



DEWAN RAKYAT

Research Report

NISMUNC'22

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Research Report of the
MODEL UNITED NATIONS SPECIALISED DEWAN RAKYAT



For Nexus International Model United Nations Conference (NISMUNC) 2022

Chair Introductions

Yang di-Pertua Dewan Rakyat: Alexis Micah Voon

Hello! I'm Lexi, and I will be your Yang di-Pertua for the Dewan Rakyat of NISMUNC 2022. This will be my eleventh time in the Dewan Rakyat council, and it is with incredible humility that I am given the honour to serve as Chair in this council.

I hope for a productive and engaging council throughout the coming conference, which will hopefully prove to be an entertaining and educational experience for the delegates of the council. If this is your first Dewan Rakyat, don't worry! I will do everything in my power to guide you through NISMUNC and make you feel at home. If you need anything, my socials are listed below.

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Timbalan Yang di-Pertua Dewan Rakyat: Danny Villenguez Mohd Amani

Hello!! I'm Danny. I'm gonna be this council's Timbalan Yang di-Pertua for NISMUNC 2022 DR council. This council will be my 9th Dewan Rakyat Council. It would be a pleasure to get to know all of you guys on the day of the conference.

The Dewan Rakyat can be a tough council for those of you who are still trying to learn the ropes



of MUN. But no worries, both me and Lexi are willing to assist you throughout the council. If you wish to contact me in any way, you can do so through the following modes of contact:

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Discord: @Magnetar#4732

Instagram: @danny_villenguez

Position Paper Requirements

Position Papers, in their traditional form, are not required for this council. Delegates however, are required to provide a general profile of their character. Character profiles must be provided in the following format:

Name: FULL NAME, TITLE (parliamentary title not required)

Constituency: CONSTITUENCY WITH NUMBER

Affiliation: COALITION-PARTY (for unaffiliated parties, list party alone)

Age: NUMERICAL AGE

Political Leanings: POLITICAL IDEOLOGIES

Federal/Parliamentary Positions: ALL FEDERAL/PARLIAMENTARY/SELECT COMMITTEE ROLES (if not applicable, type 'N/A')

Party Positions: ALL PARTY/COALITION POSITIONS (if not applicable, type 'N/A')

Position on the Agenda: SUMMARY OF POSITIONS IN ONE PARAGRAPH

Sample

Name: Samy Vellu a/l Sangalimuthu, Tun

Constituency: P059 Sungai Siput

Affiliation: BN-MIC

Age: 65

Political Leanings: Centrism, Dravidian Movement, Indian Affairs

Federal/Parliamentary Positions: Federal Minister of Works

Party Positions: Vice-Chairman of Barisan Nasional, President of Malaysian Indian Congress

Position on the Agenda: Samy Vellu believes that child marriage is an issue in Malaysia. The MIC President maintains the position that all children should be given an education until the legal age of adulthood, but will defer to Barisan Nasional and will continue negotiating with coalition partners on the best course of action regarding the issue.



Delegates are required to submit their character profiles to the Yang di-Pertua by any relevant means by 11:59 pm (UTC+8) on Friday, 18th February 2022. Failure to submit a character profile shall result in disqualification from awards consideration.

Introduction to Council

The Dewan Rakyat, or House of Representatives, is the lower house of the bicameral Malaysian Parliament. The House comprises 222 elected representatives across 13 States and 3 Federal Territories.

The House is led by the Yang di-Pertua Dewan Rakyat, or Speaker of the House, who serves as the Presiding Officer of the House. The Government is led by the Yang Amat Berhormat (The Most Honourable) Prime Minister, who serves as the leader of the Executive Branch as well as the Federal Government. The Leader of the Opposition, who is elected by members of the Opposition bench, serves as the primary scrutinising voice against the Government.

The House is governed by the Standing Orders of the Dewan Rakyat, which is enforced by the Presiding Officer. The Model United Nations Dewan Rakyat Rules of Procedure (MUN DR ROP), which is the specialised interpretation of the Standing Orders tailored for Model United Nations councils, can be found here: [MUN DR ROP \(Revised\) 2021](#)

The MUN DR ROP utilises the base of the Harvard Model United Nations (HMUN) ROP, with added and altered elements from the Standing Orders of the Dewan Rakyat. Delegates are advised to familiarise themselves with the ROP before the conference, as there will only be a short ROP briefing from the Dais at the start of the first session.

Resolutions in council come in the form of Bills. In Malaysia, Bills are sorted into three categories. Public Bills pertain to the general public, Private Bills pertain to an individual, group of individuals, or corporate entity, and Hybrid Bills pertain to both. A Bill proposed by a member of the Cabinet is known as a Government Bill, while a Bill proposed by a Government backbencher or the Opposition is known as a Private Member Bill. Bills are not allowed to be drafted before the first council session, but notes may be made to be added to a Bill beforehand.

Introduction to the Agenda

The sole agenda of this council will be the topic of child marriage. Child marriage, which is defined as marriage where one or both participants are below the age of 18, has been the subject of much controversy for the past decade. It is an issue that polarises the country as a whole.



Child Marriage in Malaysia is practiced by both Muslim and non-Muslim communities. According to estimates, around 1500 children get married on an annual basis. Multiple factors allow for this contentious practice to take place.

Legal Loopholes

Marriage laws in Malaysia tend to differ based on the different legal systems in Malaysia. Under Sharia Law, which only applies to Muslims, the age of marriage for boys and girls is 18 and 16 respectively. Sharia courts can allow those below those respective ages to get married.

Marriages within the Muslim community fall under the Religious Affairs Departments of respective states. Muslim marriage laws are handled by the enactments of a state's respective DUN while for the Federal Territories, they are handled by the Islamic Family Law (Federal Territory) Act of 1984. So far, the only Malaysian State to set its marriage age to 18 is Selangor.

Under civil law, the age of marriage for both genders is 18. A non-Muslim girl aged 16-17 can get married with approval from the Menteri Besar/Chief Minister of their respective state. Non-Muslim girls cannot get married if they are below the age of 16. For non-Muslims, the Act that regulates marriage is the “Law Reform (Marriage and Divorce) Act 1976” (LRA). The LRA does not automatically apply to natives of Sabah, Sarawak, or the Orang Asli community of Peninsular Malaysia. This exemption is only lifted if a person from those communities wishes to marry under the LRA.

Poverty

Poverty is another major reason for the practice of child marriage to occur in Malaysia. A family in poverty may be pressured into putting their child into a marriage to ease their financial burden. According to a study for the United Nations Children’s Fund (UNICEF) Malaysia, child brides married men much older than them mainly to reduce the financial burden of their parents. Most mothers of child brides according to the same study are not employed, and the fathers of child brides reportedly are employed only in low-income jobs which are less than RM2,000 per month.

Lack of Education

Children, particularly girls with a lack of formal education are more likely to become child brides. According to the same UNICEF study referenced above, most child brides did not attend school and/or receive a formal education. Public schools in Malaysia do not charge fees, however, many low-income families must incur the cost of uniforms, books, transport, and other academic fees. Students left school as early as Primary 5, aged 10 -11. Several reasons lead to students of low-income and poor communities dropping out of school at an early age. These include getting pregnant, schools being too far to go to, and being forced to work. Many students who drop out end up becoming groomed for marriage.

Social Norms/Stigmas

Social stigmas rooted in religion and tradition are also some factors that lead to the occurrence of child marriage in Malaysia. Some of these stigmas include being responsible for pre-marital sex and taking care of children being born out of wedlock. For some, marriage fulfilled both of these responsibilities. These social stigmas are also present within the non-Muslim community. Some examples brought up by the study referenced previously include A Christian Sabahan native that got married after having pre-marital sex with an older person out of the burden of feeling responsibility. Another is A Malay girl aged 15 who got married after getting impregnated by an older boyfriend who said she had “no choice”.

Parties Involved

As with any issue facing Malaysia. The different stakeholders involved hold different stances:

Religious Leaders

Religious leaders such as muftis in Malaysia generally espouse mixed views on the issue of child marriage. Some muftis argue that child marriage would solve the matter of pre-marital sex, provide paternity rights, grant women their rights, and also tackle “biological urges”. Others argue that a marriage will fail if a spouse has little income, neglects education or if a child is not ready to carry the responsibility of being in a marriage.

Activist Groups/NGOs

Feminist activist groups such as the Women’s Aid Organisation (WAO) and Sisters In Islam (SIS) oppose child marriage. SIS has stated that early marriage being a solution for statutory rape made a parody of Islam. They say this is the case because it undermined a child’s weak emotional state caused by the trauma of rape. SIS argues that in Islam, marriage was a union that comprised of compassion, respect, love, and mutual responsibility, known as mawaddah warahmah. They argue that this sort of marriage could not be obtained if a certain marriage only planned to free a rapist of their crime. Activist Ivy Josiah, who’s a part of the WAO, has argued against child marriage saying that there is an “absence of logic” for letting children get married.

Religious Traditionalists

The religious Muslim community in Malaysia is generally represented by Parti Islam Se-Malaysia (PAS). PAS has consistently maintained a positive outlook on the practice of child marriage, even before they entered a government coalition in 2020. The PAS-led government in the state of Kelantan has previously stated that child marriage was a necessity in the state and was consistent with Sharia Law. In 2016, a PAS lawmaker stated that allowing girls to marry would resolve the “issue” of pre-marital sex.

Previous Actions



Back in 2013, the Barisan Nasional (BN) administration, led by Prime Minister Haji Mohd. Najib Razak, set up a task force for child marriage. The purpose of the task force was to develop a plan to address the occurrence of child marriage in Malaysia. The task force was started by the Ministry of Women, Family, and Community Development (Kementerian Pembangunan Wanita, Keluarga dan Masyarakat, KPWKM). The task force ended up setting out a number of recommendations, unfortunately, most of the recommendations by the task force were not taken up by the then administration. Then-BN MP's such as Haji Shabudin Yahaya (Currently PN-Bersatu) stated that it's fine that children marry their rapists and that marriage would lead to a "better life". Then-KPWKM Deputy Minister Hajah Azizah Mohd. Dun (Currently PN-Bersatu), stated in the Dewan Rakyat during a debate on child marriage that the country was not bound to the United Nation's (UN) resolution towards ending child marriage. This indicated a certain amount of hesitancy from the then Najib Razak-led administration towards ending child marriage.

Then in 2018, the Dr. Mahathir Mohamad-led Pakatan Harapan (PH) coalition (then consisting of Parti Pribumi Bersatu Malaysia (Bersatu), Parti Keadilan Rakyat (PKR), Democratic Action Party (DAP), and Parti Amanah Negara (Amanah)) pledged in their election manifesto to raise the minimum age of marriage to 18 years. Despite the pledge, the PH administration failed to implement a ban on child marriage throughout the 22 months they were in power. Then Deputy Prime Minister and KPWKM Minister Dr. Wan Azizah Wan Ismail stated in Parliament that the Federal Government could not enforce the ban as several states refused to implement it. Instead, the PH government came up with a plan to address several factors that led to child marriage. The factors the plan attempted to address included poverty, lack of Sexual and Reproductive Health (SRH) education, parenting skills (or lack thereof), poor school attendance, and lack of access to education. This plan was abandoned immediately after the Sheraton Move which led to the downfall of the PH government and allowed a PN-BN-GPS coalition, led by then-Home Affairs Minister Haji Muhyiddin Mohd. Yassin, to form a new administration. The current Malaysian government consists of the same coalition, albeit led by Ismail Sabri Yaakob (BN-UMNO).

Recently, under the current Government, Minister in the Prime Minister's Department for Religious Affairs Senator Ustaz Haji Idris Ahmad has stated that the National Islamic Development Department (Jabatan Kemajuan Islam Malaysia, JAKIM) will not be raising the minimum age of marriage to 18 years. The reason he gave was that most Malaysian states opposed it.

Possible Courses of Action

Several courses of action may be taken on the issue of child marriage. The Dais shall provide a couple of possible solutions, but does not endorse any in particular and strongly encourages delegates to come up with their own.

Amending the Law Reform (Marriage and Divorce) Act (LRA) 1976

The LRA may be amended to include marriage of selected Bumiputera groups. This may encompass the native groups of Sabah, Sarawak, and the Peninsula, which will effectively mandate 18 as the minimum age of marriage for the affected groups.

Concerns may arise however, that the LRA is used to target Bumiputeras, which may eventually lead to Malays worrying that the power of marriage is stripped from the Religious Affairs Departments, and from Islam in general. Other concerns include the possible threat to the autonomy of Sabah and Sarawak.

Revising the Powers of the Religious Affairs Departments

Actions may be made against the Religious Affairs Departments of Malaysia, such as a mandate by JAKIM to outlaw child marriages in all cases without exemption. In theory, this will allow the Federal Government to ban child marriage exemptions among the Malays.

This may cause outrage and unrest among several parties. As Muslim marriage laws vary from state to state, the move may be seen as a forceful attack on the states' rights to self-governance. The Conference of Rulers, as the leaders of Islam in their respective states, will also be required to approve this measure, the rejection of which will see the action rendered moot despite the passage of a Bill on the matter.

Other Islamic leaders may also sound alarmed, as while it is in the purview of JAKIM to determine the development of Islam nationwide, points of view on what that entails varies, and the move may be seen as a threat to the autonomy of the states to regulate marriages in their respective territories.

Nothing

Many parties involved may find that the strongest course of action is to do nothing at all, and to instead focus on a separate issue. State Assemblies, as well as Islamic leaders will welcome the move, to the cost of urban and semi-urban support, as many voters may look harshly on inaction towards the issue.

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