

# Abstract

Adoption consists of two elements: substantial element and procedural element. Substantial element include the qualities of the adoptive parent , adoptee and adopter as well as the quality of entity exercising the adoption right .Almost every country formulates specific laws and regulations for substantial element of adoption; however, there is difference of opinion as to the age of adopter and adoptee.

The Adoption Law of the Republic of China was formulated in 1991,and was revised in 1998.During the decade after the revision, great changes has taken place in China, therefore ,many social conditions depended on by adoption law does no longer exist. Meanwhile, as a result of entrance into WTO and the increase of international exchange, The number of intercountry adoption is expanding. In this circumstance, lagging legal system has resulted in certain restrictions to intercountry adoption. Moreover, there are a larger number of orphans and disabled children in china after the Wenchuan 8.0 earthquake ,which is extremely great challenge to the system of adoption in our country.

This thesis include the analysis about the development and qualitative research of legal system and the comparison concerning the substantial element of adoption in major states worldwide, so as to come up with some suggestion to our country and make contribution to the development of legal system of adoption.

**Key words:** the adoptee, the adoptive parent, the adopter, the adoption right, substantial element of adoption.