

CIVIL ADOPTION LAWS IN PENINSULAR MALAYSIA

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Abstract

My main research and study are based mainly on the Civil Adoption Laws in Peninsular Malaysia namely:-

1. Adoption Act 1952
2. Registration of Adoption Act 1952

Chapter one gives a brief legal history of adoption laws in England which was later implemented in the Straits Settlements as the adoption of Children Ordinance 1939. Later a Bill of the Adoption Act 1952 was introduced which was based upon the United Kingdom Act 1950 and which incorporated the 1939 Adoption of Children Ordinance to make one statutory provision applicable throughout the federation. This bill formed the backbone of the acts as they exist today.

Whereas chapter 2 mainly discusses the enforcement of both the acts namely the Adoption Act 1952 and the Registration of Adoption Act 1952. It also discusses briefly the procedure in court and the Registry Office for the adoption of children in Peninsular Malaysia.

The third chapter is about a discussion on how adoption orders are made; who can adopt and be adopted. The consent requirement and dispensation of consent.

In the fourth chapter, lays down the preliminaries to be satisfied before and after the adoption orders are made, inter alia, custody of the child, notice to the welfare department, appointment of guardian ad litem and functions of the court. The power of court

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Introduction

To make a study of the origin of the institution of adoption is a difficult task. The main reason is because we cannot discover the general^{origin} of the institution of adoption. It is generally conceded that the appearance and growth of the institution of adoption is related to family demands, individual needs and fulfilment of the current social welfare policy. In other words adoption legislation has its roots in the community where the need to become a family which consist of a father, mother and children are desired.

Adoption is the most final way in which one can give away a child. When the court order for an adoption is made it transfers all legal rights and duties to the new parents and the natural parents have no further claim upon the child, nor may the child look to the natural parents for support. Upon the making of an adoption order the adopted child becomes a child of the adopter as if the child had been born to the adopter in lawful wedlock and the adopted child ceases to be a child of any person who was a parent of the child before the making of the adoption order. As it aims at finality, the process of adoption is hedged around with much formality and several opportunities are provided for the natural parents to reconsider the decision to place the child for adoption. All the legal requirements are provided in the Adoption Act 1952.