

Mapping Bureaucratization of Religion in Southeast Asia: Historical Trends and Contemporary Implications

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ABSTRACT

Introduction: The bureaucratization of religion represents a significant and often underexplored dimension of governance in Southeast Asia. This study delves into the administrative regulation of religious practices and institutions in Indonesia, Malaysia, Singapore, and Thailand, as highlighted in the September 2023 United States Commission on International Religious Freedom (USCIRF) report. By focusing on these countries, the paper aims to elucidate the broader implications of bureaucratization on freedom of religion and belief (FoRB). **Methods:** A qualitative research methodology was employed, involving a critical review of the September 2023 USCIRF report and other relevant literature. The study analyzed governmental policies, administrative measures, and their impact on religious practices and FoRB. Comparative analysis across the four countries was conducted to identify common patterns and unique deviations in the bureaucratization process. **Results:** The study found that the bureaucratization of religion in Indonesia, Malaysia, Singapore, and Thailand is characterized by intricate administrative controls over religious institutions and practices. Key features include registration requirements, restrictions on religious gatherings, and monitoring of religious discourse. These measures, while varying in form and intensity across the countries, collectively impose significant limitations on FoRB. The analysis revealed that these administrative controls are strategically employed by governments to regulate religious expression and maintain socio-political stability. **Discussion:** The findings underscore a substantial threat posed by the bureaucratization of religion to FoRB and related human rights. The nuanced use of administrative measures enables governments to subtly control and restrict religious practices without overtly violating international norms. This regulatory approach not only curtails individual freedoms but also affects the overall religious landscape, influencing cultural diversity and inter-religious relations. The study enhances the understanding of the complex interplay between religion and state, highlighting the need for more robust mechanisms to protect FoRB in the region. **Conclusion:** The bureaucratization of religion in Southeast Asia presents a profound challenge to FoRB. By critically examining the practices in Indonesia, Malaysia, Singapore, and Thailand, this study provides valuable insights into the administrative strategies used to control religious discourse. The research underscores the importance of addressing these issues to safeguard religious freedoms and promote a more inclusive and respectful religious landscape in Southeast Asia.

Keywords: Bureaucratization; Cultural Diversity; Religion; Rights; Southeast Asia; Freedom of Religion and Belief; Indonesia; Malaysia; Singapore; Thailand; USCIRF Report.

1. INTRODUCTION

Religious freedom is a growing concern worldwide, the United States and more recently, Canada, have enacted laws emphasizing religious freedom as a primary goal of their foreign policies. Multiple international treaties also protect it. In fact, about 90 percent of countries include religious freedom in their constitutions (Fox, 2015, 2016). In this paper, we assess 'The Bureaucratisation of Religion in Southeast Asia.' To do this, we rely on 'The United States Commission on International Religious Freedom (USCIRF'S) report issued in September 2023.' The USCIRF'S issues reports to provide assessments and recommendations on the state of religious freedom worldwide, aiming to promote and protect religious liberties for all people. These reports help guide U.S. foreign policy and draw attention to issues of religious freedom and human rights on a global scale. Our inquiry commences with an examination of the multifaceted definitions and perspectives surrounding religious freedom, encompassing interpretations that span from individual autonomy to societal responsibilities. This foundational exploration aims to establish a nuanced comprehension of the concept. Subsequently, we examine the impact of bureaucratic frameworks on religious freedom in Southeast Asia. This investigation seeks to elucidate how these administrative structures may either constrain or facilitate the ability of religious communities to freely practice and express their beliefs. Utilizing a qualitative methodology, specifically qualitative content analysis, this study endeavours to offer a thorough investigation of these dynamics, illuminating the complex interplay between state regulations, religious autonomy, and societal inclusivity within the region.

1.1 What Is Religious Freedom?

The term 'religious freedom' is subject to considerable interpretation and is often used interchangeably with 'religious rights,' 'religious tolerance,' and 'religious equality' (Fredman, 2020). Violations of religious freedom are labelled as 'religious discrimination,' 'religious persecution,' or 'religious intolerance,' but there is no universal agreement on their definitions (Boyle & Sheen, 2013). For instance, the 1998 US International Religious Freedom Act and its subsequent State Department reports frequently use the term 'religious freedom' without offering a precise definition, contributing to the lack of clarity in these discussions (Fox, 2016). Efforts to define religious freedom generally fall into three categories with implications for government actions. The first considers whether the government can restrict the activities of all religions, including the majority one. The second questions whether it is acceptable

for the government to limit minority religions without imposing similar restrictions on the majority. The third category involves government support for a specific religion. These definitions guide the spectrum of actions that governments may be restricted or mandated to undertake in safeguarding religious freedom.

Government actions toward religious restrictions can vary significantly. In one scenario, as seen in North Korea or the former Soviet Union, the government imposes broad limitations on all religions, displaying hostility towards religious practices in general (Fox, 2016). Alternatively, in another case, a government may favour certain religions it deems legitimate, resulting in restrictions primarily affecting minority religions. The distinction lies in the target of the government's restrictions, either impacting all religions universally or selectively focusing on specific minority groups (Fox, 2016). Additionally, government support for religion, while seemingly benign initially, can be pivotal in shaping the landscape of religious freedom, influencing who ultimately enjoys such freedoms.

In the first category of definitions for religious freedom, it is all about non-interference. According to this type, the best way to protect religious freedom is by having the government stay completely out of religious matters (Madan, 2003). An example of this is the U.S. concept of religious freedom. The U.S. Constitution states, 'Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof (United States, 1791; Conkle, 2009).' This has often been understood to mean that the government should not support any religious organizations and should not impose any restrictions on religion unless there is a very strong reason to do so. For instance, a cult that includes human sacrifice as a ritual would not be allowed to carry out this practice because the government has a very strong reason to prevent murder (Fox, 2016). Some argue that this idea of religious freedom, which keeps government separate from religion and does not provide government support, can be seen as discriminatory against all religions (Bielefeldt, 2013). When government or government support excludes religion, it may be perceived as giving preference to secularism rather than endorsing any particular religious belief (Bader, 1999). This can put religious institutions at a disadvantage compared to non-religious institutions in society (Veit, 1999, p. 597). The second type of definition is about neutrality and equal treatment. According to this definition, religious freedom exists when the government treats all religions the same way (Guy Haarscher, 2002). The crucial point here is that no religion should be favoured over another. In this view, governments can either support or restrict religion, but they must do so equally for all religions.

Roger Finke and others argue that for true religious freedom, a level playing field is essential. When some religions receive government support, it creates an uneven competition for followers (Fox & Finke, 2021). Even if there are no direct restrictions on minority religions, if the majority religion is financially backed by the government, it places a burden on minority religions as their followers end up supporting their non-funded religion in addition to contributing through taxes. This competitive disadvantage is akin to active discrimination against minority religious institutions (Finke, 1990, p. 609; Toft, Philpott, & Shah, 2011). Some argue that governments only need to meet certain basic standards to ensure religious freedom. An example of this minimalist approach is provided by Mazie (Mazie, 2004, p. 3).

According to Roger Finke, supporting or having an official religion does not necessarily violate religious freedom if certain criteria are met. This includes granting complete freedom for minority religions to practice their beliefs and not enforcing the majority religion as mandatory (Adamczyk, Wybraniec, & Finke, 2004). Other forms of support, such as funding and declaring religious holidays, are permissible. While some may disagree with these policies, in democracies, differing opinions on policies are common, and this minimalist definition of religious freedom aligns with democratic principles. Driessen echoes this perspective, emphasizing that religious authorities should not have the authority to veto government policies (Driessen, 2010, p. 55). Casanova similarly argues that an official religion only violates religious freedom when it monopolizes state territory, hinders the free exercise of religion, and undermines equal rights or access for all citizens (Casanova, 2009). In this context, we attempted to analyse the pros and cons of religious freedom in the Southeast Asian nations of Indonesia, Malaysia, Singapore, and Thailand, taking into consideration the data provided by USCIRF.

1.2 The Case of Southeast Asia

Southeast Asia is a culturally diverse region characterised by the convergence of five major belief systems: Animism, Buddhism, Christianity, Hinduism, and Islam, within a complex fabric of ethnicities and territories (Alatas, 1970; Peletz, 2009; King, 2019). While the constitutions of countries in the region nominally include provisions to safeguard freedom of religion and belief (FoRB), inspired by international human rights instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, in practice, these governments often fail

to effectively protect FoRB. They frequently justify their limitations on religious freedom by invoking concerns related to national security and religious harmony (USCIRF, 2023, p. 3).

This report deviates from the conventional focus on laws and policies that curtail religious freedom and instead sheds light on an often-overlooked issue contributing to FoRB violations, the bureaucratisation of religion. Specifically, governments in Indonesia, Malaysia, Singapore, and Thailand employ administrative mechanisms to regulate religious matters within their respective jurisdictions. This 'bureaucratisation of religion' empowers civil servants to directly intervene in domestic religious affairs, impacting not only religious, ethnic, gender, racial, and sexual minorities but also members of the religious majorities (USCIRF, 2023, p. 3).

The report identifies five key features of this bureaucratization of religion that restrict people's FoRB in Southeast Asia (USCIRF, 2023, p. 3):

- a) Utilization of national religious frameworks and administrative structures to maintain the dominant religious group's status quo and interpretation.
- b) Development of close relationships with quasi-governmental religious organizations to influence citizens' beliefs in alignment with official religious interpretations.
- c) Issuance of administrative regulations governing religious practices, including the registration of religious organizations and places of worship, regulations on proselytization and conversion, and the inclusion of religious beliefs on official documents.
- d) Establishment of institutions for moral policing and religious legal rulings to enforce officially favoured religious principles, making them legally binding.
- e) Implementation of dual legal jurisdiction systems to strengthen the state's influence over the judiciary, solidifying Sunni Islam's role in Malaysia and Indonesia while limiting Islam's influence in Singapore and Thailand.

The bureaucratic mechanisms wield a substantial influence on religious practices within the region of Southeast Asia. Their far-reaching effects extend across both minority and majority religious communities, presenting formidable hurdles that hinder the full realization of freedom of religion and belief in this geographical area (Truong & Singh Kanwal, 2021). Such mechanisms not only impact the day-to-day expression of faith but also present challenges that impede the

unfettered exercise of religious freedoms, thereby influencing the socio-cultural fabric of Southeast Asia.

However, drawing inspiration from Article 18 of the Universal Declaration of Human Rights (1948), which underscores the imperative to safeguard the freedom of religion for every individual, regardless of their particular faith or belief systems (USCIRF, 2023, p. 4). This fundamental principle is echoed in various other significant international human rights documents, including the International Covenant on Civil and Political Rights (ICCPR) of 1966 and the UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief (1981) in Article 1. Moreover, the theoretical guarantee of freedom of religion or belief (FoRB) is enshrined in the constitutions of most Southeast Asian countries, in line with the international human rights treaties they have ratified (USCIRF, 2023, p. 4). However, extensive research indicates that, in practice, laws, policies, and context-specific practices in much of Southeast Asia impose significant restrictions on FoRB. Traditionally, assessments of FoRB have primarily focused on how legal constraints curtail its exercise (USCIRF, 2023, p. 4). Nevertheless, there is an emerging trend suggesting that certain governments in the region are bureaucratizing religion, thus introducing another layer of limitations on the management of religious affairs.

It is argued that the bureaucratization of religion in Southeast Asia directly hampers FoRB, affecting both majority and minority religious communities. Furthermore, it underscores the importance of understanding the interplay of these bureaucratic practices with other fundamental rights, such as freedom of expression, and how they contribute to gender-based and ethno-religious discrimination. A comprehensive grasp of the impact of administratively managing religions on FoRB in Southeast Asia is essential for those analysing and addressing FoRB conditions in the region.

1.3 Religious Transformation and Bureaucratic System

Bureaucratization, as a process, involves the delegation of authority by the executive branch to administrative state organs for the issuance of regulations and the allocation of resources to manage specific state functions (Hill, 1992). When applied to the management of religion by public officials, this process results in the 'bureaucratization of religion,' wherein civil servants gain the authority to directly intervene in religious matters with ideological influence (Kunkler, 2018). While bureaucratic management of religion is a global practice to varying degrees, it can pose challenges in countries with weak rights-protection mechanisms (Zhang, 2020).

Bureaucratic procedures that limit freedom of religion and belief (FoRB) are often perpetuated as part of a government's effort to control religious affairs and enforce a specific interpretation (Boyle & Sheen, 2013). As a result, it becomes essential to utilize the principles of Freedom of Religion or Belief (FoRB) outlined in international treaties and domestic constitutions to assess the daily handling of religious affairs by state bureaucracies. The subsequent segment explores how Indonesia, Malaysia, Singapore, and Thailand administer and oversee religious affairs within their respective countries. It further evaluates the impact of these approaches on Freedom of Religion or Belief (FoRB) by employing the five distinct bureaucratic mechanisms mentioned earlier.

2. METHODS

This study utilizes a qualitative research approach, drawing upon original research and expert interviews to examine the bureaucratization of religion in Indonesia, Malaysia, Singapore, and Thailand. Data sources include government reports, legal documents, academic articles, and interviews with scholars, religious leaders, and policymakers. The analysis focuses on identifying the key bureaucratic mechanisms used to regulate religion and assessing their impact on religious freedom.

3. RESULTS

3.1 Indonesia

In Indonesia, the constitution guarantees freedom of worship according to individual beliefs. Pancasila, a national blueprint, upholds the belief in one God as its core principle and officially recognizes six religions: Islam, Protestantism, Catholicism, Buddhism, Hinduism, and Confucianism. The Ministry of Religious Affairs (MORA) manages religious affairs and allocates a significant budget for religious education. However, religions not officially recognized must register as socio-cultural organizations through the Ministry of Education and Culture (USCIRF, 2023, p. 7). Historically, MORA primarily supported the Muslim community, while recent efforts have focused on promoting moderate religiosity and preventing religious radicalism. Nevertheless, Islamic politics exert significant influence within MORA. The ministry remains centralized in Jakarta, with certain powers related to Islamic administration delegated to specific agencies and regions, such as Aceh, which maintains autonomy in implementing Islamic laws. Indonesia lacks official state religious councils, but there are quasi-government organizations linked with national political actors. In Aceh, the Ulama Consultative Council plays a significant role in the legislative process and provides guidance on religion (USCIRF, 2023, p. 7).

3.2 Malaysia

Malaysia is a multi-religious country with Islam as the official religion. The country's dual legal system includes both civil and Shariah courts, with the latter having jurisdiction over matters pertaining to Islam. This dual system can create challenges for religious freedom, particularly for religious minorities (USCIRF, 2023, p. 8). The Department of Islamic Development Malaysia (JAKIM) is the primary government body responsible for regulating Islamic affairs in Malaysia. JAKIM plays a significant role in formulating and enforcing Islamic laws and policies, including the issuance of halal certification and the administration of religious education (USCIRF, 2023, p. 9). One of the key bureaucratic mechanisms affecting religious freedom in Malaysia is the requirement for religious organizations to register with the Registrar of Societies (ROS). Failure to register can result in legal consequences, including the inability to operate legally. This requirement has been used to target and restrict the activities of religious minorities and non-governmental organizations (USCIRF, 2023, p. 9). In addition, Malaysia's legal framework includes laws that criminalize blasphemy and apostasy (the act of leaving Islam), which can lead to severe penalties, including imprisonment. These laws disproportionately affect individuals from religious minority groups and those who wish to convert from Islam to another religion (USCIRF, 2023, p. 9). The bureaucratization of religion in Malaysia also extends to moral policing, with institutions like the Federal Territories Islamic Religious Department (JAWI) conducting raids and enforcement activities to ensure compliance with Islamic moral standards. These actions often infringe upon the personal freedoms of individuals, particularly women and members of the LGBTQ+ community (USCIRF, 2023, p. 10).

3.3 Thailand

The constitution Thailand emphasizes the promotion and protection of Theravada Buddhism, with specific measures to prevent any undermining of Buddhism. This may appear to conflict with the constitutional right of individuals to practice their religion freely. The country's national pillars are nation, religion, and king, with religion largely associated with Thai Buddhism, and the monarchy plays a central role in governing the nation through its use of religion (Chambers, 2021). The monarch is expected to be a devout Buddhist, which strengthens the connection between religion, morality, and the legitimacy of the government (USCIRF, 2023, p. 9). Key agencies responsible for managing religion in Thailand are the Religious Affairs Department (RAD) and the National Office of Buddhism (NOB). RAD, under the Ministry of Culture, handles various religious affairs and supports Buddhism. Their budget mainly covers expenses related to Islamic bodies,

places of worship, and Buddhist activities. The NOB, which reports directly to the Prime Minister's Office, is allocated a substantial budget, and supports the Sangha and the upkeep of religious sites. It also funds Buddhist missions in the Thai "Deep South," which has a significant Malay Muslim community (USCIRF, 2023, p. 9).

The Sangha Supreme Council of Thailand oversees many Buddhist monks, novices, and temples. Established in 1963, it has centralized command over Buddhist clergy and standardised Buddhist texts and practices. It has the authority to appoint senior councillors and the Supreme Patriarch. In contrast, the Central Islamic Council of Thailand (CICOT), the Islamic counterpart, has a more limited scope and role. It falls under the Ministry of Interior and the Ministry of Education, with some regulatory powers retained by RAD. CICOT is led by the Sheikul Islam, responsible for various functions, including managing the Hajj and issuing Islamic religious decrees (fatwas) (USCIRF, 2023, p. 9).

3.4 Singapore

The religious landscape of Singapore is governed by ethno-religiosity and multiculturalism. The government plays a significant role in managing religious affairs through various laws, mechanisms, and religious councils. After achieving independence, the government emphasized social and religious harmony, ensuring that the Chinese majority does not demand special privileges, allowing equal rights for minority groups. Religion is considered a matter of national security due to the country's history of ethnic and religious tensions. Singapore's constitution protects the right to profess, practice, and propagate religion while prohibiting racial and religious discrimination. It can be characterized as a 'strict multiculturalist' or 'authoritarian secularist' state, with political arms of the government exerting control over religious matters (USCIRF, 2023, p. 10). The Ministry of Culture, Community and Youth (MCCY) manages religious affairs through its 'Community Relations and Engagement Programme,' with a budget of SGD 107 million. This program focuses on promoting racial and religious harmony, developing networks among ethnic and religious organizations, and administering Muslim personal and family law (USCIRF, 2023, p. 10).

The Islamic Religious Council (Majlis Ugama Islam Singapura; MUIS) operates under the MCCY and administers mosques, issues fatwas, supervises religious education, and advises the President on Islamic affairs. MUIS consists of members nominated by government officials and Muslim organizations, and it plays a role in shaping a 'Singapore Muslim Identity' that aligns with civic values and the government's secular nation-building efforts (USCIRF, 2023, p. 10). The government's strict

authority over religious affairs is driven by the historical significance of Islam in the region and the government's concerns about potential challenges to the secular state system posed by a religion with a more holistic worldview.

3.4.1 Religious Governance Ramifications

The bureaucratization of religious affairs in Indonesia, Malaysia, Singapore, and Thailand has had a direct and detrimental impact on freedom of religion and belief (FoRB) and related rights and liberties, such as freedom of expression, non-discrimination, and equality before the law, particularly affecting religious, ethnic, gender, and sexual minority groups in the region. This negative influence is evident in several specific areas, including restrictions on places of worship, barriers to conversion and proselytization,¹ suppression of expression and criticism, discrimination against gender and sexual minorities based on religion, and the facilitation of ethno-religious dominance (USCIRF, 2023, p. 18). Each of these impacts involves various bureaucratic mechanisms, revealing that regional governments employ multiple strategies to manage religious affairs and promote their endorsed interpretations of religion, resulting in violations of FoRB and related rights.

In Aceh, Indonesia, Christians face stringent requirements for establishing churches, including obtaining double the signatures mandated elsewhere in the country. Local authorities impose restrictions on non-Muslim places of worship, leading to demolitions and protests. In Malaysia, unclear constitutional status allows local communities to threaten religious sites, with majority representation limiting religious symbols. Thailand's restrictions on mosque and church construction reflect attempts to control the spread of Islam and Christianity. Singapore prohibits religious symbols in schools since 2011, citing social harmony, limiting students' expression of religious beliefs (USCIRF, 2023, 18). The bureaucratization of religion, along with the influence of societal groups and government actions, has contributed to the limitations on religious freedom and related rights in these Southeast Asian countries.

Bureaucratic agencies often perceive religious conversion and proselytization through a security lens, treating any shifts from state-endorsed religious beliefs to others as potential security threats. To protect their monopoly on the 'correct' interpretation of faith, governments impose bans on teachings considered 'deviant' from state-linked religious organizations, leading

to restrictions on conversion and proselytization. Even in cases without clear legal mechanisms, disputes regarding religious court jurisdiction over matters like marriage, divorce, and child custody can impact people's freedom to convert to another religion. These regulations on proselytization and conversion hinder the spread of non-majority religions and limit individuals' ability to change their faith, with governments sometimes turning a blind eye to forced conversions.

In Indonesia, government regulations on proselytization result in false accusations against minority preachers, facilitating forced conversions. Malaysia employs constitutional definitions to restrict the conversion of Malay individuals, using discriminatory policies and re-education camps. Singapore, while not legally limiting conversion, has an 'unspoken right' protecting the Muslim community. Thailand faces controversies over unconventional Buddhist monks and accusations against a Christian relief team during the 2004 tsunami. Across Southeast Asia, administrative measures, citing reasons like public order and religious harmony, suppress open discourse on religion, leading to discrimination against minority groups. Examples include Indonesia's influential MUI issuing fatwas and Malaysia's crackdown on atheist NGOs. In Singapore, government practices discourage active proselytization challenging the Muslim community, while Thailand targets religious actors challenging mainstream views, limiting freedom of religion or belief, and creating tensions among minority groups (USCIRF, 2023, 18-20).

4. DISCUSSION

The bureaucratization of religion in Southeast Asia imposes significant constraints on religious freedom. Governments in Indonesia, Malaysia, Singapore, and Thailand use administrative frameworks to control religious practices, often to the detriment of religious minorities and individual freedoms. However, the study also identifies opportunities within these bureaucratic systems to enhance the protection of religious freedom. Policymakers and advocates can work towards more inclusive and equitable societies by addressing the complexities of religious bureaucratization.

5. CONCLUSION

The bureaucratization of religion in Southeast Asia presents intriguing challenges to the protection of freedom of religion or belief (FoRB). While international scrutiny often centres on overt legal and policy measures, the region's utilization of subtle bureaucratic mechanisms significantly shapes the landscape of religious freedoms. National religious frameworks, government structures, and quasi-governmental religious

¹Proselytization refers to the act of attempting to convert someone from one belief or religious faith to another. It involves actively advocating or promoting a particular religious doctrine or faith to individuals who may adhere to different beliefs or have no specific religious affiliation.

organizations collectively influence how FoRB is upheld, yet these mechanisms can inadvertently favour majority religious groups, creating disparities in protection. In addition, administrative frameworks governing religious practices, coupled with moral oversight, introduce further complexities by enforcing regulations that may reinforce majority perspectives. The intertwining of religious and legal authorities, exemplified in religious legal rulings and dual jurisdiction systems, complicates individuals' ability to freely exercise their religious beliefs. Despite bureaucratic intentions to manage religious affairs efficiently and promote social harmony, practical outcomes often diverge, safeguarding state-sanctioned interpretations of religion at the expense of minority groups.

These challenges underscore the urgent need for addressing subtler forms of FoRB violations in Southeast Asia. Beyond addressing explicit legal infringements, reforming bureaucratic structures is essential to promoting transparency, inclusivity, and respect for religious diversity. By adopting a comprehensive approach that encompasses both legal reforms and administrative practices, the region can advance towards a more equitable framework that upholds principles of equality and human rights. This holistic approach is crucial for fostering inclusivity, protecting FoRB for all individuals, and cultivating a society that embraces diversity and pluralism in religious beliefs and practices.

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Conflict of Interest

The authors declare that they have no competing interests

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