

## Addressing Crime Problems in Brunei Darussalam: Qualitative Analysis of Alternatives to Counseling and Educational Interventions

Lawrence Mundia, Rohani Matzin, Salwa Mahalle,  
Malai Hayati Sheikh Hamid and Ratna Suriani Osman  
Psychological Studies and Human Development Academic Group,  
Sultan Hassanal Bolkhiah Institute of Education, Universiti Brunei Darussalam,  
Jalan Tungku Link, Gadong BE 1410, Badar Seri Begawan, Brunei Darussalam

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**Abstract:** The present study reviewed the alternative strategies to counseling in addressing crime problems in Brunei. We focused the probe on the roles of the legal-judicial system (e.g., the Misuse of Drugs Act), expected contributions of the newly introduced Syariah Penal Code, possible effects of the none jail state institutions such as the Bureau for Narcotics and juvenile rehabilitation centers as well as the community preventive efforts. Further, in-depth research was recommended to provide additional information.

**Key words:** Crimes, prevention strategies, judiciary, correctional institutions, security services, community

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### INTRODUCTION

A small amount of research has been conducted on crimes in Brunei but much of it does not appear in books or journals. In view of this, published crime research on Brunei is still meagre and sparse. There are many reasons why psychological research is still scant in Brunei. Naturally, Brunei people are extremely shy and anxious to voluntarily discuss their personal problems with other people such as counselors or psychologists. In addition, the use of Western research instruments written in standard English is still not feasible due to language problems as Bahasa Melayu is the mother tongue and predominant language (Mundia and Abu Bakar, 2010; Mundia, 2011a). Despite these problems, a few crime-related studies have been conducted on Brunei. For example, a recent study by Yusuf and Mundia (2014) examined the status of counseling in Brunei prisons. The other recent studies relevant to criminology investigated youth and adult crimes in Brunei (Mundia *et al.*, 2013) and mental health issues that often lead teachers to commit criminal offenses in schools (Mundia, 2012a, 2013). However, these two related studies were not on prisoners. Most of the other psychological research that has been conducted in Brunei has focused largely on non-criminal student populations particularly on disabilities, special and inclusive education and how students cope with academic and personal distress in institutions of learning. These have included research on a wide range of topics such as: student depression, anxiety

and stress (Mundia, 2010a); student mental health problems (Mundia, 2010b); coping with mathematics by less-able students and repeaters (Mundia, 2010c, 2012b); effects of psychological distress on student academic achievement (Mundia, 2011b); psychological distress in female mature students (Haq and Mundia, 2013) and how students cope with academic and personal problems (Mundia, 2010d, 2012c; Shahrill and Mundia, 2014). Other psychological studies conducted on Brunei students probed the students' and trainee teachers' attitudes to special and inclusive education (Haq and Mundia, 2012; Bradshaw and Mundia, 2006) and on preparing inclusive education and psychology teachers (Mundia, 2012d; Tait and Mundia, 2014, 2012a; Omar *et al.*, 2014). Efforts have also been made to conduct psychological research on students' disabilities (Tait *et al.*, 2014a, b; Tait and Mundia, 2012b; Bradshaw and Mundia, 2005; Haq and Mundia, 2013). However, these studies were limited in the present context in that they were not directly related to crimes in Brunei, the concern of the current research. The findings from these studies cannot therefore be generalized to criminal investigations. The importance of these other psychological studies is that they demonstrate ongoing efforts being made to conduct research of a psychological nature on Brunei for future reference. In addition, this body of research has served to fill in and narrow some of the knowledge gaps. Some of the psychological studies conducted on school children help to predict the behavior of these children in adulthood. For example, evidence

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**Corresponding Author:** Lawrence Mundia, Psychological Studies and Human Development Academic Group,  
Sultan Hassanal Bolkhiah Institute of Education, Universiti Brunei Darussalam, Jalan Tungku Link,  
Gadong BE 1410, Badar Seri Begawan, Brunei Darussalam

from research suggests that school children who have anger-management problems are bullies, violent and aggressive end up being antisocial in adulthood (Mundia, 2006). Research also indicates that most antisocial children who dropout early from formal education, benefit more by taking practical and vocational courses (Mundia, 1998).

**THE HISTORY OF BRUNEI PRISONS**

In Brunei Darussalam, the Prisons Department was established on 1 March, 1954 in Bandar Seri Begawan under the charge of police personnel. The prison establishment became a separate organization with the appointment of its first Prison Superintendent on 30 December, 1959. At present, the Prison Department consists of three institutions namely the Jerudong Prison (Bandar Seri Begawan), Maraburong Prison (Tutong) and the Jerudong Female Prison (Bandar Seri Begawan). Each of these institutions is under an officer-in-charge holding the rank of superintendent. The prison director administers the Prisons Department aided by the deputy director with other 528 staff (485 uniformed personnel and 43 civilians). The staff structure consists of 8 main divisions which control and administer in various aspects of prison administration. The Jerudong Prison and the Female Prison are located in Kampong Jerudong. These prisons' existing facilities began their operation on 1st February, 1980, after moving out from the old building which was constructed in the early 1950's. Jerudong Prison and Female Prison admit all categories of male and female prisoners, ranging from those on remand and sentences of a day's jail to life imprisonment and death sentence. On 7th February, 2002, the female prison became a separate institution with its own officer-in-charge.

According to the statistics from the records unit by Prison Department (2012), most of the prisoners were involved in drugs, theft and road offences and that most of them were remanded while awaiting trial (Table 1). Like elsewhere in the world, the above statistics show that the recidivism rate in Brunei is a serious problem despite the ongoing in-prison intervention efforts and there are many possible reasons to explain this problem. One suspected plausible factor might be that the in-prison reform programs (re-education, re-training, counseling and psychotherapy) may not be adequately addressing the challenges and barriers posed by reintegration (e.g., the enormous economic, psychological, social, health and welfare needs or problems ex-convicts face upon release). It appears that ex-offenders are usually released back into the society with little support or resources to help them to reintegrate successfully with clear alternatives to a criminal-free lifestyle.

Table 1: Classification according to offenses of prisoners in 2009, 2010 and 2011

Offences	2009	2010	2011
Drug Act	67	63	51
Road Traffic Act	10	15	14
Customs and Exercise Act	7	4	15
Religion Act	10	18	13
Murder culpable homicide	0	0	1
Theft	75	84	87
Voluntarily causing hurt, assault causing grievous hurt	2	7	1
House breaking	8	4	11
Criminal breach of trust	5	2	3
Women and Girl Protection Act	1	1	0
Unlawful carnal knowledge	2	0	1
Trespass	0	1	1
Retaining stolen property	2	2	2
Outraging modesty	1	4	2
Impersonating	1	4	4
Mischief	4	4	1
Cheating	2	3	6
Corruption	4	7	2
Robbery	0	1	1
Rape	5	5	3
Remand awaiting trial	52	73	111
Others	8	10	6
<b>Total</b>	<b>266</b>	<b>312</b>	<b>336</b>

Records unit of the Prison Department (2009, 2010, 2012)

Table 2: Type of crime by districts

Crimes	Districts				Total
	Brunei-Muara	Kuala Belait	Tutong	Temburong	
Drug offences	5	1	1	0	7
Stealing	27	6	4	1	38
Arson	0	0	1	0	1
Aggression	1	1	2	0	4
Sex offenses	6	0	0	0	6
Conning	1	0	1	0	2
Smuggling	1	0	0	0	1
Growing drug plants	1	0	0	0	1
Women and girls protection	1	0	0	0	1
Forgery	0	1	0	0	1
Gambling	1	0	0	0	1
Breach of trust	0	1	0	0	1
<b>Total</b>	<b>44</b>	<b>10</b>	<b>9</b>	<b>1</b>	<b>64</b>

$\chi^2$  (df = 33) = 28.773,  $p > 0.05$  (Phi = 0.676,  $p = 0.678$ ); Mundia *et al.*, (2013)

**CRIMES ACROSS THE FOUR DISTRICTS**

As shown in Table 2, the majority of crimes (69%) were committed in Brunei-Muara (BM) followed by Kuala Belait (KB) 16% and Tutong (14%). This is due mainly to the fact that BM and KB have proportionally the highest and second largest population concentrations respectively in Brunei Darussalam. Temburong had the lowest crime rate in this sample. Theft was the biggest crime (59%) across all the four districts and it was highest in BM (42%), KB (9%), Tutong (6%) and Temburong (2%), respectively. The second and third biggest crimes at the district level were sex (9%) and drug (11%) offenses, respectively and were both committed

mainly in BM. In view of this, counseling and other interventions should be provided to inmates in all prisons (starting with the highest number in BM).

### **DEATH SENTENCES FOR DRUG TRAFFICKING IN SOUTHEAST ASIA**

In an attempt to deter drug-related crimes, some countries in Southeast Asia (including Singapore, Malaysia, Indonesia, Thailand, Philippines, Vietnam and Brunei) have legislated and enforced death penalties. They cannot be blamed especially that the so-called “Golden Triangle” in this part of the world is the hub of drug-related crimes.

Leechaianan and Longmire (2013)’s article assessed the use of capital punishment for drug trafficking and related crimes in Singapore, Malaysia, Indonesia and Thailand and compared them to the United States which plays an important role in eradicating global drug-related problems. These researchers contend that the use of capital punishment was disproportionate to the gravity of drug-related offenses and that international drug control and enforcement treaties never suggested using such sanctions to deter crime. They argue that the four Southeast Asian countries (Singapore, Malaysia, Indonesia and Thailand) were aware of this disproportionality and were therefore reluctant to carry out the executions. Even though they continue to sentence a large number of drug-related offenders to death annually, they rarely carry out these executions (Leechaianan and Longmire, 2013). Drug trafficking continues but on a small scale due to the effect of the punitive laws.

The Misuse of Drugs Act (MDA) Chapter 27 as amended on 23rd November, 1998, is the main legislation for drug crimes in Brunei. This law covers a wide range of controlled drugs and provides for minimum and maximum sentences including mandatory death penalty for the unauthorized trafficking in controlled drugs of prescribed amounts of more than: 15 g of Diamorphine (Heroin); 15 g of Morphine; 1,200 g of Opium; 500 g of Cannabis; 200 g of Cannabis Resin; 30 g of Cocaine or 200 g of Methylamphetamine. The presumption clause under Section 15 of the MDA stipulates that anyone caught in possession of a certain amount of controlled drug is presumed to be trafficking in the drug and the onus is on him/her to prove that the drug found on him/her is not for the purpose of trafficking. The section stipulates that a person is presumed to be trafficking in a controlled drug if he has in his possession more than: 2 g of Diamorphine (Heroin); 3 g of Morphine; 100 g of Opium; 15 g of Cannabis; 10 g of Cannabis Resin; 3 g of Cocaine or 20 g

Methylamphetamine. Like counterpart nations in the region (Singapore, Malaysia, Indonesia and Thailand), Brunei is exercising maximum human restraint on the enforcement of the death penalty for drug trafficking and executions, if any, may have been carried out sparingly as a last resort. As a result, drug trafficking is continuing but on a very small scale due to the preventative effect of the MDA law.

### **SYARIAH LAW TO DETER CRIMES IN BRUNEI DARUSSALAM**

In his Titah of 22 October, 2013 His Majesty the Sultan and Yang Dipertuan of Brunei Darussalam announced that Brunei would enforce the Syariah Penal Code in phases starting from April 2014 (which when implemented may include punishments such as death by stoning for adultery, the amputation of limbs, e.g., hands/arms for theft, flogging for alcohol consumption and abortion and other reprimands). The Sultan said:

It is because of our need that Allah the Almighty in all his generosity has created laws for us so that we can utilize them to obtain justice

The State Mufti (Brunei’s top Islamic scholar) Pehin Datu Seri Maharaja Dato Paduka Seri Setia Dr Hj Abdul Aziz Juned defended the introduction of the Syariah law at a legal knowledge convention (Majlis Ilmu in 2013) of local and international religious experts in October 2013. He said:

Let us not just look at the hand-cutting or the stoning or the caning (flogging) per se but let us also look at the conditions governing them. It is not indiscriminate cutting or stoning or caning,.....there are conditions and there are methods that are just and fair

in an attempt to assure critics and skeptics that the laws were fair and just. Support for Syariah law also immediately came from the Minister of Religious Affairs Yang Berhormat Pg Dato Seri Setia Dr Hj Mohammad Pg Hj Abdul Rahman who cautioned that challenges and questions were bound to arise from some members of the public due to misunderstanding of the Syariah Penal Code. The Minister reminded the people of Brunei that Syariah law was already embedded in the Brunei constitution which has existed since 1959 and that the enactment of the Syariah Penal Code was based on Al-Quran and Sunnah as its main source (The Brunei Times, 12 January 2014, pages A1 and A2).

During the presentation of his paper titled “Syariah Penal Code Order 2013 in Brunei Darussalam: A

Preliminary Review,” at an open lecture on Malay Islamic Monarchy (MIB) conducted within the Universiti Islam Sultan Sharif Ali (UNISSA), an Usuluddin lecturer of this university Ustaz Hj Ahmad Abdussalam Hj Abd Rahman re-affirmed the Minister’s assertions that the Syariah Penal Code was not new to Brunei. He pointed out that documented historical evidence exists which indicates that the Syariah Penal Code was in use in Brunei as far back as during the reign of Sultan Muhammad Hassan, 1582-1598, the 9th Sultan of Brunei and that the code was fully enforced and exercised during the rule of Sultan Abdul Jalilul Akhbar (1598-1658), only to be interrupted and eroded by the arrival of the British colonial empire in 1906 onwards (for more details see *The Brunei Times*, 12 January, 2014, page A7).

The Syariah laws and punishments will apply mainly to the Sunni Muslim majority in the country and authorities are again, likely to exercise maximum human restraint when enforcing these laws (using all available exclusionary criteria suggested above by the State Mufti) more or less like what is happening to the implementation of the Misuse of Drugs Act (MDA) discussed above. However, punishment on consuming intoxicating drinks for example would also apply to the non-Muslim if they are drinking in public and causing public nuisance. If the non-Muslims are drinking alcohol in their own private home then it is their right to do so. The Syariah law is not to victimize the non-Muslims but to encourage them to be more disciplined. Although, Syariah law might not stop all crimes that it is intended to address, we anticipate that it will significantly depress the crime rate particularly theft and sex offenses. What needs to be done now is to educate the public about this law so that they can accept it whole heartedly and be committed to it in the best interests of all people in the country. The Minister of Religious Affairs was right when he stated that:

Comprehensive and clear dissemination of information was needed to address the negative perceptions related to Syariah law and to remove doubts and misunderstandings (*The Brunei Times*, 12 January, 2014, page A2)

So far, smaller knowledge conventions and road shows have been held in educational institutions and are said to have received good response from every level of the community. Members of the public are also being briefed on the Syariah law through other forums as reported by the news media (e.g., *The Brunei Times*, 15th November, 2013).

### **CRIME PREVENTION THROUGH THE JUSTICE, CORRECTIONAL, SECURITY AND COMMUNITY SYSTEMS**

Reducing crime to low levels in any country is a complex and tedious task that requires collective efforts and actions. The legislation or introduction of the Misuse of Drugs Act and the Syariah Penal Code and the implementation or enforcement of these laws in Brunei by legal and justice system (courts) is a step in the right direction. While these laws cannot be expected to stop all the targeted crimes, they have potential to suppress crime for the benefit of all people in the country. The laws should be supported and given a chance to work for a safer Brunei. With regard to correctional institutions (prisons and juvenile rehabilitation centers), these need to improve their counseling services to depress the recidivism rates. We have made length suggestions above about how effective counseling could be provided for selected specific crimes. Staff who provide counseling/psychotherapy services in correctional institutions could attend Continuous Professional Development (CPD) workshops to update their skills or to acquire additional skills. Security personnel (e.g., the police, military officers and immigration officials) as well as members of the public need to be extra vigilant and observant. It is the duty of the security personnel and members of the public to report suspected criminals or crimes to the legal and justice institutions for action. Through intense cooperation or collaboration, crime may subside. The community in particular will need to do more to help reduce the recidivism rate in Brunei. For example, former convicts will need help from family members, community/society and the government in seeking gainful employment or self-employment. We suggest that aid organizations (e.g., Non-Governmental Organizations, NGOs), financial institutions and religious organizations could also make vital contributions to these endeavors. In short, more attention and efforts need to be directed to all these other non-counseling and non-psychological measures. We briefly discuss four most commonly used crime prevention strategies in the world based on the literature reviewed in the present study (Aba-Afari, 2011; Harrower, 2001): primary prevention; secondary prevention; tertiary prevention and the situational/environmental prevention methods. For example, primary prevention could focus on effective parenting programs, family-school initiatives and anti-bullying strategies in schools (Farrington, 1996; Gottfredson, 1997). Secondary prevention could aim at reducing recidivism and minimize legal intervention in recognition of the fact that being ‘processed’ and labelled within the criminal justice system is likely to increase the

development of a criminal identity and the probability of further offending. Here, the role of the bureau for narcotics and juvenile correctional institutions is quite important and valuable. Tertiary prevention could provide appropriate treatment programs for chronic and serious offenders and keep high-risk offenders away from the community/society for safety and security reasons. Situational/environmental crime prevention is important in that it empowers the community to be in charge of their own security. Brunei is already implementing a wide range of community security initiatives such as surveillance (e.g., installing Closed Circuit Television (CCTV), burglar alarms and providing better street lighting) and neighborhood watch schemes (e.g., the community taking action to protect itself).

### **CONCLUSION**

Evidence from the present study suggests that crime problems need to be confronted from different vantage positions. The multi approach Brunei is using seems to be realistic and working because it combines various strategies such as counseling, legal or judicial processes, religion and community efforts. These efforts need to be supported. In addition, the success of the efforts deserves to be investigated using mixed methods research to shade more light and insights on the crime problems in Brunei and the possible solutions.

### **LIMITATIONS**

The present study was informed by one main limitation. It was a qualitative review and analysis of existing documents. However, we hope the issues discussed in the study will sensitize and encourage researchers to undertake more in-depth investigations on the issue.

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