective identity as the main attributes of threat in security studies. Brunei as the representation of Muslim ideas and identity was the main attribute of Bolkiah's policy. Homosexuality itself was a forbidden action in Muslim values. The implementation takes on the third phase of Bolkiah's SPC. The SPC faced global outrage and condemnation from world leaders, human rights communities and high profile celebrities towards the country's harsh law. However, due to the global condemnations, Bolkiah gave his statement in early May 2019 that the death sentence will not be imposed and said that "there are many questions and misperceptions" about the law. Therefore, it is an interesting issue to be discussed in regard to the Muslim values, states' policy, and international pressure over a policy.

There are some previous studies regarding the societal security concept ([Thiel](#)), rational choice theory ([Herman, 2015](#)), and Securitisation theory ([Syaiful, 2010](#), [Emmers, 2002](#); [Danner, 2014](#); [Biba, 2014](#)). [Herman \(2015\)](#) found that China's motivation to participate in peacekeeping operations is not based on a fixed set of security or strategic interests but they took rational decision making into account to maximise utility. The paper point out that China's involvement in peacekeeping operations is to promote international prestige, become a responsible world player, and gain operational experience ([Herman, 2015](#)). Those studies will help us in positioning this research within the framework of rational choice theory.

[Thiel \(2007\)](#) explained the role of the European Union in dealing with societal security issues in Europe. He also focused on the promotion of minority rights. These previous studies elaborated on the importance of societal security issues and the role of international organisations in Europe. Moreover, [Thiel \(2007\)](#) also elaborated his research on the implementation of Securitisation theory. He explained the role of the European Union, NATO (North Atlantic Treaty Organisation), OSCE (Organisation for Security and Cooperation in Europe), and the Council of Europe to securitize the societal security issues by cooperation among states. [Syaiful \(2010\)](#) explained the Securitisation of terrorism in Indonesia. Terrorism issue was securitized by the Indonesian government through the creation of special collaboration group consisting of national army, intelligent unit, and police. He deliberated the widening issue of security from traditional to non-traditional issues. [Emmers \(2002\)](#) used Securitisation theory in explaining the transnational organised crimes in ASEAN since 1997. He believed that ASEAN member states declared transnational organised crimes as the threat of regional security and created some extraordinary measures to deal with it.

The de-Securitisation process had been researched by [Danner \(2014\)](#) and [Biba \(2014\)](#). [Danner \(2014\)](#) mainly focused on the six phases of territorial dispute in the Diaoyu/Senkaku Islands. The dispute happened between China and Japan. They both are powerful states who had verbally fought since World War II. Both actors did a different action, China was more active in doing a Securitisation, but Japan did the opposite, which is doing a desecuritisation. [Danner \(2014\)](#) also pointed out the importance of societal uprisings on the implementation of

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Securitisation. [Biba \(2014\)](#) explained China's behavior towards their trans-boundary rivers was caused by the needs of freshwater, but it did not guarantee genuine long-term cooperation ([Biba, 2014](#); [Saahar et al., 2017](#)). [Biba \(2014\)](#) also elaborated the desecuritisation theory with realism approach on how China behaves in three different case studies.

Those previous studies will help us in mapping our research position among the theoretical framework and disciplines in International Relations. Those studies will also give us an understanding of the theory or issues in this research. They led us to the possibility of researching with the same theory and concept in the case of Brunei's SPC.

This paper will mainly focus on explaining Bolkihah's SPC policy change on the punishment towards homosexuals in Brunei. First, the paper will elaborate on some theoretical framework. Second, it will explain the Hassanal Bolkihah profile as a leader in Brunei's domestic political system and how he perceived the existential threat of homosexual to Brunei's Islamic identity. Third, elaboration on the policy making process will be analysed with Securitisation and desecuritisation theory which look at Hasan Bolkihah as securitising actors, with Brunei's Islamic identity as referent objects, and the bureaucracy of Brunei as the functional actors. Some motivation and intention of the speech will act to examine Bolkihah's Securitisation on the issue of homosexuality with his new SPC. Meanwhile, the process of desecuritisation will be elaborated from three aspects that affect Securitisation, such as global responses towards the new SPC, the domestic political system in Brunei, as well as international norms. It will be strengthened by rational choice theory to explain the reason of the policy changes made by Bolkihah in Mei 2019. Finally, we will conclude the findings on the desecuritisation process done by Bolkihah.

2. Rational Choice Theory

In policy making –either domestic or foreign– according to [Allison \(1971\)](#), governments select the action that will maximise strategic goals and objectives. Rational actors will choose policies that are considered to be the most beneficial to achieve their objectives. [Mansbach & Taylor \(2017\)](#) in *Introduction to Global Politics* stated that each actor would minimise losses and maximise gains. Those actors also determine their own goals while preparing all policy options based on the costs and probability of success ([Mansbach & Taylor, 2017](#)). The chosen policy will be the option with the greatest outcomes. On the other hand, [Walt \(1999\)](#) in his journal stated two explanations on rational choice theory. First, the rational choice theory was based on individual choices that constitute social and political outcomes ([Walt, 1999](#)). Second, each actor seeks to maximise the greatest expected benefits ([Walt, 1999](#)).

Essentially, Waltz stated that rational choice theory is a tool to explain how and why actors make the decisions. Rational choice theory in social science assumes that rationality is related to the pursuit of self-interest. In the policy making process, rational actors were faced with a variety of policy choices where each policy has its consequences. Rational choice theory in this paper will be used to analyse Bolkihah, as the rational actor and an individual who held power in Brunei political system, regarding his choice to hold the recent SPC policy.

2.1 Societal Security and Securitisation of Copenhagen School

[Buzan et al \(1983\)](#) in the book entitled *People, State, and Fear* tried to expand more on the issue of security by mentioning several sectors of security, such as economic, political, societal, environmental, and military. Although in that era, Buzan only talked about individual security and mostly discussed state as a referent object of national security. Throughout time, in 1998, Buzan, Waever, and Wilde tried to explain to all scholars of International Relations that the referent object of security is not only limited to the state but could be expanded to other objects related to each sector of security.

One of the sectors involved in this research is societal security. This sector is closely related to the idea of collective identity. [Roe \(2007\)](#) stated that the threat to societal security is the identity of society, such as language, culture, religion, national identity, and custom. Waever explained societal security as a concept which plays a significant role related to the problem of sovereignty after the Cold War in Europe ([Roe, 2007](#)). If we trace back to Buzan's work, he mentioned that national security strongly implies that the object of security is the nation, and the rising questions about the links between nation and state ([Buzan et al., 1983](#)).

With this stance, the state and nation have their purpose of security. On one side of the state, they are focusing on the threat to sovereignty meanwhile societal security focusing on the identity of its society ([Dewi & Sudagung, 2017, p. 24](#)). The preservation of societal identity became the core of this sector. With this concept, we should examine what is the collective identity of the society and what may threaten the identity.

The concept of the societal security sector will explain the collective identity of Islam in Brunei as their national identity because the state should protect those identities. Therefore the state needs to take action of LGBTIQ community in Brunei Darussalam. Those actions will also be examined through the concept of Securitisation and the desecuritisation process.

Besides contributing to the development of security sectors, Buzan, Waever, and Wilde also suggest the scholars of security studies in dealing with security problems. The central contribution of the Copenhagen School is the concept of Securitisation, defined as a process in which an actor declares a particular issue, dynamic or actor to be an 'existential threat' to a particular referent object ([McDonald, 2008, p. 69](#)). This process also pays attention to the dialogue to the audience. If accepted as such by a relevant audience, this enables the suspension of normal politics and the use of emergency measures in responding to that perceived crisis ([McDonald, 2008, p. 69](#)). Ultimately, Waever suggested that successful Securitisation tends to involve the articulation of threat 'only from a specific place, in an institutional voice, by elites' ([McDonald, 2008, p. 69](#)). Here, political leaders can, from a position of authority, claim to be speaking on behalf of the state or the nation, command public attention and enact emergency measures (such as the deployment of troops) ([McDonald, 2008, p. 69](#)).

To be able in explaining the Securitisation model, we will mention three units which constitute the Securitisation process. Referent objects, that existentially threatened; securitising actors, that did securitize the issues by stated referent object which is threatened; and functional actors, that affect the dynamics of a sector ([Danner, 2014, p. 222](#)). [Danner](#)

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(2014, p. 222) mentioned that Securitisation was commonly done in two stages which are declaring issues that threatened the referent object through speech act and convincing audiences by the idea of Securitisation .

Another view mentioned by the Copenhagen School was the desecuritisation concept. Desecuritisation is defined as the process whereby particular issues or actors are removed from the security realm and re-enter the realm of 'normal politics' (McDonald, 2008, p. 70). Desecuritisation, according to Caballero-Anthony, Emmers, and Acharya (2016, p. 4) involve the 'shifting of issues out of emergency mode and into the normal bargaining processes of the political sphere.'

To briefly explained the Securitisation and desecuritisation theory, this research would like to refer the Copenhagen Schools suggestion by asking (Caballero-Anthony, Emmers, & Acharya, 2016, p. 4): (1) Who and what are the referent objects? (2) Who are the securitising and desecuritising actors? (3) How is a process of securitisation be completed? After that, we would like to analyse the motives and intentions of the action. Caballero-Anthony, Emmers, and Acharya (2016, p. 5) stated that doing Securitisation will lead to a mobilisation of political support and deployment of resources. On the opposite, the desecuritisation process will decrease the risk of military or more political action on the issues. The next step, this research will explain the conditions affecting Securitisation that involved the factors of the role of powerful actors, domestic political systems, and international norms (Caballero-Anthony et al., 2016, pp. 7-8).

To help examine the changing policy of SPC in Brunei, we would like to use the societal security concept as the beginning of the problem to be the issue of security. Later on, there will be an explanation why the SPC itself is a product of Securitisation which was done by Bolkiah as primary elite in Brunei. Finally, the analysis will try to explain the changing policy from the perspective of rational choice theory as a desecuritisation action which was made on May 2019 after a massive global reaction towards the policy.

3. Methods

The research method used in this paper is a qualitative method with a descriptive paradigm. This research describes Bolkiah's defensive attitude towards the SPC which later would be changed after facing the global outcry. The data was collected with library research, by examining several works of literature such as books, journals, documents, and articles both online and offline which are considered relevant to the research topic. The data analysis technique is conducted by collecting data related to the Bolkiah's policies towards the Penal Code, and then the authors reduce the data by selecting, summarising and focusing on the things that are necessary and relevant to the topic. Afterward, the authors presented the data with narrative texts so that the data will be easily understood. Furthermore, the data will be analysed using the relevant theory which is rational choice theory, societal security concept, and Securitisation theory. Lastly, the authors will conclude from the data that has been analysed.

3.1 *Bolkiah Poistion in Brunei's Political System*

The Sultan of Brunei, Hassanal Bolkiah, is one of the world's longest-reigning monarch after Queen Elizabeth II. He was crowned in August 1968, appointed himself as Brunei prime minister in 1984 and introduced Malay Muslim Monarchy ideology which presented the monarch as the defender of the faith in 1991 ([BBC, 2019](#)). He was also defense minister, finance minister and foreign minister and ranks as one of the world's wealthiest people ([Aljazeera, 2019](#)). According to Forbes, Bolkiah's net worth is to be as high as \$20bn, a result of oil and gas development in Brunei. His properties also include more than 600 Rolls Royces and Istana Nurul Iman, the world's largest palace which costs over \$350 million ([Linshi, 2015](#)).

Brunei was also known as an authoritarian state which gave a big authority to the Sultan. It gave Bolkiah a great power in Brunei political system. Brunei has been religiously very conservative and highly restrictive for a long time. In the 1990s, Bolkiah was already exercising very tight state control over religious interpretation and practice. Homosexuality was already illegal in Brunei when the country first announced the penalties in 2013 ([Yuhus, 2019](#)).

[Muller \(2017\)](#) stated that political Islamisation in Brunei Darussalam is the exclusive domain of the state. Islam was recognised as the national identity of the state. In the declaration of Independence in 1984, Sultan Hassanal Bolkiah proclaimed that Brunei "shall be forever a sovereign, democratic and independent Malay, Muslim Monarchy upon the teachings of (Sunni) Islam" ([Muller, 2017](#)). As a national ideology, Brunei also has "Malay Islamic Monarchy" (Melayu Islam Beraja, MIB) and gives Malay ethnicity (M), Islam (I), and the monarchy (B) as the core of national identity ([Muller, 2017](#)).

Their political system also made Sultan holds full executive powers, constitutionally "can do no wrong" (Article 84B), and is Prime Minister, Minister of Defense, of Finance, of Foreign Affairs and Trade, commander of the police and army, "head of the official religion" (Article 3(2)), i.e. Islam, and considered "Allah's vice-regent on earth" (khalifah), and the "leader of believers" (ulil amri) ([Muller, 2017](#)). Based on that view, Brunei also implements Sharia Law as the enforcement of Islam as its foundational principle.

4. SPC as A Responses on Brunei's Societal Security

The Sharia Law started from the creation of the Aqidah Control Section in 1986 ([Muller, 2017](#)). Another tool for cementing state power in the Islamic field are fatwas, which only the State Mufti can produce ([Muller, 2017](#)). [Muller \(2017\)](#) found that the latest step in institutionally designing Bruneian state-Islam has been done with the Sharia Penal Code Order 2013 (SPCO) and implementation of Sharia Law at the national level since 2014. The new issue that became controversial in 2019 was the death penalty on those convicted of having gay sex. Sultan has also declared his ambitious economic goals under the slogan Wawasan 2035 (Vision 2035). As quoted by [Muller \(2017\)](#), it goes along with another new theme, Negara Zikir, a "nation that always remembers Allah". Stating this vision, Brunei

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would like to emphasize the importance of Islam, with all its principles as their national identity. ‘

The case which we discussed in this research is the SPC on the issue of distributing publications against Islamic beliefs, publicly consuming food, drink or tobacco before sundown during the month of Ramadan, anal sex between two men or a woman and a man, and cohabitation and intimate contact between unmarried couples (Bowie, 2019). This policy was initiated as a part of law enforcement toward criminalization and deterring acts that are against Islam. Muller (2017) believed that Sultan is fulfilling his duty as an Islamic ruler and also balancing interests between people within the state, the religious bureaucracy, and other interests. Bolkiah once mentioned in his public address that he wanted to see Islamic teachings in the country grow stronger (Tan, 2019). Another reason we found is that Sultan believed Sharia Law and Common Law have the same purposes to maintain state's peace and harmony, to protect the state's morality and dignity, and to ensure individual privacy (CNN Indonesia, 2019).

Besides as the interest of Brunei as a Muslim country, this policy also could become a way for Brunei to attract more investment from Muslim nation as well as more Islamic tourists based on the explanation of Matthew Woolfe, founder of the human rights group ‘The Brunei Project’ (Tan, 2019). The identity of Muslims that grows stronger in some neighboring countries, such as Indonesia, Malaysia, and Singapore, could also be a good reason to maintain their market over the Muslim society in the world.

The elitist system facilitates the process of Securitisation because they have dominant voice over their audiences. As mentioned before, Sultan can do no wrong, as part of absolute power which is given to him. If we examine through the lens of the Securitisation theory of Copenhagen School, this condition will not accommodate a dialogue between security actors and the audiences. Since the process of the penal code change on the attorney general's website in December but only came to public attention in late March with no public announcement (Tan, 2019). The world believed it was a part of the dominant voice of the Securitisation process done in Brunei. As Sultan holds a great power to control or even making policies within a monarchy system, it has shown us that the process will always be seen as a one-way process. Without any dialogue to the audiences, the securitising actors could pass a policy or act of measurement that they believed could secure their national security.

However, from this case, we also could examine the impact of external factors that could make the securitising actors extended a moratorium on the securitising act. Several responses will be elaborated after these sections.

4.1 Responses of Global Actors towards Bolkiah's Policy

Brunei created a fuss with its SPC which angered the international community, global leaders and human rights institutions. The SPC imposed by Brunei is collectively agreed as a serious violation of human rights. There were several statements from various individuals worldwide, such as Brunei researcher at Amnesty International, former Austrian Chancellor, the UK's Secretary of State for International Development, Canada Prime Minister, UN High

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Commissioner for Human Rights, European Parliament, Ellen DeGeneres, and George Clooney.

First, Rachel Chhoa Howard, Brunei Researcher at Amnesty International stated that Brunei should postpone this law on behalf of their human rights obligations ([Amnesty International, 2019](#)). She also asked the international community to condemn Brunei's policy. Second, former Austrian Chancellor, Sebastian [Kurz \(2019\)](#) wrote on his twitter by giving the Sultan a warning to withdraw the death penalty and the criminalization toward sexual orientation or gender identity. Third, UK's Secretary of State for International Development, [Penny Mordaunt \(2019\)](#) addressed her concern by tweeting that Brunei's decision was barbaric and also restated the commitment of the UK towards the LGBT community and those who defend their rights. Forth, UN High Commissioner for Human Rights, Michelle Bachelet urged Brunei to stop the penal code with a reason of serious setback for human rights protections in Brunei ([United Nations, 2019](#)). Not only Bachelet, Canada Prime Minister, Justin Trudeau (2019) also issued his protest on twitter by saying that his country was appalled and condemned Brunei's new penal code. He maintained the position of Canada as the defender of human rights around the world.

The European Parliament also strongly condemned the Sharia Penal Code by urging the Bruneian authorities to immediately repeal it and calling on the EU to consider asset freezing and visa bans on Brunei ([Savage, 2019](#)). According to [The Washington Post \(2019\)](#), Western governments had been quietly lobbying Brunei to refrain from implementing the laws, which they said would complicate trade deals with the oil-rich sultanate, and urged Brunei to uphold international human rights standards.

The condemnation not only came from global leaders and human rights institutions but also high profile celebrities such as Ellen DeGeneres and George Clooney. They used their platforms to encourage people around the world to boycott the nine hotels owned by Bolkiah. [Ellen DeGeneres \(2019\)](#) wrote on her twitter by provoking to boycott hotels which are owned by Bolkiah. Furthermore, [Clooney \(2019\)](#) also wrote on Deadline by adding another boycott to Sultan's hotels.

The nine luxurious hotels owned by Bolkiah are The Dorchester and 45 Park Lane in London, Coworth Park Hotel in London, The Beverly Hills Hotel in Beverly Hills, Hotel Bel-Air in Los Angeles, Le Meurice and Hotel Plaza in Paris, Hotel Eden in Rome and Hotel Principe di Savoia in Milan. Regarding this, The New York Times reported that three of Los Angeles City Council members proposed a resolution that officially condemned the SPC, and the proposal discouraged employees and residents from staying or attending any function at the Beverly Hills Hotel and Hotel Bel-Air until the law is repealed ([Holson & Rueb, 2019](#)). Several multinational companies had also banned their staffs using Bolkiah's hotels and some travel companies have stopped promoting Brunei as a tourist destination ([Brock, 2019](#)).

However, the condemnations and boycotts were considered not enough. 99 leaders of LGBTIQ, human rights, and faith-based organisations and communities urged the US government by writing an open letter to State Secretary Mike Pompeo (The Washington Blade, 2019). They also demanded the US government to use all diplomatic tools and

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avenues, including the imposition of Global Magnitsky sanctions, to stop the implementation of the law ([The Washington Blade, 2019](#)).

In recent years, the UN and several other countries, including the EU have adopted Global Magnitsky Act. The act is named after a Russian accountant, Sergei Magnitsky, who was tortured and found dead in Moscow jail cell in 2009. He was targeted by the Russian authorities for his role in exposing a giant tax fraud involving high-level government officials. The US Congress passed a law in his name in 2012 and imposed sanctions such as freezing their assets in the US and banning them from entering the US on the Russian officials who participated in the serious human rights violations against Magnitsky ([Human Rights Watch, 2017](#)).

The law then improvised into the Global Magnitsky Human Rights Accountability Act. Anyone can be sanctioned (a) if they are responsible for or acted as an agent for someone responsible for "extrajudicial killings, torture, or other gross violations of internationally recognised human rights," or (b) if they are government officials or senior associates of government officials complicit in "acts of significant corruption ([Human Rights Watch, 2017](#)). Since the SPC is considered as gross human rights violation and it also includes killing and torture, countries that have adopted the Global Magnitsky Act are allowed to implement the act against Bolkihah and any Brunei officials related to the SPC.

Despite the international pressure, Bolkihah released a statement in defense of the SPC, "Brunei is a sovereign Islamic and fully independent country and like all other independent countries will enforce its own rule of law". In other words, Bolkihah asked other countries to respect Brunei. As a sovereign country, it has every right to enact laws that are equitable with the ideology or principles of the country which is Sharia Law. Bolkihah's statement raises other questions regarding the universality of human rights. Are human rights universal? Do states determine human rights based on their culture and ideology?

The universality of human rights is mentioned in the Universal Declaration of Human Rights 1985 Article 1, it said: "all human being is born free and equal in dignity and rights." The Office of High Commissioner of Human Rights describes human rights in its mission as universal, indivisible, interdependent and interrelated. Human rights are inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion or any other status ([United Nations, 2019](#)). In this matter, states are the responsibility bearer. States are obliged to respect, to protect and to fulfill human rights. It means that states must refrain from interfering with or curtailing the enjoyment of human rights, requires states to protect individuals and groups against human rights abuse and states must take positive action to facilitate the enjoyment of basic human rights ([OHCHR, 2019](#)).

However, Bolkihah's defensive statement regarding the SPC can be viewed as cultural relativism --cultural relativism claims that ethical beliefs are different in different cultures.-- Those who hold this view conclude that values are not objective and that each society should be tolerant of the values of other societies ([Mansbach & Taylor, 2017](#)). Many non-western leaders adopted this view and since the cultures are fundamentally different. Hence the standard of good and bad behavior depends on each society. In other words, this view is the opposite of universalism since it dismisses the universality of human rights. Concerning this,

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if human rights are culturally determined as believed by cultural relativists. Hence Brunei's SPC which includes criminalizing adultery, abortion and LGBT people is considered reasonable since Brunei is an Islamic country with Sharia ideology and those acts are considered as sins in Islam.

4.2 Desecuritisation on the LGBT's Death Penalty Policy

Firstly, we will elaborate on the answer to several questions asked by the Copenhagen School before explaining the Securitisation process. The referent objects of these issues are the national identity of Brunei which tied on the Islamic identity. Securitising and desecuritising actors, in this case, is Sultan Hasan Bolkiah as the leader of Brunei. Meanwhile, the functional actors are NGOs and global actors who support the moratorium of the policy.

The process of desecuritisation of Brunei's policy was unique due to the fact that the process was stimulated by external factors. For instance, boycotts and protests from various actors of international relations.. It was also unique because the securitising actors, Bolkiah as the Prime Minister of Brunei had a dialogue with external actors that were not his audience. As mentioned before in the theoretical framework, some factors were affecting the Securitisation process. These are part of the motives and intention in the desecuritisation process.

Several international actors gave pressure to Sultan as the leader of the authoritarian system in Brunei because of several issues. The first is because of International norms on respecting minorities' rights. Second is because of economic sectors on the asset of Brunei abroad. Although the dialogue was used to have a dead end yet a lot of people doubted the boycott and condemnations to have a significant effect on Bolkiah of Brunei. Fortunately, in early May 2019, Bolkiah announced that he will not enforce the law and said that there are many questions and misconceptions. The statement was different from his previous statement. Bolkiah's statements regarding the SPC is an example of selected actions that will maximise Brunei's strategic goals and objectives since Bolkiah is a rational actor and his policies will impact to social and political outcomes. These are viewed as the collective product of his choices.

The rational choice theory assumes that each actor seeks to maximise its "subjective expected utility." Given a particular set of preferences and fixed array of possible choices, actors will select the outcome that brings the greatest expected benefits. Related to the SPC, Matthew Woolfe, founder of human rights group the Brunei Project, analysed it could be linked to Brunei's weakening economy. Therefore, Brunei has interest to attract more investment from the Muslim world and more Islamic tourists. The law could be seen as one of the way to appeal this market ([Tan, 2019](#)). On the other hand, they also depend on economic assets abroad.

Another analysis is from Richard Behar ([Behar, 2019](#)), an American investigative journalist, on Forbes he stated that Bolkiah may be putting his chips on the idea that Brunei be the first country in the Islamist-veering neighbourhood (Malaysia and Indonesia) to adopt such draconian punishments to bolster his credentials and keep him in power longer. Based on these analyses we can see Bolkiah's intention to implement the SPC is to benefit him and Brunei, especially in the economy.

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However, if by enacting the SPC was viewed as an action that could benefit him and Brunei's economy, why did Bolkiah backed down and chose not to implement the law? In this regard, rational choice theory believed that each actor seeks to maximise its subjective expected utility and choose the greatest expected benefits. It means there were another choice that could bring greater benefits than implementing the SPC and what is the choice? The answer is by not implementing the SPC.

The policy change taken by Bolkiah after facing international outrage is a pursuit of self-interest. Bolkiah heads the Brunei Investment Agency (BIA) which according to its 1984 charter is an investment arm for the government. BIA owns the Dorchester Collection, an operator of the nine boycotted hotels. At least 18 different properties in the UK are owned by or linked to either Bolkiah or the BIA. Bolkiah also owns a slew of properties in the super-rich enclaves of Kensington and Ascot, including luxury hotels and polo parks. One property alone could worth an estimated 500m euro each year (Pegg, Osborne, & Barr, 2019). By choosing to implement the SPC, it means that Bolkiah would suffer a huge economic loss since the boycott would continue as long as he does not repeal the law. Other losses can also be seen as Deutsche Bank said it had removed the hotels owned by the sultan from its list of suppliers and Draper Esprit, which received a 20m euro investment from the BIA, issued a statement condemning the Brunei law and distancing itself from its part-owner (Pegg et al., 2019).

Besides, the Global Magnitsky which has also been adopted by the UK, if implemented, will have a direct impact on Bolkiah since he owns many properties in the UK and the act can seize his properties as well as cutting him off from the banking system (Basheer et al., 2019; Khan et al., 2020). The removal of Brunei as tourist destinations promoted by several travel agencies will also have an impact on Brunei's tourism sector. Therefore as a rational actor, Bolkiah made a rational decision by not enforcing the SPC, because he tried to avoid greater loss that could affect Brunei and Bolkiah himself. By not insisting to impose the SPC, Bolkiah at least will not lose what he already have.

This fact shows us that securitising actors in the realm of Copenhagen School could change their priority in securing their sectors. Most of the global responses come up with the action of boycott, which attacked the economic sector of Brunei. Besides the new identity of human rights violation attached to the Sultan, which made him released the honor award from Oxford. The weakening economic situation in Brunei, mainly because they were depending on the oil, gave a chance of dialogue between Sultan and Brunei's economy counterparts all over the world. Sultan also emphasised the fact in these two decades that the moratorium of the death penalty under the common law as their commitment to keep on track with the international norm. It shows us that powerful actors and international norm may affect the outcome of the Securitisation process.

5. Conclusion

In conclusion, we believe that SPC's change in Brunei showed us several new facts in the realm of security studies, especially on the Securitisation process. In the real theory, Securitisation is successful when the audiences agreed with the non-security issue brought by

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the securitising actors. Having the monarchy political system, Brunei has a more authoritarian way of doing the Securitisation process. However, they were facing the responses or even actions from global actors of international relations on the issue of international norms concerning minority rights. Due to various responses abroad, Bolkiah, as a rational actor in international relations, extended the moratorium of the policy to explain the misunderstanding that came from outside of the country. Besides communication reasons, we also believed the delayed policy could prevent Bolkiah and Brunei from a greater loss of economy.

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