



# INTERNATIONAL JOURNAL OF ACADEMIC RESEARCH IN BUSINESS & SOCIAL SCIENCES



## Should We Maintain Baby Hatches in Our Society? Baby Hatch Policy in Malaysia

Shadiya Mohamed Baqutayan, Salwa Ahmad Rafee, Aspah Aini Ishak, Muhammad Rohaizad Razali, Nor Baizura Mohd Noordin

To Link this Article: <http://dx.doi.org/10.6007/IJARBSS/v12-i11/15032> DOI:10.6007/IJARBSS/v12-i11/15032

**Received:** 17 September 2022, **Revised:** 20 October 2022, **Accepted:** 30 October 2022

**Published Online:** 16 November 2022

**In-Text Citation:** (Baqutayan et al., 2022)

**To Cite this Article:** Baqutayan, S. M., Rafee, S. A., Ishak, A. A., Razali, M. R., & Noordin, N. B. M. (2022). Should We Maintain Baby Hatches in Our Society? Baby Hatch Policy in Malaysia. *International Journal of Academic Research in Business and Social Sciences*, 12(11), 3073 – 3088.

**Copyright:** © 2022 The Author(s)

Published by Human Resource Management Academic Research Society ([www.hrmars.com](http://www.hrmars.com))

This article is published under the Creative Commons Attribution (CC BY 4.0) license. Anyone may reproduce, distribute, translate and create derivative works of this article (for both commercial and non-commercial purposes), subject to full attribution to the original publication and authors. The full terms of this license may be seen at: <http://creativecommons.org/licenses/by/4.0/legalcode>

Vol. 12, No. 11, 2022, Pg. 3073 – 3088

<http://hrmars.com/index.php/pages/detail/IJARBSS>

JOURNAL HOMEPAGE

Full Terms & Conditions of access and use can be found at  
<http://hrmars.com/index.php/pages/detail/publication-ethics>



# INTERNATIONAL JOURNAL OF ACADEMIC RESEARCH IN BUSINESS & SOCIAL SCIENCES



## Should We Maintain Baby Hatches in Our Society? Baby Hatch Policy in Malaysia

Shadiya Mohamed Baqutayan, Salwa Ahmad Rafee, Aspah Aini Ishak, Muhammad Rohaizad Razali, Nor Baizura Mohd Noordin

Perdana Centre, Razak Faculty of Technology and Informatics, University Technology Malaysia

Email: shadiya.kl@utm.my

### Abstract

Every year there is news of newborn babies being abandoned in places like toilets, garbage dumps, sewers, etc. It is believed that the mortality rate of abandoned babies in Malaysia is 70%, which means that for every 10 babies abandoned, only 3 survive. Accordingly, the governance aspect of baby dumping should also be explored, especially in terms of guiding policies to address issues and problems related to baby abandonment in Malaysia. This study, therefore, sought to inform the public about the establishment of a baby hatch, and then obtain input and further information to analyze the requirements for the government to develop a guiding policy for the baby hatch program in Malaysia. The purpose is to explore the policy aspect of using baby hatches as a solution to the problem of baby abandonment. An interview was conducted with the Advocacy and Communications Manager of OrphanCare. From the findings obtained, it appears that in order to address this problem, a support should be given to baby hatches taking into account four elements; Collaboration and cooperation between NGOs and government agencies, awareness programs for target groups, regulatory and legal protection, and, finally, introduce a policy for deinstitutionalization of baby hatches. Thus this is crucial to provide suitable suggestions and policies for planning the next steps to overcome the problem of abandoned babies in the future.

**Keywords:** Baby Hatch, Abandoned Babies, Baby Hatch Policy, Malaysia Policies

### Introduction

#### a. *Child Abandonment*

Child abandonment is a form of negligence and is punishable by law if the negligence causes serious harm or death to the child. Generally, child abandonment cases involve newborn babies born to teenage or young adult mothers who have unintentionally become pregnant out of wedlock. Surprisingly, these mothers are forced to abandon their babies, and not by choice or design. They are driven to desperation and fear the consequences of the law and moral expectations (MohdSalleh et al., 2019; Ismail & Nasir, 2012). The sharp and serious

increase in child abandonment cases in Malaysia can be seen in the number of cases reported from 2010 to May 2019. The reported cases are tabulated as shown below:

Table 1

*Number of Baby Abandonment Cases in Malaysia from 2000-2019*

YEAR	NO. OF CASES	YEAR	NO. OF CASES
2000	71	2010	91
2001	70	2011	98
2002	121	2012	89
2003	98	2013	90
2004	26	2014	103
2005	68	2015	111
2006	53	2016	115
2007	68	2017	120
2008	58	2018	128
2009	62	2019	65*

\*as of May 2019

Source: PDRM and Ministry of Women, Family and Community Development

However, these statistics cannot be considered very accurate in representing the total number of cases of infant abandonment for all of Malaysia during the classified period. This is because not all cases of abandoned infants are reported or remains of infants, whether alive or not, are found, especially in remote and abandoned areas. JKM and the Royal Malaysian Police (PDRM) have agreed to this themselves. They believe and are convinced that the actual number is higher than reported (Hishamuddin & Yusof, 2021). Unfortunately, the mortality rate of the abandoned babies found is more than 50%. The Ministry of Women, Family and Community Development in Malaysia reported that only 30% of abandoned babies are found alive. As per the statistics recently provided by the PDRM, from 2018 to September 2021, 283 (67%) abandoned babies were found dead, while another 141 (33%) were found alive. Most of the dumping sites were residential areas, toilets, mosques, house walls, and bushes (Abdullah, 2019; Syafiqah, 2022). Table 2 shows the locations and reported number of baby dumping cases from 2010 to 2018.

Table 2

*Baby Abandonment Locations Reported from 2010-2018*

Place	YEAR									Total
	2010	2011	2012	2013	2014	2015	2016	2017	2018	
Housing Area	23	26	24	23	21	26	47	36	40	<b>266</b>
Toilet	8	8	11	7	19	15	6	19	15	<b>108</b>
Garbage Dump	12	8	8	10	14	5	9	16	7	<b>89</b>
Water Plant/ Drain/ Sewage	3	1	5	10	6	11	9	8	10	<b>63</b>
Mosque	4	1	6	7	6	9	10	6	13	<b>62</b>
River/ Sea/ Lake	7	10	6	7	10	6	4	2	5	<b>57</b>
Building Side	5	3	8	5	6	3	5	13	6	<b>54</b>
Roadside	6	9	6	1	1	11	8	3	5	<b>50</b>

Bush	7	5	0	2	7	7	6	2	1	<b>37</b>
Hospital	4	6	2	1	2	3	3	6	5	<b>32</b>
Public Transport Station	4	5	2	4	2	0	1	0	4	<b>22</b>
Hostel/ School/ College	1	5	4	3	0	2	2	2	3	<b>22</b>
Car Park	1	1	2	2	2	1	2	0	4	<b>15</b>
Cemetery	1	1	0	1	2	3	1	1	2	<b>12</b>
Inside Vehicle	1	3	1	3	1	1	0	1	0	<b>11</b>
Playground	0	3	1	0	1	1	0	1	4	<b>11</b>
Bridge	2	2	1	0	0	1	0	2	2	<b>10</b>
Restaurant	2	0	2	1	1	3	0	0	0	<b>9</b>
Baby Hatch	0	1	0	2	1	2	1	1	1	<b>9</b>
Church/ Temple	0	0	0	1	0	0	0	1	0	<b>2</b>
Construction Site	0	0	0	0	1	0	1	0	0	<b>2</b>
Hall	0	0	0	0	0	1	0	0	1	<b>2</b>
<b>TOTAL</b>	<b>91</b>	<b>98</b>	<b>89</b>	<b>90</b>	<b>103</b>	<b>111</b>	<b>115</b>	<b>120</b>	<b>128</b>	<b>945</b>

Source: Ministry of Women, Family and Community Development

Most babies were discarded in residential areas (266), followed by toilets (108) and garbage dumps (89). Statistics show that these mothers are so desperate to hide their illegitimate birth that they willingly abandon their newborn in places like toilets, garbage dumps, and sewers. However, the highest percentage of dumping in residential areas (266), mosques (62), and on the outskirts of buildings (54) also shows that these mothers are desperate for help, especially in raising and caring for their newborns.

The trend of abandoned babies on the rise in Malaysia has prompted the government to take a more proactive and drastic role in vigorously combating the problem. Initiatives are being taken to address baby abandonment and unwanted pregnancies, such as the provisions of the Child Act 2001, government-run sheltered homes, and baby hatches. Currently, there is no specific policy or action in Malaysia that focuses on the implementation of the baby hatch program (The Commissioner of Law Revision, Malaysia (2006). However, there are non-governmental organizations (NGOs) working with several private hospitals in Malaysia that operate this program (Sukor et al., 2013).

#### ***b. Child Abandonment From Law, Ethics & Cultural Views In Malaysia***

In Malaysia, where the majority of people accept themselves as Muslims and are firmly committed to the faith of Islam, overt and explicit sexual acts are not only socially unacceptable, but also against the law and teachings of Islam. Islam forbids any personal relationship between an unmarried man and woman, including holding hands, kissing, hugging, and sitting next to each other. The reason for this, according to Sayyid Sabeq in his book "Fiqhu Sunnah", is primarily to preserve the dignity and purity of the union between the opposite sex (Al-Sheba, 2001). In addition, other ethnic groups such as the Chinese and Indians, who are also part of the Malaysian culture, consider explicit sexual acts between unmarried men and women as a social taboo. This shows that social judgments of immoral

behaviours are bad because they violate the social and moral precepts of Malaysian Eastern morals and values (Lee et al., 2006; Wong, 2012).

Intimate and personal interactions between a man and a woman have long been considered rude, dissolute, and forbidden. As a result of such behaviour, society often directs its focus to blame and identifying fault. As a result, people who engage in this chaotic act are ostracised and branded as socially irrelevant and worthless. As a result, they are often severely punished or excluded from their families and the public. Because of this negative labelling, women who are often victims of this "tragic episode" of pretentiousness typically deny their problems, procrastinate, or even avoid seeking appropriate solutions altogether (Link & Phelan, 2006). Even if they were initially happy to do so, stigmatised people are often discouraged from seeking care and help. People who do seek help may be more stressed and have more catastrophic experiences for fear of being further stigmatised and losing face. In the Malaysian context, the stigma associated with sexual intercourse as a result of an extramarital affair is usually compounded as this behaviour is considered morally and religiously unacceptable. Exposure of their actions would result in their exclusion from society, often leading to social rejection and low self-esteem (Link & Phelan, 2006). As a result, these women were at a loss and caught in the middle between what they wanted to achieve and what society expected of them. In the end, these mothers are more likely to choose to abandon their children.

This stigma not only affects unwed mothers, but unfortunately also rape victims who choose the quickest way to get rid of their newborn by abandoning the poor soul. Statistics from PDRM also shows that 77.65% (7508 out of 9669 cases) of rape survivors in 2013 - 2017 are under 18 years old. Young mothers who are not even supported by their own family due to stigma tend to make terrible decisions and abandon their baby (Browne, 2017). What makes it even sadder is that sideshows like victim blaming create further problems. Under Malaysian law, there is no specific legislation for the crime of abandoning a baby. From a legal perspective, the establishment of baby hatches for abandoned babies is seen to be in accordance with Section 17 (1) (e) of the Children Act 2001, which states that a child is in need of protection and care if he or she has no parent or guardian or has been abandoned by his or her parent or guardian and no other suitable person is willing and able to care for the child after a reasonable time has elapsed (Women's Aid Organization, n.d.)

### ***c. Baby Hatch***

The baby hatch is not new to European countries; in fact, it has existed since the beginning of the 7th century. The concept of the baby hatch is similar to the concept of the 'foundling wheel' or 'turning wheel', which was first introduced in Milan in 787 by a priest named Datheus. This was followed by other European cities, namely Siena (832), Padua (1000), Montpellier (1070), Einbeck (1200), Florence (1317), Nuremberg (1331) and Paris (1362). In Portugal, Dona Isabel, Queen of Dom Diniz, established a home for delivered babies in Santarém in 1321, which became known as Saint Mary's Hospital of the Innocents (Russell-Wood, 1968). In European countries, poor mothers who are unable to raise their babies give their babies to a 'turning wheel' in the hope that the nuns will raise their children well. The turning wheel or foundling wheel became a phenomenon throughout southern Europe in the 15th century. According to Russel-Wood (1968), there are various methods of informing the nuns of the baby's presence at the turning wheel, such as a bell placed near the wheel and an automatic response to the baby's weight (Cochrane & Ming, 2013). In this way, the identity of the mother or guardian is kept secret (Dailey, 2011).

The modern concept of spinning wheels or foundling wheels has recently developed throughout the world, including European countries, Africa, Canada, and also Asia. This modernised concept has introduced several new mechanisms to address the problem of abandoned babies. These include the creation of anonymous birth laws, as enforced in France and Austria, and safe haven laws in the United States, as well as the establishment of a baby hatch, which most countries in the world, including Malaysia, are involved in. In countries that recognise these two mechanisms, there is often overlap between the enforcement of these laws and the role of the baby hatch. Although these mechanisms are different, the best care for mother and child is the main focus underlying the formation of this law and the establishment of a baby hatch (Browne et al., 2012).

In the history of Malaysia, baby hatch is an unpopular topic of general debate. Since baby hatch's inception in 2010, it has received little coverage in major Malaysian newspapers. For example, in 2013, Astro Awani reported about the objective of the only NGO's in Malaysia that is "OrphanCare"; explaining OrphanCare's goals and how a baby hatch works in Malaysia (Azlee, 2013). Then in 2016, the New Straits Times published a newspaper article about the baby hatch established by the NGO's "OrphanCare" and the recent involvement of KPJ Hospital in providing seven baby hatches operating in their branches nationwide (Suzanna Pillay, 2016). Three years later, Berita Harian Online, The Malay Mail and Sinar Harian published an online article about the baby hatch and focused more on conveying the message that the baby hatch does not encourage more unmarried pregnancies. In addition, the articles highlighted the number of babies saved through the baby hatch program and the anonymity of mothers who surrendered their newborns to baby hatches, pointing out that they were not breaking the law (OrphanCare, 2022). In July 2020, the baby hatch attracted media attention (MetroTv) after Datuk Dr. Wan Norashikin Wan Noordin, member of the Perak Executive Council and Chairperson of the Perak Women, Family and Social Development Committee, expressed her views on the baby hatch to the media MetroTv (n.d.). According to the chairperson, the operation of a baby hatch in Perak is being considered in certain places to prevent the miserable cases of abandonment of babies (Manjit, 2020). However, it is less advisable to operate more of them as it seems to encourage illegitimate births and may become a habit (Zahari, 2020). After 10 years of operation, the establishment of a baby hatch at An-Nur Specialist Hospital Bangi was again reported in a newspaper article on November 2, 2021, as an endless campaign by OrphanCare to prevent baby abandonment in Malaysia (Manjit, 2021). Overall, newspaper reports are neutral toward the baby hatch, both in terms of its success in saving 456 abandoned babies and in criticizing a government agency.

From a scholarly perspective, there are few studies on baby hatches in Malaysia, mostly focusing on the legal aspects of baby dumping and the status of the baby from an Islamic perspective. According to (MohdSalleh et al., 2019), who studied the handling and protection of illegitimate children from the perspective of Maqasid Syariah and Malaysian legal system, baby drop follows the three aspects of Maqasid Syariah, namely hifzuddeen (protection of religion), hifzunnafs (care for life) and hifzunnasal (human parentage). The importance of caring for one's life is more important than the possibility of further promoting the abandonment of babies through the establishment of the baby hatch. Moreover, the claim that the baby hatch will lead to more adultery and the birth of a child out of wedlock in society is unfounded. In addition, Bux & Samuri (2019) had confirmed that baby hatch is a viable alternative to curb the problem of baby dumping. Babies rescued through the Baby Hatch program can have a better and happier future as they have the opportunity to inherit the link with their adoptive parents under Malaysian law and the perspectives of Syariah law. A high-

level scholarly article also addresses baby hatches in Malaysia. Indeed, Hazariah (2021), which not only focuses on the professional development of health care providers, especially nurses, in dealing with sexual and reproductive health (SRH) issues among adolescents, but also recognizes the baby hatch as an alternative for adolescents who are oppressed by the humiliation of family members and society because of pregnancy out of wedlock. Admittedly, researchers tend to be favorable toward the baby hatch program based on their empirical studies.

#### ***d. Deinstitutionalisation (DI)***

Deinstitutionalization is the placement of a child in an adoptive or foster home or reunification with his or her original family after living in an institution (Goldman, et al. 2020). The United States, Western Europe, and several South American countries, as well as the former Soviet bloc, have all experienced deinstitutionalization (Llorente, et al., 2003). The United Nations discussed the Convention on the Rights of the Child (United Nation, 1995; Eurochild, 2012), and they states that "the child should grow up in a family environment in an atmosphere of happiness, love and understanding, so that his or her personality may develop fully and harmoniously" and that "the family should be afforded such protection and assistance as may be necessary to enable it to perform its functions fully within the community" (United Nation, 1995). Additionally, Costa (2012) indicated that the three main components of the deinstitutionalization process. Deinstitutionalization is a policy-driven process of restructuring a country's alternative care system, with the primary goal of:

1. Reduce reliance on institutional and residential care while expanding family and community-based care and services;
2. Provide sufficient supports to children, families, and communities to prevent separation of children from their parents;
3. Prepare for exits from care, ensure the social inclusion of those leaving care, and provide a seamless transition to independent living.

#### ***a. OrphanCare***

Currently, there is no specific policy or action in Malaysia that focuses on the implementation of the Baby Luke programme. However, there is an NGO working with several private hospitals in Malaysia that are implementing this programme. OrphanCare is a non-profit organisation whose mission is to provide institutionalised infants and unplanned, vulnerable newborns with the joy of growing up in the care of a loving family. Its main goal is to ensure that children are cared for in their families rather than in institutions. OrphanCare is guided by this vision. Under the Malaysian Children (Amendment) Act 2016 and the United Nations Convention on the Rights of the Child (United Nation 2019), children have the right to love, safety, shelter, health and education.

OrphanCare provides many services namely deinstitutionalization, baby catch, counselling, advocacy and adoption. Deinstitutionalization (DI) is the process of reintegrating and adopting children from shelters and orphanages to give them the opportunity to grow up in a family. OrphanCare's main tasks include advocacy and raising public awareness. They advocate for policies and practises based on the knowledge they have gained through their services. Through the Adoption Programme, they conduct child reproductive health presentations, DI webinars, and parenting classes. Couples, women or others who need help

with an unplanned pregnancy are encouraged to drop off their newborn at the 24-hour baby drop-off centre. They encourage people to just drop in and assure that no judgments are made. OrphanCare operates three baby hatches in Peninsular Malaysia: Petaling Jaya, Johor Bahru and Sungai Petani in Kedah. They also partner with KPJ Hospitals, a well-known healthcare provider in the region. KPJ Hospitals has seven baby hatches across the country. OrphanCare's baby hatches use a German-style system. They are air-conditioned, secure and equipped with a 24-hour CCTV system that alerts the caregiver if a baby is left in the hatch and the mother is not detected by the camera. OrphanCare also assists Malaysian couples with the adoption process and helps find the right match. Finally, OrphanCare provides counseling to selected clients such as children and their families in the process of reintegration, as well as young girls and adults struggling with an unwanted pregnancy.

### **Research Methodology**

To explore the prerequisites for a national policy related to the baby hatch program, a qualitative approach was used to obtain information and opinions from the sole operator of the baby hatch program in Malaysia. Primary data were collected through an open-ended interview technique. A list of 17 questions was prepared and submitted for review. The improved interview questions were then emailed to the identified respondent and the interview was conducted online. The online interview was conducted on January 21, 2022 at 3:30 pm between the research team consisting of four students and the respondent from the sole operator of the baby hatch program in Malaysia. The online session was also recorded and transcribed verbatim for data collection and analysis. Secondary data were also used to support the study and to provide background and discussion on the issues identified through the desktop research. Data were collected from a variety of sources, including media: published news articles on the Internet, data on official government websites, and other materials such as reference books, journals, and additional reading materials for references.

### **Findings & Results**

This section presents the discussion on the key findings with a focus on identified patterns related to the participants' views on baby hatch.

### **Ethics**

The Ethics Committee of University Technology Malaysia (UTM) approved the study. Participants gave their written informed consent.

### **Respondents Background**

Only one participant was involved in this study; the respondent is the Advocacy and Communications Manager at OrphanCare and has been with the organisation since mid-2019. Prior to joining OrphanCare, the respondent is an experienced trainer which is involved with a great deal of Reproductive Health talks and awareness programs. The respondent works closely with the welfare officers who directly handle the Baby Hatch at OrphanCare.



Table 3

*Profile of Participants*

No	Age	Work Experience	Qualification	Working As
1	49	22	Degree	Manager (Advocacy and Communications), trainer on Health talks and awareness programs

***The Interview Results***

According to the interviewee; it is reported a total of 456 babies that have been successfully rescued by OrphanCare Foundation nationwide. 281 of them have been adopted since 2008. Of the 456 babies, 163 babies were cared for by their mothers and 12 other babies were placed in orphanages due to various health problems such as Down syndrome, cerebral palsy and others. There is no particular trend over the years in terms of overall statistics. For example, the number in 2020 is quite low, but perhaps that is due to the pandemic, although that is uncertain. Since its inception over the past 12 years, the Baby Hatch program has successfully rescued 77 unidentified babies who were delivered by their mothers to eight OrphanCare Foundation- operated facilities across the country in special boxes equipped with German technology. The facilities allowed mothers who refused to be identified to drop off their babies there in a safe condition. Clearly, almost all babies at Baby Hatch are left without documentation of the birth mother or baby, making it difficult to determine their identity, especially religion.

However, there are mothers who have left notes asking that their children be taken good care of since they cannot take care of them, and there are also mothers who have shared the names of their children, making the adoption process easier if their religion is known. Babies who are dropped off at Baby Hatch without papers automatically follow Malaysia's official religion, which is Islam. The interviewee emphasized that the purpose of setting up Baby Hatch is to help these unfortunate children to be adopted and have a better life. Considering the increasing number of cases where babies are abandoned, there should be a safe place to prevent the situation from getting worse, and that is exactly the purpose of the Baby Hatch program.

Apart from that, according to her, these babies are not only rescued for the time they are left in the hatch, but also the basic mission of OrphanCare is deinstitutionalization (DI). Therefore, referring to the guidelines of JKM, the organization has elaborated intensive activities for adoption procedures. Through these activities, OrphanCare will help find adoptive parents for abandoned babies, including those left in baby hatches. There have also been cases (abandoned babies) referred to OrphanCare by JKM. In this way, the organization works with the government for the benefit of these babies. Although it is known that JKM does the same for adoption procedures, OrphanCare clarified that the task is not redundant. The interviewee emphasized that OrphanCare exists to help the government deal with the problems of abandoned babies. Nevertheless, there is no specific procedure or guideline for cooperation between JKM and OrphanCare, and it somehow depends on individual officials in JKM. This means that certain JKM officials who are familiar with OrphanCare will approach OrphanCare to report cases of abandoned babies, while others may not do so.

OrphanCare not only pioneered the baby hatch program in this country, but is currently the only organization operating baby hatches here. Currently, the organization operates 3 baby hatches located in its offices in Petaling Jaya, Johor Bahru and Sungai Petani. In addition,

OrphanCare collaborates with KPJ Specialist Hospital and has set up another 7 baby hatches in Penang, Ipoh, Perak, Damansara, Seremban, Negeri Sembilan and KPJ Tawakkal Kuala Lumpur. In addition, a new baby hatch was established at An-Nur Specialist Hospital in Bangi last November.

During the interview, we were told that OrphanCare has several procedures in place to manage the baby hatch. When someone places a baby in the designated spot, a warning tone sounds and the facility's janitor transfers the baby to the hospital for health screening and assessment. Then, the healthy baby is entrusted to an adoptive family within 7 days. These adoptive families are among those who have applied to OrphanCare to adopt children and have been screened for their financial ability and willingness to raise children. These families must also attend classes such as counseling sessions and adoption law classes. Next, with the help of OrphanCare, the adoptive family takes care of applying for documents such as birth certificates if the baby does not have them. After that, the adoptive family is monitored for 2 months and the adoption letter is issued only after 2 years from the date of adoption.

The interviewee acknowledged that it is not easy to set up and run a baby hatch because it needs to be monitored 24/7, as the baby is either fully clothed or simply left alone at all times. With this in mind, it requires thorough planning if this is to be implemented in government hospitals or clinics, as it is an open area. In addition, the organization is awaiting a meeting with the PDRM to discuss further issues regarding the regulation and enforcement of placing a baby in a baby hatch, as this is not a criminal offense. In support of this, the interviewee argued that, unlike throwing a baby, this was only classified as a crime because some people are afraid to put the baby in the designated facilities for fear of being arrested by the police, so this type of stigmatization must be prevented to ensure the safety of the baby.

OrphanCare hopes that the Malaysian government can improve and facilitate the citizenship application process for babies who are abandoned without identification documents such as birth certificates. OrphanCare believes that these babies without identification papers will have problems obtaining proper education, and that individuals who leave the orphanage after the age of 18 without identification papers will have difficulty earning a living and in turn become involved in social problems, creating further vicious circles.

### **Discussions & Conclusions**

The issue of newborn abandonment is a complex and long-standing social problem. Young adult mothers who lack support, sex education, and awareness are often involved in cases where babies are abandoned. Poverty and domestic violence are believed to be precursors to abandonment, and mothers may become depressed and nervous after abandonment because they feel guilty about abandoning their child. Unmarried mothers and rape victims face cultural, religious, and social stigma in Malaysia. This psychological stigma, as well as the sense of futility of caring for a child who lacks financial or family stability, may be the driving force behind this decision.

Understanding and being sensitive to such social stigma is critical to effective approaches to raising public awareness of the importance of establishing baby hatcheries (Link & Phelan, 2006; Wong, 2012). Management of such facilities should focus not only on responding to the negative consequences of premarital sexual relations, but also on educating the public about the pressing issues, namely the increased mortality rate of newborns deposited in inappropriate locations. Instead of blaming those responsible for discarding babies, society should be made aware that the problem is about the innocent lives of infants.

As part of initiatives to overcome this problem, more baby incubators, especially in government hospitals and rural areas, can be set up as safe places for newborns who are legitimately given up for adoption. The baby hatch initiative has its opponents, however, who say it could encourage baby discarding. However, more baby hatches would mean more babies would be saved instead of thrown away.

From an Islamic perspective, a fatwa issued by Dar al-Ifta 'al-Misriyyah and responded to by Dr. Ali Jumuah mentions that the reward for caring for a child out of wedlock is the same as the reward for caring for an orphan. Sheikh Abdul Aziz bin Baz replied to a question about the status of adulterous children in society that the illegitimate child does not bear the sin of his mother who committed adultery. This is based on what is stated in Holy book (35:18):

*And (know), a bearer will not bear the sins of the deeds of others.*

Some victims are afraid to leave their babies in Baby Hatch for fear of being arrested and convicted by the authorities. The notion is not true at all, instead they can be punished if they leave the baby somewhere else. The public should be educated about the Baby Hatch initiative so that they know that it is not a crime to leave a baby in a special Baby Hatch crate and that individuals who do so will not be prosecuted. Baby Hatch is recognized as one of the recommendations made to the government by the Office of the Mufti of the Federal Territory of Kuala Lumpur, which deals with the care of children resulting from adultery or abandonment (Alfilfilany, 2019).

Based on the interviewee's input from OrphanCare, there are four elements that should be considered when Malaysia develops a specific policy for the baby hatch program, namely collaboration and cooperation between NGOs and government agencies, an awareness program for the target group, regulatory and legal protection, and a policy at Deinstitutionalization.

#### ***b. Collaboration & Cooperation Between Ngos and Government Agencies***

A well-developed and updated guide or standard operating procedure (SOP) needs to be reviewed for better understanding of the procedures in dealing with child abandonment and deinstitutionalization cases. Non-governmental organizations play an important role in assisting the government to curb the problems, and smooth implementation of cooperation between these two agencies can lead to better management of child abandonment cases in Malaysia. The burden of social problems should not only be borne by the government but also by the society itself. That is why there are the NGOs like OrphanCare that take this responsibility.

#### ***c. Awareness Program for Targeted Group***

Awareness programs at the educational level are important because most cases involve young mothers. Institutions such as schools, universities, and colleges must pay attention to the current social problems of young people. These educational institutions can work with non-governmental organizations to conduct educational talks and help prevent and deal with problems before they get worse, up to and including killing babies and the like. Bad decisions and bad things that happened should not lead to bad consequences, so professional help can help deal with these bad events. Since the youth are the future of the country, it can be helpful for the whole society to protect them at an early stage. This will also ensure a sustainable future for the country. In addition to the youth, society and the community must also participate in these awareness programs to eliminate the stigma of unwed mothers. There is a saying, "Hate the sin, not the sinner." Because the only thing that really matters is

the safety of newborns, who he need protection and help from all sectors of society. The efforts of the Office of the Mufti of the Federal Territory of Kuala Lumpur are commendable because religion plays an important role in the culture and ethics of society.

#### ***d. Regulatory and Legal Protection***

One of the instruments of politics is law. The enforcement of laws should not only serve to punish, but must also take into account the protection of people. In this case, it is important to protect both the mothers and the babies to ensure that the problems with the baby abandonment crisis in Malaysia are under control. Sections 317 and 318 of the Penal Code state that parents of guardians who abandon their children can be prosecuted. While OrphanCare mentioned that there is a statement in the form of a verbal assurance from the Minister on this matter, it does not repeal the current law. Therefore, a law is needed that provides immunity and protection to mothers who have 'abandoned' their babies in the baby hatch. The lack of clear provisions on this matter can lead to several problems. It has already been mentioned that one of the reasons for these mothers to abandon their babies in unsafe places is the fear of being prosecuted under both the Penal Code and Sharia law. Therefore, it is important for mothers to have an unbiased and non-judgmental support system (Kanyakumari, 2019). Apart from this, those who are directly involved (as an organization or individual) in the operation of baby hatches should be recognized in terms of implementing the law. An appropriate law or provision for the establishment and operation of baby hatches must be drafted and enacted by the authorities, i.e. the government, without violating moral norms and laws.

#### ***e. Policy on Deinstitutionalization***

OrphanCare is moving toward DI. That is the most important aspect of the Centre's establishment. And it is now working with state agencies to give unplanned, at-risk newborns the love, care and security of a family. When abandoned children are sent to registered shelters and orphanages, these children have access to shelter, food, bed, clothing and education, but they lack the love, support and crucial sense of identity that only comes from belonging to a family. Baby Hatch is part of the initiatives of DI, so Malaysia should move towards DI because DI is an outcome of the Baby Hatch programme.

It is not enough to make a policy for Baby Hatch. The government should address the issues and problems related to baby abandonment more comprehensively and consider DI. The government's current policy on child welfare is institutionalisation. However, this approach has resulted in increased government spending as the construction, establishment, and maintenance of each facility is funded by the government. In addition, the government pays caregivers a monthly allowance for as long as they care for a child in need of protection. There are two types of allowances paid by the government under child welfare. The first allowance is the financial allowance for children and the second allowance is the financial allowance for foster children. The first allowance is paid to the closest relative or guardian caring for a child without parents. The monthly grant is paid based on the conditions listed below:

- i. RM200 per person for children aged 6 years and below;
- ii. RM150 per person for children aged 7 to 18 years; and
- iii. Maximum assistance rate of RM1000per family per month.

The second allowance is paid to foster parents who legally adopt an underprivileged child or orphan or have no relatives and the child is registered under the foster child program implemented by JKM. The allowance is RM250 per month per child. Maximum RM500 per

month for 2 children or more. From JKM's 2019 statistical report (Ministry Of Women, Family And Community Development, 2019), the government paid RM211,449,800 in financial assistance for children and RM1,289,400 in financial assistance for foster children. If DI is integrated into child care and welfare policies, the financial burden on the government could certainly be reduced.

The Ministry of Women, Family and Community Development and JKM should work with non-governmental organizations such as OrphanCare to move children from institutional care to a family and community-based system. OrphanCare can potentially serve as a source of evidence for policymaking and practice. Governments, families, and social groups all have a responsibility to provide emotional and social support and to equip all young people with life skills and financial literacy, while ensuring that beliefs and cultural systems do not interfere with a child's well-being. Today's abandoned babies cannot wait for society to evolve into humanitarian wisdom. They need a safe and secure environment where the child can be cared for until he or she can be placed with a loving and caring family. Therefore, Malaysia must reduce the establishment of new homes and every major institution or home must move towards deinstitutionalization. The process of deinstitutionalization, like social change, needs to be reviewed periodically. The process may take some time, but it must be maintained to end the situation. Children should be taken out of the institutions and given the opportunity to claim their right to a family life (Bajpai, 2017; Child Rights Coalition Malaysia (CRCM) (2019). In conclusion, the statements of the respondents are valuable indications that should be taken into consideration when developing a specific policy for baby hatches in Malaysia. From a human, ethical and cultural perspective, the baby hatch program prioritizes the protection and safety of the babies and also the mothers. Malaysia as an Islamic country also has bayan linas, the statement of the Mufti office on current issues about the baby hatch program. Thus, the introduction of the baby hatch in this country is in line with Islamic regulations in most respects (Alfilfilany, 2019). The baby hatch program is considered one of the humane and compassionate solutions, along with DI, to provide a safe and better life for these innocent babies. The baby hatch prevents these poor souls from being left behind and abandoned in a dangerous and unsafe environment. Nevertheless, this facility should not be misunderstood as encouraging premarital sex, which is clearly against religious and social norms. Hopefully, the development of a better policy and its good implementation will encourage the willingness and acceptance of the Malaysian community towards the baby hatch.

### **Contribution of The Study**

This research contributes in enriching the body of knowledge on baby hatch that is new in Malaysia. Moreover, the high rate of abandoned babies justifies the need for baby hatch policy; indeed, there is NO baby hatch policy in Malaysia Policies. The outcome of this research will assist policymakers to achieve a better quality of life for all children in Malaysia.

### **Acknowledgment**

I would like to thank the Universiti Teknologi Malaysia (UTM) for funding through Encouragement Research grants (PY/2020/04096) as well as the international research grant (PY/2021/01847) that supported my research writing. I would like also to thank my colleagues and family for their support. Without all these supports we couldn't have succeeded in completing this project.

### Conflict of Interest

The authors hereby declare that they have no conflict of interests.

### References

- Abdullah, R. (2019). Kawasan rumah, tandas lokasi paling kerap kes buang bayi. Retrived 2022, from: <https://www.astroawani.com/berita-malaysia/kawasan-rumah-tandas-lokasi-paling-kerap-kes-buang-bayi-211251>
- Al-Sheba, A. R. (2001). Misconceptions on Basic Human Rights in Islam. Islamic Propagation Office, Rabwah, Riyadh, Saudi Arabia
- Alfilfilany, M. (2019). Bayan Linnas Siri Ke-163: Penyelesaian Penjagaan Anak Zina/ Pungut/ Gelandangan Menurut Fiqh. Pejabat Mufti Wilayah Persekutuan. Retrived 2022, from: <https://muftiwp.gov.my/artikel/bayan-linnas/3033-bayan-linnas-siri-ke-163-penyelesaian-penjagaan-anak-zina-pungut-gelandangan-menurut-fiqh>
- Azlee, Z. (2013). In Focus: OrphanCARE. Astro Awani. Retrived 2022, from: <https://www.astroawani.com/berita-malaysia/focus-orphancare-17513>
- Bajpai, A. (2017). A Child's Right to a Family: Deinstitutionalization – In the Best Interest of the Child. BETTER CARE NETWORK. [https://bettercarenetwork.org/sites/default/files/nhrc\\_journal\\_2017.pdf](https://bettercarenetwork.org/sites/default/files/nhrc_journal_2017.pdf)
- Browne, K. (2017). Child abandonment and its prevention. Daphne Toolkit-European Commission. The university of Nottingham. Retrived 2022, from: <https://bettercarenetwork.org/sites/default/files/attachments/Child%20Abandonment%20and%20its%20Prevention.pdf>
- Browne, K., Chou, S., & Whitfield, K. (2012). Child Abandonment and its Prevention in Europe. The University of Nottingham (Institute of Work, Health & Organisations), Nottingham, UK.
- Bux, S. J., & Samuri, M. A. (2019). Hak Kepada Nasab Kanak-Kanak Dalam Baby Hatch Di Malaysia. *Journal of Islamic Social Sciences and Humanities*, 18(MAY), 166–181.
- Child Rights Coalition Malaysia (CRCM). (2019). Status Report on Child Rights in Malaysia 2019. Protect and Save the Children Association of Selangor & Kuala Lumpur. Retrived 2022, from: <https://wao.org.my/wp-content/uploads/2020/11/CRCM-STATUS-REPORT-2019-FINAL.pdf>
- Cochrane, J., & Ming, G. L. (2013). Abandoned babies: the Malaysian “baby hatch”. *Infant*. Vol. 9 (4), 142-144.
- Costa, M. (2012). Deinstitutionalization and quality alternative care for children in europe. Open doors for europe children. Retrived 2022, from: [https://www.openingdoors.eu/wp-content/uploads/2014/11/DI\\_Lessons\\_Learned\\_web\\_use.pdf](https://www.openingdoors.eu/wp-content/uploads/2014/11/DI_Lessons_Learned_web_use.pdf)
- Dailey, M. A. (2011). The fate of innocents. *AJN The American Journal of Nursing*. Wolters Kluwer Health, Inc: USA. 111(6), 68–69. Retrived 2022, from: [https://journals.lww.com/ajnonline/Abstract/2011/06000/The\\_Fate\\_of\\_Innocents.31.aspx](https://journals.lww.com/ajnonline/Abstract/2011/06000/The_Fate_of_Innocents.31.aspx).
- Eurochild. (2012), Working Paper, De-institutionalization and quality alternative care for children in Europe, Lessons learned and the way forward,p.6
- Hazariah, A. H. S., Fallon, D., & Callery, P. (2021). An Overview of Adolescents Sexual and Reproductive Health Services Provision in Malaysia. *Comprehensive Child and Adolescent Nursing*, 44(2), 144–160. <https://doi.org/10.1080/24694193.2020.1756983>

- Hishamuddin, S. P., & Yusof, W. (2021). Baby Hatch Menurut Perundangan Malaysia dan Syarak. *Journal of Contemporary Islamic Law*, 6 (1), 39–52.
- Ismail, W. F., & Nasir, N. H. (2012). Child Abandonment. Portal Myhealth. Retrived 2022, from: <http://www.myhealth.gov.my/en/child-abandonment/>
- Kanyakumari, D. (2019). Pregnant and alone: In Malaysia, social stigma forces unwed mothers to give up babies. CAN, Asia. Retrieved 2022, from: <https://www.channelnewsasia.com/asia/malaysia-abandoned-babies-dumping-unwed-mothers-adoption-1328261>
- Lee, L. K., Chen, P. C. Y., Lee, K. K., & Kaur, J. (2006). Premarital sexual intercourse among adolescents in Malaysia: A cross-sectional Malaysian school survey. Singapore
- Link, B. G., & Phelan, J. C. (2006). Stigma and its public health implications. *Lancet*, 367; 529-31.
- Manjit K. (2021). OrphanCare adds baby hatch in Bangi hospital in ongoing campaign to prevent dumping of newborns | The Star. (n.d.). Retrieved 2022, from <https://www.thestar.com.my/news/nation/2021/11/02/orphancare-adds-baby-hatch-in-bangi-hospital-in-ongoing-campaign-to-prevent-dumping-of-newborns>
- Manjit, K. (2020). Too many baby hatches could encourage more babies being abandoned, says Dr Wan Norashikin. TheStar. Retrived 2022, from: <https://www.thestar.com.my/news/nation/2020/07/21/too-many-baby-hatches-could-encourage-more-babies-born-out-of-wedlock-says-dr-wan-norashikin>
- MetroTv. (n.d.). Terlalu banyak “baby hatch” galak kelahiran anak luar nikah. Retrieved February 2022, from <https://www.hmetro.com.my/mutakhir/2020/07/602341/terlalu-banyak-baby-hatch-galak-kelahiran-anak-luar-nikah-metrotv>
- Ministry Of Women, Family And Community Development. (2019). Social Welfare Statistics Report 2019. Retrived 2022, from: [https://www.jkm.gov.my/jkm/uploads/files/pdf/laporan\\_statistik/FINAL%20Web%20Upload%20-%20Laporan%20Statistik%202019.pdf](https://www.jkm.gov.my/jkm/uploads/files/pdf/laporan_statistik/FINAL%20Web%20Upload%20-%20Laporan%20Statistik%202019.pdf)
- MohdSalleh, M. M., Ahmad, N. M., and Zahalan, N. M. H. (2019). Pengurusan Dan Perlindungan Anak Tak Sah Taraf Melalui ‘Baby Hatch’: Satu Penilaian Daripada Perspektif Maqasid Syariah Dan Undang-Undang Malaysia: Management and Protection of Illegitimate Child through ‘Baby Hatch’: An Analysis from the Perspectives of Maqasid Syariah and Malaysian Legal System. *‘Abqari Journal*. 13, 1 (Feb. 2019), 87-102. DOI:<https://doi.org/10.33102/abqari.vol13no1.70>.
- OrphanCare. (2022). History of Baby Hatches. Retrived 2022, from: <https://orphancare.org.my/history-of-baby-hatches/>
- Russell-Wood, A. J. R. (1968). The Foundling Wheel. In: Fidalgos and Philanthropists. Palgrave Macmillan: London. 295-319 [https://doi.org/10.1007/978-1-349-00172-9\\_12](https://doi.org/10.1007/978-1-349-00172-9_12)
- Sukor, N. M., Sawa, R. P., & Salleh, M. M. (2013), Management of Baby Dumping in Malaysia : Considering Socio-Cultural , Legal and Religious Context
- Suzanna Pillay. (2016). OrphanCare: A family for every orphan. New Straits Times. Retrived 2022, from: <https://www.nst.com.my/news/2016/11/188249/orphancare-family-every-orphan>
- Syafiqah, S. N. (2022). Adakah Kewujudan ‘Baby Hatch’ Menggalakkan Pembuangan Bayi? Retrived 2022, from: <https://www.Rmp.Gov.My/>. <https://www.rmp.gov.my/arkib-berita/berita/2021/10/27/keratan-akhbar-pilihan-semilan-bayi-dibuang-sebulan---kpp-d11>

- The Commissioner of Law Revision Malaysia. (2006). Laws Of Malaysia Act 611, ChILd Act 2001. retrieved 2022, from: <https://antislaverylaw.ac.uk/wp-content/uploads/2019/08/Malaysia-Child-Act-1.pdf>
- United Nation. (2019). General Assembly Resolution adopted by the General Assembly on 18 December 2019. Rights of the Child. <https://undocs.org/en/A/RES/74/133>
- United Nation. (1995). Convention on the Rights of the Child. Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989, entry into force 2 September 1990, in accordance with article 49. Retrived 2022, from: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>
- Women's Aid Organization (n.d.) Rape Statistics in Malaysia - Women's Aid Organisation. Retrived 2022, from: <https://wao.org.my/rape-statistics/>
- Wong, L. P. (2012). An exploration of knowledge, attitudes and behaviours of young multiethnic Muslim-majority society in Malaysia in relation to reproductive and premarital sexual practices. BMC Public Health, 12; 865.
- Zahari, B. J. (2020). Terlalu banyak 'baby hatch' galak kelahiran anak luar nikah. MetroTv. Retrived 2022, from: <https://www.hmetro.com.my/mutakhir/2020/07/602341/terlalu-banyak-baby-hatch-galak-kelahiran-anak-luar-nikah-metrotv>