

**CIVIL REGISTRATION AND VITAL STATISTICS SYSTEM  
IN MALAYSIA**

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# **I. BACKGROUND**

## **1. Geography**

1.1. Malaysia covers an area of about 329,758 square kilometres, consisting of Peninsular Malaysia and the States of Sabah and Sarawak and the Federal Territory of Labuan in the north-western coastal area of Borneo Island. The two regions are separated by about 540 kilometres of the South China Sea.

1.2. Peninsular Malaysia covering 131,598 square kilometres has its frontiers with Thailand in the north and Singapore in the south, while Sabah with an area of 73,620 square kilometres and Sarawak, about 124,449 square kilometres, border the territory of Indonesia's Kalimantan. The Federal Territory of Labuan, with an area of 91 square kilometres is situated off the West Coast of Sabah.

## **2. Administrative Divisions**

2.1. Peninsular Malaysia consists of 11 states and the Federal Territory of Kuala Lumpur. The states in Peninsular Malaysia are sub-divided into a total of 80 administrative districts.

2.2. The state of Sabah consists of five Divisions which are further sub-divided into a total of 23 administrative districts. The state of Sarawak comprises nine Divisions, with a further sub-division into a total of 28 districts.

## **3. Society And Culture**

3.1. Malaysia is a multi-racial country with a rich heritage in traditions and cultures of its people, that is, the Malays, Chinese, Indians, Kadazans, Ibans, Bidayus and other indigenous groups in Sabah and Sarawak. The base of the national culture is the Malay culture, which is native to the region. Islam is an important element of the national culture.

3.2. Bahasa Malaysia is the National language of the country, while English as the second language is widely used.

## **4. The Malaysian Economy**

4.1. The overall performance of the Malaysian economy was sustained at creditable levels in recent years. Overall growth in real Gross Domestic Product for the early 1990s was around 8 to 9 percent. The major sectors of the economy, that is, the manufacturing, construction and services sectors continued to lead overall output growth.

- 4.2. The employment situation improved further with official estimates showing a decline in the rate of unemployment from 6 per cent in 1990 to 5.6 per cent in 1991.

## II. DEMOGRAPHIC PROFILE

### 1. Population Structure

- 1.1. The total population of Malaysia was 17.6 million in 1991, out of which 80 per cent were residing in Peninsular Malaysia, while the remaining 20 per cent made up the population of the states of Sabah and Sarawak. The population grew at an average annual growth rate of 2.6 per cent over the last decade.
- 1.2. Women constituted about half (49.6 per cent) of the total population in 1991. The slight majority of male population is reflected in the sex ratio of 102 for 1991, an increase from a sex ratio of 100 in 1980.
- 1.3. About 50 per cent of the population resided in areas classified as urban based on preliminary results of the 1991 Population and Housing Census.

### 2. Fertility And Mortality

- 2.1. Crude birth rates in 1990 were registered at 28.4 per thousand population, a decrease from 30.9 per thousand in 1980. Total fertility rates was at a relatively low level at 3.5 per woman in 1990, compared to 4.0 in 1980.
- 2.2. Crude death rates showed a low level of mortality in 1990 at 4.7 per thousand population. Infant mortality declined significantly over the past decade from 23.9 per thousand live births to 13.1 per thousand in 1990. Maternal mortality rates remained at very low levels over the decade, that is, at 0.56 and 0.19 per thousand live births for the years 1980 and 1990 respectively.
- 2.3. Life expectancy at birth for Peninsular Malaysia had also increased to 68.9 years for males and 73.6 years for females by the year 1991.



### **III. THE CIVIL REGISTRATION SYSTEM**

#### **1. BIRTHS AND DEATHS REGISTRATION**

##### **1.1. Historical Development - Law Prior to 1957**

1.1.1 The earliest written law relating to the registration of births and deaths in Malaysia originated in the former Straits Settlements where it was legislated and came into force in 1869.

1.1.2 Following this legislation the former Federated and Unfederated Malay States also introduced in their respective states a similar law which came into force on various dates between 1886 to 1901, the earliest legislation being in the state of Selangor. In respect of Sabah and Sarawak the laws legislated were as early as 1884 and 1910 respectively.

1.1.3 Basically the registration law enforced in each of the states had similar provisions as it defined the type of events to be registered as they occurred, specified the time allowed for registration, designated the persons qualified to give information and to register, outlined the place where registration should be made, and provided provisions for penalty.

1.1.4 The provisions of the law were patterned on the British Registration System. The law in effect imposed a legal requirement for all births and deaths to be registered and this is the foundation on which the current system on civil registration is based.

##### **1.1.5 Registration - A State Responsibility**

1.1.5.1 In the early years, the administration of the law relating to the registration of births and deaths was a state responsibility and therefore included as part and parcel of the overall administrative programmes of the state.

##### **1.1.6 Registration Function - Responsibility of State Medical and Health Department**

1.1.6.1 The registration function was placed under the responsibility of the State Medical and Health Department as they were established in every state. This was found to be appropriate since the department was also responsible for health programmes, and the issue of notices to persons to be vaccinated as well as the notification of contagious sickness, such as cholera and small-pox.

### **1.1.7 Registrars and Deputy Registrars**

1.1.7.1 The State Medical and Health Officer was appointed as the State Registrar of Births and Deaths who was supported by Deputy Registrars and other subordinate staff in carrying out the function of civil registration. The State Registrar was responsible for the overall organisation and administration of the civil registration system while the Deputy Registrars were responsible for carrying out the actual registration process where they came into contact with the public, vis-a-vis, the informants.

### **1.1.8 Mandatory Reporting by Police Officers and Village Headmen**

1.1.8.1 To ensure an effective registration, the law made it mandatory for all Police Officers and Village Headmen to report every birth or death occurring within their respective areas to the authorities concerned.

## **1.2. MODIFICATIONS TO THE BIRTHS AND DEATHS REGISTRATION LAW - LAW AFTER 1957**

### **1.2.1 Unification of State Laws**

1.2.1.1 During the pre-independence period, the law on the registration of births and deaths underwent the process of modifications and amendments in some of the states in Peninsular Malaysia. Basically, the main provisions of the law remained the same, and the amendments or modifications were to suit administrative convenience and for effective registration as well as to meet the needs of modern society as the country progressed.

1.2.1.2 The law on the registration of births and deaths in each state was regional in character and as such there was an urgent need to unify the registration system throughout the Federation when it attained independence on 31.8.1957. This need was fulfilled when a uniform legislation for the compulsory registration of births and deaths including still-births was introduced in the Federation when the Births and Deaths Registration Ordinance, 1957 came into force on 1.8.1958. When this Ordinance came into effect the previous registration laws were repealed. Thus, for the first time in the history of the development of civil registration in this country the administrative

organisation became centralised, national in character and concept as well as the foundation of the present civil registration system in Malaysia.

**1.2.2. Appointment of Registrar-General of Births and Deaths**

1.2.2.1 Under the registration law, the Yang Di Pertuan Agong who is the Supreme Head of this country may appoint a public officer to be Registrar-General of Births and Deaths for Malaysia to be responsible for carrying out the provisions of this Ordinance and to have general charge and supervision of all registers and indices on matters pertaining to registration.

**1.2.3. Birth and Death Laws in States of Sabah and Sarawak**

1.2.3.1 In respect of the states of Sabah and Sarawak they continue to enforce the registration laws which were enacted prior to the incorporation of these two former British protectorates in Malaysia. The relevant laws are the registration of Births and Deaths Ordinance (Sabah) Cap. 123 and the Registration of Births and Deaths (Sarawak) Cap 10. These laws were declared as Federal Law under the Modification of Laws (Births and Deaths)(Borneo States) Ordinance, 1965. Subsequently, the Registrar-General of Births and Deaths appointed under the Registration of Births and Deaths Ordinance, 1957 for the Federation also became the Registrar-General for these two states. Consequently, the Head of the Births and Deaths for the state is known as "Regional Registrar", who is Director of National Registration in these two states. The Village Headmen and Midwives are appointed as Deputy Registrars/Assistant Registrars.

1.2.3.2 Births and Deaths are reported to the registrars who are either the Medical Officers in Government Hospitals or the District Officers. The qualified informant is required to report a birth or death in a prescribed form.

**1.2.4. Registration of Births and Deaths (Special Provisions) Act 1975**

1.2.4.1 This is an Act to provide for the registration for births and deaths among citizens of Malaysia occurring while on pilgrimage to the Hedjaz.\*

- 1.2.4.2 This law came into effect on the 1.9.1974. Under this Act a report of birth or death that occurs during the "Haj Season" is made to the Registrars appointed by the Registrar-General. All the reports that are received is then forwarded to the Registrar-General who registers the birth or death and issues copies from it when requested. Only reports of births or deaths of a citizen of Malaysia is registered under this Act.

### 1.3. ORGANISATIONAL AND ADMINISTRATIVE STRUCTURE

#### 1.3.1. National Registration Department (NRD)

- 1.3.1.1 The National Registration Department was created and established when the emergency (Registration Areas) Regulations, 1948, was introduced to contain security threats. These regulations required all residents on attaining the age of 12 years and above to be registered and obtain National Registration Identity Cards.
- 1.3.1.2 In 1953, the function of the registration of births and deaths became an added responsibility to the department. When the Ordinance for the registration of births and deaths was legislated in 1957, the function of civil registration continued to be the responsibility of the National Registration Department.
- 1.3.1.3 The department has since then been assigned with additional functions relating to adoptions, marriages, divorces and citizenship. With these functions, the department covers all vital events of an individual from the cradle to the grave.

#### 1.3.2. NATIONAL LEVEL

##### 1.3.2.1 Director-General of National Registration Department (NRD) as Registrar-General of Births and Deaths

- 1.3.2.1.1 For the purpose of carrying out the various registration functions the NRD is headed by the Director-General who is also designated as the Registrar-General of Births and Deaths, Registrar-General of Citizens and Registrar-General of Marriages. The Director-General of the NRD is responsible for the overall organisation

and administration of civil registration throughout Malaysia and is answerable to the Minister of Home Affairs.

### 1.3.2.2 Centralised System of Registration

1.3.2.2.1. The system of registration is centralised in the sense that there is a network of registration offices directly controlled and administered by a central authority of the Federal Government.

1.3.2.2.2 The Registrar-General of Births and Deaths is assisted at the national level by the Deputy Registrar-General and an Assistant Registrar-General.

1.3.2.2.3 The Operational Divisions in the NRD Headquarters ensure that the functions and responsibilities of the department are carried out effectively and in a most efficient manner. In carrying out the function pertaining to the registration of births and deaths, the headquarters deals with the following matters:-

- (i) normal registration and issue of live births, still-births and death certificates;
- (ii) late registration and issue of births and death certificates;
- (iii) re-registration of births;
- (iv) re-registration of the birth of a legitimated person;
- (v) correction of errors and amendments to particulars of births and deaths registers;
- (vi) maintenance and custody of births and deaths registers;
- (vii) issue of births and deaths extracts;

- (viii) compilation of summary of births and deaths of preceding year;
- (xi) compilation of a general report on the increase or decrease of the population and on any special causes appearing to affect such increase or decrease so far as the same can be adduced from the register;
- (x) formulation and issue of policy directives to regulate the registration of births and deaths;
- (xi) dissemination of information through the mass media on matters pertaining to the registration of births and deaths;
- (xii) registration of adoptions and the maintenance and custody of Adoption Records;
- (xiii) provide data on vital statistics as and when required by other agencies.

### **1.3.3. STATE AND DISTRICT LEVEL**

#### **1.3.3.1 State Registration Department and Superintendent Registrar of Births and Deaths**

- 1.3.3.1.1. The organisation and administrative structure of the NRD extend to the state and district levels throughout Malaysia. The administration of civil registration at the state level is carried out by the State Director of National Registration who is also the Superintendent-Registrar of Births and Deaths. He represents the department on all matters pertaining to the registration of births and deaths in his state. He performs almost similar functions including the actual process of registering births and deaths. His powers are subjected to such conditions

and limitations as may be specified by the Registrar-General of Births and Deaths.

#### 1.3.4 DISTRICT LEVEL

##### 1.3.4.1 District Registration Department and Registration Officer

1.3.4.1.1. At the district level, the Registration Office is headed by a Registration Officer who performs the registration functions of the NRD on a more limited basis which includes the actual registration of births and deaths occurring in this district. The establishment of a Registration Office in every district fulfills the department's objective of providing accessibility for wider coverage and an effective registration. There are 83 such establishments throughout Peninsular Malaysia.

#### 1.3.5 LOCAL/PRIMARY LEVEL - REGISTRARS OF BIRTHS AND DEATHS

##### 1.3.5.1 Police Stations

1.3.5.1.1 There are three categories of Registrars carrying out the registration functions at this level. One of the categories is the Police Officers manning the Police Stations throughout the country and these Police Stations are open 24 hours and are easily located and accessible to the public.

##### 1.3.5.2 Hospitals and City Health Officer

1.3.5.2.1 Medical Officers in Government Hospitals or private medical practitioners operating clinics and maternity homes and also city Health Offices are another category. These establishments numbering 103 are usually kept open for 24 hours. Doctors as Registrar, being the source of

information provide effective registration of births and certification to the cause of death.

### 1.3.5.3 Village Headmen and Others

1.3.5.3.1 The third category of Registrars are the village Headmen who are known as "Ketua Kampung" "Penghulu" or "Penggawa" or "Tuai Rumah" who are traditionally in close contact with the predominantly Malay or indigineous rural society. They are both respected and depended upon by the local folks to settle domestic matters such as marriages, family or property disputes, or on matters relating to religion or custom. This category of Registrars number 210. The quality of registration performed by these Registrars can be said to be quite satisfactory. Whenever Police Stations are set up in their areas of administration, they are replaced.

1.3.5.3.2 Generally the contact with public vis-a-vis the informants are at its closest at the level of the local registration unit although the public also patronise the primary registration units in great numbers for some other transactions such as applying for identity cards.

### 1.3.6 Number of Births and Deaths Registrars

1.3.6.1 Altogether there are 3,831 Registrars in Malaysia as shown in Appendix A.

## 1.4. CHARACTERISTICS OF THE BIRTH AND DEATH REGISTRATION SYSTEM

### 1.4.1 Compulsory Registration

1.4.1.1 The laws on civil registration in Malaysia, require the registration of all births, deaths and still-births occurring in the country. If a birth or death is not registered within the prescribed period of its



occurrence, (42 days in respect of birth or 3 to 10 days in respect of death) prior authority of the Registrar-General in each case is required before it is registered as "late registration". Since there is a provision for penalty for non-registration within the prescribed period, all late registration cases are liable to a fine. There is no late registration of still-birth. Only qualified informants may give information on any birth or death. No person can perform the duties of the Registrar unless he is appointed by the Registrar-General. Under the law, registration of birth or death or still-birth can only be effected by the Registrar for the area in which such event occurs. The law also provides for the re-registration of a legitimated person, for the insertion of a name where the child's birth is registered without a name, or for the correction of errors in the particulars recorded in a register.

#### **1.4.2 INCENTIVES FOR REGISTRATION**

1.4.2.1 Birth or death certificate is issued free of charge under the present law as an incentive for registration. Other forms of incentives are the usefulness of the certificate, e.g. a birth certificate is recognised as the individual's proof of age and place of birth. It is required to be produced to enter school or for employment purposes. A birth certificate is also required for official purposes such as applying for an identity card, international passport and confirmation or proof of citizenship status of an individual.

1.4.2.2. A death certificate is also important and of value since it is required to be produced to obtain a burial permit, letters of administration and to claim insurance and property inheritance. These incentives and the invocation of penalty provision wherever found necessary ensure the completeness of registration at a satisfactory level.

#### **1.4.3 Birth and Death Registers**

1.4.3.1 Birth and death certificates are prepared on prescribed forms using security paper in quadruplicate and serially numbered. At the time of registration, particulars such as the time and place of birth including the personal particulars of the parents and in the case of death, the particulars of the deceased, cause of death and place and time of death are recorded. A copy of the

certificate is issued free of charge to the informant by the Registrar. The remaining three copies are delivered to the Superintendent-Registrar who retains his copy for his records and forwards one copy each to the Registrar-General of Births and Deaths and the Statistics Department. The copy provided to the Statistics Department is the source document which enable them to compile statistical data. The Registrar-General's copy and the Superintendent-Registrar's copy constitute the Births and Deaths Registers at the National and State level respectively. Particulars recorded in the Certificate of Birth, Still-Birth and Death are as shown in Appendix B, C and D.

#### **1.4.4 Manintenance and Custody of Records**

##### **1.4.4.1 Custody of Records**

1.4.4.1.1 Under the registration law currently in force in Peninsular Malaysia, the Registrar-General of Births and Deaths is required to maintain and to keep in safe custody all birth and death registers which constitute the birth and death records. Although, the Registrar-General is responsible for the maintenance and custody of birth and death records in respect of all states in Malaysia, Sabah and Sarawak records are kept in the respective States Registration Department Headquarters.

##### **1.4.4.2 Maintenance**

1.4.4.2.1 Where entries of any register are found to be damaged, mutilated or illegible, they are transferred to a new register. To prevent damage or loss at some future date, the department has taken precautionary steps to cause all birth and death registers to be photographed on microfilms. Extracts from the register may be obtained on payment of prescribed fee. Registers are kept updated from time to time, i.e. when a person is issued with an identity card or deceased, appropriate endorsements are made.

## 2. MARRIAGE AND DIVORCE

### 2.1. Legislation - Law Reform (Marriages & Divorce) Act, 1976

2.1.1 The laws relating to marriage and divorce in Malaysia are characterised by the religion that is professed by the various ethnic groups. The Malays who form the largest ethnic group profess the Muslim religion and are bound by Islamic laws and tenets. Marriages for non-Muslims is now governed by the Law Reform (Marriage & Divorce) Act, 1976 which came into force on 1.3.1982.

### 2.2. HISTORICAL DEVELOPMENT OF MARRIAGE LAWS

#### 2.2.1 Marriage Laws

The non-indigenous races namely the Chinese, Indians, Pakistanis, Sri Lankans, Europeans and others brought with them from their countries of origin their customs, religions and traditions. Their marriages were solemnised in one of three forms, namely legal, contractual or sacramental.

##### 2.2.1.1 Legal Marriages

The Civil Marriages Ordinance, 1952 was introduced to enable all non-Muslims to contract a monogamous civil marriage irrespective of their religion, faith or custom. Similarly in Sabah, the Marriage Ordinance, 1959 (No. 14 of 1959) and Sarawak the Church and Civil Marriage Ordinance (Cap. 92) were introduced.

##### 2.2.1.2 Customary Marriage

Customary marriages solemnised amongst the Chinese, Indians and the aborigines were registered voluntarily under the Registration of Marriage Ordinance, 1952 in respect of Peninsular Malaysia. In Sabah, a Chinese customary marriage may be registered under the Marriage Ordinance (No. 14 of 1959) whereas in Sarawak registration was compulsory under the Chinese Marriage Ordinance, 1932 (Cap. 74).

##### 2.2.1.3 Religious (Christian) Marriages

Marriages of all persons of the Christian faith in Peninsular Malaysia were governed by the Christian Marriage Ordinance, 1956 and applied to every marriage between Christians and to every marriage between persons one of whom was a Christian. In

Sarawak, the Church and Civil Marriage Ordinance (Cap. 92) and in Sabah, the Christian Marriage Ordinance (Cap. 24) were applicable respectively.

## 2.2.2 Divorce Laws

### 2.2.2.1. Customary Divorce

2.2.2.1.1 The main reason for the non-recognition of customary marriages by the Divorce Ordinance, 1952, was that these marriages were potentially polygamous, though by and large they might not be actually so. Dissolution of marriage was considered incompatible with polygamy which permitted more than one wife at a time. Unless a marriage was monogamous, divorce could not be granted by a court of law. Therefore, those who were married under customary law had to resort to such remedies as they could obtain under their personal law or custom and without any means of enforcement. Under the circumstances each group had their own ways of customary divorce. However, many had followed the Chinese style of "Dissolution by Mutual Consent" and then applied to court for "maintenance". Among the Chinese, consensual divorce has generally been accepted.

### 2.2.2.2 Statutory Divorce

2.2.2.2.1 Divorce Ordinance, 1952 was limited to providing relief only where the marriage was monogamous and where the parties to the marriage at the time when the petition was presented were domiciled in the Federation. Relief by way of nullity was likewise confined to monogamous marriages and marriages solemnised in the Federation. Similarly,

the laws applicable in the states of Sabah and Sarawak were the Divorce Ordinance, 1963 (Sabah 7 of 1963) and Matrimonial Causes Ordinance (Sarawak Cap. 94).

## 2.3. THE LAW REFORM (MARRIAGE & DIVORCE) ACT 1976

### 2.3.1 Background

2.3.1.1 As the country progressed economically, politically and socially, the clamour for the introduction of monogamous marriage laws for non-Muslims became more demanding during the late 1960's.

2.3.1.2 This was because the laws pertaining to marriage and divorce amongst non-Muslims were in a chaotic state, especially so in respect of religious and customary marriages, other than among the Christians. Due to the complexity of varying ethnic groups pursuing their own marriage and divorce laws amongst themselves, where their marriages were polygamous in nature, they were left to fend for themselves as they had no recourse to law for matrimonial relief.

2.3.1.3 Therefore, the Government decided to act on this justifiable cause and appointed a Royal Commission in 1970. Its findings and recommendations were further studied by the Joint Select Committee comprising members from both Houses of Parliament. After many public as well as private hearings, it was apparent that public opinion was overwhelming in favour of the abolition of polygamy.

### 2.3.2 Objective

2.3.2.1 The Act provides a uniform law for monogamous marriage and the solemnisation and registration of such marriages and to amend and consolidate the law relating to divorce. This law applicable generally to all non-Muslims resident in Malaysia as well as to all persons who are citizens of or domiciled in Malaysia residing abroad. The Act replaced the heterogeneous personal laws applicable heretofore to persons of different ethnic origins.

### **2.3.3. Salient Provisions of the Act**

#### **2.3.3.1 Applicability**

2.3.3.1.1 This Act applies to all persons domiciled in Malaysia with the exception of Muslims, the natives of Sabah and Sarawak and the Aborigines of Peninsular Malaysia. However, the two latter groups could opt to marry under the Act in which case they would also have to seek any matrimonial relief under the same Act.

#### **2.3.3.2 Abolition of Poligamy**

2.3.3.2.1 As mentioned before, one of the most outstanding and welcome features of the Act, is the abolition of polygamy. However, to prevent injustice to the subsisting marriages, whether solemnised under customary laws, religious institutions or civil registrations and whether polygamous or monogamous in nature, all existing valid marriages are deemed to have been registered on the date the Act came into force i.e. 1.3.1982.

#### **2.3.3.3 Methods of Solemnisation**

2.3.3.3.1 Under the Act, marriages can be solemnised according to various rites - civil, religious or by custom and usage. Thus a person can get married either in (a) Registrar's Office, (b) Church or Temple, or (c) in an Association formed on custom, culture or usage. A couple may therefore go through any ceremony and be subjected to the provisions of the Act, i.e. monogamous and compulsory registration.

#### **2.3.3.4 Minimum Age**

2.3.3.4.1 The minimum age for marriage which was 14 years for female and 16 years for male is now 18 years for both sexes,

but a female may get married on completing her sixteenth year and on obtaining a special licence from the Chief Minister of the State concerned. Even though the majority age is 18 years, if one or both of the intended couple is under 21 years, then he or she must obtain the consent of the father/mother or guardian. A court of law may give an order of consent to the marriage if the consent is being withheld unreasonably or impracticable to obtain. However, no consent is necessary if the minor was previously married. Couples within the prohibited relationship may marry provided such marriage is unobjectionable under the law, religion, custom or usage applicable to the parties and on obtaining a licence from the Chief Minister. It is to be noted that marriages between parties who are neither male or female are void.

#### 2.3.3.5

#### Requirement for Notice

##### 2.3.3.5.1

Civil marriage ceremony requires seven days residence in a district and publishing of notice for 21 days whereas the religious, customary or usage marriage is exempted from these restrictions. On receipt of a Statutory Declaration, marriages may be solemnised by a Clergyman, minister or priest who are appointed under the Act. He reminds the couple about the restriction of monogamous marriage during some part of the ceremony. The term "The priest of a Temple" includes any member of a committee of management or governing body of that temple and any committee member of any racial/custom association.

**2.3.3.6 Marriage at a Malaysian Mission Overseas**

2.3.3.6.1 A marriage between a couple, one or both of whom are citizens of Malaysia, may be solemnised by the Registrar at any Malaysian Mission. The procedures for solemnisation and registration are similar in all respects to the procedures adopted by a Registrar in Malaysia.

**2.3.3.7 Registration of Marriage Contracted under Foreign Law**

2.3.3.7.1 It is a requirement that any marriage contracted under a foreign law by a Malaysian citizen or a domiciled person should be registered within six (6) months either at the nearest Malaysian Embassy or on return, at any Registration Office in Malaysia.

**2.3.3.8 Voluntary Registration of Marriage contracted prior to 1.3.1982**

2.3.3.8.1 All marriages contracted under any law, religion, custom or usage before the coming into force of the Act (i.e. 1.3.1982) although deemed to be registered under the Act may be voluntarily registered. There is no time limit for its registration and it also provides documentary proof of such marriages.

**2.3.3.9 Divorce**

2.3.3.9.1 The Act also introduced changes in the Divorce Law. For instance, the waiting period for presenting a petition for divorce is reduced to two years from the date of marriage compared to three years previously. However, petitions may be submitted within two years on the ground that the case is one of exceptional hardship suffered by the petitioners.



2.3.3.9.2 The Act dispenses with the various grounds of divorce that existed previously and provides "irretrievable breakdown" as a sole ground for divorce, following the Divorce Reform Act, 1969 of England. The object of this reform is to obtain divorce with the maximum fairness and the minimum bitterness, distress and humiliation.

2.3.3.9.3 There are three new significant provisions in the Act pertaining to divorce:-

(i) **Conversion to Islam**

A non-Muslim spouse will be able to petition for divorce (after three months) if the other spouse has converted to Islam. This provision is to enable to claim maintenance where a party to a marriage has converted to Islam.

(ii) **Mutual Consent**

Divorce by mutual consent following the provision in form in Sarawak since 1932. If a husband and wife mutually agree that their marriage should be dissolved, they may upon the expiration of two years from the date of their marriage present a joint petition for a divorce. Divorce by mutual consent makes collusion invalid.

(iii) **Reference to Conciliatory Body**

No person can petition for divorce except for cases of mutual consent divorces or where one party has converted to Islam, unless he or she has first referred the matrimonial difficulty to a conciliatory body and that body has certified that it has failed to reconcile the parties. The other exemptions are, where one party has deserted and whereabouts not known, or one party is residing abroad and unlikely to return within the next six months or where the respondent is imprisoned for five years or more or suffering from mental illness

or where exceptional circumstances make reference impracticable.

### 2.3.3.10 Maintenance

2.3.3.10.1 Maintenance is available to women who seek divorce under the Act. The Act also provides that a wife may be made to maintain the husband where he is incapacitated wholly or partially from earning a livelihood and the court being satisfied having regard to her means. In so far as maintenance of children is concerned the Act distributes the burden more fairly between the parents. Thus, the Law Reform (Marriage & Divorce) Act, 1976 has taken cognisance of modern day norms in respect of working wives by taking away the heavy burden of maintenance for spouse and children from the husband. In situations where there are no children to the marriage and if the wife is working and able to support herself, there is no equity in compelling the man to continue supporting her or contribute to her support.

### 2.3.3.11 Acquisition of Property during a Marriage

2.3.3.11.1 As far as the laws relating to testacy and intestacy are concerned, no changes have been introduced by the Act. However, with regard to property acquired during marriage, the Act has introduced an innovative provision, wherein, the court may order the division of property acquired during the marriage by the joint efforts of both parties. Even if the property is acquired through the sole effort of the husband, it may still be divided, on the basis of the wife's role and contribution by looking after the home or caring the family.

## **2.4. ADMINISTRATIVE AND ORGANISATIONAL STRUCTURE**

### **2.4.1 Staffing**

2.4.1.1 There is an established network of registration offices at primary/local, state and national levels. For this purpose the Act provides for the appointment of public and non-public offices (by name or office) i.e. government and non-government officers as Registrars and Assistant Registrars respectively. Centralised control is effected through the State Superintendent Registrars and by the Registrar-General of Marriages. Officers at Malaysian Foreign Missions are appointed as Registrars of Marriages under the Act.

### **2.4.2 The Registrar-General of Marriages**

2.4.2.1 The organisational structure is similar to the administration of laws pertaining to registration of births and deaths where the Registrar-General of Births and Deaths is also the Registrar-General of Marriages and he is answerable to the Minister of Home Affairs. The Registrar-General is assisted by the Deputy Registrar-General of Marriages and the Director of the Marriages Division as the Assistant Registrar-General at the national level.

2.4.2.2 The Registrar-General is responsible for the general supervision and control of Registrars and Assistant Registrars and for all matters pertaining to the implementation and enforcement of the Act including policy directions. He is also required to collect, collate and constitute marriage registers and other documents received from the Registrars and Assistant Registrars and in respect of divorces and annulments received from the courts.

### **2.4.3 The Superintendent Registrar**

2.4.3.1 At the state level the Director of National Registration is the Superintendent Registrar and is responsible to supervise the functions of Registrars/Assistant Registrars in his state and to compile marriage registers and documents received from them to allow inspection and issue of extracts on payment.

#### **2.4.4 Registrar/Deputy Registrar**

2.4.4.1 The Registrars and the Deputy Registrars who are National Registration Officers at the local/primary level perform civil marriages in their districts. They receive marriage notices, which required to be put up on the notice board for 21 days and if no caveat is received at the end of the period, solemnise the marriage, register the same and immediately issue the Marriage Certificate to the couple. Soon after the registration of marriages, the records and the copies of marriage certificates are sent to the Superintendent Registrar of the state and the original to the Registrar-General of Marriages at the national level.

2.4.4.2 They are also chairmen of the reconciliatory bodies and if unable to reconcile, issue a certificate to that effect to enable the party concerned to submit a petition to court for divorce.

#### **2.4.5 Assistant Registrars**

2.4.5.1 The Assistant Registrars who are not Government Officers are appointed by name amongst the priests of churches, temples or Committee members of Associations. The Assistant Registrars in churches or temples may solemnise the marriage according to their religious rites, whereas the Assistant Registrars of the Association may solemnise the marriage according to the custom or usage of their race or clan. The functions and responsibilities of the Assistant Registrar are similar to that of the Registrar except in respect of the procedural requirement of 21 days marriage notice, unless his religious tenets require such notice to be published.

2.4.5.2 The provision for the appointment of Assistant Registrar of Marriages is the result of public demand made to the Royal Commission, to provide facilities to the public who wish to marry according to their religion, custom or usage. By this provision a marriage ceremony could be conducted according to each individual's desire, but it has to be in accordance with the requirement of this Act. Thus, the effectiveness of the registration of marriage is complete. It should be noted that a "marriage" contracted in contravention of the provisions of the Act is void.

2.4.5.3 To ensure that the Assistant Registrars play an effective role and conform with all the instructions they are often briefed at courses as well as during inspections conducted by the Registrar of the district. The Assistant Registrars are directly responsible to the Registrar of the districts, to whom they submit weekly returns of the marriages registered together with the documents concerned.

## 2.5. CHARACTERISTICS OF THE SYSTEM

2.5.1 There are 285 Registrars/Deputy Registrars and 1,558 Assistant Registrars throughout the country providing easy accessibility to the public who may opt either to solemnise the marriage either at Registration Office, church, temple or at Association premises. There are also 55 Registrars in Malaysian Missions abroad to solemnise marriages. Notice of marriage (Form B) and declaration (Form G) to have the marriage solemnised at National Registration Department or church, temple or Association are respectively as in Appendix G and H.

### 2.5.2 Maintenance of Records

2.5.2.1 Weekly or monthly returns (consisting copies) of marriage certificates issued, marriage notices and declarations received and revenue collected, permit close monitoring of the day-to-day performance of each Registrar/Assistant Registrar. Laws of all countries provide for the requirement of vital statistics compilation and maintenance of records and registers to be constituted and kept in a Registry. The marriage law of this country is no exception. Thus, every non-Muslim marriage that takes place in Malaysia is registered and all such documents of registration constitute the marriage register of the Registrar-General at the national level and Superintendent Registrar at the state level. Even marriages solemnised abroad according to the marriage laws of the resident country, where one party is a Malaysian citizen or domiciled in Malaysia are required to be registered and such register constitutes Foreign Marriage Register.

### 2.5.3 Penalties Imposed under the Act

2.5.3.1 Marriage can only be solemnised by a Registrar/Assistant Registrar duly appointed under the Act, who is required to register immediately every marriage solemnised by him. If a person who is not so

appointed, solemnises or purports to solemnise a marriage he will be guilty of an offence and on conviction may be punished with imprisonment for a term not exceeding 10 years and to a fine not exceeding fifteen thousand Malaysian Ringgit (RM15,000).

2.5.3.2 Marriage contracted abroad under the law of the residents country where one party is either a citizen of Malaysia or domiciled person is required to be registered within a period of 6 months. If he does not register the marriage within that prescribed time, he is liable on conviction to imprisonment for a term not exceeding 1 year or to a fine not exceeding one thousand Malaysian Ringgit (RM1,000) or to both. However, such marriage could be registered as late registration on payment of a penalty fee notwithstanding that it was not registered within the prescribed period.

#### 2.5.4 Importance of Marriage Certificate

2.5.4.1 By having a marriage registered, the certificate provides documentary evidence of the fact of marriage. This documentary evidence may be used in applying for Letters of Administration, claiming pension or insurance, to apply for divorce and as evidence to sue for bigamy etc.

2.5.4.2 Under the new Act, the particulars contained in a marriage register is basically the same as prescribed internationally. The only additional feature is the recording of identity card numbers of the couple in the Marriage Register. This is to prevent impersonation. It also provides reliability at source and avoids duplication. Copy of marriage register issued to the couple is shown in Appendix I.

2.5.4.3 The National Registration Department is in the process of transferring its records to the computer. When all the records have been "captured" in the computer, retrieval of information can be made speedily through a person's identity card number. In Malaysia, a child on attaining the age of 12 years is required to register and obtain a personal identity card. The number given will not be allocated to any other person even upon the individual's death. In other words, the number dies with the person. By using the identity card number as the

"key", extracts from registers could be issued without delay. In addition, the system will eventually enable the National Registration Department, at a later date, to issue confirmation of "marital status" of an individual.

### **3. IMPROVING THE CIVIL REGISTRATION SYSTEM**

#### **3.1. Dual Purpose of Registration**

- 3.1.1 The National Registration Department has drawn up a plan to improve the present system of registration bearing in mind that civil registration has dual purposes, i.e. the documentation on family organisation and the collecting of statistical data.

#### **3.2. Registration in States of Sabah and Sarawak**

- 3.2.1 Although the rate of registration is quite satisfactory in Peninsular Malaysia, it is not so in respect of the states of Sabah and Sarawak due to the predominantly rural and illiterate population. Besides, the geographical distance and poor accessibility due to lack of transport and communication facilities, hinders an effective registration. In order to alleviate these shortcomings the department arranges for mobile units to remote areas at regular intervals. Where it was the fashion for reporting births and deaths to be accepted verbally in Peninsular Malaysia, it is now required to be made in a prescribed form as in the case of Sabah and Sarawak. The informant is required to furnish several particulars relating to the event to the Registrar to ensure accuracy and authenticity in the reporting of births and deaths.

#### **3.3. Consolidation of Laws**

- 3.3.1 The National Registration Department is also reviewing the three registration laws in force in Peninsular Malaysia, Sabah and Sarawak with the view to consolidate these laws so that Malaysia will eventually have a unified law on civil registration. The provisions of these laws are closely examined to assess their applicability under the present situation and where the provisions are inadequate new provisions will be introduced. As a matter of fact, certain provisions in the current registration laws are not applicable to persons of the Islamic faith, such as the provision on legitimacy which is not consistent with Islamic principles. There is also no provision to alter a person's status where reassignment surgery has been carried out to alter the sex of a person. These with other shortcomings will be taken care of when reviewing the registration law.

### **3.4. Training for Registrars**

3.4.1 The National Registration Department is intensifying its training programme for Registrars so as to improve the quality of registration. Recently it has issued a booklet informing the public on the importance and usefulness of registration, where to register and other ancillary matters.

### **3.5. Modernisation and Computerisation**

3.5.1 Since 1990 the National Registration Department has implemented a computerised system for vital registration, known as the National Population Registration System to replace the present manual system which is tedious and inefficient due to the large volume of data involved. The birth and death registration system is linked to this central system. All information as to birth and death goes into this system. For this purpose the forms for the reporting of birth or death has been designed as in Appendix E and F.

3.5.2 As and when the computer has "captured" all the civil registration records maintained by the department, not only will it provide security and posterity for records, but also facilitate "inter-link" between records in the form of data base. Thus, the system of storing records in computer will eventually enable the department to compile statistical data expeditiously and accurately. Besides, it will be possible to issue reminders to all those who attain the age of 12 years to register for identity cards as required by the National Registration Act, 1959.

3.5.3 In the long term it would be possible to establish a National Data Bank on vital statistics, thus eliminating the necessity for other agencies of government to collect similar data. To enable the user agencies to obtain these information, it is intended to provide on-line facility through computer terminals.

3.5.4 When the National Data Bank on vital statistics is established, the department will be in an advantageous position to know the personal particulars of an individual pertaining to his birth, identity card, citizenship, marriage and death. However, at present the documents issued under the various functions of the department bear independent serial numbers which differ with each other, e.g. the birth certificate has six digits whereas the identity card seven digits. This necessitates cross referencing of all serial numbers of documents issued by the department. Therefore, the department is contemplating to



introduce the system of "one-person-one-number" to be assigned to all documents issued in respect of civil registration. This system will eventually lead to the establishment of one data base file containing all civil registration records issued to an individual.

#### 4. CONCLUSION

- 4.1 The Malaysian system of civil registration can be said to be satisfactory and effective. By and large the Malaysian public is aware of the importance of the documents pertaining to civil registration and the legal requirement to register. The production of these documents for every official or business or business transaction is the order of the day. The present registration laws although adequate need to be upgraded to meet the demands in the field of medicine, modern technology and of society.
- 4.2 Although coverage is satisfactory in many areas, there are still certain areas where the rate of registration is not very satisfactory, particularly in the very remote areas. This drawback is mainly due to transport and communication facilities not being available. Until these facilities are considerably improved the department will have to depend largely on the mobile registration units in respect of those areas.
- 4.3 From the foregoing it will be noted that, recognising the basic importance of the concept of centralised control and bearing in mind the recommendation of the United Nations in this regard, the registration is performed at primary/local level and at the state/national level to coordinate, unify, supervise and promote registration efficiency to meet the requirements of both legal and statistical data generally ensures quality development planning particularly population data which have become indispensable for effective social and economic programming.
- 4.4 As for marriage registration, the department now, with the structural and legal aspects in place with the implementation of the Law Reform (Marriage & Divorce) Act 1976 is now looking into the qualitative aspects in providing service to the public.
- 4.5 This involves dealing with the public in a courteous and polite manner, processing, preparing documents with speed, accuracy and providing adequate facilities for the registration of marriages in a conducive environment with the on going computerisation of records. It is expected that the retrieval of marriage records will also be done with greater speed.

- 4.6 In the long term, the department also will consider the issuance of all birth and marriage certificates and records through the computer system as well as such facilities can easily be intergrated into the existing computer system.

#### **IV. THE VITAL STATISTICS SYSTEM OF MALAYSIA**

##### **1. ADMINISTRATIVE AND LEGAL FRAME**

- 1.1. In Malaysia, the compilation and processing of vital registration data, mainly those relating to live births, deaths and still births, is carried out separately for the three regions - Peninsular Malaysia, Sabah and Sarawak. Peninsular Malaysia contains slightly more than four-fifths of Malaysia's 18 million population in 1991 but covers just 40 per cent of the land area. There are regional differences in the system of civil registration and in the format and content of birth and death certificates.
- 1.2. The Births and Deaths Registration Ordinance, 1958 for the states of Peninsular Malaysia, the Registration of Births and Deaths Ordinance (Sabah) Cap. 123 and the Registration of Births and Deaths Ordinance Sarawak 1951 (Cap. 10) provides for the compilation of: "(a) a summary of the births and deaths of the preceding year; and (b) a general report on the increase or decrease of the population or on any special causes appearing to affect such increase or decrease, so far as the same can be adduced from the registers."
- 1.3. The Department of Statistics first undertook the processing of vital statistics for Peninsular Malaysia in 1963, and at its regional offices of Sabah and Sarawak in 1966. For statistical purposes, some degree of uniformity in the processing systems and tabulations had been developed in recent years, with the view to deriving Malaysian statistics, and in preparation for the implementation of a common system of civil registration for the whole country. However, availability of data for Malaysia as a whole is still limited by differential rates of registration coverage for the three regions.
- 1.4. In Malaysia, the definitions of vital events used for statistical tabulations are as recommended by the United Nations and the World Health Organization.

## **2. DATA COLLECTION AND COMPILATION**

### **2.1. Receipt of Certificates**

2.1.1 The Demography Division of the Department of Statistics, Malaysia, in the Prime Minister's Department, receives the informant's copy of the live birth, stillbirth and death certificates each week from the Superintendent - Registrars of each of the 12 states of Peninsular Malaysia. Currently in Peninsular Malaysia there are about 500,000 live births, 9,000 deaths and 5,000 stillbirths each year. On the average, 95 per cent or more of the annual number of certificates are received within four to six months after the end of the year of occurrence of the events.

2.1.2 Weekly and monthly records are maintained to monitor the receipt of certificates from each of the states within Peninsular Malaysia. From these records a table is produced every month showing numbers of births, deaths and stillbirths according to month of receipt. The total numbers of certificates received are then compared with total numbers which occurred for each month in the previous year. This will produce a preliminary estimate of what proportions out of the expected monthly and annual numbers of certificates have been received each month. In states where the proportions fall far short of the expected, the Registrars are asked to try to speed up the despatch of their returns. Currently attempts are being made to achieve a target of obtaining 99 per cent of the certificates within four to five months of the occurrence of the event. This will shorten the data processing stage and improve the timeliness of the population estimates and of the publications of vital statistics.

2.1.3 In Sabah and Sarawak, birth and death certificates/registers are made accessible to the Department of Statistics by the National Registration Department Offices in the respective states. Those items of information needed for the compilation of vital statistics are coded directly from the registers.

2.1.4 The number of records processed annually for Sabah and Sarawak are each about 40,000 live births, 5,000 deaths, and 200 stillbirths.

### **2.2. Coding**

2.2.1 The items of information that are coded from birth and death registration certificates are given in Tables 1 and 2.

Table 1: Items coded from certificates of live birth and stillbirth, Peninsular Malaysia, Sabah and Sarawak.

Peninsular Malaysia	Sabah	Sarawak
1. State of occurrence (Registration area)	1. Place of occurrence (Division/District)	1. Place of occurrence (Division/District)
2. Registration sub-area	2. Registration centre	2. Registration district
3. Certificate No.	3. Certificate No.	3. Certificate No.
4. Sex	4. Sex	4. Sex
5. Date of birth	5. Date of birth	5. Date of birth
6. Ethnic group of father	6. Ethnic group of father	6. Ethnic group of father
7. Age of mother	7. Date of registration	7. Age of mother
8. Place of usual residence (of mother)	8. Identity card No. of mother	8. Place of usual residence (of mother)
9. Country of birth of mother		9. Country of birth of mother
10. Live birth order		10. Live birth order
11. Duration of marriage		11. Identity card No. of mother
12. Identity card No. of mother		12. Date of registration
13. Birth weight		
14. Name of child (or of mother for stillbirth)		

Table 2: Items coded from death certificates, Peninsular Malaysia, Sabah and Sarawak

Peninsular Malaysia	Sabah	Sarawak
1. State of occurrence (Registration area)	1. Place of occurrence (Division/District)	1. Place of occurrence (Division/District)
2. Registration subarea	2. Registration centre	2. Registration district
3. Certificate No.	3. Certificate No.	3. Certificate No.
4. Sex	4. Sex	4. Sex
5. Date of birth	5. Date of birth	5. Date of birth
6. Ethnic group	6. Ethnic group	6. Ethnic group
7. Age of deceased	7. Age of deceased	7. Age of deceased
8. Place of usual residence of deceased	8. Cause of death	8. Place of usual residence of deceased
9. Cause of death	9. Type of certification for cause of death	9. Cause of death
10. Type of certification for cause of death	10. Occupation of deceased	10. Type of certification for cause of death
11. Occupation of deceased	11. Identity card No. of deceased	11. Occupation of deceased
12. Identity card No. of deceased	12. Date of registration	12. Identity card No. of deceased
13. Name		13. Date of registration

2.2.2 Changes in geographical codes are made periodically to take account of modifications to boundaries and new registration sub-areas. Codes for particular items are also revised on the basis of recommendations of international organizations, and to cater for changing demands made by users. Whenever changes are made the effect on reliability and timeliness of data are considered. Specific revisions that have been made are as follows:-

2.2.2.1 State/Place of Occurrence

2.2.2.1.1 Changes are made on the basis of the decennial population censuses, which provide the base data and framework for analysis of vital statistics rates. Codes for state, administrative districts and towns are revised based on the latest population census. Codes for Registration subareas are also revised annually, to update for new areas created with the appointment of new Registrars by the Registration Department.

2.2.2.2 Place of Usual Residence

2.2.2.2.1 Coding of place of usual residence involves the assigning of urban and rural codes at state level, derived from addresses given on the certificates. As of 1982, a set of codes which enable the derivation of administrative district and town level data for place of usual residence was devised and used for Peninsular Malaysia. The urban-rural classification is also updated based on the latest census. The 1991 Population Census classification of urban and rural areas was adopted in the processing of 1992 birth and death certificates.

2.2.2.3 Causes of Death

2.2.2.3.1 In coding 'Cause of Death' information, the International Classification of Causes of Death as recommended by WHO is used for Medically Certified and Inspected cases, and a list of Causes of Death drawn up by the Ministry of

Health is used for Uncertified cases. The three-digit categories of the 1975 Revision (Ninth Revision) of the ICD is currently in use (as of 1982 for Peninsular Malaysia, and 1984 for Sabah and Sarawak). In Peninsular Malaysia, Medically Certified and Inspected deaths make up about 40 per cent of the total registered deaths.

### 3. PROCESSING AND TABULATION:

#### 3.1. Data Capture and Validation

- 3.1.1 Information coded on birth and death certificates are data captured for computer processing using key-to-disc machines and transferred on to computer tapes. Currently data capture for Peninsular Malaysia for a particular year ends in July of the following year, by which time the Department of Statistics is expected to have received almost all certificates for that year.
- 3.1.2 Validation and imputation of the codes are made when 50 to 80 per cent of the certificates have been data captured. A Batch Control Listing, an Error Report and an Imputation and Update Report are produced showing out-of-range codes, duplicated records, inconsistencies among items or codes and the number of imputed records for the relevant items.
- 3.1.3 Computer tabulation starts after the validation process is completed, that is, after all records have been "cleaned". A total of about 200 tabulations are generated over a period of two to three months. The tabulations are checked in formats against control totals according to basic items such as place of residence, ethnic group and sex, age and month of occurrence.

#### 3.2. Tabulations

- 3.2.1 The basic tabulations generated are number of live births, deaths and stillbirths cross-tabulated by variables such as month of occurrence, ethnic group, sex and age (of mother/of deceased). These basic tabulations are produced for Peninsular Malaysia, Sabah and Sarawak as well as at state and administrative district levels.
- 3.2.2 More detailed tabulations are also derived, for example, in the case of live births, age of mother is further cross-tabulated by live birth order, birth weight and duration of marriage. A further disaggregation of deaths into infant deaths, neonatal deaths, toddler deaths and maternal deaths is also available.

3.2.3 Since 1982 tables on current population estimates and rates of vital events have been fully computerized enabling the production of detailed tabulations on population and vital rates.

### 3.3. Place of Occurrence and Place of Residence

3.3.1 Tabulations are also produced and published in two sets; one is based on place of occurrence and the other on place of residence. The figures show differences because of the essential differences in de jure and de facto classifications.

3.3.2 Vital statistics for place of occurrence (that is, place of registration) show that the more urbanized states have an excess of live births and deaths owing to the accessibility and use of their hospital services by residents of neighbouring states. Likewise, at administrative district level, the districts with relatively bigger hospitals in a particular state also register higher numbers of births and deaths.

3.3.3 Vital statistics based on place of residence are particularly critical for sub-national areas, that is, for states and smaller geographical areas. Such data have been available in Malaysia since 1964 for the states within Peninsular Malaysia and for urban and rural areas. Since 1982, vital events classified by place of residence have also been produced for the administrative districts in Peninsular Malaysia. To minimize problems of comparability over time, vital statistics are currently tabulated and presented separately according to place of occurrence and place of residence.

3.3.4 Analysis of vital rates for Sabah at sub-national levels is significantly hampered by the non-availability of place of residence information in the birth and death certificate.

### 3.4. Causes of Death Classification

3.4.1 Two types of cause of death classification for mortality tabulations are used based on the recommendations of WHO (Ninth Revision of ICD). As mentioned earlier, coding is done using the list of three-digit categories to enable the use of the recommended Special Tabulation Lists, that is a minimum list of 55 categories and a basic list of 275 categories.

3.4.2 The minimum list currently in use for Malaysia differs slightly from the one recommended by WHO in the specification of diseases prevalent in the country such as cholera and typhoid/paratyphoid fevers. Moreover, the grouping of residual groups of diseases has also been modified such that an overall total can be derived. For example, the category "All other infectious and parasitic diseases", which is not found in the WHO list, has been included. Some



comparability with the list of 50 causes from the Eighth Revision has been maintained.

3.4.3 The basic list of 275 categories has also been adopted for use in the tabulation of Malaysian cause of death data. It has, however, been modified such that comparability with the Eighth Revision list is maximized. The classification used by Singapore, and the pattern shown by the data of Singapore, are also considered in adapting the list.

3.4.4 For deaths which are not certified or inspected by medical personnel (doctors or coroners), a list of 23 causes has been drawn up by the Health Ministry and used for classification purposes since 1982. That list is the revision of a previous list which had been in use from the mid-1960s.

### 3.5. Publications

3.5.1 Detailed statistical tabulations of births and deaths, cross-classified by several background variables, are published annually in: "Vital Statistics, Peninsular Malaysia" and for Sabah and Sarawak in two separate releases viz: "Vital Statistics, Sabah" and "Vital Statistics, Sarawak".

3.5.2 Another publication, the 'Quarterly Review of Malaysian Population Statistics' publishes key tables of annual population statistics in time series, as well as quarterly statistics on numbers and rates of births and deaths. This quarterly publication aims to provide early information on changes in levels and trends of fertility and mortality as shown by vital registration data.

## 4. EVALUATION

### 4.1. Registration Coverage

4.1.1 Evaluation studies showed that registration coverage of vital events, especially of births, was more than 90 per cent complete for Peninsular Malaysia from as early as the 1960s. Comparisons made of numbers of registered births by ethnic group with numbers of children as well as estimates of fertility from recent censuses and surveys have indicated that birth registration is virtually complete. Death evaluation done during the course of preparation of life tables for Peninsular Malaysia and states showed no serious problem of under-registration of deaths except perhaps a very small amount of under-registration at old ages.

4.1.2 In contrast, annual number of births and deaths for Sabah and Sarawak are affected by under-registration as well as late registration.

During the 1960s, birth registration in Sabah and Sarawak were incomplete as reflected by very low birth and death rates particularly for indigenous communities living in interior parts of the states. However, as administration became more efficient and people more aware of the importance of birth certificates for purposes of obtaining admission into schools or as proofs of nationality and citizenship, the completeness of birth registration improved markedly.

4.1.3 Table 3 presents a comparison of the numbers of registered births in the five years before the 1980 Census with the census population aged 0-4 which had been adjusted for under-enumeration, and reverse survived for the equivalent period.

Table 3: Number of registered births and number of births reverse survived from census population aged 0-4, Sabah and Sarawak, 1980.

Ethnic Group	Births from vital registration ('000)	Births reverse survived from census ('000)	Deviation of registered births from reverse sur- (%)
Sabah			
Chinese	23.2	21.3	14
Non-Chinese	150.00	147.8	2
Sarawak			
Chinese	56.9	51.3	11
Malays	43.9	41.1	7
Bidayuhs	17.8	16.6	7
Other Indigenous	56.9	78.0	-27

4.1.4 From the comparison birth registration it is shown to be somewhat complete in Sabah by 1980. For a group of indigenous communities in Sarawak, the same comparison shows that birth registration was at least 27 per cent incomplete. Using reverse survival techniques and P/F ratios in the estimation of fertility rates, the level of under-registration of births implied in 1980, taking all ethnic groups together, was about 4 per cent in Sabah and 22 per cent in Sarawak.

4.1.5 Under registration is more acute in the case of deaths than for births. On the basis of intercensal survival methods of estimating adult mortality, under-registration of deaths among persons aged 10 years and above for the indigenous groups in Sarawak is estimated to be 60

per cent in 1980. A publication, Demographic Estimates for Sabah and Sarawak, 1970-80, (Studies on Demographic and Population Topics No. 1, Kuala Lumpur, Department of Statistics) discussed in detail these estimates (to) registration incompleteness in Sabah and Sarawak.

4.1.6 On the whole, items of information contained in the birth and death certificates for Malaysia are of reasonably good quality for use in estimation of population as well as in fertility and mortality analysis. Data on live births cross-classified by age of mother and ethnic group, and mortality rates such as infant and toddler mortality rates compare favourably with estimates derived from indirect methods using census or survey data.

4.1.7 However some problems, as listed below, are encountered with regard to quality of information observed at the coding stage which tend to introduce some limitations in the analysis:-

- (i) A source of inaccuracy is the absence of information on data of birth for deceased persons in the death certificates or for mothers in the live birth and stillbirth certificates. Some degree of misreporting of age information, obtained in completed years, affect particularly the analysis of age-specific death rates where accuracy for older and very young groups of the population is important. A rather serious limitation in analysis of fertility for Sabah is the non-availability of information on age of mother on the birth certificate.
- (ii) Assigning urban-rural codes on the basis of the addresses given for place of usual residence poses problems in terms of incompleteness. Use of common or similar names of places without specification of the area level also creates additional problem. This occurs because the format of certificates does not cater for further specification or breakdown of the place of usual residence reported - for example, whether a town, administrative district, or village. Thus a town which may have the same name as the district in which it is located may erroneously be assigned a rural code. A list of names of localities/villages corresponding to urban/rural classifications on the basis of the latest population census is used as a guide in the coding procedure but this list dates rapidly.
- (iii) Analysis of cause of death information is somewhat limited by the low proportion of deaths certified by medical personnel. In 1984, the proportion of medically certified deaths amounts to about 40 per cent total deaths. Reporting of cause of death on the current format of death certificates presents problems so far as the 'underlying cause' is the information required for

coding and classification. A specification of immediate and underlying cause or causes to aid in coding as recommended by WHO should be included either as an attachment to, or on the death certificate document itself. Currently problem in the selection of the underlying cause of death from the information provided are solved in consultation with the Ministry of Health.

- (iv) Use of birth weight information, collected in birth certificate for Peninsular Malaysia in 1976 is limited by a high proportion of unknown cases for some states and districts. Non-reporting of birth weight information is not related to the proportion of births registered in hospitals and health centres for the states and districts concerned. Rather, the problem seems to stem from non-specification of the item in the format or possibly inadequacy in instructions for inclusion of this item.
- (v) Information on occupation of deceased, which presents a potentially important variable for analysis in mortality studies presents problems in that the description given may be too vague and general for coding and classification. A further specification to obtain a person's main occupation throughout his or her life may be necessary for meaningful tabulation for example, for cross-classification with cause of death information.

## 5. STRATEGY FOR IMPROVEMENT OF VITAL STATISTICS

- 5.1. Improvement of civil registration is basic for the improvement of vital statistics. Some measures which are currently under-way have already been briefly referred to in the section on "improving the civil registration system". A few other measures of specific relevance to improvement of vital statistics are discussed here: an integrated system of coding procedures, of processing and tabulations has been developed so that vital statistics can be made available for Malaysia as a whole. With improved registration coverage and availability of common items for tabulations for all the three main regions, more meaningful analysis of vital registration data for use in planning is made possible.
- 5.2. There is still scope for improvement in the current system of vital statistics compilation and processing a few salient aspects of which are:-
  - (a) Receipt of the certificates should be monitored more closely to achieve timeliness in processing and release of population estimates and vital registration data;

- (b) Inclusion of additional items of information for statistical proposes on the registration documents needs to be explored. Further improvement in reporting or collection may be achieved by further elaboration of the requirements on the forms themselves. Imparting more regular training and updating instructions in the registration procedures are also necessary;
- (c) A regular system of updating of the set of codes used and tabulations generated with consideration given to areas of increasing demand by users, for instance in regional planning, should be developed further in the context of Malaysian data requirements.

V. **Coordination Among Government Institutions**

1. In Malaysia the agency responsible for civil registration is the National Registration Department which is under the Ministry of Home Affairs, whereas the Statistics Department which is under the Prime Ministers Department is responsible for vital registration.
2. Although, the two departments are under different ministry's but they share a common objective of collecting and collating vital statistics efficiently, effectively and accurately. The complementary nature of their roles enhances the cooperation between the two departments.
3. The National Registration Department and the Statistics Department meet on a need basis, to discuss and resolve ways and means by which data collected by civil registration is able to assist in the collation, analysis and dissemination of vital information.
4. Other than these meetings, discussions are also held with the Ministry of Health and the Economic Planning Unit of the Prime Minister's Department to further enhance the cooperation and coordination between the needs of civil registration and vital registration.

## VI. CONCLUSIONS AND RECOMMENDATION

The main problems in the current civil registration system of the country are:-

### (i) Administrative and Legal Factors

Due to the large number of Registrars at various levels, there is need to familiarize them with the provisions of laws and procedures, and thereby enhancing the effectiveness of the role that they play in carrying out vital registration. By educating the Registrars the number of events which are not registered or is wrongly registered and which requires correction or cancellation will be reduced.

### (ii) Technical Factors

Although the Registrars have been provided with the registrars guide book as to how to carry out the registration of a vital event, the Registrars rarely refer to this. This can be seen from the number of mistakes they make.

A majority of the Registrars do not get any new circulars and instructions made by the Registrar-General. This may be due to lack in communication and supervision by the Superintendent Registrar and the Registrars.

### (iii) Public Awareness

Though the majority of the public are aware of the requirement to register the birth or death and marriages but there are quite a number who are neither aware of the legal requirement to register nor the offences they commit if an event is not registered.

The major problem especially in the registration of births and deaths in this area is that the public are not aware of the time period required to register an event. This results in a number of births or deaths registered later or not registered at all.

Another problem which is very acute now is that even where a birth taking place in a hospital may not be registered because of the introduction of the Birth Report Form since 1990. The birth is not registered if the form is not submitted to the registration unit in the hospital. In some situation where the form may not be submitted to the registration unit are:-

- (a) Where after delivery the report form is given to the mother/informant to be completed and returned to the registration office unit in the hospital but this is not done;
- (b) the parents are illiterate and they are not able to fill the particulars in the report form;
- (c) Birth by single mothers and by families having problems, they leave the hospital without even receiving the report form.

**RECOMMENDATIONS UNDERTAKEN TO IMPROVE THE SYSTEMS EFFICIENCY**

- (a) The Superintendent Registrars should regularly supervise the Registrars in their registration area. They should from time to time visit the registration units and check on the work done by the Registrars and advise and correct the mistakes where necessary;
- (b) At regular intervals Registrars should be briefed on the legal aspects of the law and the importance of vital registration;
- (c) Any developments in the area of vital registration and new circulars and instructions should be immediately informed by the Superintendent Registrar. Registrars should have up to date information on any change in the law or instruction. This is to ensure that the vital registration is efficiently carried out;
- (d) To overcome the problem of non-registration of births in hospitals where the birth report form is not submitted to the registration unit, it is recommended that the hospital authorities do the reporting of the birth. This has been the practice for a long time but has recently been stopped in certain hospitals. The hospital authorities are qualified informants under Section 7(2) of the Registration of Births and Deaths Act 1957. The Section 7(2) is as follows:-

"The following persons shall be qualified to give information concerning a birth, that is to say -

- (i) the father of the child;
- (ii) the mother of the child;
- (iii) The occupier of the house in which the child was to the knowledge of that occupier born;
- (iv) any person present at the birth; and



(v) any person having charge of the child.

With the minimum information available when the mother is admitted to the hospital, the birth could be reported and registered by the Registrar with the hospital authorities (doctors, nurses, matrons) acting as informants. This will ensure complete registration of vital records.

**Appendix A**

**Number, Average Area Size And  
Average Population of the Civil  
Registration Unit - Malaysia**

-----

Region	Number of Registration Units			Average Area Size per Unit (in sq. km)	Average Population per Unit
	Total	Primary	Others		
Peninsular Malaysia #	1231	83	1148	111.7	10,733
Sabah +	1915	32	1883	38.8	615
Sarawak @	685	26	659	181.6	2,105
	3831	141	3690		
			141		
			3831		

# NRD Registration Offices at National, State and District levels, Medical Officers, Police Officers, Headmen, School Headmasters and Protectors of Aborigines.

+ District Officers, Medical Officers, Hospital Assistants, Midwives, Village Headmen.

@ District Officers, Registration Clerks. Village Headmen, School Headmasters, Nurses in private clinic.



**BIRTH**  
**FORM A**  
**FEDERATION OF MALAYA**  
**NOTIFICATION OF REGISTRATION**  
**[STATISTIC DEPARTMENTS' S COPY]**  
**(Sections 4(1) and 7(1) Rule 3)**

J 958002

(B&D 21 - Revised 5/86)

Reg. No. J 958002

Marginal entries  
 ammendments or  
 corrections

**BIRTH REGISTER**  
**FORM A**  
**FEDERATION OF MALAYA**  
**(Superintendant Registrar's Copy)**  
**Births and Deaths Registration Ordinance, 1957**  
**(Sections 4(1) and 7(1) Rule 3)**

Registration Area			Sex
Sub-area			
Full Name of Child			Date
Where Born	When Born	Sex	Father's Occupation
Father's Name			
Father's Identity Card No	Colour		Race
Father's Other Document of Identity			Mother's Age
Father's Occupation			Residence
Father's Race			Father's Country of Birth
Mother's Maiden Name	Age		Father's age
Mother's Identity Card No	Colour	Race	
Mother's other Document of Identity			Mother's Country of Birth
Certified to be a true extract of the entry in the Birth Register			Order of Birth
			Date of Marriage
..... Registrar's Name, Signature and Title			

Registration Area		Sub-area	
Full Name of Child			
Where Born		When Born	Sex
F	Name	M	Maiden Name
A	Identity Card No.	Colour	Age
T	Other Documents of Identity		T
H	Occupation		H
E	Race		E
R	Race		R
I N F O R M A N T	Name		Signature or Right Thumb Print of Informant
	Occupation		
	Identity Card No.	Colour	
Date of Registration			
Name of Child if added after Registration of Birth		..... Registrar's Name, Signature and Title	

FEDERATION OF MALAYA  
CERTIFICATE OF STILL-BIRTH

(Informant's Copy)

Registration Area _____ Sub area _____	
Sex	When Born
Father's Name	
Father's Occupation	
Father's Race	
Mother's Maiden Name	Age
Mother's Usual Place of Residence	
Name of Medical Practitioner or Midwife in attendance at birth	
Date of Registration	
Certified to be true extract of the entry in the Still-Birth Register	
Registrar's Signature and Title	

FEDERATION OF MALAYA  
STILL-BIRTH REGISTER

(R.G.B.D'S COPY)  
The Births and Deaths Registration Ordinance, 1957  
[(Section 4(1) and 7(1) Rule 4]

Registration Area _____ Sub-area _____			
Sex	When Born		
Where Born			
Name	F A T H E R	Maiden Name	Age
Occupation		Usual Place of Residence	
Race		Race	
Name of Medical Practitioner or Midwife in attendance of birth			
Name	I N F O R M A N T	Signature or Mark of Informant	
Occupation			
Date of Registration			
Registrar's Signature and Title			

Marginal entries  
amendments or  
corrections

(B&D 22)  
(Revised-6/84)

B 937001

FEDERATION OF MALAYA

CERTIFICATE OF DEATH  
(Informant's Copy)

Registration Area _____ Sub area _____	
Name _____	Sex _____
When Died _____	Age _____
Race _____	
Where Died _____	
Usual Place of Residence _____	
Occupation _____	
Cause of Death _____	
Name and Qualification of Person Notifying cause of Death	
* Medical Practitioner/Coroner Other Official/Informant	
Date of Registration _____	
Certified to be a true extract of the entry in the Death Register	
_____ Registrar's Signature and Title	
* Delete where not applicable	

(B&D 22)  
(Revised-6/84)

FORM C

FEDERATION OF MALAYA

DEATH REGISTER  
(R.G.B.D'S COPY)  
The Births and Deaths Registration Ordinance, 1957  
(Sections 4(1) and 18, Rule 5)

B 937001

Registration Area _____ Sub Area _____	
Full Name of Deceased (In Block Capital Letters, including Surname, Seh or Father's Name)	Sex _____
When Died _____	Age _____
Occupation _____	Race _____
Where Died _____	
Usual Place of Residence _____	
Cause of Death _____	
Name and Qualification of Person notifying cause of Death	* Medical Practitioner/ Coroner/Other Official Informant
I N F O R M A N T	Name _____  Occupation _____
	Signature or Mark of Informant
Date of Registration _____	
Registrar's Signature and Title _____	

\* Delete where not applicable

Marginal entries  
ammendments or  
corrections













I. UNTUK DIISIKAN OLEH DOKTOR/KETUA JURURAWAT/BIDAN/ORANG YANG MENYAMBUK KELAHIRAN

45. No. Pendaftaran

46. No. Kad Pranatal

47. Tempat Kad Dikeluarkan

48. Tarikh Kad Dikeluarkan

 /  / 

49. Jantina Bayi (\*)

 L

Lelaki

 P

Perempuan

 R

Ragu

50. Berat Bayi

Kg

51. Ukuran Bayi

cm

52. Jenis Darah Bayi

53. Kembar/Biasa

54. BCG Sudah/Belum diberikan

55. Tarikh Diberikan

 /  / 

56. Hal-hal lain

Saya mengesahkan butir-butir kelahiran di atas

(Tandatangan: Doktor/Ketua Jururawat/Bidan/  
Orang yang menyambut kelahiran)

Nama Penuh

No. K.P.

Warna K.P.

No. K.P.T.

 -  - 

Nama Hospital/Klinik













(FREE)

Appendix G

Application No.....

FORM B

(To be filled in DUPLICATE)

NOTICE OF MARRIAGE AND WRITTEN DECLARATION

Law Reform (Marriage and Divorce) Act 1976  
(Section 14 and 16; Rule 3)

NOTE

- 1. A person applying for marriage must have been residing in the marriage district for a period of not less than SEVEN DAYS.
- 2. If both parties to the marriage reside in the SAME MARRIAGE DISTRICT then both have to fill and sign this Form in the presence of the Registrar of Marriages.
- 3. If both parties to the marriage reside in DIFFERENT MARRIAGE DISTRICT then each party is required to fill and sign this Form in the presence of the Registrar of Marriages of the marriage district in which they reside.
- 4. THE MINIMUM AGE FOR MARRIAGE IS 18 YEARS FOR MALE AND FEMALE. However, a female below the age of 18 years but has completed 16 years may marry provided that she has first obtained a licence from the Chief Minister under Form E.

GUIDE TO FILL THE FORM

- 1. Applicant is to fill the information in CAPITAL LETTERS and leave out the parts "For Official purpose".
- 2. Applicant is to fill the particulars, one letter per column as shown below:

Name: S I V A R A M A K R I S H N A N A / L M A H A D E V A I R

Address: NO : 2 0 J A L A N 2 / 4

S U B A N G J A Y A S E L A N G O R

- 3. For item 4, date of birth has to be filled according to year, month and date as shown below:

19 8 0 2 1 2

- 4. For items 5; place of birth — state the State and country of birth.
- 5. For items 6, 7 and 8, one of the columns which has already been numbered has to be marked (✓) at the relevant column only.

Example:

1 ✓ Single

2 Widower/Divorcee

- 6. For item 9, applicant who is not the holder of Malaysian Identity Card has to fill the number and place of issue of the International Passport or travel document or other document of identity.

E 7 2 1 3 4 7 9

SINGAPORE

(Country of Issue)

- 7. Country of domicile is the country where a person is residing.
- 8. For item 12, the actual occupation of a person has to be stated and not the place of occupation.















FORM I  
**MARRIAGE REGISTER**  
*Law Reform (Marriage and Divorce) Act 1976*  
*(Sections 25, 26, 29 and 30; Rule 1)*

Nº

Full name and Identity Card No./other Identity Documents	Date of birth	Marital status	Religion	Occupation	Address	Full name of father
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....

This marriage was solemnised at ..... on the..... day of..... 19..... pursuant to the certificate for marriage No. .... /licence from the Chief Minister of ..... /statutory declaration under section 22 (3).

Between us: .....  
*Signature of male*

.....  
*Signature of female*

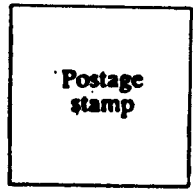
In the presence of witness: (1) Signature .....  
Full name .....  
Identity Card No. ....

(2) Signature .....  
Full name .....  
Identity Card No. ....

Date.....

Registered by me .....  
*(Signature and seal of Registrar of Marriages)*

Fee \$15.00



Name of Registrar.....  
Marriage District of.....  
State of.....