

NATIONAL CHAPTER
BRUNEI DARUSSALAM

Top 3 Winners

ALSA Brunei Legal Writing Competition 2023/2024

Theme : The Role of Brunei's
Legal System in Protecting
Women

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GREETINGS

From ALSA Brunei Darussalam



Greetings from ALSA Brunei,

I would like to take a moment to express my deep appreciation for the invaluable contributions of our Vice President of Academic Activities and his department in bringing together this compilation of publications for the 2023/2024 term. Under their contributions and commitments, we are able to explore the profound theme of "The Role of Brunei's Legal System in Protecting Women."

This collection of articles represents not only a diverse range of perspectives but also the dedication of our academic community to addressing critical issues at the intersection of law and society in respect to the legal system of Brunei Darussalam. The theme of women's rights and the role of the legal system in ensuring their protection is of utmost significance in our contemporary world.

With that I extend my heartfelt gratitude to our Vice President of Academic Activities for his instrumental role in making this publication possible. Their dedication to academic excellence and the advancement of legal knowledge is an inspiration to us all.

As a final remark, I invite you to immerse yourself in the thought-provoking contributions within these pages, and to join us in our collective commitment to the ongoing dialogue on the role of Brunei's legal system in protecting women.

With my deepest gratitude and respect,
ALSA, Always Be One!

Dayang Syafiah

President

ALSA Brunei Darussalam 2023/2024



GREETINGS

From ALSA Brunei Darussalam



Greetings from ALSA Brunei,

It is my greatest pleasure to present to you the compiled articles from the winners of ALSA Brunei Legal Writing Competition 2023/2024. This time's edition brings the topic of "The Role of Brunei's Legal System in Protecting Women." Through this publication, not only will this showcase the writing skills of our ALSA members, but also give insights comprising diverse viewpoints mainly regarding the role of Brunei laws in protecting women.

Shout out to all people that were involved in making this publication come to life, especially the officers of the Academic Activities Department, Editorial Boards, PRM officers and of course, all of our esteemed Authors!

I hope you will enjoy this publication.

Happy reading!

ALSA, Always Be One!

Azizul Sabwan

Vice President of Academic Activities

ALSA Brunei Darussalam 2023/2024



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AUTHOR 1

Article Writing Competition 2023/2024



Protecting Women's Rights : Enhancing Brunei's Legal Framework on Rape.

Written by : Mohammad Zheimie Harith bin Mohammad Zamri

As a young scholar, in the field of law or any other discipline that interests you, conducting research and honing your writing skills are components of the academic realm. Engaging in research and writing requires us to adhere to rules and protocols. As professionals at levels, it is crucial for us to consistently prioritize integrity. Alongside complying with research and writing regulations it is equally important to address the issue of plagiarism as we strive to uphold integrity. Nonetheless continuous practice and effort are essential for improving our research and writing abilities.

One way to gauge our progress in maintaining academic integrity is by embracing challenges on platforms or in environments that provide opportunities for enhancing our skills. The ALSA Legal Writing Competition stands out as a recommended platform for aspiring law young scholars. Participating in this competition has significantly enhanced my research writing prowess and analytical thinking capabilities. The existence of such a platform serves as motivation for me to further pursue my studies through enrollment in a Master of Laws program with a specialization in International Law.





Introduction

The enhancement of Brunei's legal framework pertaining to rape is a critical endeavour aimed at safeguarding the rights of women and rectifying notable deficiencies. Brunei Darussalam demonstrates its commitment to gender equality and the empowerment of women through its adherence to international conventions such as the Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW"). The existing legal framework on rape in Brunei draws from both Sharia law and civil law, which acknowledge the gravity of rape as a serious offence and emphasise the significance of consent and the violation of individual rights. Brunei's compliance with international commitments reflects its recognition of the imperative to protect women's rights and combat sexual violence. Nevertheless, there are areas that necessitate improvement, such as the acknowledgment of marital rape and the addressing of societal stigma. By addressing these gaps, Brunei can further enhance its rape laws, demonstrating unwavering dedication to the empowerment of women.

Brunei Darussalam's Legal Framework on Rape



The legal framework in Brunei incorporates both Sharia law and civil law, each with distinct provisions that pertain to rape and the protection of women. Under Sharia law, rape is regarded as a grave offence, recognising it as a violation of individual rights and a crime against society. Perpetrators may face severe penalties, including imprisonment and corporal punishment. See sections 75 to 81 of the Brunei Shariah Penal Code Order, 2013, encompass the legal provisions for rape under Sharia law. Brunei's civil law, influenced by British common law principles, explicitly criminalizes non-consensual sexual intercourse as rape. The Criminal Penal Code, Chapter 22, specifically addresses rape under civil law, with sections 375 and 376 outlining the offences and associated penalties. These provisions reflect the gravity of the crime and aim to uphold justice, deter offenders, and ensure the safety and well-being of women.

Issues and Gaps in Brunei Darussalam's Legal Framework on Rape

The rectification of existing gaps within Brunei's legal framework concerning rape under both civil and Sharia law, is of utmost significance to ensure comprehensive protection for all individuals. This section endeavours to explore and elucidate several critical issues and gaps that currently persist within the legal framework pertaining to rape in the Sultanate.

Marital rape constitutes a grave and pervasive form of violence against women, referring to non-consensual sexual intercourse or penetration when the wife is incapable of providing consent. Factors contributing to the inability to give consent may include severe physical violence, threats of violence, the use of weapons, the wife's menstrual cycle, ongoing medical treatments, or any other circumstance that jeopardises her physical and mental well-being.

However, within the civil and Sharia legal frameworks of Brunei, the concept of marital rape may not be recognised, as it assumes automatic consent within the institution of marriage. Consequently, significant challenges arise in safeguarding spouses from sexual violence within marital relationships. The case of PP v. Nagamaiah exemplifies this absence of legal recognition of marital rape, where the accused was charged solely with criminal intimidation under Section 506 of the penal code (equivalent to Brunei Criminal Penal Code, Chapter 22) and not with marital rape.

Ensuring the safety and autonomy of all individuals, irrespective of their marital status, requires Brunei to acknowledge and criminalise marital rape. By undertaking this measure, Brunei can significantly shield individuals from the harm inflicted by marital rape and uphold their fundamental rights.

Marital Rape

Burden of Proof in the Interpretation of Shariah Court

Certain interpretations of Sharia law impose an exceptionally high burden of proof in rape cases. This poses substantial challenges for victims, who must present compelling evidence or obtain multiple witnesses to substantiate their claims. Evident gender imbalances and discrimination in the interpretation of the burden of proof within the Brunei's Shariah Courts Evidence Order, 2001, are observable. Section 106, subsection (1) of the Order mandates that at least four male witnesses who directly witnessed the rape must testify to secure a conviction, while female testimony holds no weight in such cases. Nonetheless, female testimony is considered admissible only under specific circumstances, such as breastfeeding a child or matters related to menstruation, birth, breastfeeding, or personal embarrassment, as stated in Section 106, subsection (5) of the Order.

Ensuring the provision of adequate support services, including medical care, counselling, and legal aid, holds paramount importance in empowering survivors and facilitating their access to justice. Islamic countries, such as Brunei, must establish comprehensive support systems that prioritise the needs of survivors and assist them in navigating the legal process. It is crucial to address societal attitudes and cultural stigmas that contribute to underreporting and discourage survivors from seeking justice. This necessitates raising awareness, challenging social norms, and creating a safe and supportive environment where survivors feel encouraged to come forward and seek the assistance they require.

Lack of Victim Support and Legal Aid

Conclusion

In conclusion, Brunei must address the gaps and issues in its legal framework on rape to ensure the protection of women's rights. To achieve this, several key recommendations should be implemented. Firstly, by criminalising marital rape, this can provide better protection for individuals in marital relationships. Secondly, by revising burden of proof standards, the current requirement of multiple male witnesses for a conviction in rape cases places an unfair burden on victims. A fair and equitable approach should be adopted, taking into account survivor accounts and corroborating evidence to ensure a just legal process. Thirdly, establishing comprehensive support systems for survivors and strengthening cooperation among stakeholders for data collection are essential steps as it is crucial to address societal attitudes and cultural stigmas that discourage survivors from seeking justice and support. By creating a safe and supportive environment, survivors will be empowered to come forward and access the justice they deserve. By taking these measures, Brunei can strengthen its legal framework, safeguard women's rights, and contribute to a safer, more inclusive society committed to combating sexual violence.



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AUTHOR 2

Article Writing Competition 2023/2024



Assessing Socio-Legal Measures for Domestic Violence in Brunei.

Written by : Batrisyia Junaidi

It is my pleasure that my article titled, "Assessing Socio-Legal Measures for Domestic Violence in Brunei," has been chosen to be featured on ALSA Brunei's very first official website. Through this publication, I hope that this will give readers valuable insights and awareness about the issues of women's rights in Brunei, particularly in the context of domestic violence.

I would like to thank ALSA Brunei for giving me this opportunity to be a part of their esteemed publication. My gratitude also goes to the members of the AA Department for their efforts and time in editing and improving the quality of my article.

Thank you and happy reading!



Background

Domestic violence is one of the primary social ills in Brunei. Section 18A of the Married Women Act defines domestic violence as the violence and abuse taking place in any relationship that occurs to gain or maintain power and control over a family member. Government officials from Jabatan Pembangunan Masyarakat (“JAPEM”) have raised the particular issue, emphasising that cases of domestic violence are heavily underreported. From this fact alone, women’s failure to report domestic violence caused by stigma, reluctance, shame, and fear of personal safety makes obtaining exact statistics on domestic violence impossible. Additionally, Brunei’s lack of specific laws on domestic violence poses a concern, further exacerbating the challenges faced in combating such issues.

In this article, the focus is to examine Brunei’s implementation of socio-legal measures in addressing domestic violence cases. Additionally, this article aims to provide recommendations to enhance the protection of women’s rights in Brunei concerning domestic violence.

Analysis

The analysis of this article will discuss the socio-legal measures taken to deal with domestic violence cases. By adopting a socio-legal approach, this section of the article will discuss the legal framework of domestic violence as well as the social implications and measures taken to address this issue.



Law and Enforcement

In Brunei, there is no specific law on domestic violence. However, references to domestic violence can still be found in many pieces of legislation including the Children and Young Persons Order Act (Cap 219), Islamic Family Law Act (Cap 217), Married Women Act (Cap 190), Women and Girl Protections Act (Cap 120), and Penal Code (Cap 22). Examining this, the absence of a dedicated law on domestic violence may result in potential drawbacks and concerns about the effectiveness of the current legal framework in adequately protecting victims.

In the context of enforcement, the Women and Girls Protections Act grants the police the authority to make arrests related to domestic violence. However, investigations of domestic violence will only be conducted if a report is made by the victim. The reliance on victim reporting may pose challenges, as victims might hesitate to report domestic violence due to several reasons such as fear, shame, stigma, reluctance and concerns about possible negative outcomes.

The penalties for domestic violence in Brunei may vary depending on the severity of the assault. For minor instances of domestic assault, perpetrators will face a fine and a prison sentence of one to two weeks. Meanwhile, major injuries from an assault are punishable by caning and a long prison sentence up to five years. As per the Islamic family law in Brunei, the law provides protection against spousal abuse and facilitates the granting of protection orders. Those found guilty of violating a protection order could face a substantial fine, a prison sentence of up to six months, or both. Thus, effective in discouraging and penalising acts of serious violence while also providing a deterrent effect.

Penalties

Counselling and Support

Women and their spouses receive counselling through the Family, Women and Children Division under JAPEM, the Ministry of Culture, Youth, and Sports. In some cases, female and young victims were put in protective custody while their cases were pending in court to ensure the safety and well-being of vulnerable individuals during the legal process. Married couples who were victims of domestic violence also have the opportunity to receive counselling from Islamic courts run by male and female officers. The government discouraged women from reconciling with abusive husbands and recognised assault as a ground for divorce.

The Women and Child Abuse Investigation Unit (“WCAIU”) comprising female officers has been created to investigate reports of domestic violence by having trained professionals who can handle such cases sensitively. Additionally, a hotline was provided where people could report domestic violence. Therefore, Brunei provides effective support resources to victims of domestic violence ensuring they are well protected from domestic violence offend.

Preventive Interventions

The government has implemented a number of mechanisms for protection from domestic violence. For instance, the requirement for Muslim couples intending to marry undergo pre-marital training to adequately prepare them for married life and its responsibilities. Additionally, educational video clips on domestic violence are regularly aired on television to raise public awareness.

The Ministry of Religious Affairs incorporated topics on physical or mental spousal abuse into its pre-marriage courses. The family advisory section includes advice, guidance, and counselling. Meanwhile, in relation to post-marriage courses, representatives from Royal Brunei Police Force (RBPF) are invited to discuss reporting mechanisms for violence against women in Syariah Court according to the Islamic Family Law. Further, the Ministry of Education has integrated Melayu Islam Beraja into the curriculum, where students are taught good values such as compassion, mutual respect, and anti-bullying.

Recommendation

The analysis reveals that while Brunei has made significant progress in addressing domestic violence, the following future directions can be recommended to improve the protection of women's rights in Brunei.

1

Stricter Punishment

Brunei should implement more severe punishment enough to deter abusers from committing domestic violence. This is to elevate the accountability and impunity for perpetrators of domestic violence.

2

Sensitisation Training

Law enforcement authorities, judges, and lawyers should receive sensitisation training to better comprehend the issue of domestic violence and how to learn effective and compassionate ways to support survivors.

3

Strengthen Enforcement

Law enforcement officials are crucial in protecting women's rights and ensuring that those who committed domestic violence are held accountable. The government should ensure that they have the necessary resources, training, and authority to carry out their responsibilities successfully.

4

Collaboration

Collaboration between government organisations, civil society groups, and other stakeholders is essential for the effective implementation of statutory provisions. The government should collaborate closely with civil society groups to enhance the provision of services and assistance to survivors of domestic violence.

5

Improved Data Collection

Improved data collection is essential for creating evidence-based interventions to address domestic violence. The government should gather comprehensive data on the prevalence of domestic violence in Brunei and use this data to formulate policy and program development.

Conclusion

Despite the enactment of the laws, domestic violence remains a significant issue in Brunei Darussalam. While the socio-legal measures established are a step in the right direction, there are still gaps and challenges to limiting the number of domestic violence cases and handling such cases effectively. By making a consistent effort to improve the legislation and measures, only then will we have a meaningful impact on women's rights in Brunei.

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AUTHOR 3

Article Writing Competition 2023/2024



The Role of Brunei's Legal System in Protecting Women : **Criminalization of Marital Rape.**

Written by : A'isyah Yusop

I am deeply honored to share my thoughts after securing the 3rd place in the ALSA Legal Writing Competition 2023 with my article on the "Criminalization of Marital Rape." This achievement wouldn't have been possible without the unwavering support and guidance of the competition's organizers, particularly the Academic Activities department.

I wish to extend my heartfelt gratitude to the entire team who worked tirelessly to create a platform for us to practice and showcase our legal writing skills. Your dedication to nurturing legal talent has not gone unnoticed, and it has been instrumental in our growth as aspiring legal professionals.

This competition has reinforced the paramount importance of legal writing in our legal education and practice. It serves as a powerful tool to advocate for justice, equity, and social change. I hope that, in the years to come, we can continue to promote the significance of effective legal writing as a means to address contemporary legal issues and shape a more just society. With gratitude and a commitment to the continued pursuit of excellence in legal writing, A'isyah Yusop.



Introduction

Rape is known widely as sexual intercourse without consent and in legal sense, it is a criminal offence when a man has sexual intercourse with a women against her will and without her consent. Section 375 of Brunei Penal Code has defined rape as an offence of sexual intercourse committed by a man to a women against her will or without her consent or with a consent that has been obtained by putting her of fear of death or of hurt or with her consent due to misrepresentation of the assailant being her lawfully wedded husband or consent was given by a girl under 14 years old. Although it is clear that the essential element of rape is due to lack of consent, the Penal Code had given an exception to this offense, namely the exception of sexual intercourse between a man and his own wife of the age above 13 years. This paper shall attempt to analyze the reasoning in particular to the exception to section 375 of the Penal Code and draw a conclusion with reference to case laws as to the need for Brunei's legal system in deleting this particular exception from the Penal Code.



THE ROLE OF BRUNEI'S LEGAL SYSTEMS IN PROTECTING WOMEN: CRIMINALIZATIO OF MARITAL RAPE | A'isyah Yusop

Analysis

Brunei Darussalam has adopted the position of the Common Law at a time where marital rape was not considered an offence as the law does not take into account the domestic relation between a husband and a wife in relation to their marital affairs unless of there exist excessive brutality or injury. This was seen in many prominent cases back in the days such as in *R v Clarke* where it was held that once the spouses has separated and had not resumed cohabitation, the consent to marital intercourse implied by the marriage will be revoked and therefore a husband may then be liable for rape. Although there has been no cases to indicate marital rape in the civils courts of Brunei Darussalam, it is important to acknowledge the potential threat it poses to women's bodily autonomy. Marital rape is a violation of women's rights as it undermines the fundamental principles of bodily autonomy and consent. By presuming a woman's consent within the confines of marriage, it denies her agency over her own body and perpetuates unequal power dynamics. This perpetuation of coercion and control disregards a woman's right to refuse sexual advances, leading to significant physical, emotional, and psychological consequences. Trauma, fear, and a diminished sense of self-worth are among the outcomes experienced by women. It is crucial to recognize and address marital rape in order to safeguard women's safety, dignity, and autonomy within their marriages.



Apart from the hesitation in criminalizing marital rape due to it being a preservation of marital privacy, many has also argue that it will be difficult in proving lack of consent due to the intimate nature of the relationship and absence of witnesses thus victims may not be able to prove beyond reasonable doubt to establish a ground for rape in marriage. Contrary to that belief, there should be no inherent scientific distinction between the physical findings in cases of rape involving married women and those involving unmarried women. In the case of *Che Moh Sufian @ Che Bastian bin Che Rashid v Public Prosecutor*, the court considered the statement provided by a medical expert, particularly focusing on the expert's discussion of "abrasions". The expert defined abrasions as the removal of the outer layer of skin or trauma that can result in bleeding. These abrasions or wounds can occur when sexual intercourse is forced, rather than consensual. By examining the presence of abrasions and considering other evidence and expert opinions, the court can determine whether sexual intercourse occurred through force or without consent. Scientific evidence can demonstrate that a woman has experienced unwanted sexual activity. This principle applies equally to cases involving raped women. The prosecution team does not require an unrealistic level of imagination to prove marital rape, as experienced Public Prosecutors and Deputy Public Prosecutors are well-trained in handling rape cases. Moreover, the ease or difficulty of proving a specific crime factually should not determine whether the act is considered a legal offense. Instead, the focus should be on the inherent wrongfulness and harmfulness of the crime. Arguing that marital rape is challenging to prove and impractical is akin to suggesting that rape cases, in general, are hard to prove and impractical. However, we acknowledge rape as a criminal offense under our laws, and numerous successful rape cases have been prosecuted. Thus, the assertion that marital rape is difficult to prove is unfounded. Therefore, marital rape is not inherently challenging to prove. By relying on evidence, expert opinions, and the skills of competent prosecutors, the legal system can effectively address and prosecute cases of marital rape, recognizing the significance of this crime and providing justice to survivors.



Conclusion

In conclusion, the criminalization of marital rape in Brunei is necessary to protect women's rights and ensure their bodily autonomy. It undermines women's agency over their own bodies and contributes to physical, emotional, and psychological harm. By recognizing marital rape as a criminal offense, Brunei's legal system can uphold the rights of women to safety, dignity, and autonomy within their marriages. Concerns about preserving marital privacy and difficulties in proving lack of consent should not outweigh the importance of addressing marital rape as the focus should be on determining the occurrence of sexual violence and establishing guilt or innocence, irrespective of the marital relationship. Case law, such as in *Che Mohd Sufian v PP*, demonstrates that evidence, expert opinions, and competent prosecutors can effectively handle marital rape cases. By removing the exception in Brunei's Penal Code and treating marital rape equally under the law, the legal system can provide justice to survivors and address the significant harm caused by marital rape.

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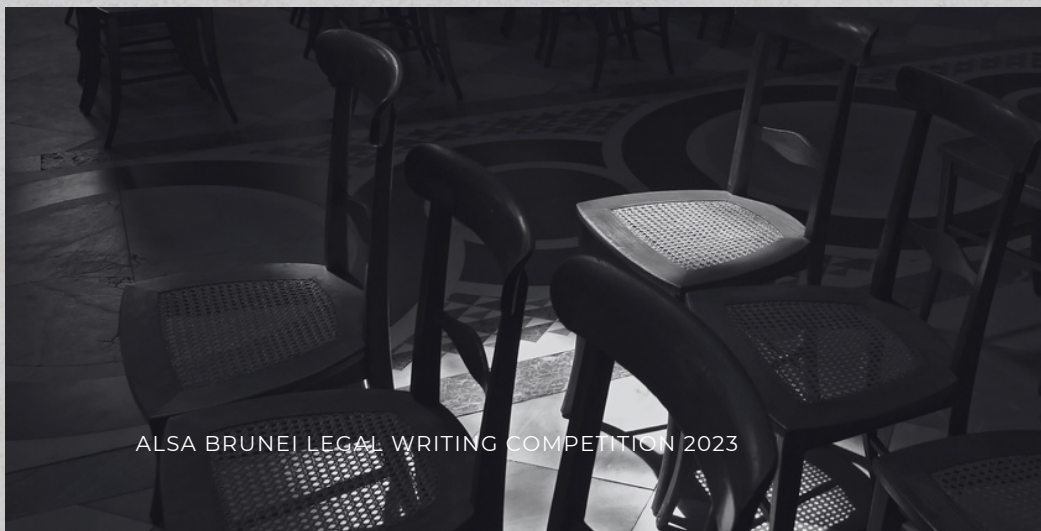
AAA
PICKS!





What is **'AA PICKS!'**?

“AA Pick!” is the article chosen unanimously by the officers of the Academic Activities Department to be featured in our academic publication. Several criteria define an “AA Pick!” article which are firstly, it does not to be among the Top 3 winners but must showcase exceptional quality in terms of writing, encompassing style and grammar. Furthermore, the arguments presented within the article are not only persuasive but also demonstrate a profound grasp of legal concepts. The featured article is deemed essential for readers, serving as a valuable reference due to the Author’s ability to identify the issue and use the laws in putting forth their arguments.



AUTHOR 4

Article Writing Competition 2023/2024



GIRLS, **NOT BRIDES.** CHILDREN, **NOT WIVES.**

Written by : Aisyah Razimi

It is with immense pleasure that I have been granted the privilege to contribute to the Legal Writing Competition, an invaluable platform for us aspiring legal minds to allow our thoughts to be heard while also improving our writing skills.

This is an experience that I have the utmost appreciation for as it revolves around a theme that I hold near and dear to my heart. With the theme of "The Protection of Women" in mind, I had decided to share my insights and thoughts on a subject that I believe is often overlooked in our society. I have come to the realisation that where certain issues have become normalised, it becomes the duties and the responsibilities of those who recognise the problem to shed some light on it.

It is my hope that through my contribution, dialogue may be sparked in order to invite a critical evaluation and reflection towards such an issue. As such, I thank those who have provided me this invaluable opportunity and the chance to be a part of such a crucial discourse.

ALSA, Always Be One!



Abstract

Child marriage is currently a pressing issue globally, so much so that even though the rates are declining, it would take about 300 years to completely eradicate the practice from the world. There are many factors cause the occurrence of child marriage but the one aspect that allows the practice to continue is the minimum age requirement for marriage. At its core, child marriage is child abuse and though no statistics are present to portray the extent of the issue in Brunei, it happens nonetheless. In this paper, the author will attempt to observe, study and argue the occurrence of child marriage in Brunei, its prevalence globally as well as the disproportionate effect it has on girls, the consequences of child marriage, and the recommendations to mitigate this issue.

Keywords: Child Marriage, Child Brides, Brunei Marriage Act (Cap. 76), Convention on the Rights of the Child (CRC), Brunei Nationality Act (Cap. 15), Chinese Marriage Act (Cap. 126), Islamic Family Law Act (Cap. 217), United Nations International Children's Emergency Fund (UNICEF).

Introduction

In this day and age, marriage is often viewed as a way for one to be with their perceived life partner. Though love marriages have become a norm, allowing one to choose whom they are to marry freely and wholeheartedly, arranged marriages still occur while still giving one the choice to consent to such a union. Traditionally, the socially accepted life script is that one is born, becomes a child, grows up into an adult who then gets married, and has kids. After that, the cycle repeats itself over and over again. However, some children do not get to grow up into adults before they get married. Some children get married as children.

Depending on the jurisdiction, the definition of marriage will vary. In Brunei, marriage is defined by the Marriage Act (Cap. 76) as “the voluntary union for life or until the marriage is dissolved by a court of competent jurisdiction of one man with one woman to the exclusion of all others.”

However, can one truly choose their companion freely and wholeheartedly if they are not sufficiently mature enough to do so? How voluntary can a union be if one has a deficient capacity? Simply put, can a child truly consent to marriage?



The Occurrence of **Child Marriage** in Brunei

According to the Convention on the Rights of the Child (“CRC”), a child is “every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier”. According to the Brunei Nationality Act (Cap. 15), a minor is “a person who has not attained the age of 18 years according to the Gregorian calendar.”

Therefore, child marriages are when formal unions occur whereby at least one of the parties is under the age of 18 years old. According to the Brunei Marriage Act (Cap. 76), the minimum age required for both parties is 14 years old. Brunei’s Chinese Marriage Act (Cap. 126) speaks only of the minimum age required for a female which is 15 years old. Brunei’s Islamic Family Law Act (Cap. 217) is silent regarding the matter. Therefore, Brunei’s legal framework and its minimum age requirement for marriage make it possible for child marriages to occur.

The **prevalence** of Child Marriage & Its **disproportionate effect** on Girls

According to the United Nations International Children's Emergency Fund (UNICEF), 640 million women and 115 million men alive today were married in childhood. Child marriage is an issue that affects both sexes as millions of children are at risk of being child brides and child grooms. However, it is a problem that disproportionately affects girls as child marriage among boys occurs only one-sixth of that among girls globally. The discrepancies regarding the disparities in the rates of child marriage between girls and boys can be boiled down to inequalities driven by harmful gender, social and cultural norms. What these statistics show is that a majority of these children are not marrying each other. More often than not, child brides find themselves married to adult men. Since child brides are a much bigger concern than child grooms, Brunei’s legal system needs to focus on protecting girls on this issue.

In Southeast Asia alone, 12 million girls are married before the age of 18 years old every single year. Though there are no recent data available regarding the prevalence of child marriage in Brunei, it does happen. The most recent available statistics regarding child marriage were dated in 2010 and out of the 225 Muslim marriages that had occurred in that year, at least one marriage involves one party being under the age of 18 years old.

The Consequences of Child Marriage

There are many ramifications of child marriages, one of which is its repercussions on a girl's mental and physical health. It is the norm that after marriage, the wife would leave her family to live with her new husband and his family. The same is assumed for child marriages. However, this isolates girls as it takes them away from their support systems and since they often have no power nor authority in their new homes, they are less likely to advocate for their needs which can have dire effects on their mental health.

Furthermore, these girls are more likely to experience pregnancies way before their bodies are mature enough to handle them, increasing their chances of risks and complications. Adolescent mothers are also twice as likely to suffer from postpartum depression. Pregnancy and childbirth-related complications are also the leading cause of death for adolescents globally.

Many girls also experience domestic violence and sexual abuse due to the imbalance in power dynamics and the age gap between them and their husbands. Child brides are 50% more likely to experience such mistreatment than those who are not. Girls are also prevented from progressing in life as they usually have to halt their education as they are expected to stay at home and take care of the house and children.

Recommendations for Mitigating Child Marriage

The role of Brunei's legal system is crucial. While it cannot be the complete solution, it ensures that children stay protected and prevents the issue from escalating. Brunei's legal framework should reflect the laws and policy changes required to tackle the issue of child marriage at its root cause. At the very least, the minimum age requirement for marriage should be increased, implemented, and upheld. However, to ensure that the law is comprehensively effective, legislation must be consistent in presenting the stance that the Government is against child marriage.

Conclusion

Though the lack of recent data available makes it difficult to encapsulate the true pervasiveness of child marriage in Brunei and the statistics that are accessible indicate that child marriage may not be a pressing issue in the country, it is still no reason to be complacent. The legal system of Brunei should seek to prevent the occurrence of child marriage moving forward. Regardless of the numbers, the protection of every single child matters.

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