

**AN ANALYSIS OF PUNISHMENT FOR BABY DUMPING IN
MALAYSIA: A COMPARATIVE STUDY WITH THE LAW IN
NEVADA, USA**

By:

Nur Azura bt Mohamad Mansor (2012822332)

Izyan Fasihah bt Zulkiflee (2012879658)

Melveroline Melton (2012836694)

Submitted in Partial Fulfilment of the Requirements for the Bachelor of Laws (Hons)

Universiti Teknologi MARA

Faculty of Law

December 2014

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 has included of three persons, namely; Nur Azura bt Mohamad Mansor, Meveroline Melton and Izyan Fasihah bt Zulkiflee.

Firstly, we would like to express our gratitude to the Almighty Allah S.W.T. to have given us time and strength in finishing this project. Without His blessings and guidance, this research would not have been initiated yet alone completed within the time limit.

We would also want to express our gratitude to our beloved supervisor, Puan Nurul Jannah bt Mustafa Khan, Lecturer of Faculty of Law, UiTM Shah Alam for her time, support, guidance, patience, materials, facilities and assistance from the first day of our meeting. Without her, this research would not have been possible and completed due time.

A special thanks to our respondents from the Department of Women, Child and Sexual Offences in IPK Selangor, the Shah Alam Police Headquarters and Puan Jashpal Kaur a/p Kulwant Singh, Lecturer of UiTM Law Faculty for their co-operation by giving us useful information related to our research.

Furthermore, we would like to take this opportunity to thank our beloved parents and family for their moral and financial support. Not forgotten are our beloved friends in helping and encouraging us every day and also being with us through the good and stressful times in conducting this research.

Last but not least, thank you to everyone who has directly or indirectly contributed to this research project. Your assistance is highly appreciated.

Abstract

This research paper has been conducted by Nur Azura bt Mohamad Mansor, Izyan Fasiah bt Zulkiflee and Meveroline Melton and has been supervised by Puan Nurul Jannah.

This research is pertaining the punishment of baby dumping in Malaysia which is currently a problem and appears to proportionately taking alarm in the society. The growing concern seems to stem from a realisation that despite legal framework, babies are being dumped and abandon and as a result, it leads to the death of the baby. In addition, the research project will be focusing on the effectiveness of the punishment in Section 317 and Section 318 of the Penal Code. An analysis will also be made to see whether the law that has been imposed is adequate in curbing the problem of baby dumping.

Hence, the objective of this study is to analyse the sufficiency of the existing law in governing baby dumping, to compare the laws in Malaysia with the laws in Nevada, USA and to propose amendment or appropriate legal framework concerning on baby dumping.

This research will also look into the Malaysian Penal Code and the Child Act 2001 as legal authority with regards to this issue. The laws in Nevada, USA will be looked into briefly to understand their legal position pertaining to baby dumping and interesting development of law in that country.

TABLE OF CONTENTS

Acknowledgement	i
Abstract	ii
Contents	iii

CHAPTER ONE: INTRODUCTION

1.0	General Introduction	1
1.1	Background Research	1
1.2	Research Question	3
1.3	Research Objectives	3
1.4	Scope of Research	4
1.5	Research Methodology	4
1.6	Limitation of the Research	5
1.7	Significance	5

CHAPTER TWO: LITERATURE REVIEW

2.0	Introduction	6
2.1	Definition of baby dumping	6
2.2	The baby dumpers	7
2.3	The cause of baby dumping	8
2.4	The distinct features between baby dumping, infanticide and concealment of birth by secret of disposal of dead body.	11
2.5	The society views on legal approach to curb baby dumping	12
2.6	Non-legal approach on curbing baby dumping	16

2.7	The effects of baby dumping	18
-----	-----------------------------	----

CHAPTER THREE: THE LEGAL PROTECTION AGAINST BABY DUMPING IN MALAYSIA AND COMPARISON WITH THE LAWS IN NEVADA, USA

3.0	Introduction	20
3.1	The current laws in Malaysia on baby dumping	20
3.2	The laws on baby dumping in the State of Nevada, USA	26
3.3	The comparison between Malaysian law and the laws in the State of Nevada, USA on the issue of baby dumping	30

CHAPTER FOUR: FINDINGS

4.0	Introduction	33
4.1	The effectiveness of the provisions in the Penal Code	33
4.2	The enforcement of law by the authority	35
4.3	The extent of the law in addressing baby dumping issue	37
4.4	Does the existing laws governing baby dumping in Malaysia requires amendment?	38

CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS

5.0	Introduction	40
5.1	Recommendations	40
5.2	Conclusion	42