



# Native Adat & Marriageable Age

## NATIVE ADAT

Each Native Ethnic Group has its own adat, originally verbally handed down from generation to generation to provide governance of communities, this being traditionally set and administered by them. They are part of each groups culture and identity and are older than Malaysia.

They were recognised as a legal system within the agreement which formed the country in 1963 and had also been during the Raja Brook era and later the UK period of administration.

Since 1977 the Majlis Adat Istiadat Sarawak (MAIS) has been tasked with codification of the various adats, periodically reviewing them and when deemed relevant by them to recommend to the State Government any deletion should, in their view, the adat be detrimental to the progress of any native community. MAIS's mission is to preserve, promote and disseminate adat and they are currently part of the Premier of Sarawak's office.

Any dispute within a community over adherence to native adat is heard by the Native Court. In 2022 a masterplan was prepared for the State Government to elevate and strengthen this court system and the enabling legislation is awaited.



## AGE

No Adat mentions an age for marriage – traditionally age was not known or counted

## EXPECTATIONS

Traditionally when females old enough to have children/care for a home and males able to provide for a family

## RISKS

- **Physical Health:** *more complications during pregnancy and childbirth. Infant mortality risk higher.*
- **Emotional Health:** *isolation from peers & usual activities of teens: stress in relationships and economic hardship can lead to depression.*
- **Increased Risk of Domestic Violence:** *power differentials; stresses & levels of maturity to handle increases vulnerability to abuse. Can also be directed to the infant.*
- **Lost Educational Opportunity & Life Chances:** *many girls leave school; become mothers early.*
- **Trapped in Poverty:** *face the extra expenses of raising children and find it hard to be gainfully employed.*
- **Early Marriage** can lead to early divorce.

## Purpose of Project

To facilitate discussions within native communities regarding marriage of under 18s to learn their perspectives in the cultural contexts of Sarawak; increase awareness of the risks to children and assess if there is a readiness to adjust native customary laws (adat) to align them with the UN Convention on the Rights of the Child.

## Format

3 half-day workshops –for (i) women, (ii) youth (both male & female) and (iii) native leaders – were held in 5 different locations to capture views of different ethnic communities across Sarawak. Representatives from the women and youth groups shared their perspectives with the state leaders from their area. The report arising from these workshops presented to native leaders in Kuching in January 2026 at a roundtable discussion

## Population

SARAWAK NATIVE GROUPS <sup>1</sup>

Iban	- 725,400
Bidayuh	- 209,900
Orang Ulu	- 162,000
Melanau	- 130,100

## Participants

# 12

ethnics group participated

- Iban
- Bidayuh
- Orang Ulu including:
  - Berawan
  - Bisaya
  - Kayan
  - Kenyah
  - Kelabit
  - Lun Bawang
  - Lakiput
  - Penan
  - Sa'ban
  - Tagal



# 167

women

- 14 leaders
- 57 youth
- 96 community members



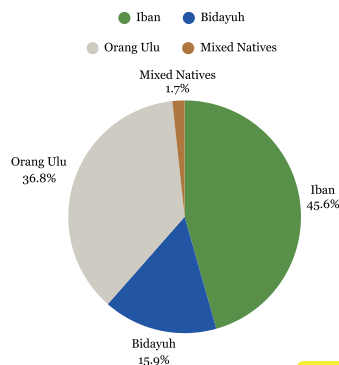
# 128

men

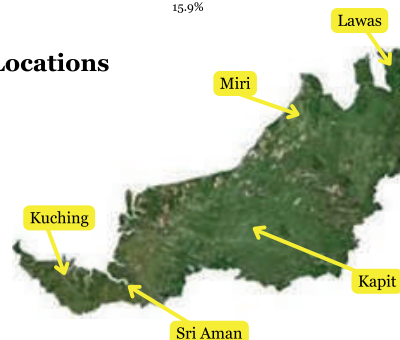
- 91 leaders
- 37 youth



## Ethnic Representation



## Locations



## Convention on the Rights of the Child (CRC)

The UN Committee on Child Rights views marriage under 18 as a violation of the following articles:

- **Protection from Harmful Practices** (Article 24.3)
- **Best Interests of the Child** (Article 3)
- **The Right to Protection** (Article 19)
- **The Right to Education and Health** (Articles 24 & 28)
- **The Right to be Heard** (Article 12)

## Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Under Article 16:

- **Invalidity of Child Marriage and Betrothal Free and Full Consent** – children not seen as able to give this.
- **Requirement of a minimum age** – later a Joint General Recommendation No. 31 (2014) set this at 18 for both sexes. Only in exceptional circumstances can it be at 16 and only when a judge has assessed maturity and consent.

Malaysia has signed both the Conventions & is expected to work towards implementation of ending marriage under the age of 18.



Outlined Short Term and Long Term Steps to address recognised causes of child marriage,

- **Low Household Income & Poverty.**
- **Lack of Access to Sexually Reproductive Health.**
- **Education (SRHE) & Parenting Skills.**
- **Lack of Access to education & poor school attendance.**
- **Stigma & Social Norms** perceiving child marriage as a way of addressing a problem.
- **Loose Laws** that provide for marriage under 18.



UNICEF has highlighted that undocumented & stateless children are at high risk of child marriage.



## ISSUES

- Early marriage usually due to pregnancy, less so to reduce family's financial burden or escape poverty.
- Native marriage arranged as seen as a "solution" between consenting sweethearts to circumvent prosecution of boyfriend for sexual intimacy.
- Grandparents often left to rear the infants.
- Infant's parents might separate early, find other partners & have another unplanned pregnancy.
- School drop-outs can become "too social" and some in school too. Drop-outs can be related to poverty or already pregnant. Although State government encourage pregnant youth to continue their education many don't due to reactions from others.
- Non-documented children have difficulty marrying under civil law, native possible. Also lack job opportunities.
- Parents not listening to their children and children not taking advice from parents as in past.
- Difficult to discuss with older generation about relationships and SRH. Today's environment so different to past - a major challenge is shyness or taboo in discussing the issue of sexuality and early marriage.
- Social media source of information and influencing behaviour of teens. Parents busy with work and phone.
- Incidences of grooming occurring on and off-line.
- Young people "Socialising without boundaries" as parents busy and/or children schooling afar.
- Broken families/Family Problems – If teens do not feel the love and attention from a parent more at risk of early intimate relationships. Youth today also exposed to drugs.
- Pressures on teens from various sources can lead to suicide/attempts. Can also be when parents don't allow marriage. Stigma can cause young mothers to abandon their babies.

Collectively Native request MAIS to consider submitting a request to bring in a marriageable age as current silence is detrimental

No Change



Possible Paths

Each ethnic group decides when their adat is being reviewed by MAIS



And take steps to address causes

## IDEAS

### Women

- Always be a child's listener - Be a democratic parent not a dictator.
- Expose children to the problems of teen parenthood/ being a single parent.
- Provide early education; parental guidance and improve the law.
- Teach life skills.
- Educate on children's rights and risks of early marriage.
- Parents to be good role models.
- Man who impregnated the girl to be held responsible.
- Social media laws should be tightened.
- Marriage certificates should not be signed by village heads alone; stricter requirements needed.
- Need a minimum age – 18 or above.

### Youth

- Instead of dismissing teenagers struggles as "bad behaviour", offer constructive help.
- Give a space for teenagers to communicate openly about problems they face.
- All parties work together to curb early marriage.
- Provide early education about the effects/disadvantages of early marriage.
- Create a caring parents club at the community level or school so parents can support each other on educating their children about issues teenagers can face.
- Prevention, awareness and community support are essential to help teens make informed choices - all teenagers to be careful when deciding to marry young, to think logically before making a decision.
- Continuous dialogue with peers, adults and leaders is necessary to shift attitudes and support youth.
- Adults should be concerned about early marriage so that teenagers are more careful.
- In communities with rituals to 'cleanse' taboo of close relatives marrying such practices should be halted.
- Marriage age should be fixed.

### Native Leaders

- Community and native leaders to convey to the grassroots full information on the disadvantages and advantages of early marriage. Hold village/community level talks so that the people understand everything.
- Provide in the longhouse guidance on parenting today's young people.
- Give early awareness of the risks/implications of underage pregnancy for children/early teenagers.
- Ensure target groups receive information.
- This matter needs to be addressed to the entire community – in the countryside and in the cities.
- Schools, PIBG, community leaders, religious bodies all urged to play a preventive role by educating and guiding children from an early age. Schools to collaborate with external agencies including religious institutions, NGOs & other government departments, on marriage, relationships and personal responsibility.
- Always give briefings to students who have not completed Form 5 studies.
- Conduct surveys or interviews with underage pregnant couplesto better understand their situations and the reasons behind these cases.
- Policies and customs can be reviewed to help keep up with the times.
- Tighten existing customary rules and laws - prohibit underage marriage.



- Participants want issue of early marriage to be promptly addressed within native adat to protect girls and also boys so their development/futures not adversely affected.
- Prevention steps needed as well as reviewing native laws.

- Deliver more effective education on sexual reproductive health: consent: healthy relationships: risks of early pregnancy/marriage: on and offline safety
- Increase parents skills on communicating & raising teens
- Provide more assistance for children to remain in school as now mandated till form V (e.g, finances; access: inclusion of all non-documented natives)
- Advocate for a sweetheart defence/counselling for consenting peers
- Increase awareness of indicators of child sexual abuse & how to report

<sup>1</sup> Extrapolated from Demographic Statistics Malaysia 3rd quarter 2025

[https://open.dosm.gov.my/publications/demography\\_2025-q3](https://open.dosm.gov.my/publications/demography_2025-q3)

The majority of Melanau are Muslim so are subject to Syariah Law. This project focused on other native groups however there are a significant number of Melanau who are non-muslim and subject to Melanau's native adat on marriage which is encoded and reviewed by MAIS