

## The Standard of Best Interest of the Child in Custody Adjudication under the Malaysian Laws

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**Abstract :** Best interest of the child has been the prevailing principle of the custody legislations of most nations in the world. The tremendous shift from parental rights to parental responsibilities throughout the centuries had made the principle of best interests of the child as the utmost matter which parents must uphold in child upbringing. Despite the commitment to this principle is significantly enshrined in the United Nation Convention on Rights of the Child, the content and application of the principle differs across borders. Differences persist notwithstanding many countries have experienced a substantial shift over the last several decades in the types of custodial arrangements that are thought to best serve children's interests. The laws in Malaysia similarly uphold this principle but do not provide further deliberation on the principle itself. The principle is entirely developed by the courts through decided cases. Thus, this paper seeks to discuss the extent of the application of best interest of the child principle in custody disputes. In doing so, it attempts to provide an overview of the current laws and the approach of the Civil and the Shariah courts in Malaysia in applying the principle in determining custody disputes. For purposes of comparison, it briefly examines the legislations and the courts practices in Australia and England on this matter. The purpose is to determine the best standard to be adopted by Malaysia and to propose improvement to the laws whenever appropriate.

**Keywords :** child custody, best interest, Malaysian law, bioinformatics, biomedicine

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