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THE PRESS IN BRUNEI DARUSSALAM.

Brunei Darussalam is a small country of 5,765 sq. kilometers with a population of 226,000 people of whom about seventy percent are citizens. A majority of the citizens are Malays.

Since the fourteenth century, Brunei Darussalam has been a monarchy and the activities of the state evolves and revolves around the system and the preservation of it - mainly because of the lack of alternatives. A trial in 1962 ended in an uprising, further strengthening the people's belief in the system and its preservation has now become public interest.

Islam came to Brunei since the first Sultanate and has since become a way of life, being the official religion of Brunei Darussalam although other religions are tolerated.

When Brunei Darussalam resumed full independence in 1984 it was officially declared that the nation would be a Malay, Moslem Monarchy.

The Malay culture of Brunei Darussalam is unique in a way because, due to it predominating the percentage of the population for centuries, it has been able to sustain its authenticity even today during the age of super-infiltrating influences.

Among them is the highest regards they accord the elders, be the person a member of the family or not. The elders have been acting as counsel to the young for generations and this earned them the high respect.

The age of modern communications came to Brunei Darussalam at a late stage. When the BBC was transmitting its first live broadcast in 1953, Brunei Darussalam was barely connected by road from one end of the state to the other, a journey which today takes only one and a half hours.

Because of this, until lately, the societies in Brunei Darussalam was very much inward-looking rather than outward-looking. They kept to themselves as separate and individual communities.

The lack of communications facilities also encouraged them to be more interested in the state of 'local' affairs rather than the affairs of the state.

Being small in number, inter-marriages among the 'local' population brought the 'local' families and eventually the communities together into a very well-knit society. Harmony then precedes all others in our life. We became protective of our cultures, traditions and especially religion and were sensitive to direct intrusions from outside.

Modern education has almost wiped out illiteracy yet newspapers were rare until just some two decades ago. The first form of reading material, an official newsletter published by the British resident for members of its staff, was introduced in 1948. In 1954 Berita, Brunei or Brunei News was published but it died a silent death in 1958. Another paper which had a short life was the Daily Star. It appeared for four years starting in 1966.

Because of the nature of our society, until lately, newspaper reading has not been our habit except for the economic conscious minority. The weekly Borneo Bulletin which started publications in 1954 now has a circulation of about twenty eight thousand, of which eighteen thousand are in Brunei Darussalam, the rest in Sabah and Sarawak competing with the dailies in those two Malaysian states. The government Malay weekly newspaper Pelita Brunei which is distributed free has a circulation of just over forty thousand.

There are now between five to six thousand copies of foreign newspapers and magazines in the Brunei market.

Things are changing with time. Since radio in 1957 and television in 1975 - two of the most effective media now, people are beginning to be aware of what's happening around them. About sixty percent of our population are youth and they are the majority who now begin to look beyond the South China Sea. The wind of change is yet to come.

Development of the press has also been affected by the lack of proper gatekeepers. Few ministries and government departments and indeed private enterprises have trained public relations officers. The flow of information is somewhat very slow and at times frustrating.

With the oil and gas industries being the main economic activities in the country, advertising plays a subdued role. Despite the fact that Brunei Darussalam has one of the highest purchasing power in the region the population is however too small to allow for competitive advertising to sustain newspaper publishing in the country. The weekly Borneo Bulletin is currently the only paper to enjoy all the advertising revenue. This in a way helps ensure that informations are disseminated and not sold.

Very briefly that is the scenario that surrounds the press in Brunei Darussalam. We cater a somewhat still conservative majority. The social structure does not allow for much development of the media and the press. Neither does it allow the society to fully understand the role of the media. Rather conversely it tends to lead the media. Journalism has not developed into a professional career. It is just another job. There are now less than thirty reporters in the country and a majority of them are with the government's Department of Broadcasting and Information. There are no agency reporters in Brunei Darussalam. In short the media is torn between modern media development and the somewhat reluctant consumers of its end-product.

To sum up these are the political, economic, social and cultural factors that shape the press system in Brunei Darussalam. Although the media have its freedom it also have its limitations. It can publish the truth but not at the expense of public interest. It can present the goals and values of society and government but it has also to refrain from being an arm of the state. It has to survive between censorship and selfcontrol.

Typifying the press system of Brunei Darussalam can be quite interesting but if I may refer to Siebert, Peterson and Schramm's Four Major Theories of the Press as a

guideline, I would say that it is between the Libertarian and the Authoritarian patterns.

Legally there are at least six chapters in the Brunei Law that refers to the press namely:

- a. Local Newspapers Act
- b. Undesirable Publications Act
- c. Sedition Act
- d. Societies Act
- e. Internal Security Act
- f. Penal Code.

The Local Newspapers Act provides for the registration of newspapers printed in Brunei Darussalam including matters relating to the collection and publication of news and the distribution of newspapers.

Under normal circumstances a newspaper can be registered by depositing fifty thousand Brunei dollars with the Registrar.

Under Section 4. (1) of the Act, " a magistrate may, upon the application of the Public Prosecutor, order the suspension of the registration of any local newspaper for a period not exceeding six months if -

- (a) the newspaper concerned has published any matter calculated or tending to persuade or induce any persons whether individually or as members of the general public or as a class or section thereof -
 - (i) to commit an offence; or
 - (ii) to become a member of, contribute to the support of, recruit for, proselytize on behalf of or otherwise support any unlawful society within the meaning of the Societies Act;
- (b) the printer, publisher, or editor has been convicted of committing, in respect of anything published in that newspaper -
 - (i) any offence punishable under Chapter VI of the Penal Code;

- (ii) any offence against section 4 of the Sedition Act;
- (iii) any offence against section 4 of the Undesirable Publications Act;
- (iv) any offence of a nature prejudicial to the security of Brunei; or
- (v) any offence of a nature prejudicial to the maintenance within Brunei of peace or public order."

When the registration of any newspaper has been suspended the authorities (4.4) "shall seize and detain all the machinery, type, appliances, paper, printing materials, writing materials, books, documents, writing, effects and things used to produce the newspaper the registration of which has been suspended."

However no order (4.6) "shall be made unless the proprietor or editor of the local newspaper in relation to which an application is made has been given an opportunity to show case against the making of the order."

(4.7)"Any person who publishes in any local newspaper false news which is likely to alarm public opinion or disturb public order shall be guilty of an offence."

A person however shall not be convicted of publishing false news (7.3) "if he proves to the satisfaction of the Court that prior to publication he took reasonable measures to verify the truth of the news."

Any person who certifies the correctness of any particular furnished pursuant to any requirement made under the Act shall, if such particular is incorrect, be guilty of an offence. It shall be a defence however against the charge if it could be proved: (8.2)

- "(a) that the person charged believed the particular to be correct; and
- (b) that he could not with the exercise of reasonable diligence have discovered its incorrectness."

On the trial for any offence in which an ingredient is the publication of matter contained in any issue of such newspaper

the person shall be presumed (11) "to have published all matter contained in such issue, as the case may be, unless he proves that the publication was made without his authority, consent or knowledge, and that the publication did not arise from want of due care or caution on his part."

"15. His Majesty in Council may make regulations for carrying this Act into effect."

The interpretation of unlawful society within the meaning of the Societies Act is that; a society shall be unlawful if it (3) "uses a Triad ritual or Triad emblems or Triad titles or other Triad nomenclature."

A society shall be unlawful if it did not notify the Registrar of its existence (4.1) "within one month of its formation, or, in the case of a society formed prior to the 1st December, 1949, and not registered or deemed to be registered under this (The Societies) Act, within one month of that date" and if it fails to furnish the Registrar the following particulars:

(4.1.)

- "(a) the name of the society;
- (b) the objects of the society;
- (c) the address of the society;
- (d) the names and addresses of 2 members of the governing body of the society."

A society shall also be deemed unlawful if it fails to notify the Registrar within one month of the occurrence of (4.2) "any change occurring at any time in the particulars required by subsection (1) of this (4.1) section.

A society shall also be unlawful if upon notice by the Registrar, it fails to furnish (8.1) "within a time to be specified in the notice, all or any particulars which the Registrar is empowered by this (The Societies) Act to require to be furnished to him by a registered society."

The authorities, when it considers it (9.1) "to be essential in the public interest, by public notification to declare to be unlawful any society which in its opinion (a) is a Triad Society; or

- (b) is being used or is likely to be used for intimidation, extortion or any other unlawful purpose, or for a purpose incompatible with the peace, good order or welfare of Brunei or of any part thereof; or
- (c) is being used for purposes at variance with its professed objects."

The Registrar may at any time make a provisional order for the dissolution of any society (10.1)"affiliated or connected with any society outside Brunei without his permission." and (10.3) "Upon the expiration of one month from the date of such provisional order, or where an appeal is pending upon the dismissal thereof, the order shall become absolute and the society shall be deemed to be an unlawful society."

A society may also be deemed unlawful if it fails upon the request of the Registrar to (14.1)" furnish to him, within a time to be stated in such order, duly audited accounts."

The interpretation of any offence punishable under Chapter VI of the Penal Code is; Offences Against The State. These include waging war (121)"against His Majesty the Sultan and Yang Di-Pertuan or attempts to wage such war."; conspiring (121A)"to commit any of the offences punishable by Section 121 (of the Penal Code) or to deprive His Majesty of the sovereignty of Brunei, or of any part thereof, or conspires to overawe, by means of criminal force or the show of criminal force, the Government."; collecting (122)"men, arms, or ammunition or otherwise prepares to wage war, with the intention of either waging, or being prepared to wage, war against His Majesty the Sultan and Yang Di-Pertuan."; and (123)"any act, or by any illegal omission, conceals the existence of a design to wage war against His Majesty the Sultan and Yang Di-Pertuan, intending by such concealment to facilitate, or knowing it to be likely that such concealment will facilitate, the waging of such war."

The interpretation of any offence against section 4 of the Sedition Act is; (4.1)

- "(a) does or attempts to do, or make preparation to do, or conspires with any person to do, any act with a seditious intention;
- (b) utter any words with a seditious intention;
- (c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication, unless he has no reason to believe that it is seditious."

It is also an offence to have in possession without lawful excuse any seditious publication however it shall be a defence if the person charged (3) "did not know that the publication was seditious when it came into his possession, he did, as soon as the nature of the publication became known to him deliver the publication" to the authorities.

Under section 3.1 of the Seditious Act a seditious intention is an intention -

- "(i) to bring into hatred or contempt or to excite disaffection against His Majesty the Sultan and Yang Di-Pertuan or the Government of Brunei; or
- (ii) to excite the inhabitants of Brunei to attempt to procure the alteration, otherwise than by lawful means, of any other matter in Brunei as by law established;
- (iii) to bring into hatred or contempt or to excite disaffection against the administration of justice in Brunei: or
- (iv) to raise discontent or disaffection amongst the inhabitants of Brunei; or
- (v) to promote feelings of ill-will and hostility between different classes of the population of Brunei."

But an act, speech or publication is not seditious by reason only that it intends-
(3.1)

- "(a) to show that His Majesty or the Government of Brunei has been misled or mistaken in any of their measures; or
- (b) to point out errors or defects in the Government or constitution of Brunei as by law established or in legislation or in the administration of justice with a view to the remedying of such errors or defect; or
- (c) to persuade the inhabitants of Brunei to attempt to procure by lawful means the alteration of any matter in Brunei as by law established; or
- (d) to point out, with a view to their removal, any matters which are producing or have tendency to produce feelings of illwill and enmity between different classes of the population of Brunei."

In determining whether the intention was or was not seditious (3.2) "every person shall be deemed to intend the consequences which would naturally follow from his conduct at the time and in the circumstances in which he so conducted himself."

The interpretation of "any offence against section 4 of the Undesirable Publications Act" includes importing, publishing, selling, offering for sale, distributing or reproducing any prohibited publication or any extract therefrom. It is also an offence to have in possession without reasonable excuse any prohibited publication or any extract therefrom and it (4.3) "shall be presumed, until the contrary is proved," that the person (4.3) "have known the contents and the nature of the contents of any publication immediately after such publication came into his possession."

Prohibited publications include those (3.1) "contrary to the public interest". Such order (3.4) "shall, unless a contrary intention is expressed therein, apply to any translation into any language whatsoever of the publication specified in the order."

If the publication is a periodical such order shall, (3.2)"have effect with respect to;

(a) all past and subsequent issues of such publication; and

(b) any publication published or printed under any other name if the publishing or printing thereof is in any respect a continuation of, or in substitution for, the publishing or printing of the publication named in the order."

If the prohibition is on the end-product of a person, such order shall (3.3)"unless a contrary intention is expressed therein, have effect not only with respect to all publications published or printed by that person before the date of the order but also with respect to all publications so published or printed on or after such date."

The authorities may (3.5)"at any time revoke, vary or amend any order made under this section (Section 3 of the Undesirable Publication Act).

As in most other countries the Internal Security Act covers a wide ranging area including the press.

Under Part II Chapter I of the Act, (3.1) "If His Majesty the Sultan and Yang Di-Pertuan is satisfied with respect to any person that, with a view to preventing that person from acting in any manner prejudicial to the security of Brunei or any part thereof or to the maintenance of public order or essential services therein, it is necessary to do so," the authorities may order "such person to be detained for any period not exceeding two years." The order may be extended for a further period not exceeding two years at a time."

Chapter II of the act provides the authorities with the power to require information concerning the promotion of any entertainment or exhibition. The Chapter interprets exhibition as (2)"every display of goods, books, pictures, films or articles to which the public has or is intended to have access, whether on payment or otherwise." The authorities may (6.1)"prohibit the holding of or may direct the closing of any entertainment or exhibition if -

- (a) he is satisfied that such entertainment or exhibition is or is likely to be in any way detrimental to the national interest."

Chapter IV of the Act provides the police with the power to (46)"without warrant, arrest any person found or reasonably suspected of committing or attempting to commit or of procuring or abetting any person to commit an offence against this part (Part II of the ISA)."

The chapter also allows for the stop and search without warrant of "any vehicle, vessel, aircraft or individual; and any premises or place."

In addition, any police officer (55.1)"may without warrant, arrest and detain" for a period not exceeding 24 hours except with the authority of a senior police officer and not exceeding 48 hours in all, pending enquiries "any person in respect of whom he has reason to believe -

- (a) that there are grounds which would justify his detention under Section 3 (of the ISA); and
- (b) that he has acted or is about to act or is likely to act in any manner prejudicial to the security of Brunei or any part thereof."

Other Acts which could affect the press in Brunei Darussalam are the Emergency Orders, the Public Order Act and the Disaffected and Dangerous Person Act.

Under the Emergency (Control of Publications) Order 1967 (Gazette Vol. VI No.12 07 June 1967) the Menteri Besar if he is of the opinion (3.1)"that the importation, sale or circulation of any publication or series of publications published or printed outside the state or within the state by any person would be contrary to the public interest, he may in his absolute discretion, by order published in the Gazette, prohibit the importation, sale or circulation of that particular publication or series of publications or all publications published or printed by that person."

If the order (3.2)"specifies by name a publication which is a periodical publication, such order shall unless a contrary intention be expressed therein, have effect with respect to -

- (a) all past and subsequent issues of such publication; and
- (b) any publication published or printed under any other name if the publishing or printing thereof is in any respect a continuation of, or in substitution for, the publishing or printing of the publication named in the order."

If the order is on the end-product of a person (3.3)"such order shall, unless a contrary intention be expressed therein, have effect not only with respect to all publications published or printed by that person before the date of the order but also with respect to all publications so published or printed on or after such a date."

(3.4)"An order made under the provisions of para 1 (3.1) of this order shall, unless a contrary intention is expressed therein, apply to any translation into any language whatsoever of the publication specified in the order."

(3.5)"The Menteri Besar may at any time revoke, vary or amend any order made under the provisions of this order."

The Public Order Act Part IV Offences - Subversive acts, words and articles stipulates that it is an offence to do any subversive act or utters any subversive words including the importation, the production, sale and distribution of subversive article.

Any act, matter or word shall be deemed to be subversive if it -(2)

- "(a) has a seditious intention within the meaning of the Seditious Act;
- (b) is likely to excite organised violence against persons or property in Brunei;

- (c) supports, propagates or advocates any act prejudicial to the public safety in Brunei or the maintenance or restoration of public order therein, or incites or is likely to lead to violence therein, or incites disobedience to the law thereof or to any lawful order therein;
- (d) incites or is likely to lead to feeling of ill will or hostility between different races or classes of the population in Brunei;"

help to seek support whether in money or in kind for the benefit of persons (2.e)"who intend to act or are about to act, or have acted, in a manner prejudicial to the public safety in Brunei or to the maintenance or restoration of public order therein, or who incite to violence therein or counsel disobedience to the law thereof or any lawful order therein; or

- (f) is likely to bring into hatred or contempt or to excite disaffection against -
 - (i) any class of public servants, or any public servant in the execution of his duty; or
 - (ii) any armed force lawfully in Brunei, or any member of such force in the execution of his duty."

Under the Disaffected and Dangerous Persons Act the authorities may if it deems fit, issue a warrant and order (2.2)"the removal to any locality which may be specified in the warrant, and to prohibit the movement beyond the limits of such locality, of such person if he (the authorities) believes him to be disaffected or otherwise dangerous to the peace or good of Brunei, and upon the issue and by virtue of such warrant such person be arrested and removed in custody to the locality specified therein."

During a state of emergency however His Majesty in Council may (3.1 of the Emergency Regulations Act) "make any regulations whatsoever which he considers desirable in the public interest." These include (2)

- "(a) censorship, and control and suppression of publications and means of communications;
- (b) arrest, detention, exclusion and deportation."

Much of the acts are based on the protection of public interest although the term "Public Interest" itself has not been given a clear definition. And as far as the flow of information is concerned there has yet been no survey on what information and how much information exactly the public need. Most of what is being offered by the media in Brunei Darussalam is based on the general environment of the society and within the boundary of the regulations and within the assumption that it is of public interest.

Despite the many rules and regulations that govern or could govern the press, Brunei Darussalam has been quite liberal in its attitude towards the press. No paper that has ever existed in the country has been banned, no journalists have been arrested and very few publications or foreign journalists have been banned from the country. The so-called reprimands from the authorities had all been verbal. The Department of Broadcasting and Information, which is under the Prime Minister's office has been the unofficial watchdog body but it has so far been able to refrain from taking any so-called preventive actions under the aforesaid rules and regulations. The Department itself is now trying to help establish a more fluent flow of information and is currently working with various institutions, including private firms, to open the country wider to the press of the region and eventually the international media.

At the present moment it would be difficult to judge the press system in Brunei by looking at the weekly Borneo Bulletin being the only paper in the country and it would be unfair to judge it by the weekly Pelita Brunei or the monthly newsletter Brunei Darussalam, both published by the Department of Broadcasting and Information since the department is a government institution. The Borneo Bulletin understandably has a greater degree of freedom.

Similarly the role of the press in Brunei Darussalam would be very obvious. Although there has been no strict enforcement of the regulations on the local press, it has been widely understood and possibly widely accepted that the press was responsible in moulding the people of Brunei Darussalam into a society that adhered to the Malay, Moslem Monarchy policy. No doubt the press, the government media included, has been repeatedly asked to focus on national development highlighting the successes and to act as a forum of two way communications between the people and the government.

The country's stability itself has been contributive to the role of the media. Sensational news were rare to come by. Political activities internally if any were minimal, the economy has enabled the people to enjoy a high standard of living and the social status quo was stable with one of the lowest crime rate in the region. These have made social development essentially the main criteria of items carried by the local press. So were social activities.

Since full independence, Brunei Darussalam's participation in international conferences has offered a new dimension in the role of the local press. The goings on at such conferences were brought to the readers or audiences back home regularly although the emphasis, as would have been done by other journalists covering for their home consumers, would be on matters that would involve the country either directly or indirectly. In this aspect the government's Department of Broadcasting and Information has been in the forefront. The private paper found it quite costly to keep up with the coverage of all such major international events.

Relations between the press people in Brunei Darussalam has been on an informal basis there being no official press club or association. Again this has been basically because the number of journalists in the country has been too small to form a workable club. This relationship has been quite effective but nonetheless a formal association of the press people would have been advantageous in a sense it would help the press people define more accurately their

role in society and such definition would have an official aura. Such a forum would enable the local press to participate as a collective group in public and social activities and indirectly educate the public on the role of the media. It would also provide a platform for the local media people to communicate with other press clubs or associations in the region and beyond. Such communications would help develop the local media to a higher and better standard.

Based on these facts it would be safe to say that the press system in Brunei Darussalam is still at its infancy and there would be plenty of room to expand and develop. What we have in Brunei Darussalam at the moment might not be the same with the other countries of ASEAN. We may have a different flavour but we have the same role - to serve the public - firstly the Brunei Darussalam public and secondly the ASEAN public the best we can.