

**AN ANALYSIS ON CHILD MARRIAGE IN MALAYSIA:
SPECIAL REFERENCE TO
LAW REFORM (MARRIAGE & DIVORCE) ACT 1976**

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The students/ authors confirm that the work submitted is their own and that appropriate credit has been given made to the work of others.

ABSTRACT

This research is conducted for the purpose of highlighting the issues and problems concerning child marriage in Malaysia. Besides that, the research is also conducted to analyze the law in Malaysia which is Law Reform (Marriage & Divorce) Act 19 and international conventions regarding child marriage. Next, in this research also analyze the perspective of international views by scrutinizing the examples from other countries (Bangladesh, Nepal, India and United States of America). This research is conducted through library research as primary and secondary sources as well as online sources. This research is to provide guidelines, recommendations and suggestions for the supplement to the existing law in Malaysia. Plus, this research is also to give a great impact for the protection for the rights and welfare of the children.

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CHAPTER ONE: INTRODUCTION

1.0 Introduction

Child marriage is a marriage of a child who did not attain the age of majority. Under Law Reform (Marriage & Divorce) Act 1976, a female who is under eighteen 18 years old but above sixteen 16 years old, can marry after obtaining a special marriage license granted by the Chief Minister.¹

1.1 Research Background

According to UNICEF, child marriage is defined as a formal marriage or informal union before the age of 18.² Child marriage in our country is still being practiced today.³ Even though it is an old custom, the fact that it still exist in our country shows that there is no proper law to prevent it from happening. In our research, we will try to analyze the laws that are available in our country and issues pertaining to child marriage.

According to Marko Rankovic, statistics that has been drawn out by UNICEF pertaining to child marriage, show that there are ten millions girls under the age of 18 marry each year, approximately 833,333 a month, whereby 192,307 a week, 27,397 a day or around one girl every three seconds.⁴ This significant figure involved child marriage from all parts of the world. In third world countries such as Bangladesh, India, Mali, Chad, Niger and Central Africa Republic (CAR), it was not surprise that the rate of child marriage is 60% or more.⁵ Gender inequality is one of the factors

¹Law Reform (Marriage & Divorce) Act 1976

²UNICEF.ChildMarriage.<http://www.unicef.org>. Retrieved 16 September 2012.

³ UNICEF MALAYSIA, Child Marriages: 39,000 Every Day, http://www.unicef.org/malaysia/media_news13-child_marriages.htmlRetrieved 20 May 2013

⁴Rankovic, Marko. "Child Marriage in Central Asia."*EntreNous : The European Magazine for SexualandReproductive Health*, 2012, 12.

⁵United Nations Population Fund, *Marrying Too Young*, pg 27, <https://www.google.com.my/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0CC8QFjAB&url=http%3A%2F%2Fwww.unfpa.org%2Fwebdav%2Fsite%2Fglobal%2Fshared%2Fdocuments%2Fpublications%2F2012%2FMarryingTooYoung.pdf&ei=WCuaUZDqG4mCrge53IGQBA&usq=AFQjCNFxfPcuaX3VNUtNq6K9KPzkXWktQ>Retrieved 20 May 2013