

TRANSSEXUAL LAW: THE TRANSSEXUAL RIGHTS IN MALAYSIA AND THE UNITED KINGDOM

By

Aliah Mohamad Asri (2007294116)

Ibtisam Syukriah Japri (2007294346)

Noor Asyima Shuaib (2007294356)

Submitted in Partial Fulfillment of the Requirements
for the Bachelor in Legal Studies (Hons)

Universiti Teknologi MARA

Faculty of Law

October 2009

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.

ABSTRACT

This research paper was conducted to compare between Malaysia's and United Kingdom's transsexual law. This research will also look into the applicability of adopting United Kingdom's in filling the lacuna in the law of Malaysia regarding the issue of transsexual. At first instance, Article 5 is likely to be used to govern the rights to change gender on the basis of fundamental liberties. However, this is not likely because Article 5 is too broad and does not even touch on the issue of gender recognition.

In the light of the above mentioned facts, we made the United Kingdom's legislation as a guideline in the process of proposing the law to be legislated in Malaysia. However, the applicability of the United Kingdom's legislation in Malaysia is limited as our country is mainly inhabited by Muslims. There are several recommendations to be adopted to improve the practicality of such law in Malaysia.

ACKNOWLEDGEMENT

Alhamdulillah and all praise be to Allah S.W.T for giving us the strength and endurance to complete this research project paper. This project is conducted by a team of three persons; Aliah Mohamad Asri, Ibtisam Syukriah Japri (group leader) and Noor Asyima Shuaib under the supervision of our beloved lecturer Miss Umami Hani Maso'od and not forgetting Pn. Mazlina Mangsori who had helped us a lot during last semester.

First and foremost, we would like to express our utmost gratitude to our supervisor, Miss Umami Hani Maso'od for her ideas and contribution in guiding us to do this research paper. Without her patience, guidance and supervision, it will be impossible to complete this project paper.

We would also like to thank En. Mohamad Asri bin Othman for his willingness to be interviewed and give us some idea regarding this issue of transsexuals. His responses gave us a guideline on which perspective to touch on in this research paper.

Not to forget, to our family and friends, we would like to thank them for their moral support given to us in order for us to complete this research paper. Last but not least, thanks to everyone who had either directly or indirectly contribute to the the completion of our research paper.

Thank you.

TABLE OF CONTENTS

Acknowledgement	ii
Abstract	iii
Contents	iv
List Of Cases	vi

CHAPTER ONE: INTRODUCTION / PROPOSAL

1.0	Introduction	1
1.1	Background Of Study	2
1.2	Objectives	7
1.3	Significance of the Study	8
1.4	Scope and Limitations	9
1.5	Methodology	9
1.6	Outline of the Structure of the Paper	10
1.7	Conclusion	11

CHAPTER TWO: LITERATURE REVIEW

14

CHAPTER THREE: TRANSSEXUAL'S RIGHT

3.0	Introduction	18
3.1	Rights And Access To Health Care	18
3.2	Rights To Marry And Parenthood	22
3.3	Workplace Discrimination	28
3.4	Offence Of Rape	31

3.5	Name Changes	34
3.6	Treatment In Prison	38
CHAPTER FOUR: DATA ANALYSIS		42
CHAPTER 5 CONCLUSION AND RECOMMENDATIONS		43
	Bibliography	46
	Appendices	50
	Appendix 1 : Interview Questions	50