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# Marriageable Age & Native Adat in Sarawak



SARAWAK WOMEN  
FOR WOMEN SOCIETY



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# Native Adat and Marriageable Age

## 1. Introduction

Across time different societies have had different beliefs about the age at which people should be marrying and laws reflecting what they deemed appropriate. In this century the international consensus, as reflected in documentation accompanying United Nations Conventions<sup>1</sup>, is that it should not occur before children reach adulthood, this being set at the age of 18. Malaysia is a signatory to both the UN Convention on the Rights of the Child (CRC)<sup>2</sup> and the Convention on the Elimination of Discrimination Against Women (CEDAW)<sup>3</sup> and is expected to align its national laws to uplifting the marital age to 18.

To achieve this the Ministry of Women, Family and Community launched in 2020 a National Strategy<sup>4</sup> focused on addressing over the next 5 years the factors causing child marriage in Malaysia. One of the recognised factors in this plan was the current “loose laws” within the country and the need for them to be aligned with government policy to prevent marriage under 18. Strategy 5.3 specifically mentioned establishing 18 as the minimum age of marriage under customary law (adat) in Sarawak, Sabah and amongst the Orang Asli.

While this is a national aim by definition customary laws are those which the communities themselves see fit and proper for their own society guided by the wisdom handed down by generations. In the Sarawak context there are multiple native customary laws as there are over 30 recognisable ethnic groupings within the broad categorisation of native. Within each there are native leaders who apply their traditional laws with the Native Courts dealing with any disputes whereas the codification, publication, application, enforcement and review of adat have, since 1977, been overseen by Majlis Adat Istiadat Sarawak (MAIS). In addition, MAIS’s role is also to advise the Governor and Cabinet on all matters relating to personal law and adat. Consequentially any change needs to be through a consultative process which respects the system of native law as was guaranteed when Sarawak was part of the formation of Malaysia.

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<sup>1</sup> A Joint Committee of CEDAW and CRC in 2014 recommended 18 to be the minimum age of marriage and 5 years later removed the earlier exceptions <https://ohrh.law.ox.ac.uk/coming-of-age-the-establishment-of-18-as-the-legal-minimum-age-for-marriage/&https://www.girlsnotbrides.org/articles/un-human-rights-experts-set-states-obligations-address-childmarriage/#:~:text=They%20also%20made%20the%20following,25th%20anniversary%20of%20the%20CRC>

<sup>2</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

<sup>3</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

<sup>4</sup> National Strategy Plan in Handling the Causes of Child Marriage

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<extension://efaidnbmnnnibpcajpcglclefindmkaj/https://intranet.kpwkm.gov.my/kpwkm/uploads/files/Dokumen/Pelan%20Strategi%20Perkahwinan%20Bawah%20Umur/EXECUTIVE%20SUMMARY.pdf>

It is within this context, Sarawak Women for Women Society (SWWS), embarked on a consultation exercise with native communities to discuss the issue of marriageable age. The series of workshops across the State were held from October 2024 - October 2025 with this report being produced for initial consideration by Native Leaders at a roundtable in Kuching on 31st January 2026. The project was funded by the Canadian Government through their Canada Local Initiative Fund and was also assisted by the Sarawak Development Council, (which is a part of the Sarawak Ministry of Women, Early Childhood and Community Wellbeing Development), who enabled the participation of native leaders through inviting via the relevant Resident Office. In addition, YBDS Alexander Nanta Linggi contributed funding to the project and closed the programme in Kapit. The assistance and participation of all involved is greatly appreciated.

## **2. Project's Design & Implementation**

### ***2.1 Purpose:***

- To facilitate, within and between a range of Sarawak native communities, discussions on:
  - i) What in modern times is considered to be an appropriate age to marry by key sectors of the varied native communities
  - ii) If native adat can reflect this going forward
  - iii) To outline culturally appropriate pathways available to achieve this.
- To increase awareness on why there is a movement to raise the age to 18 due to the risks involved in early marriage and the need to act in the best interests of the child as stated in the Convention on the Rights of the Child.
- Through dissemination of the project's final report to increase awareness on native adat, its diversity and its legal processes as these, compared to Civil and Syariah Law, are not so well understood at the national level.

### ***2.2 Guiding Principles***

- To respect native adat and the right of the various communities themselves to decide, through the accepted channels, any adjustment to their adat.
- To raise the voices of native women and youth, both males and females in these discussions.
- To structure the sessions so they were interactive and enabled learning from listening to each other's viewpoints.
- To hear participants views before SWWS shared its own perspective and concerns.

### 2.3 *Participants: Target and Outcome*

- *Target* - Representation from as many native ethnic communities as was feasible within the budget, time-frame and the format of keeping workshops small enough to allow meaningful dialogue.  
Native leaders from different levels: Women – especially, but not exclusively, between late twenties and forties so as to capture those closer in age to teenagers/ had children that age and/or in relatively recent times married early: Youth – equal numbers of male and females ideally below 25 and including those of school age whether in or out of education.
- *Outcome* – In total there were 295 participants across 5 locations, comprising 12 different ethnicities; 96 adult women of varied age and 94 youth with females (57) outnumbering males (37). Native leaders numbered 105 consisting of 3 Temenggong, 8 Pemanca 25 Penghulu and 69 Tuah Rumah /Ketua Kampung or their representatives. As anticipated male native leaders outnumbered female (91:14), Note in Kapit staff from the Resident and District Offices accompanied the native leaders to give assistance as required.

### 2.4 *Format*

- Three half-day workshops were held in 5 locations. Friday morning was for 20 women and the afternoon for 30 youth (mixed male and female) then Saturday morning was for 28 native leaders with representatives (at least one woman and one youth) from the previous day's workshops sharing with the native leaders the points raised in their respective workshops.
- When choosing the locations thought was given to select a place which was feasible for different native groups to reach, transportation being an issue in the interior of Sarawak. Originally 6 locations were proposed but due to a reduction in funding caused by fluctuating exchange rates this was reduced to 5 being:
- *Kuching* (October 2024) – target Bidayuhs whose traditional lands are in the southern zone (several of the Bidayuhs who came had mixed heritage; a few Ibans also joined and also one Melanau).
- *Sri Aman* (December 2024) – target Ibans in the second division
- *Kapit* (February 28th/March 1st 2025) – target Ibans and Orang Ulu in the upper reaches of the Rajang River
- *Miri* (June 2025) – target varied Orang Ulu communities along the Baram River and Highlands (Kayan; Kenyah; Kelabit: Penan, Sa'ban, Berawan; Lakiput) plus a few Ibans living nearer to Miri.
- *Lawas* (October 31st/November 1st 2025) – target Orang Ulu in the Limbang Division (Lun Bawang; Bisaya; Tagal) plus a few Iban from that area and one Melanau youth.

The location dropped was Long Lama along the Baram. These days for many Orang Ulu communities from the Baram area & Highlands it is easier to reach Miri than Long Lama. Note Ibans were the majority in their traditional homelands of Kapit and Sri Aman but were included in lesser numbers in all areas they being both the largest native group<sup>5</sup> and the largest population across all races in Sarawak. For the workshops with women and youth participants were reached via a combination of relevant organisations<sup>6</sup> and personal networks whilst most of the native leaders were selected by the relevant Resident office.

## 2.5 Content of Programme

From the outset views of participants were elicited through both individual and group activities with discussions held primarily in Bahasa Malaysia interspersed with local native languages and some English.

*Women's workshops:* The first small group discussions asked about the current situation in their community: how it was different to the past & what were their current concerns. The second group discussion focused on the way forward with participants sharing ideas on how the situation could be improved; who should do what and what adjustments to adat would they like to see. In between SWWS shared the reasons for concerns regarding early marriage and the range of relationships, including abusive, which can occur and encouraged participants to consider what teenage life should be and how early marriage impacted on this for girls and boys. It was also highlighted how for teen mothers it was important to consider who was the father as this could range from a peer sweetheart to a predator.



<sup>5</sup> Extrapolating from the DOSM third quarter 2025 demographic statistics there are estimated to be nationally 725,000 Iban; 209,000 Bidayuh; 162,000 Orang Ulu and 130,000 Melanau the majority of the Melanau being Muslim and following Syariah law when marrying. Unlike in 2010, the native ethnic breakdown is not readily available from the 2020 census nor are statistics on who are living in Sarawak but Ibans remain significantly the largest ethnic group followed by the Malays who are closely followed by the Chinese. Collectively natives minus the Melanau Muslims, are estimated to be approximately 45% of the State's total population significantly different to the Orang Asli in the Peninsula. Sabah has a different composition of indigenous people.

<sup>6</sup> These included Serakup Indu Dayak Sarawak (SIDS): Dayak Bidayuh National Association (DBNA): Society for Rights of Indigenous People of Sarawak (SCRIPS): Jaringan Orang Asal Semalaysia (JOAS) & Persatuan Ibu Tunggal, Lawas.



*Youth workshops:* These followed a similar format to the women’s session with some adaptation to the questions to the first group discussions. They were asked to share what they saw as happening within their native teen community; their own views on the consequences of people marrying before 18 and whether they thought adults in their community understand today’s teenagers’ needs and, if not, what would they want to tell them. The other change was finding out from them their awareness levels on current laws and child rights. For the first group discussions the sexes were separated and in the second, when discussing the ways forward, mixed.



*Native Leaders’ workshops:* The first session comprised presentations to the leaders from a representative from each of the previous day’s workshops so they heard directly the views of women and youth participants. The questions for their small group discussion following these asked if their own views on what was happening in their communities were similar or different to what they had just heard; their concerns: when in this modern age they think young people are ready for marriage and how this compares to their grandparents’ time; and in their view if not having a minimum age was a problem. The questions therefore were slightly differently worded to the earlier groups but for the second round of discussions, regarding moving forward, they were the same but conducted as a roundtable not in small

groups. The presentation from SWWS was the same as to the women but with the addition of posing questions surrounding teen pregnancy being the cause of early marriage. These were: – how to effectively improve prevention; reach both boys and girls; whether a bad marriage was really a better option than being single and how young parents’ frustration might affect their infant. They were reminded that abuse between partners and towards infants was more common than realised as were pregnancies resulting from child sexual abuse.



## 2.6 Consultations

Two pre-workshop consultations were held with Dato Ronnie Edward, the chairman of MAIS which confirmed that none of the native laws specified an age for marriage. This should not be a surprise as age traditionally was not counted or recorded. When it was appropriate to marry, if mentioned, it was linked to what the girl and boy were capable of doing along traditional gender lines so for instance for Iban’s the expectation is for the male to be able to farm, collect wood and be physically fit, so in other words mature enough to provide for a family, and for a girl to be old enough to bear children and undertake household chores.



A courtesy call was also made pre-workshops to the Sarawak Minister for Women, Early Childhood and Community Wellbeing Development, YBDS Hajah Fatimah Abdullah who arranged for the Social Development Council within her Ministry to assist by forwarding invitations to State Native Leaders via the appropriate Resident Office.



Briefing meetings were also made to YBDS Alexander Nanta Linggi pre visiting his Kapit constituency and Dato Ik Pohan anak Joyik, the President of Dayak Bidayuh National Association. Both gave their support to the project.



## **2.7 *Limitations***

Participation, while capturing many sectors of the native population, was not as wide or as many as wished. Most notably there was low participation from the Orang Ulu and youth from all communities in Kapit. The ethnic gap was due to transportation and associated financial difficulties with many Orang Ulu traditionally from the upper reaches of the Rajang now finding transport to Bintulu more feasible than to Kapit. Most notably missing were the ethnic groups collectively called Kajang who include, amongst others, the Kejaman, Lahanan, Sekapan, Punan Bah, Sihan, and Tanjong. The low turn-out of youth in Kapit was primarily due to a miscommunication that only came to light on the day but the discussion was nevertheless fruitful especially so as included Kenyah females born, settled and educated in Sarawak but lacking IC. Few locations had the full complement of youth as it was difficult for them to attend on a weekday afternoon – many of the youth attending were over 18 and most pursuing their education. The voice of young school drop-outs or those who had never attended school was not captured. Another limitation was that the project did not include holding workshops specifically with the native, non-Muslim Melanau community as this would have exceeded the funding ceiling so the focus was on native groups were most were not subject to Syariah rather than native law on matters regarding marriage. Two non-Muslim Melanau did attend workshops in other locations.

## **2.8 *Continuing the Dialogue***

Change comes from raised awareness and collective action with the workshops facilitating this but well aware that the discussions need to continue. The final stage of the project's design was to stimulate this through (i) hosting a roundtable discussion of native state leaders to deliberate on this report and (ii) the wider distribution of the report to stakeholders through various channels including local native language radio stations; Sarawak TV; print and social media. All participants and readers of this report are encouraged to involve more natives and key decision makers in discussing this important matter and the surrounding social issues driving early marriage.

## **3. Issues Identified**

Multiple issues were raised within the 15 workshops as summarised below:

- i) Early marriage was usually due to pregnancy, less so to reduce family's financial burden or to escape poverty, although incidents of both were mentioned in some workshops.
- ii) Native marriage can be proposed as seen as a “solution” between consenting sweethearts to circumvent prosecution of boyfriend for sexual intimacy when the girl was underage. This was frequently mentioned by the native leaders who, when

asked to intervene by parents, were aware the boy's education or livelihood would be jeopardised if prosecuted for statutory rape. Although the girl's parents were often angry, the "solution" was usually accepted so the boy took responsibility and the girl avoided the still remaining stigma of being a single mother. However, as one respondent noted, while early marriage might prevent social shame it often led to unstable family dynamics. A lessening of the social stigma was apparent for some and more parents were not insisting on marriage being aware that some unions would be problematic.

- iii) Grandparents are often left to rear the infants.
- iv) Infants' parents often separate early, find other partners & may have another unplanned pregnancy. Those who marry early today were not seen as responsible and able to care for children, or remain faithful, compared to young parents in the past. Then girls who married early were seen as having a safe future but not now. The young couples then were perceived as being more mature in terms of being ready to look after a family. Help was also readily available from the extended family to support the new parents and the marriage had mainly been arranged or approved of by their elders.
- v) School drop-outs can become, in the participants words, "too social" and some in school too. Many participants spoke about the "free-association" between teens with adults perceiving this as particularly evident in those who had dropped out of school however the youth and adults working in health care facilities were aware of relationships formed while at school which resulted in pregnancies. So, early marriage due to pregnancy is occurring between both those in school and out and, with some participants aware of children aged 14 and below engaging in casual sex, the risk is there for very young children not only those in their mid-teens. Although the State government, through its One Stop Teen Pregnancy Committees across Sarawak, encourages pregnant youth to continue their education<sup>7</sup> many don't due to reactions from others when they return and the shame from their community.
- vi) Dropping out of school can also be related to poverty as it is expensive to reach school in many parts of Sarawak and working, instead of schooling, brings immediate income to the family or extra hands to help with the farm. Girls marrying after dropping out can relieve financial pressures on the family and the girls may see it as a way of improving their situation.
- vii) Non-documented native children often are not able to attend schooling even with the State government's initiatives to open this door wider compared to other parts of Malaysia. Those who do enter, like those who don't, still have difficulties to obtain employment due to their status. The girls are therefore more vulnerable to poverty and early marriage and whatever age they marry they can have difficulty

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<sup>7</sup> [https://ukas.sarawak.gov.my/web/subpage/news\\_view/28887](https://ukas.sarawak.gov.my/web/subpage/news_view/28887)

marrying under civil law whereas native law at least makes it possible. However, documentation issues remain for their subsequent children meaning a further generation born in Sarawak are disadvantaged.

- viii) Communication between generations was frequently raised as an area needing improvement. A common perception was that parents were not listening to their children and children were not taking advice from parents, as was the norm in the past. Youth commented on the difficulty to discuss with the older generation about relationships and sexual reproductive health, with many adults recognising parents avoided such conversations or told children what to do without listening, understanding and discussing. When asked if adults understood youth needs one group replied: *“Some do, some don’t. Many are strict and don’t adapt their parenting to modern times. They may love us, but they don’t always understand how to support us emotionally. Parents should be more open-minded and understand our generation better. Adults should go for parenting courses to understand our needs”*.
- ix) The influence of social media as a source of information and how it affected communication and behaviour was mentioned in each workshop. The main concerns were how it impacted on expectations of relationships; increased peer pressure to have and go further in relationships, including sharing revealing photographs; exposed, especially boys, to pornography; gave predators opportunities to groom youngsters and increased bullying and shaming of youth with adverse effects on their emotional well-being. It was also noted parents, when not working, were often busy on their phones too so this meant there was less time for quality communication with their children and weakened their arguments that children should not be spending so much time on social media when they were themselves.
- x) Both on and off-line it was noted that many youths are ‘socialising without boundaries’ making them more at risk as they navigated their teen years and their natural developing interest in the opposite sex. The lack of boundaries had several causes but most notably that parents were busy so not around to know what was happening or understanding the range of ways young people today connect and also, in the rural Sarawak context, many secondary pupils are living away from home so supervision is by schools and the hostel wardens.
- xi) Broken families, or those still intact but facing severe problems (for example domestic violence, substance abuse, constant quarrelling, emotional distance), were also a potential contributing factor to youth socialising without boundaries and also could increase the risk of young people seeking early intimate relationships as if they did not feel the love and attention from a parent they may seek comfort elsewhere.
- xii) Concern was expressed in many workshops about youth being exposed to and using drugs which was seen as another consequence of a lack of adequate monitoring of their activities.

- xiii) The pressures teens face from various sources - including peers; internet; family & personal relationships, unplanned pregnancies - has been known to lead to suicide attempts with some succeeding. It was also noted that there were incidents of suicide being threatened or attempted when parents do not give their approval to young people marrying. Unplanned pregnancies and the accompanying stigma can also lead to the infant being abandoned after birth.

## 4. Ideas Raised

The participants were also asked to share their ideas on how to tackle the issues concerning them. The brief sharings below give a flavour of the views frequently expressed by different sectors of the native communities, often showing consensus but also bringing in different viewpoints.

### 4.1 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.
- Men who impregnate girls to be held responsible. Need to talk to boys as well as girls about the risks of casual sex.
- Social media laws should be tightened.
- Marriage certificates should not be signed by village heads alone; stricter requirements needed.
- Need a minimum age set – 18 or above.



## 4.2 *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. Use social media and documentaries to bring awareness and create activities which are fun, informative and beneficial.
- Continuous dialogue with peers, adults and leaders is necessary to shift attitudes and support youth. Need to change cultural perceptions about early marriage and give more support for girls who become pregnant to continue their education.
- 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.



## 4.3 *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 V studies.
- Conduct surveys or interviews with underage pregnant couples to 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.

## **5. Analysis**

### ***5.1 Marriageable Age***

Overwhelming the participants thought it better for youth to marry after 18 even before the issues were discussed as demonstrated by the opening exercise. While across all locations, on average participants preferred ages to marry were higher for boys than girls only 10 participants saw a minimum age of marriage as being under 18 for girls and 2 for boys . The prevailing view was that marriage should be when both parties were mature and financially secure enough to start a family. As one community leader commented the purpose of setting a minimum age was for the boys and girls to reach maturity before marrying. It was noted that while early marriage was quite normal in times gone by, the young people then were more ready to take the responsibility and had support at hand to manage but now it was different as young people had the opportunity to go to school; employment was increasing away from the network of support in their home villages; marriage could be with people from communities further away, sometimes with different adat or faith, plus expectations and aspirations have changed. Obtaining maturity, the means to provide for a family and the emotional support required to raise children in today's world is beyond the reach of most teenagers therefore applying the old wisdoms to the modern age, the participants view was that it is necessary to set an age for marriage.

### ***5.2 Contemporary Factors Causing Early Marriage***

Factors driving early marriage that participants cited were similar to those outlined in the National Strategy Plan (NSP). The most common reason given for early marriage was pregnancy with poverty mentioned much less. This reflects the lack of effective sexual reproductive health education (SRHE), traditional social norms and stigma linked to illegitimacy, however for some they questioned if marriage was the right step when it was clear the couple were not suited or ready. On the other hand, there were concerns that the boy in a consensual, sweetheart relationship would be prosecuted so arranging a native marriage circumvented this at the same time as satisfying the couple's families. This 'solution' was frequently mentioned by the native leaders with the women and youth less convinced. Although these "loose laws", a factor mentioned in the NSP, enabled early marriage and may put the couple under pressure to accept, they do consider, unlike the civil courts, the damaging impact on male children when consensual sexual activity is

criminalised. Finding a way of enabling the best interests of all children to be fairly served in such circumstances needs careful thought and understanding and would be helped if civil law was amended so this driver of early marriage under native adat was not as powerful as it currently is.

It is evident much more needs to be done in terms of prevention especially finding ways so young people have readily available, understanding, non-judgemental and safe places to discuss sexual reproductive health and relationship issues plus help in setting apt boundaries as they socialise and find their way in the world. This requires helping parents expand their comfort zone in communication with their adolescents on such matters, being able to give more quality time to their children and strengthening parenting skills especially of teens. These again mirror factors identified in the National Strategic Plan so the implementation of their policies - suitably adapted to native culture, involving local people and with the reach so accessible to Sarawak's far-flung population - should be considered. Another area identified both nationally and by the participants was the increased risk of early marriage for those not in education, including those who for various reasons had dropped out or faced barriers to access due to the cost of reaching the school or lack of documentation. While there are some measures available to alleviate these difficulties there are still gaps which need attention plus, it needs to be remembered that the risk of early pregnancy does not disappear when teens remain in school, especially when many are living away from parental support, or for other reasons empathetic guidance is lacking.

### ***5.3 Perceived Adverse Consequences of Early Marriage***

From their own observations and input during the workshops, participants had an understanding of the problems and why it was an issue of concern but a common theme was more awareness programmes were needed and should be given to young and old, including teenage boys and village heads. Problems participants observed, in addition to the physical and mental health risks resulting from early marriage, included dropping out of school if not already; early separation/divorce; infants being left with grandparents and increased poverty for grandparents, parents and the next generation of children.

### ***5.4 Limited Awareness of Abuse and its links to Early Marriage***

In most examples people shared, the couple were peers often from the same community or school but some women were aware and concerned of situations where the age gap was large and viewed as inappropriate given that they were not young sweethearts. Many cited how early marriage often led to early divorce but the higher risk of domestic violence, globally acknowledged, to the wife or by either parent to an unplanned child was not apparent maybe as its occurrence was less or maybe as not noticed, or people did not like to mention. Few had considered that the pregnancy might be due to abuse but chilling incidents were raised

with participants working in the health service having more awareness of this and how the girls suffered. In a way it was not surprising that awareness of the incidence of child sexual abuse, whether intra or inter-familial appeared low given that this is generally so across Malaysia plus perpetrators go to great lengths to keep it secret. This in SWWS's experience is likely to change as more high-profile cases are reported – such as the occasional reports of abuse by teachers/wardens - and children receive more personal safety training, including the difference between good touches and bad touches and good and bad secrets. There was awareness of abuse on the internet, especially from the youth who were generally familiar with terms such as grooming and sextortion however many were older youth exposed to town life, the same cannot be assumed to be so for those recently experiencing internet access and without others warning them.

### ***5.5 Support for Pregnant Girls***

Those working in health settings and schools were aware of Sarawak's policy of trying to help pregnant teens continue their education or, if they preferred, employment after giving birth. Many called for more support to the girls perhaps not knowing what help was available but also possibly reflecting that the system is still being developed and needs strengthening and expanding so can effectively reach all parts of Sarawak.

Also, systems are only one step, changing attitudes to girls with crisis pregnancies is another. While stigma is less than it was it remains, with girls facing judgemental attitudes from various quarters. It was reported some girls felt so desperate they contemplated suicide while a few abandoned their infants at birth with some parents not aware of the situation their teenager was in until later.

For the sake of both the baby and the young desperate mother, more understanding is needed for girls in such situations which was apparent in the groups which raised such issues. It was felt men should be held responsible, which many side-stepped, but when they were young boys how they could effectively take that responsibility was not clarified in the discussion nor how sanctioning and enforcement could take account of different circumstances causing the pregnancy. One suggestion which was very pertinent was the need to include boys when conducting programmes bringing awareness on sexual reproductive health including teen pregnancy<sup>8</sup>, early marriage and healthy relationships. Such programmes can help prevent unplanned pregnancy as well as help youth know how to be supportive of each other and where to seek help should they face such a problem or feel at risk. More safe places for youth, be they male or female, to discuss their problems individually are also much needed.

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<sup>8</sup> The State Government does have an inter-agency programme on sexual reproductive health referred to as KAPS in which SWWS participates which runs events in schools periodically in different locations.

## **5.7 Internet**

An enormous change for today's youth compared to their parents is the internet and how it has changed the flow of information, communication between people and influenced behaviour. As one participant stated "the world now enters the home through devices". It was also observed by both the youth and adults that this was a source of communication breakdown between the generations with the youth feeling that parents did not understand their world and parents feeling they did not know how to control and meet the new challenges parents face in this internet age. Also, it tended to reduce conversations as both parties were preoccupied with their phones. Both showed awareness of the risks on the internet such as the dark web; grooming; bullying but the youth often knew more than the adults in their circles. These issues are not only within the native communities but echoed nationally and globally and Malaysia, as a country is advanced in adjusting national laws and policies to tackle the risks. That said, the need to help youth navigate the internet world safely and parents knowing how to support them is real and is having an effect on teens well-being; their relationships with each other and adults.

Attention to this reality needs to be incorporated into programmes in ways which youth find engaging, useful and develops their problem-solving skills so they can gain the benefits of participation on the internet without being harmed or harming others. In the Sarawak setting the lack of access, or late access to the internet, has an impact on how aware young people are of the risks. While the focus of discussions was on the adverse effects of internet, it is obviously here to stay, has many benefits and young people need to be adept at using it. It can also be utilised to help them build awareness of how to stay safe in relationships; understand the importance of consent, respect, rights and kindness in their interactions, both online and face to face, as well as how to access appropriate help.

## **5.8 Challenges**

While there was a broad consensus to address the issue of early marriage and the absence of any age requirement within the various native adats, there are many challenges those wanting to adjust the adat will face. Below are some that were either mentioned during the workshops and/or are apparent to SWWS.

- i) Although the age people are expected to marry has changed within native communities -as teenagers have stayed in school and aspire to have gainful employment before starting a family - not all communities have reached this stage so are ethnic groups collectively ready to enforce a standard minimum age?
- ii) Including age of marriage in each scheduled review of the varied native adats will take decades judging by the current waiting list and level of resources. How can this be accelerated so generations are not left waiting for safeguards to be decided and the autonomy of each native adat is respected?

- iii) Any law needs to have enforcement. How to effectively, fairly and caringly implement this in the best interest of the child in the varied cultural and development contexts within and between different native communities?
- iv) How to humanely and justly deal with teens who, while mutually agreeing to explore their developing sexual interest, have broken civil law, be it statutory rape under the Penal Code or part of the Sexual Offences Against Children's Act (2017), known as SOACA? Several native leaders' view was that native marriage provides a path to protect both the boy and the girl who have engaged in such consensual activity but there is a danger that some situations may have been misread allowing males who have been grooming younger girls, or coercive or abusive in other ways, to escape prosecution including those well into their adult years. This dilemma is also felt by many child rights reformers who would like there to be amendments to the relevant civil legislation so genuine consensual activity between teens peers is not criminalised while ensuring no abusers avoid sanction. They are suggesting legal options are provided to avoid civil court proceedings, such as providing counselling, or if there is a prosecution for a sweetheart defence to be allowed, these measures only being allowed when the two parties are very close in age. Such views have been submitted to the current review of the Penal Code. Is there a way native law could have similar considerations and safeguards?
- v) While there was a broad consensus that young people should ideally wait into their twenties, even thirties, before marrying so they had the maturity and stability to raise a family - if the legal age of marriage under native law is set so high some would not wait, run away or put pressure on family to allow marriage earlier. How to set a feasible minimum age given the purpose of having one and respect the rights of adults to determine personal aspects of their life?
- vi) How to reach all the scattered, diverse communities to spread awareness and skills needed to aptly address the problem of early marriage and the factors driving it? As noted by a participant, "a main challenge is shyness or taboo in discussing the issue of sexuality and early marriage." Whether marriage is early or late, discussing in an open, non-judgemental manner sexual reproductive health is needed for there to be effective prevention of unplanned pregnancies but what will be the most effective channels to deliver this given the different cultures and accessibility to remote areas?
- vii) How to enable our non-documented youth born and raised in Sarawak feel they have a secure future, the lack of which is perceived to be a driver of early marriage, and stop any children from such a union facing similar generational disadvantage?

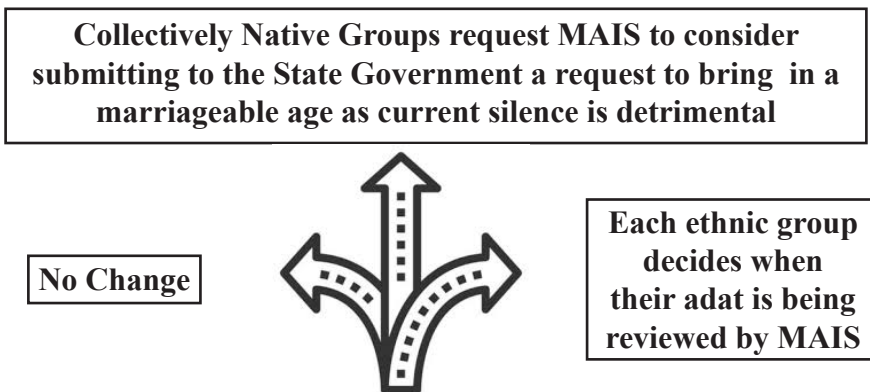
## 6. Moving Forward

Decisions on how native communities address the issue of early marriage in their native laws and the factors within their communities contributing to its occurrence are for them, not others, to decide. SWWS's role now the workshops are completed is to share the insights gained from the project; present some possible paths for the decision makers to consider regarding marriageable age and adat; suggest some preventative steps and provide platforms to further the dialogue between key stakeholders. This report and the roundtable scheduled to discuss it are part of this remit as will be disseminating the report to a wider audience and participating in discussions through different media, including those which reach into the interior.

### 6.1 Marriageable Age and Adat

From the workshops deliberations there is a readiness to establish a minimum age of marriage to prevent the difficulties early marriage is seen to cause. There is a desire this is done promptly so girls' future development, and also boys', are not adversely affected. Unlike in the past couples need to be older to have the maturity and the means to bring up a family which has generally been the traditional interpretation of adat. In today's society youth are mandated to be in school till the end of Form V and need to be able to earn a cash income to survive. Financial and emotional strains on young couples appear higher than before, this being reflected in more separations, while the support in communities is arguably weaker with the changing demographics as more migrate to town to find work, often leaving children in the care of older relatives.

While this report summarises insights from the workshop, the decision over which path to take rests with native leaders and especially the views of Majlis Adat Istadat Sarawak. Broadly there appears to be 3 paths as shown below:



It is respectively suggested that the relevant native bodies consider these paths - and any others they deem potentially relevant - and decide by the end of 2026 which paths they wish to pursue devising a timeline towards that goal and the required steps.

## 6.2 Preventive Steps

In addition to reviewing the native adat regarding marriage, several preventative steps can be considered including the following suggestions:

- Deliver more effective SRHE & talks on healthy relationships; on and offline safety
- Increase adult skills at communicating & raising teens
- Provide more assistance for children to remain in school which is now mandated until to form V, (e.g. finances; access for non-documented natives; visiting school dropouts to work with them to find paths to enable them to return to school).
- Advocate for either a sweetheart defence for consenting peers or for the penal code and SOACA to be amended so consenting peers under 18, and close in age, can be dealt with by diversion processes, such as the authorities giving counselling, attending relationship courses or similar measures rather than pursuing a prosecution.
- Increase awareness of indicators of abusive relationships and how to report and access help.

## 7. Concluding Remarks

SWWS hopes that the various points raised in this report will help the numerous native ethnic communities in Sarawak, each with their own unique culture and native customary laws, to decide what is the most appropriate path for them to take regarding the issue of the appropriate age to marry.

Such deliberations are timely as we enter 2026. Progress on the The National Strategy Plan in Handling the Causes of Child Marriage (2020-2025) is due for review and a review of Malaysia's adherence to the Convention on the Rights of the Child has just concluded in Geneva. During the closing remarks the UN Committee identified as one of the areas for urgent action the legislative alignment across the different legal systems in Malaysia so all were in compliance with the Convention<sup>9</sup>.

At all levels of society - from the rural longhouses, urban neighbourhoods, national policy and global bodies - the importance of the well-being of our children is recognised including when they are navigating the challenges of adolescence, the time when sexual interest is developing. In today's world, adolescence has become more complicated than in the past when native forefathers in their wisdom formed customary laws passed on orally for generations without a need to mention a specific age. As today's generation of leaders deliberate on whether to specify - and if so what age to state - the wisdom inherent in the adat is there to guide them as they listen to the voices of today's youth and find a way to help them and their future children in the contemporary world.

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<sup>9</sup> <https://webtv.un.org/en/asset/k1w/k1w2l7pls3> - 2925<sup>th</sup> Meeting. 100<sup>th</sup> Session, Committee on the Rights of the Child (CRC) on January 23<sup>rd</sup> 2026 – concluding remarks @ 2 hours 50 minutes into video

## Acknowledgements

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SWWS wishes to express its deep appreciation to all who have partnered us from planning to implementing this project. Sarawak is known for its warmth, community networks and positive inter-ethnic relations all of which have been evident when tackling what is generally considered to be a sensitive topic. Convening workshops across the large State of Sarawak is always an expensive and logistic challenge, consequently without the assistance of our donors and the support of government officers we would not have been able to embark on these consultations.

Our primary donor has been the Canada Local Initiative Fund who enthusiastically welcomed the proposal understanding the importance of protecting those under 18 and respecting the cultural heritage and rights of indigenous peoples. Their sensitivity to the topic coupled with their understanding of the realities of a small NGO and approachability has been invaluable. We also are indebted to the Federal Cabinet Minister YBDS Alexander Nanta Linggi for his support - which went far beyond financial with him personally coming to Kapit to close the workshop there - and to the State Cabinet Minister YBDS Hajah Fatimah Abdullah who quickly arranged for the Executive Secretary of the Social Development Council within her Ministry to assist us in inviting native leaders through the Resident Office. Post the workshops we met with Dato Sri John Sike Tayai, the Minister in the Premier's office for native affairs and his Deputy Datuk Jefferson Jamit Unyat and are thankful for their agreement to be involved in the roundtable discussion where this report will be launched.

Our journey started with courtesy calls to the crucial Majlis Adat Istiadat who report to these Ministers, MAIS kindly provided key insights and copies of the various adats already encoded. Many indigenous groups also gave their cooperation including DBNA, SIDS, FORUM, JOAS and SCRIPS helping us to invite participants, along with other organisations and our own extensive connections with many in the SWWS team being native. To each and everyone who has contributed to this project, especially the leaders, women and youth who came and openly shared their views, we are deeply grateful and hope you find this report useful as the native communities journey on to meet the needs of their youth. Thank you.

SWWS, January 2026

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