

**A REVIEW ON THE PROVISIONS IN THE PENAL CODE  
REGARDING BABY DUMPING: PUNISHMENT V.  
REHABILITATION.**

By

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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 is based on the necessity to find out the reasons behind the rise of baby dumping cases in Malaysia and the provisions of the law that governs it, whether effective or otherwise. The law that governs this issue is laid down in Section 317 and Section 318 of the penal code. This provisions deals with abandonment and concealment of baby. In examining the law in Malaysia, comparisons are made with other countries such as China, United States of America and South Africa. Comparisons are made to find out as to the best form of punishment for this offender. Rehabilitation has been gaining momentum in the trend of punishing baby dumping offenders. This research is to determine the most effective punishment for this offence by reviewing the provisions that govern it presently and whether stricter punishment needs to be implement or other alternative punishment need to be considered.

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# CHAPTER 1: INTRODUCTION

## 1.1 Background of Study

According to the Headquarters of Royal Malaysia Police (PDRM) baby dumping means, the act of leaving the babies at any places without taking care of the babies. According to the statistics, 2005-2011, 472 babies were abandoned. Among these 472 babies, 258 were found dead while 214 managed to survive.<sup>1</sup> As concrete evidence, throughout the year of 2010, 75 cases of baby dumping was reported. According to Bukit Aman CID Director Mohd Bakri Zinin, 65 baby dumping cases alone have been reported up to August this year. The statistics given above prove the terrifying rise in baby dumping cases.<sup>2</sup>

As reported in a newspaper article, there was a statement made by Dr. Meriam Omar Din, a psychology counsellor at the International Islam University in Kuala Lumpur in which she believes that society's tendency to blame teenage pregnancy on women rather than men and embarrassment are reasons for baby dumping cases to increase.<sup>3</sup>

The objectives in conducting this research are to identify the existing provisions in the Penal Code dealing with baby dumping, to analyses the effectiveness of the provision of Penal Code in dealing with this matter as well as to make a comparison among the theories of punishment in arriving at the viable form of punishment.

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<sup>1</sup> "517 Baby Dumping Cases Since 2005", *Malaysian Insider* 9 February 2011.

<sup>2</sup> "Baby Dumpers May be Charged for Murder in Malaysia", *China Daily* 16 August 2010.

<sup>3</sup> "Baby Dumping in Malaysia: Causes and Solutions", *People's Daily Online* 14 September 2010.