THE PROCESS OF ADOPTION OF NON-MUSLIM BABIES IN MALAYSIA THAT LEAD TO BABY TRAFFICKING PROBLEMS.

By

Jr Thaddeus Jack Kinabalu (2011889148)

Nasyrah Ezzan binti Ali (2011234198)

Nurizzati binti Ali (2011201396)

Submitted in Partial Fulfillment of the Requirements

for the Bachelor in Legal Studies (Hons)

Universiti Teknologi MARA

Faculty of Law

December 2013

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

ACKNOWLEDGEMENT

This research project has been carried out by a team which included Nurizzati binti Ali, Nasyrah Ezzan binti Ali, and Jr Thaddeus Jack Kinabalu. We owe our biggest gratitude to the supervisor of our research, Madam Fazlin M. Zain, who has been a great help to us in making this research paper a reality. This research paper would not have been possible without her surveillance and guidance and understanding. We would also like to thank our parents, who have been very supportive throughout the ongoing process of this research paper in terms of financial support as well as moral support.

We are also heartily thankful to those who have helped us in the making of this research paper both directly or indirectly. It is a pleasure to thank those who have made this research paper possible. Lastly, we offer our regards and blessings to all of those who supported us in any aspect during the completion of this research paper. We hope in the future this research paper may become handy to those in need to look for other materials and the findings can positively contribute in creating awareness to the society in the harms of baby-trafficking and thus making adoptions process more better. Thank you, Lord for giving us the strength to stand tall against all the odd in getting this honours project paper done.

ABSTRACT

High demand for babies for adoptions contributes to increasing cases of baby trafficking in our country. The adoption process in our country may takes at least two years for it to be legalised by the court. The long and complicated procedure to adopt babies forced some parents to opt for illegal means of getting adopted children that is through the syndicate of baby trafficking. In addition, lacked of assisting agencies that can provide babies for legal adoption makes the situations worsen. There are several interviews which have been conducted to obtain information regarding this matter. The target groups of interviewees chosen were the National Registration Department, the Welfare Department and OrphanCARE. In this research, our group are trying to propose to the policy maker to make a review on the current adoption law. Besides that, we also think that more adoption agencies shall be made into existence so as to help the government in making the legalisation of adoption process be made easier and less complicated. From this research we may also see how the laws on adoption in other developed countries such as the United States and England are different from what we have in our country especially in the period taken in making the adoption legal. At the end of this research paper, some recommendations are made to assist the policy maker in reviewing and amending the current law on adoption and for the betterment of the public at large.

TABLE OF CONTENT

Acknowledgement	ii
Abstract	iii
Contents	iv
List of Cases	vii
, ,	
CHAPTER ONE: INTRODUCTION	
1.0 Introduction	1
1.1 Background	2
1.2 Research Question/Problem Statement	4
1.3 Research Objectives	4
1.4 Research methodology	4
1.5 Scope of the Research	6
1.6 Limitation	6
1.7 Significance	7

CHAPTER TWO: THE RELATIONSHIP BETWEEN THE PROBLEM OF BABY TRAFFICKING AND THE PROCESS OF ADOPTION IN MALAYSIA

2.0 Introduction		8
2.1 The Problem of Baby Trafficking	in Malaysia	9

2.2	The Pro	oblem of the Adoption Process in Malaysia and its Relation	
	with Ba	aby Trafficking	10
2.3	The Pro	ocess of Baby Adoption Should is Made	
	More F	easible and Practical	13
2.4	The Co	mparison between the Process of Adoption of Babies in Malaysia	
	With th	e United States and England.	16
	2.4.1	The Process of Adoption of Babies in the	
		United States (the U.S.)	16
	2.4.2	The Process of Adoption of Babies in England	18
	2.4.3	Comparison With the Process of Adoption in Malaysia	21

CHAPTER THREE: LEGAL ANALYSIS ON THE LAWS REGARDING THE PROBLEM OF BABY TRAFFICKING AND THE PROCESS OF ADOPTION IN MALAYSIA

3.0	Introduction	23
	3.1 The Laws on the Baby Trafficking and the Registration of	
	Adoption in Malaysia	23
	3.2 The Comparison between Section 8 of the Adoption Act 1952 (Act 257)	
	and Section 6 of Registration of Adoption Act 1952 (Act 253) That	
	are Related to the De Facto Adoptions	28

CHAPTER FOUR: FINDINGS

4.0 Introduction	31
4.1 Interview done with a representative from the	
National Registration Department/ Jabatan Pendaftaran Negara, Malaysia	ı 31