

**Title** : Perceptions of Sexual Offence involving the clothes worn by  
Female Victims in Malaysia (2007-2021)

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**Category** : Article, Competition

**Topics** : Sociology

**INTERNATIONAL ARTICLE COMPETITION**

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**TITLE;**

**PERCEPTIONS OF SEXUAL OFFENCE**  
**INVOLVING THE CLOTHES WORN BY**  
**FEMALE VICTIMS IN MALAYSIA**

**(2007 – 2021)**

By: Khairun Niswah Binti Alias

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# CHAPTER 1

## **Perceptions of Sexual Offence Involving the Clothes Worn by Female Victims in Malaysia (2007-2021)**

**By; Khairun Niswah Binti Alias**

### **1.0 ABSTRACT**

Malaysia reported an average of 5 rape cases daily. It does not only the rapist's fault but also how people see it. Unsurprisingly, even a female being raped, people still argue that it was not solely the rapist's fault, instead, the victim also being responsible for it. Rape myths are what being believe by the people. How the victim is wearing, how she is acting, and why she's walking alone is the one that should be blamed. This people's stigma is the thing that encourages the increase of rape cases in Malaysia or anywhere else. Many believe that if the female is wearing sexually oriented cloth, she is the one who 'invited' the rapist on her. While if she's wearing some unattractive- conservative cloth, she might have safe from being rape. This research aims to enshrined 3 major questions; what are the causes of sexual crimes on female victims based on clothing worn, the specific study of sexual crimes cases within the state of Selangor, and lastly, the role played by the humanitarian movements to curb this problem.

*Keywords; rape case, sexual crimes, sexually-oriented cloth, people's stigma*

## 1.1 INTRODUCTION

Malaysia is a multiracial country with a diverse ethnic community. By this mean, Malaysia has varied beliefs and grant freedom of religion to practice within the country. Malaysia might not list as the highest rape cases in the world statistic, but the rape cases within the nation are still worrying. Despite that, there are many more sexual crimes that go unreported especially rape, result from the country's stigma and rape myths which one of which is victim-blaming. The public is more likely to be on the side of the rapist rather than the victim. Instead of blaming the perpetrator, the victim was the one who should be responsible for the way she acts or wears that eventually invite the crime to happen. As a result, sexual crimes are often underreported as victims find themselves on the receiving end of criticism despite the ordeal they have undergone (*Heath et al., 2013*). Several organizations reject the thought that cloth has anything to do with rape. Some research also concluded that females wearing sexually-oriented clothes are perceived by both men and women as being more vulnerable to victimization (rape and rob) and more responsible for crimes committed against them than are women who dress more conservatively (*Edmonds & Cahoon, 1986*). These 2 different perceptions are most likely what people think by now. Whether the outfit that the women are wearing is inviting the crime to happen or it was solely the rapist's fault. This research aims to achieve 3 objectives which can be elaborated as follow. Objective 1 aims to investigate the possible reasons for females getting sexual assault based on cloth together with the rape myths that are publicly believed by most people. This chapter also includes 2 theories of sexual assault. While objective 2 will deeply discuss further the sexual crimes that happened within the state of Selangor. Under objective 3, this research will look at the role played by the humanitarian movements to curb the problem. Moreover, the paper is focused on the female victims rather than the male as under the Malaysian Penal Code, the case will be classified as a rape crime when there is a penetration happen without the consent of the victim, which many believed the only man can do the process.

## 1.2 RESEARCH PROBLEM

Malaysia's rape case is highly getting influence by the rape myths that a female who is wearing a sexually-oriented cloth is the one who should be blamed as well for the crime and not the rapist alone. People have been bashed the rape survivors instead of condemning the action. This has resulted in many other rape cases that haven't been brought to justice due to ashamed and scared of society.

One of the major beliefs in society regarding the rape myths is that rape happened because the woman is wearing attractive cloth. The cloth she's wearing is considered as an invitation towards the rape. This type of stigma has been widely adhered to in a society that results in the increase of sexual cases year by year in Malaysia. Even if the rape survivors lodge a police report, she will have to face public humiliation and her safety will be threatened. These situations are not supposed to happen to the rape survivors as she is a victim here. But the majority of the occasion, it happened that way.

Not just that, several elites also believe that it is the victim's fault if rape happens to her. She is the one who starts to encourage the man to be lustful by the way she wears and acts. One sad thing about this type of perception is that it has allowed rapists to actively do the uncivilized act without any guilt as he knows, he would never be getting rape and if he does, society will blame the victim more than on him. Surprisingly, most of the rape survivors globally happen to wear simple and conservative outfits such as a T-shirt, pants, or even a pajama. Regardless of that, even if she's is wearing something that is called "sexy" to many eyes, it cannot be the reason for her getting rape.

Women should be protected and she can wear anything she finds comfort in the public without getting cat-called or sexual assault. If a man can wear short-pant with a singlet while jog at the park without the need to worry about being sexually harassed, a woman also should never be worry to wear a normal sports outfit.

Lastly, this paper is intended to show the other perspective relating to rape on female victims. It is to show that doesn't matter what the woman is wearing, it can't be the reason for her getting rape. Victim-blaming is the society needs to stop as it can increase the trauma that the victims' felt.

### **1.3 RESEARCH QUESTIONS**

1. What are the causes of sexual assault to happen to a female based on the outfit that she wears?
2. How Selangor face the sexual crimes that happened within its territory.
3. What are the roles played by humanitarian movements to overcome the issue?

### **1.4 RESEARCH OBJECTIVES**

1. To examine the causes of sexual crimes on a female based on clothing worn.
2. To study the case of the sexual crime that happened within the State of Selangor.
3. To examine the role played by humanitarian movements to curb the problem.

### **1.5 SIGNIFICANCE OF THE RESEARCH**

The purpose of this research is to show that the rape myths are nothing but just myths and what the society believes about the victim-blaming, sexual encourageable clothes are all myths that need to stop. All this type of myths especially on how the outfits worn by the rape survivors are the one that invites the act to happen on her, has caused physically and mentally wounds upon the victims. She does not only have to face the trauma from the forced sexual intercourse but also to face the victim-blaming stigma. The research also covers underage rape which to show that the rapists do not being encouraged to rape but they are the one that has the lustful desire.

### **1.6 SCOPE OF THE RESEARCH**

This research is the study of perceptions on clothes that were worn by the rape survivors of a sexual offense. It only covers female victims as sexual assault on male victims is not considered as rape rather as sexual harassment under the Malaysian Penal Code. As this paper covers sexual offenses especially rape, it does not cover males. Besides that, regardless of numerous issues on rape, the paper only centered on the cloth issue as it has several different perceptions and controversies. The scope of this research paper is limited to the rape issue from the year 2007 until 2021. Both years were chosen as Malaysia reported 3,000 rape cases annually starting from 2007

until 2011 which were the highest. Whilst the paper also covered one current case that happens in the State of Selangor in 2021.

## 1.7 LITERATURE REVIEW

An article was written by a student from the University of Malaya entitled *A Comprehensive Sexual Harassment Bill: A Step in the Right Direction?* enlightened how the approval of the Sexual Harassment Bill can fill the lacunae of sexual law in Malaysia. It also describes few local laws such as Penal Code and Employment Law 1995 is not comprehensive and ineffective to fill the gap of sexual harassment law in Malaysia. A few feminist organizations under the Joint Action Group for Gender Equality (JAG) fight for the Bill to be tabled in the Parliament since 2001.

This research also referred to a few official pages of humanitarian organizations such as Women's Aid Organization (WAO), Women's Centre for Change (WCC), and All Women's Action Society (AWAM) to collect data about their organizations as well as their stands in sexual assault. Most of them opposed victim-blaming and rape myths regarding women getting rape.

Researchers also referred to online news to study the view of several occasions. *Acquaintance Rape Most Common in Malaysia (Borneo Post Online)* discovered that most of the victims regardless of age were raped by their family members, friends, and people that they know. It is the most common case in Malaysia. *Man gets 1,050 years, 24 strokes of rotan for raping stepdaughter (Bernama)* showed a disgusting case happened in the state of Selangor where a stepfather raped her 12 years old stepdaughter 105 times for almost 2 years. *Cops: 90% of Selangor rape, molest cases involve underage girl victims; case numbers slightly down this year (Malay Mail)* illustrated that most rape cases in Selangor were related to the underage girls as victims. 2020 recorded a decrease in molest cases in Selangor compared to the previous years. Another news article is from Malay Mail, *Victims blaming perpetuated silence, injustice – WCC (Malay Mail)*. This article expressed the WCC's response towards a post by an MRSM teacher that supported victim-blaming and stated that most rape crimes are consensual. The victims reported rape only for a show and not real. WCC strictly expressed that the teacher's statement is not only wrong but could cause misleading in the society for those who read it. In addition, WCC also referred that almost



80% of incest victims were girls underage and 90% of rape cases reported were committed by their family members who they trust the most. The last source from news online is: *What were you wearing (The Star)*, it describes that cloth is never the answer to why women getting raped. An exhibition called 'What Were You Wearing' held in Brussels, Belgium that displayed clothes that were worn by rape victims at the time of them getting assault. Most of the clothes were pajamas, tracksuits, and even My Little Pony's shirt.

Other than that, through an online publication, *Should Victims be Blamed for Sexual Harassment when even Religious Clothing is Sexualised? (World of Buzz)*, published an article on how rape can happen even if the woman wears the most conservative outfit such as religious clothes. Not only the lustful man bought a set of kebaya just to cast lust, but the article also showed that even *telekung* is considered attractive to those lustful men.

Besides that, the researcher also referred to academic research to collect the data and fill the gap of the readily research about this topic. *Attitudes Concerning Crimes related to Clothing Worn by Female Victims by (Ed M. Edmonds and Delwin D. Cahoon)* is a research conducted by the authors to find the difference of physical attractiveness between a female wearing sexually oriented-cloth and the conservative one in crimes. This research centered on the attractiveness of females for general crimes and rape. However, the purpose of this research is wider as it centered the attractiveness in criminal offenses as well and the survey covered both crimes.

Next is a journal from *Fernandez, J. A and Mohamad Nor, A, entitled Enough of This Nonsense! Rape is Rape: A Malaysian Perspective*. This journal centered on a Malaysian perspective of rape which is mostly influenced by rape myths. The authors highly expressed that an act of rape is rape for no other reason. It covers only a Malaysian perspective which also suitable for the research.

Lastly, the researcher also alluded to a journal entitled *Rape Myths Acceptance Impacts the reporting of Rape to the Police: A Study of Incarcerated Women (Nicole M. Heath, Shannon M. Lynch, April M. Fritch, Maria M. Wong)* also centered relating to how rape myths have impacted the reducing of reported sexual crimes because of scared being judge and accused.

## **1.8 THEORETICAL FRAMEWORK**

In this research, the researcher tries to center the theory of liberalization as to where gender equality is vital. The researcher also believes that the concept of victim-blaming can be seen when using this theory. The discussion was regarding how women always get blamed when comes to rape. It is within the societal mentality that the blame should be on the female shoulder even though she's the one who got raped, while the rapist can get away easily because he's a man that has no control. Their reason was on the female's outfit. This belief has resulted in severe cases of sexual crimes where there are more unreported sexual cases throughout the year. The equality of innocent people also included as to the concept of victim-blaming has always been on the female.

## **1.9 METHODOLOGY**

This research applied both qualitative and quantitative methods to achieve a better result in the topic discussed. The quantitative method is used by conducting an online survey of 31 participants from the age of 15 until 30. Their responses were then analyzed and concluded. Whilst the qualitative method was used by referring to several academic sources such as research reports, journals, articles, and online news. As this topic also touches on the psychological view, the researcher also refers to a theory from a neurologist, Sigmund Freud. All the data and information were collected from events that had been occurred and also the response from the participants of the online survey.

## 1.10 CHAPTER OUTLINE

### Chapter 1:

- 1.1 Introduction
- 1.2 Research Problem
- 1.3 Research Questions
- 1.4 Research Objectives
- 1.5 Significance of Research
- 1.6 Scope and Limitation
- 1.7 Literature Review
- 1.8 Theoretical Framework
- 1.9 Methodology
- 1.10 Chapter Outline

### Chapter 2: The causes of sexual crimes on females which based on clothing worn

- 2.1 Rape myths
- 2.2 Theories on sexual assault

### Chapter 3: The condition of sexual crimes in the State of Selangor

- 3.1 Modus operandi in Selangor
- 3.2 Sexual assault case in Selangor

### Chapter 4: The role played by humanitarian movements to curb the problem

- 4.1 Women's Aid Organization (WAO)
- 4.2 Women's Centre for Change (WCC)
- 4.3 All Women's Action Society (AWAM)
- 4.4 Progress of a Sexual Harassment Bill

## Chapter 5:

5.1 Result of research

5.2 Conclusion

## CHAPTER 2

### **THE CAUSES OF SEXUAL CRIMES ON FEMALES WHICH BASED ON CLOTHING WORN.**

‘She asked for it. The way she was dressed in that skirt you could see everything she had. She was advertising for sex,’ said one juror, Roy Diamond. Another juror, Dean Medeiros said, ‘we felt she was up to no good the way she was dressed’ (*Ap, 1989*). These words were spoken by jurors from Broward Circuit Court in the 1989 Florida case. The jurors reached a unanimous verdict to acquitted a 26 years old man charged with kidnapping and rape of a 22 years old Coconut Creek woman. They were referring to the outfit she wore at the time of the incident as “asking for sex” and thus, she gets what she wants. The woman’s attorney, Alexander Siegel response after heard the surprising verdict, that if being in style considered as asking for rape, that is a pathetic statement on society.

Malaysia recorded rape cases above 3,000 starting from 2007 (3,098), 2008 (3409), 2009 (3626), 2010 (3595) and 2011 (3301) (“Statistics of Rape in Malaysia,” n.d.). The age breakdown of rape survivors was mostly above 18. Nevertheless, there are still many cases that go unreported due to the heavy stigma of the country, and also it is considered as taboo.

#### **2.1 RAPE MYTHS**

Martha Burt (1980) defined rape myths as “prejudicial, stereotyped, or false beliefs about rape, rape victims and rapists. She identified some examples of these myths as ‘women ask for it’, ‘rapists are sex-starved’, or both. She further explained that these perceptions have virtually no factual basis in real life.

Lonsway and Fitzgerald (1994) elucidated rape myths as “attitudes and beliefs that are generally false but are widely and persistently held, and that serve to deny and justify male sexual aggression against women” (*Ap, 1989*).

Society, regardless of where were influenced by rape myths. While in Malaysia, it was cheerfully welcomed. Most of the myths were surrounded women or in other words, if a woman

getting rape, let's see if there are any taboos that she has violated. Did she walk at night alone? Did she wear any attractive outfits? Pants, tight shirts, skirts, not wearing a hijab, or if she does, is it proper enough to not catch a man's eye on her. These are what women have to properly and carefully look in the mirror first before they went out. By this look, it shows that regardless of religions, beliefs, or ethnicity, as long as you are a woman, you must properly wear a suitable outfit that will not catch men's attention or you will get rape.

This has raised one concern, what kind of suitable outfit does not cause men to lust? An exhibition called 'What Were You Wearing?' that was held in Brussels, Belgium in 2018, showed displays of clothes that were worn by victims at the moment they were assaulted. Surprisingly or might not, there was the clothing of pajamas, tracksuits, and even a child's My Little Pony shirt. The exhibition showed that the clothes worn by the victims are as "innocent as the victims themselves" (*What Were You Wearing?* / *The Star*, n.d.).

Believe it or not, even though it is called a myth, it was quite acceptable and practice by the society. Rape myths encourage the culture of victim-blaming whenever there is a woman who becomes the victim. Thus, it has caused many rape cases to go unreported due to scared and ashamed they will be criticized by society. This has allowed those lustful men to commit such crime without scared of being punished because they know they will not get reported. This is not an environment that women should be living in.

The society around keeps telling women what to wear, how to act, dos and don'ts to avoid getting man's attention. But the thing is, we are living around man and unfortunately, they have eyes. Wearing a stylish outfit will not become an issue if those eyes don't look lustful.

## **2.2 THEORIES ON SEXUAL ASSAULT**

There are 2 theories from a different point of views that will be discussed in this context which is from a psychopathological viewpoint and sociocultural viewpoint. The hoping result from these 2 theories is to show that it is, and it was never the women's outfit fault in the first place for why the sexual crime happened. Nevertheless, both theories demonstrated distinguish approaches.

The psychopathological viewpoint was based on a theory from a famous Austrian neurologist, *Sigmund Freud* (1856-1939) who was also a founder of the psychoanalytic school of psychology. Freud viewed human sexual desire develop from childhood and if it is not fulfilled, the sexual urges can lead to uncontrolled sexual aggression. He was interested in hypnotism at first as he believed that particular kinds of unconscious thoughts and memories, especially sexual and aggressive ones, are the sources of neurosis and that neurosis could be treated by bringing these unconscious thoughts and memories to consciousness in psychoanalytic treatment (*Sigmund Freud, 2020*). He also stated that humans are born ‘polymorphously perverse’, meaning that each number of objects can be the source of satisfaction or pleasure. He was the one that introduced the ‘*Oedipus Complex*’, theory that claimed children have a psychosexual attraction to their opposite-sex parent at the early age of 3 to 6. This features the common condition where the daughter is much closer to the father than the mother and sometimes gets jealous of the intimacy of the parent.

Freud’s theory indicates that the rapists have a tempting desire, lack of control, and having a mental disorder that encourages them to do such uncivilized crimes. It further clarifies that the act of rape is committed because men had uncontrollable urges that need immediate gratification or due to sexual deprivation (*Fernandez & Mohamad Nor, 2019*).

Even so, Malaysian society was not widely exposed to the knowledge of all these mental disorders, psychosexual, or psychological disorders as to them, rape is rape and it has happened. There must be something that the woman has done as she received such so. The society needs to know that mental issue is indeed a reality and it can happen to almost everyone. The distinction between it and health issues is that we can’t see mental disorders. It is all psychological matter and under the field of expertise.

The sociocultural viewpoint, on the other hand, viewed the causes of sexual assault as a result of the patriarchal system in society, legitimate violence, and gender inequality. The gender socialization that gives empowerment to men and devalues women has allowed the rape myths to be the key to condone rape. Moreover, the patriarchal system in the society essentially empowers men and oppresses women, which indirectly undermines sexual violence and sexually dominates women (*Fernandez & Mohamad Nor, 2019*). In other words, the rape happened because society

already absorbs the perception that men are much more powerful than women and the act of rape is an intentional action to show how a man can overrule women by keeping them in constant fear to control and subjugate them.

The second theory is not only challenged the prepotent presumption on rape but also shifted the societal assumption by putting the blame away from the victims. However, this theory only applied to male perpetrators as failing to recognize male diversity and needed further research on the reasons for rape by female perpetrators. Despite that, it is aligned with the aim of this research paper which is to strengthen the statement that a female's outfit is not the first reason to look at when a rape happened. If there are a lot of sexual crimes happen in the society, the first thing that need to look at is the society itself.



## CHAPTER 3

### **THE CONDITION OF SEXUAL CRIMES IN THE STATES OF SELANGOR.**

According to Royal Malaysia's Police (PDRM), 2017 noted Selangor as the highest country with 296 rape cases make it 18.7% of the pie. The second country is Johor with 175 cases (11.1%), while the third country is Pahang with 138 cases (8.7 %), within the same year (*"Statistics of Rape in Malaysia, 2020*). These statistics were based on reported cases to the PDRM. However, the police believed many cases around the country go unreported due to embarrassment, scared and family pressure. The discussion within this chapter will include all kinds of age breakdowns of rape starting from children below 12, teenagers below 18, and women above 18. In addition, this chapter will not only cover sexual assault based on clothing but also underaged rape which also will be illustrated with the current issue that happened in the state of Selangor.

Penal Code Section 376(1), stated that sexual intercourse with a girl under the age of 16 will be considered as rape with or without her consent. 90% of Selangor reported cases are dominated by underage victims. Selangor police's Criminal Investigation Department (CID) chief SAC Datuk Fadzil Ahmat said that rape and molest cases typically involve girls aged as young as 14 until 18 years old (*Lim, 2020*).

#### **3.1 MODUS OPERANDI IN SELANGOR.**

Even though the rape and molest case in Selangor was slightly decreased by the year 2020 (180 cases) compared to the previous years, teenagers still need to be concerned and cautious especially with strangers who they met online.

According to the chief SAC Datuk Fadzil Ahmat, the modus operandi in Selangor to lure women was mostly through the social media platform. Where the suspect will approach them through social media and invite them out before committing a sexual offense on them. This is called date-rape. Where the suspect invites the victim for a date before rape her. The suspect will persuade the victim to go home together and when the victim agreed, the suspect will follow her home before

committing the sexual act. Most of the date-rape started from social media acquaintances. According to the crimes' statistics from Bukit Aman, there was a significant increase of 300% of internet-related rape crimes between 2010-2015. The same report showed that in the first 5 months of 2015, rape by internet acquaintances was used by 82% of sex offenders as their modus operandi.

In this case, most of the victims refused to lodge a report because of the victims-blaming stigma in the society. They might be called as seeking attention as they are the ones who agreed to meet the suspect in the first place. This kind of society we're living in has causing those rapists to freely walk out the door without being arrest, while the rape victims are scared to death as a result of trauma. On top of that, according to the statement from the Women's Aid Organisation (WOA), out of 10 rape cases that happened, 9 go unreported. This is the current reality we're living in.

It all went back to the rape myths that was already been discussed in the second chapter. Other than the type of cloth wear, the behavior of the girl is also considered as inviting the rapist on her. Lack of awareness on the issue is one of the causes why Malaysian society believed that the rape issue is taboo. Moreover, Malaysian society also believed that women should always be kept inside the house. Thus, reporting a rape crime that was based on the fact that the woman is the one who agrees to go out with the guy is not much help the society to favored her.

Children are also vulnerable to sexual assault. Keep in mind that in most cases, these children (under the age of 18) were sexually assaulted by their own families. It was either their father, stepfather, brother and even their grandfather. Statistics in 2018 showed that 75.7% of the sexual crimes against children reported in Selangor were committed by persons that were known to the victims.

It is impossible to see how clothing is applied in these two cases. The most common rape crime that happened is rape by an acquaintance (*Acquaintance Rape Most Common in Malaysia*, 2012). This also included the date-rape and children getting rape by the person they know. Date-rape might happen after several times of going out together. The children might have met up with the suspect several times before the sexual act happen. This happens because the victims have built a blind trust towards the rapists without acknowledging their true colors. In other words, rape is rape doesn't matter who, where, and why. Most of the rape victims were betrayed by the trust that they

built on the rapists. Clothing does not apply, rape will happen even if you wear *telekung* or *jubah* (*Should Victims Be Blamed for Sexual Harassment When Even Religious Clothing Is Sexualised?* - *WORLD OF BUZZ*, 2020).

### **3.2 SEXUAL ASSAULT CASE IN SELANGOR**

90% of victims of rape and molest cases reported in Selangor were underaged girls. These girls were at the age of 14 until 18 years old. According to the Malaysian Penal Code Article 375G, with or without consent, having sexual intercourse with a girl under the age of 16 years old is considered rape as she was considered incapable of giving consent. This is also known as *statutory rape law*. The law also clearly mentioned in Article 376(2) the punishment for this type of rape is imprisonment not less than 10 years and whipping.

Early in 2021, Session Court sentenced an unemployed man who has raped her stepdaughter 105 times to serve 10 years in jail and receive 2 whippings for each rape charge on him. Her stepdaughter who was 12 years old has being raped by her stepfather within the period of 2 years starting from 5 January 2018 to 24 February 2020 at their house in Sungai Way, Selangor. It has happened for 2 years before her mother found out about the incident when she was brought to her aunt's house. She also said that she never told anyone because the man has threatened to hit her if she ever told anyone.

Deputy Public Prosecutor Nurul Qistina Qamarul Abrar had urged the court to impose a heavy custodial sentence and the maximum strokes of the cane on the man, taking into account the public interest in the case (*Sheralyn, 2021*). In a 5-hours-long court session where each charge was read separately, Judge M Kunasudary has sentenced the man to 1,050 years in jail and 24 strokes of the cane.

He was charged under Section 376B of the Penal Code which provides for a jail term of not less than years and not more than 30 years and whipping (*Bernama, 2021*). The accused who was unrepresented pleaded guilty and did not appeal for the sentence.

This case is intended to show that rape can happen to anyone regardless of relationship. A stepfather which supposed to protect the victim end up shattered her self-worth. The action could

cause trauma to the victim. Sexy-clothing? What 12-years-old girl know anything about sexy cloth? Even if they do wearing some attractive cloth, like what almost kids wear, it is supposed to look cute instead of lustful. Only an insane man would look at these kids as lustful. Clothing is never the answer to the rape act. Even some might says that underage rape and above 18 rape victim is not the same. But the thing is, the act is still the same. Rape is rape regardless of age. One cannot distinguish the action of rape and shift the blame only because she is above 18.

# CHAPTER 4

## **ROLE PLAYED BY HUMANITARIAN MOVEMENTS TO CURB THIS PROBLEM**

Penal Code, Employment Act 1995, and Sexual Offences against Children Act 2017 are the 3 local laws that included sections that govern the crimes of sexual assault. Penal Code put 4 main sections (ss354, 355, 375, and 509) that address the issue together with its punishments. However, many scholars opined that criminal law is not suitable to address the subtle instances of sexual harassment and is more tailored towards dealing with overt and more physical forms of sexual assault and violence (*A Comprehensive Sexual Harassment Bill*, 2020). Employment Act 1995 is the only local law that defined sexual harassment. However, it is only defined by the scope of the workplace. The law also lacks addressing specific measures on how to handle any sexual issues when the employees made a complaint to the employers which results in the inconsistency of adhering to standard operating procedures in handling such complaints. On the other hand, the Sexual Offences against Children Act 2017, as its name, only address sexual crimes against children underaged.

The limitation of these laws made it possible for the increase of cases every year. Thus, there is the need for other non-governmental bodies to ensure that the cases don't go beyond the worst as in Africa. Numerous activists and NGOs in the country have been searching for solutions to curb the issue of sexual assault. This chapter will discuss the 3 NGOs that are under The Joint Action Group for Gender Equality (JAG) in addressing sexual crimes as well as fighting to proposed a sexual harassment legislation to be tabled in the Parliament.

### **4.1 WOMEN'S AIDS ORGANISATION (WOA)**

Women's Aid Organisation (WAO) was founded in the 1980s with the main purpose to fight for women's rights in Malaysia. It is hoped that the perceptions of domestic violence and rape can be change through education. WAO also partnered with the government in enhancing the legislation.

The organization helps to improve the Domestic Violence Act and recently fighting for a Sexual Harassment Bill to be approved as a sexual crimes law in Malaysia.

According to WAO, rape is sex without consent or sex with a person who is unable to consent (*“What Is Rape and Sexual Assault? 2020*). Domestic violence is also included within the scope of rape as rape can happen even in marriage or known as marital rape under Article 375A, *‘husband causing hurt in order to have sexual intercourse’*. The punishment for this type of violence is imprisonment of up to 5 years. In 1982, WAO set up first Malaysia’s domestic violence shelter, made it the first organization that builds such shelter in the country. Besides, WAO also actively raises awareness and changes the mindsets of the public. They believe, to end violence against women, society needs to respects women’s dignity and rights (*“About Us, 2020*). The *“Harapan Sentiasa Ada”* art exhibition along Masjid Jamek LRT station put up stories of domestic violence survivors. Also, the *“Invisible Women”* art exhibition that highlighted gender discrimination at the workplace are some of the efforts of WAO in spreading awareness.

WAO offers a lot of programs in the name of protecting women’s rights and dignity since its establishment in the 1980s. Besides actively participates in the protection of women against domestic violence and rape, the organization also cooperates with All Women’s Action Society (AWAM) and Women’s Centre for Change (WCC) to proposed sexual harassment legislation in the country.

#### **4.2 WOMEN’S CENTRE FOR CHANGE (WCC)**

Women’s Centre for Change (WCC) was established in 1985. It was established when a group of individuals in Pinang realized that women in the northern part of Malaysia who faced domestic violence have nowhere to go and no place to ask for help. It was first registered as Women’s Crisis Centre with 70 people present at the first general Committee that was held at Women’s Institute in September 1985. Later, in 2002, they change their name to Women’s Centre for Change to better reflect the organization’s vast focus on women’s empowerment and transformation through education and endorsement.

July 2020, WCC responded to an MRSM teacher on his view of rape. He expressed via his social media the causes of rape and continued to blame the victims for causing the rape through their clothing and behavior (*Tuesday, 2020*). According to him, only 2 cases out of 10 rapes cases are “real” rape. The majority of them are consensual sex where the women accuse man raping them when things go wrong.

WCC strongly opposed the statement as according to police statistics, 80% of rape cases in Malaysia happen to children below 18 years old. The rapists are majority come from family members or friends. The rape survivors also need to gather up the courage to lodge a rape report as they might face threats to their livelihood and family as well as facing societal stigma. Not every rape survivors have the courage to face society. As a result, many rape cases go unreported.

The press statement from the WCC also added that how a woman dresses, and how she chooses to speak or behave, is not, has never, and will never be an invitation to violate her body against her will (*Tuesday, 2020*).

The teacher’s now-deleted video received massive online adverse reactions upon him. It has collected over 25000 petitions against him. His statement not only factually wrong but also misleading and dangerous.

### **4.3 ALL WOMEN’S ACTION SOCIETY (AWAM)**

It is an independent feminist non-governmental organization that was established in 1985. The focus of this organization is to eradicate gender-based violence. This violence includes rape, domestic violence as well as sexual assault. As an initiative, AWAM provides a counselling session and legal information. Even though it is a feminist organization as its name, these initiatives are open to all regardless of gender. As awareness could be reached through education, AWAM also does public education and outreach intending to establish a movement of people who aware of gender-based violence, how to face society and how to eradicate the problem in question.

This organization also works directly with the government bodies and ministry as a support for policy change and knowing that for a long-term comprehensive impact, good change in society and policy is required.

Together with other JAG organizations, AWAM has been cooperating with many NGOs through the JAG coalition to draft and proposed the Sexual Harassment Bill. AWAM has been lobbying MP's and Parliament to push for the bill and has been reaching out to universities and student bodies as well to spread the awareness of sexual harassment (*"Sexual Harassment Bill Campaign, 2021*).

According to the AWAM statement, the Bill is important as it can extend the definition of sexual harassment to cover both public and private spaces whilst making the legal process of the issue less dull. It also protects survivors both physically and mentally and allows the case to be reviewed from the perspectives of the survivors to ensure balance in the proceeding.

#### **4.4 PROGRESS OF A SEXUAL HARASSMENT BILL**

Unlike other countries such as India and the Philippines, Malaysia does not have a specific law addressing sexual crimes related matters. The 3 laws that have been mentioned beforehand do not specifically address crimes of sexual assault wholly. The current law that exists in Malaysia is quite limited in terms of scope and empowerment. As such, the Joint Action Group for Gender Equality (JAG) which consists of these 3 organizations has been fighting for a special sexual harassment law in Malaysia. However, it is easier to say than done.

JAG has been conducting campaigns for sexual harassment law in Malaysia since the late 1900s. They submitted the proposal for the sexual harassment legislation in 2001 but up until now, it has not yet been tabled in Parliament.

Based on the progress of the Sexual Harassment Bill, JAG highlighted 3 demands for the Bill to be a better law. First, a deadline for the Bill to be introduced in the Parliament. Second, the Bill consist of a clear definition of sexual harassment based on international best practice, minimum standards and oversight mechanisms of organizational obligations, civil standards and procedures to handle sexual harassment cases (*A Comprehensive Sexual Harassment Bill, n.d.*), and third, JAG proposed changes in the Criminal Procedure Code (CPC) which can provide a better court process towards sexual assaults' survivors.



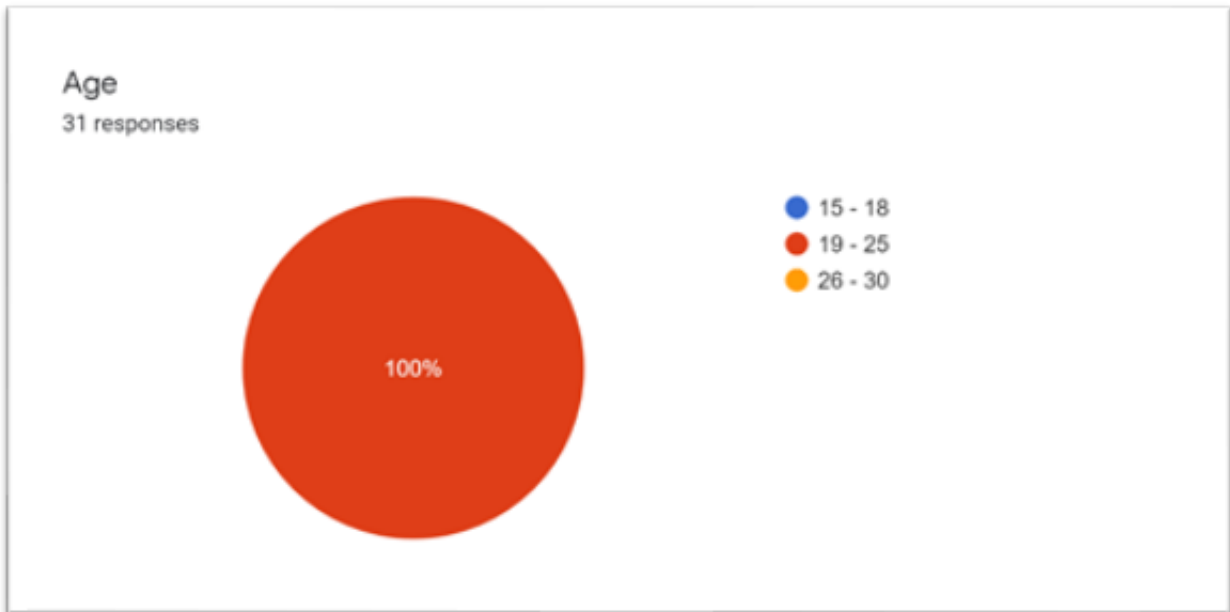
Since the Bill's proposal was received 10 years ago, it has still not yet been tabled in Parliament due to several reasons. At first, it was supposed to be tabled in March 2019, but according to former Minister Hannah Yeoh, a feasibility study's findings are still been look over. The recent update of the Bill stated that it should be tabled in March 2020. However, following a sudden change in the Government earlier in March 2020 and the Covid-19 pandemic was on the rise, the Bill remains unclear. Both factors affect the Sexual Harassment Bill to be approved.

# CHAPTER 5

## **5.1 RESULT OF RESEARCH**

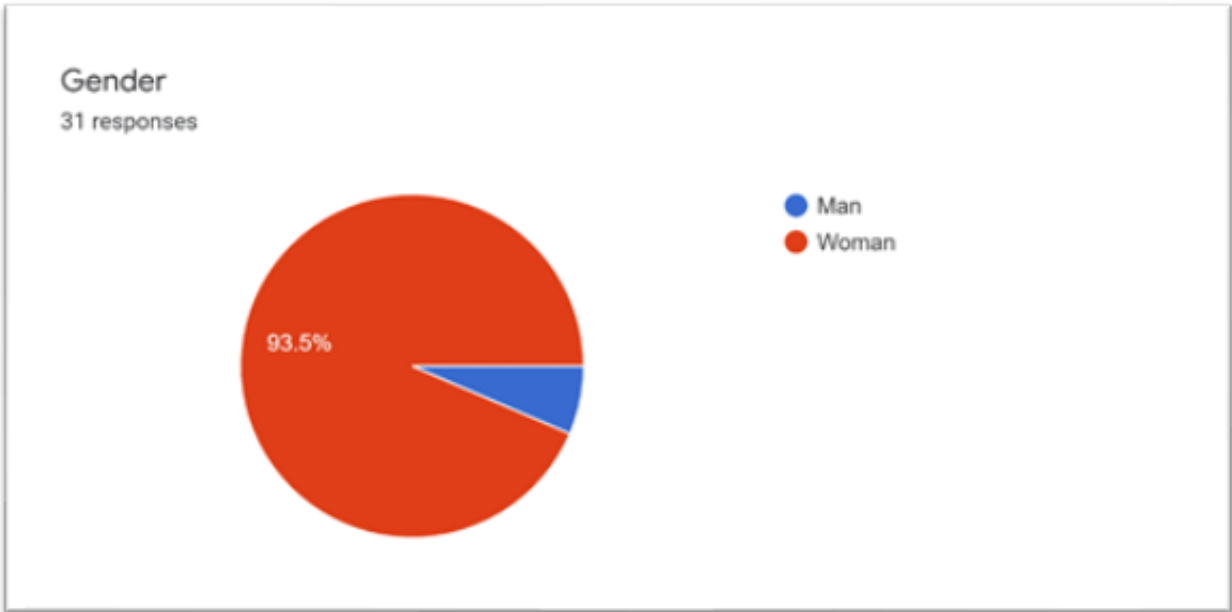
To fulfill the primary sources of the research, a web questionnaire has been conducted to acquire Malaysian views regarding sexual harassment on the female. 31 respondents participated in this survey that provides their knowledge and opinions related to sexual harassment.

### **Section A - Demography**



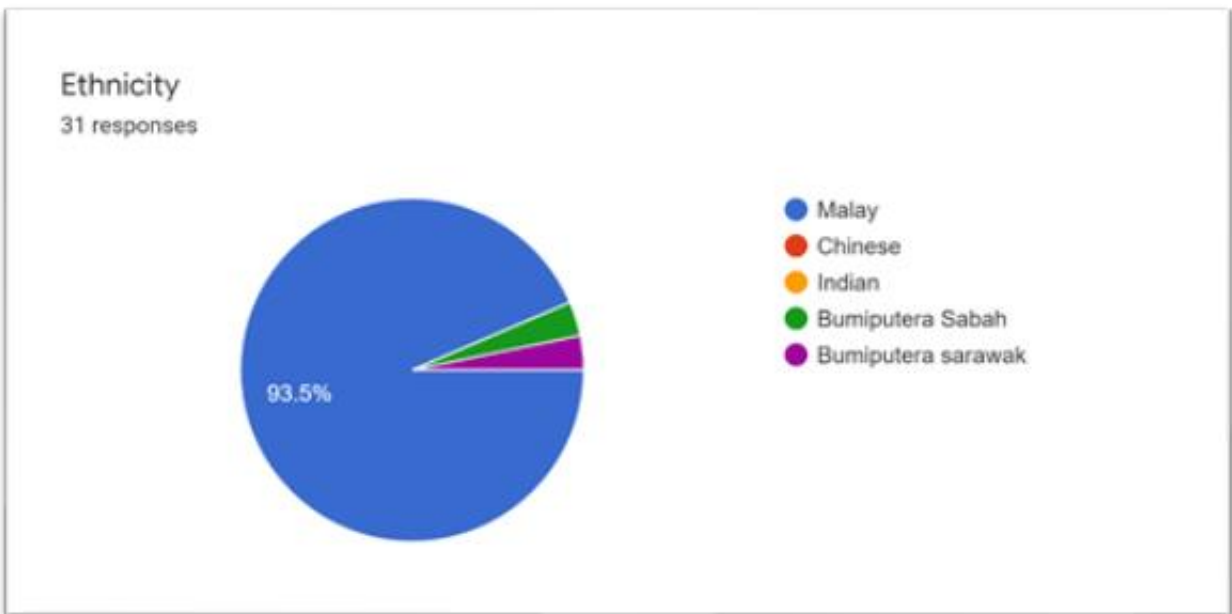
#### **Question 1**

Question 1 was to observe the age of the participants. This pie chart shows that all of the participants were at the age between 19-25 which construed 100% of the pie.



**Question 2**

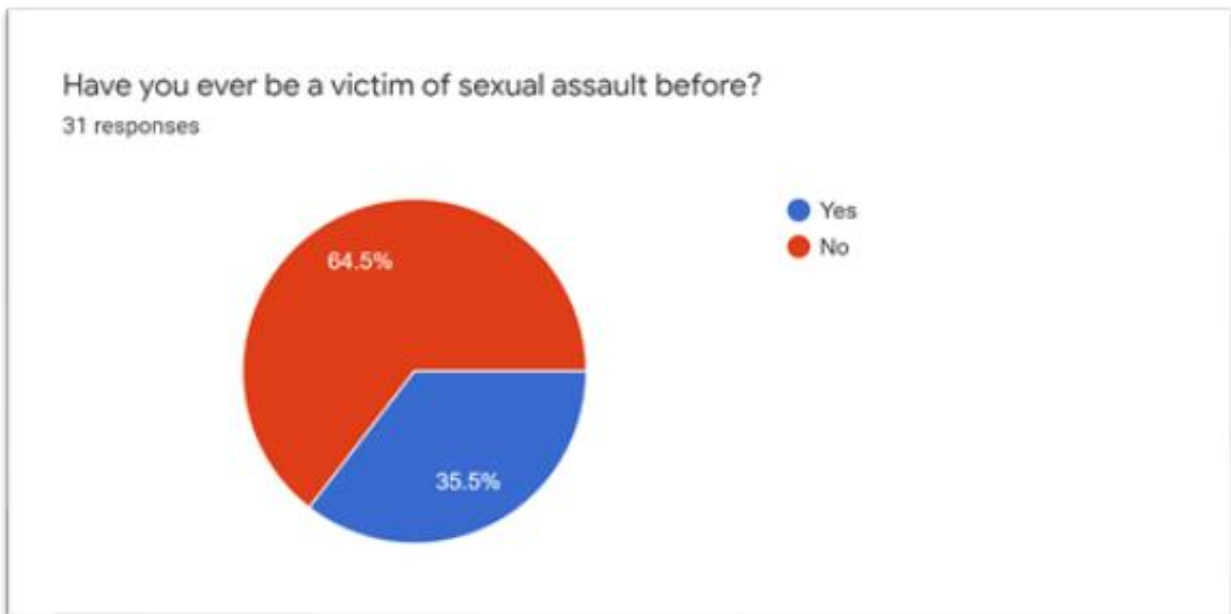
Question 2 was to observe the gender of the participants. This pie chart illustrated that 93.5% of 31 participants were female while 6.5% were male.



**Question 3**

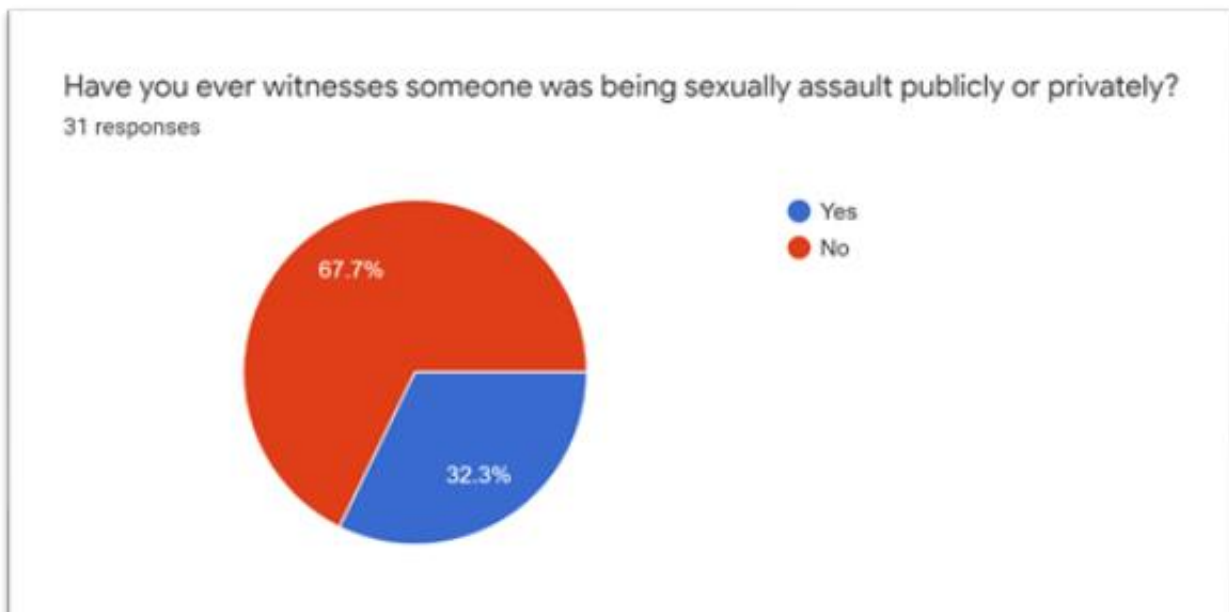
Question 3 was to monitor the respondents' ethnicity. This pie chart shows that 93.5% of the respondents were Malay. While 3.2% each from Bumiputera Sabah and Sarawak.

## Section B – The understanding of sexual crimes



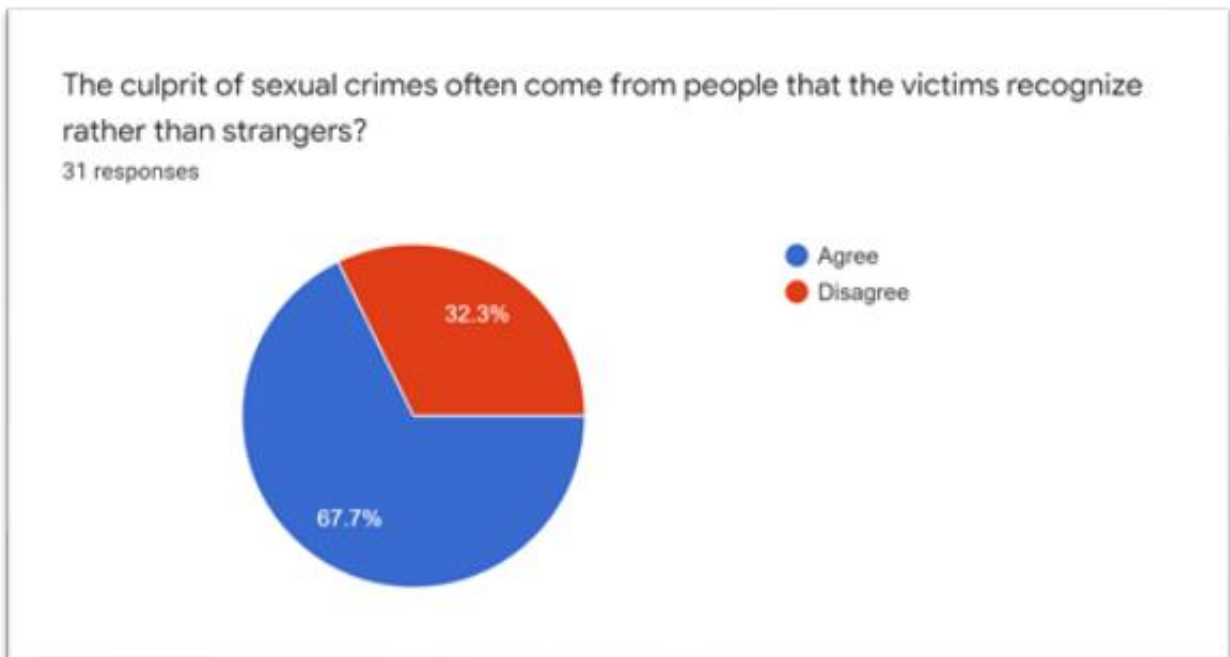
### Question 4

Question 4 was to survey the experience of the participants in sexual assault. Of the 31 participants that responded, 64.5% of the respondents never be sexual assault victims. While another part of the pie shows that 35.5% of the respondents used to become a victim of sexual assault.



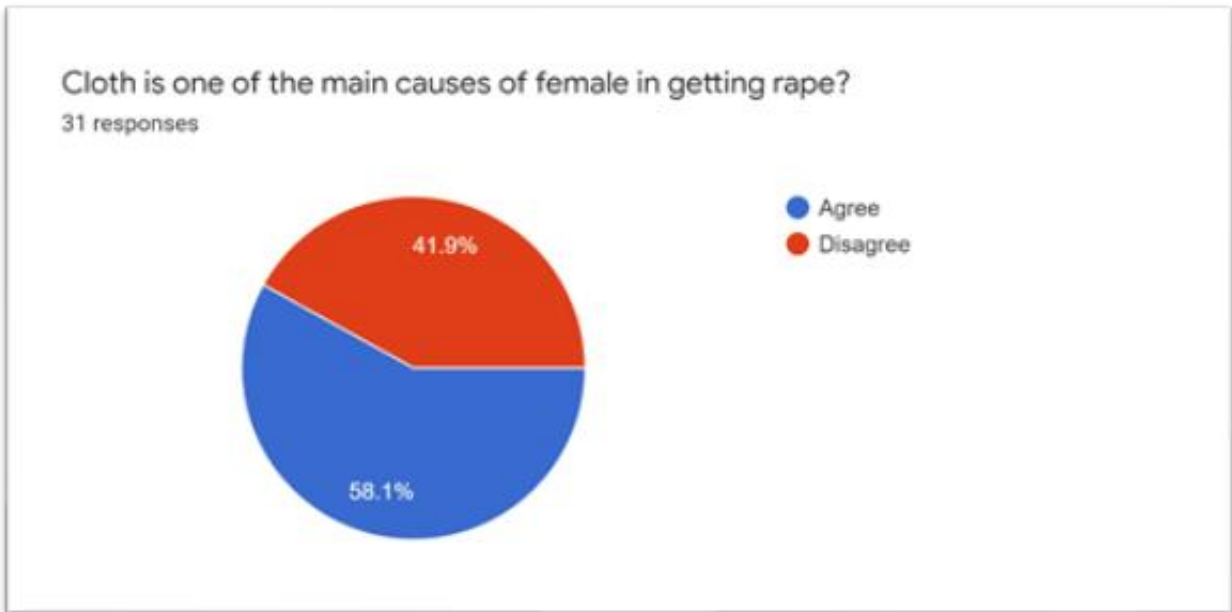
### **Question 5**

Question 5 also was to monitor the respondents' experience in sexual assault whether they ever witnessed any sexual offenses before. According to the pie, 67.7% of the respondents never witness any sexual assault before. Whilst another 32.3% responded that they used to witness the sexual assault.



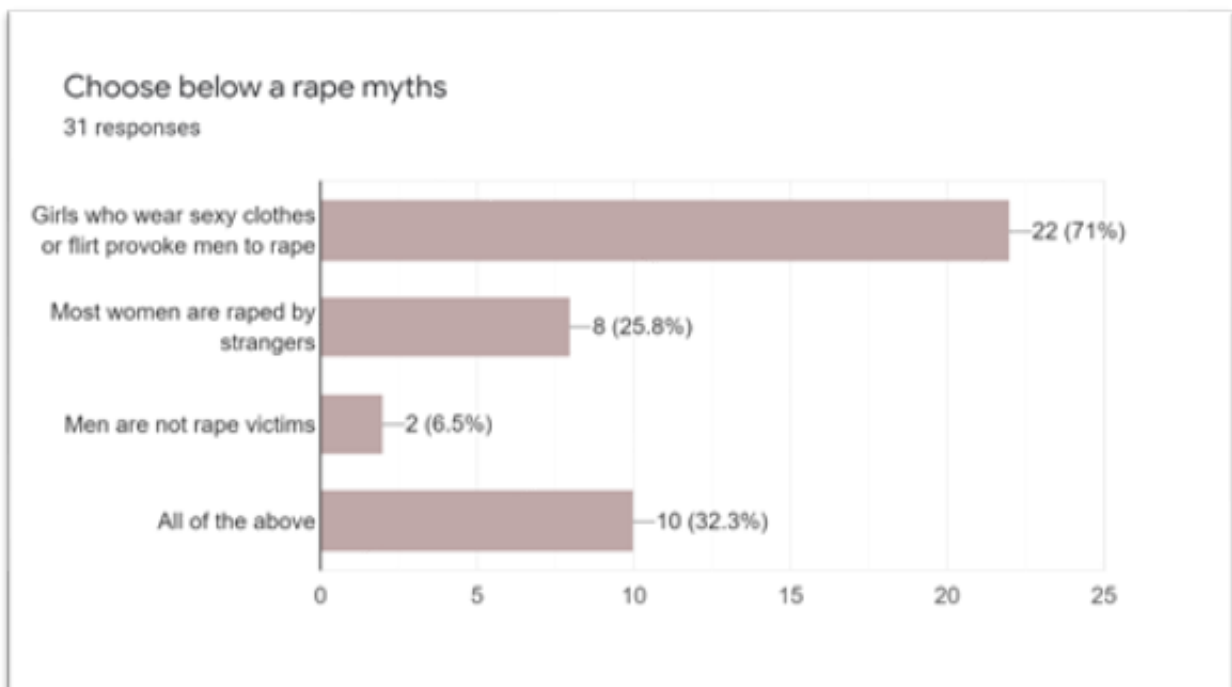
### **Question 6**

Question 6 was to study whether the respondents agree or not that the culprit of sexual crimes often comes from people that the victims recognize rather than strangers. According to the pie, 67.7% of 31 respondents were agree that most of the rapists come from people who the victims know. While 32.2% of the respondents did not agree with the statement.



**Question 7**

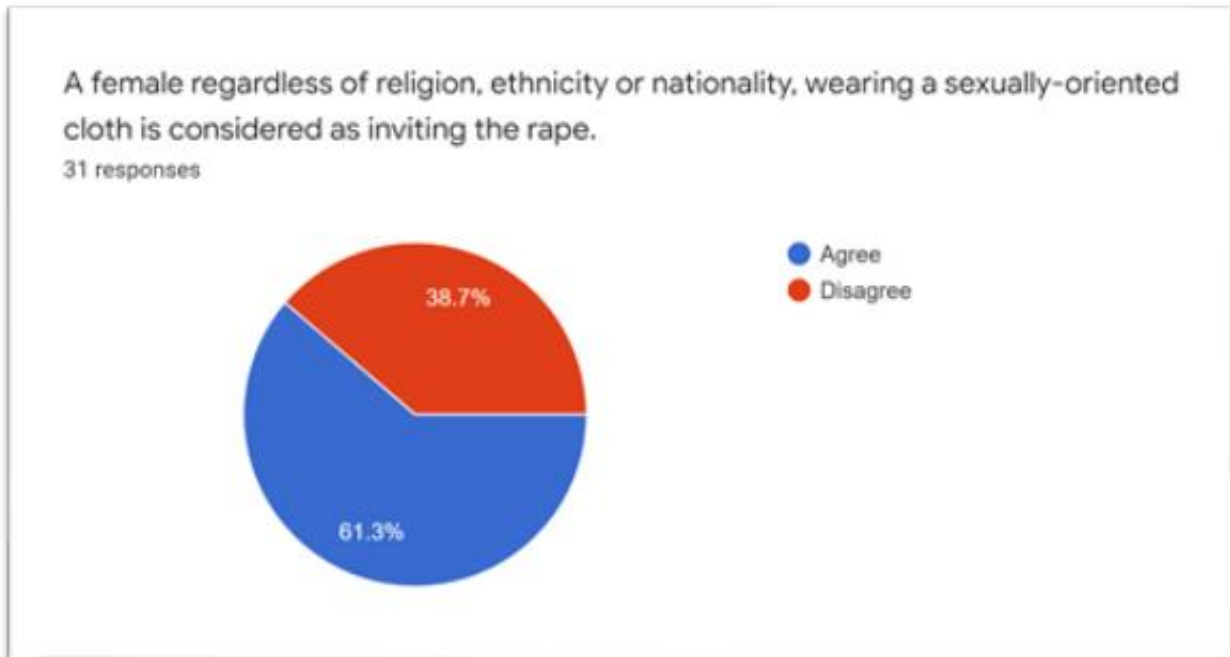
Question 7 was to investigate whether the participants agree that cloth is the main causes of female getting rape. 58.1% of the participants agree that cloth is the main cause, whilst 41.9% disagree with the statement.



**Question 8**

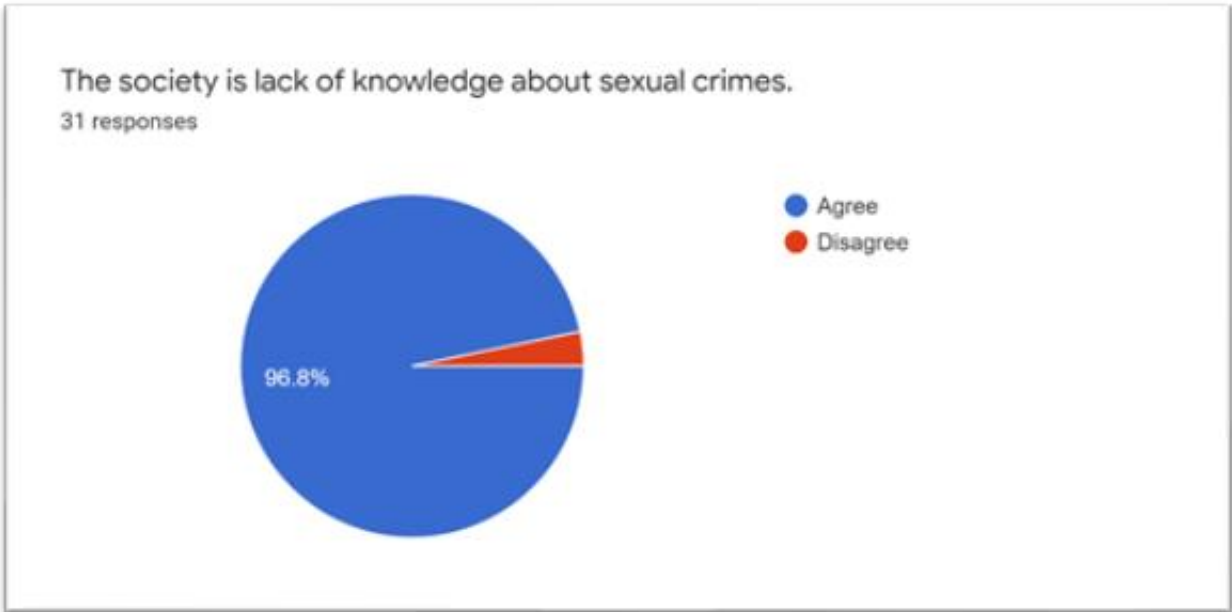
Question 8 was to examine the knowledge of the respondents regarding the rape myths. Of the 31 respondents, 22 (71%) people choose the statement that girls who wear sexy clothes or flirt

provoke men to rape. In the second place, 10 (32.3%) persons of the respondents choose all the statements above. While in third place, 8 (25.8%) people choose most women are raped by strangers, and another 2 (6.5%) people choose men are not rape victims.



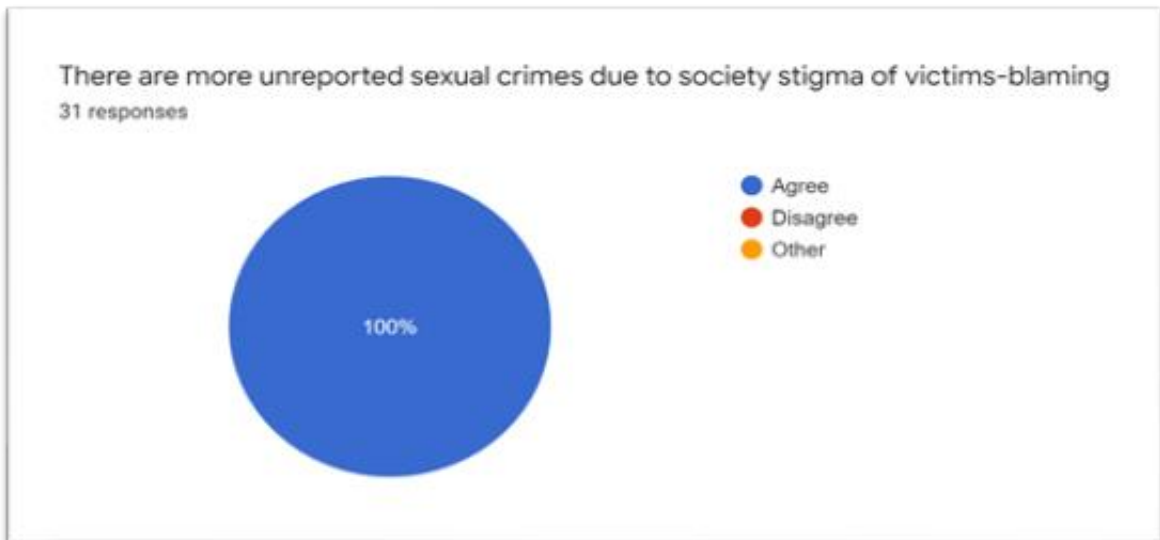
### **Question 9**

Question 9 was to observe whether the participants agree with the statement that a female regardless of religion, ethnicity, or nationality, who is wearing a sexually oriented cloth is considered as inviting the rape. The pie shows that 61.3% of the respondents agreed and another 38.7% have disagreed with the statement.



**Question 10**

Question 10 was to look at the respondents' consent whether the society lacks knowledge about the sexual crime. The majority of the respondents agree with the statement that construed 96.8% of the pie. While 3.2% disagree.

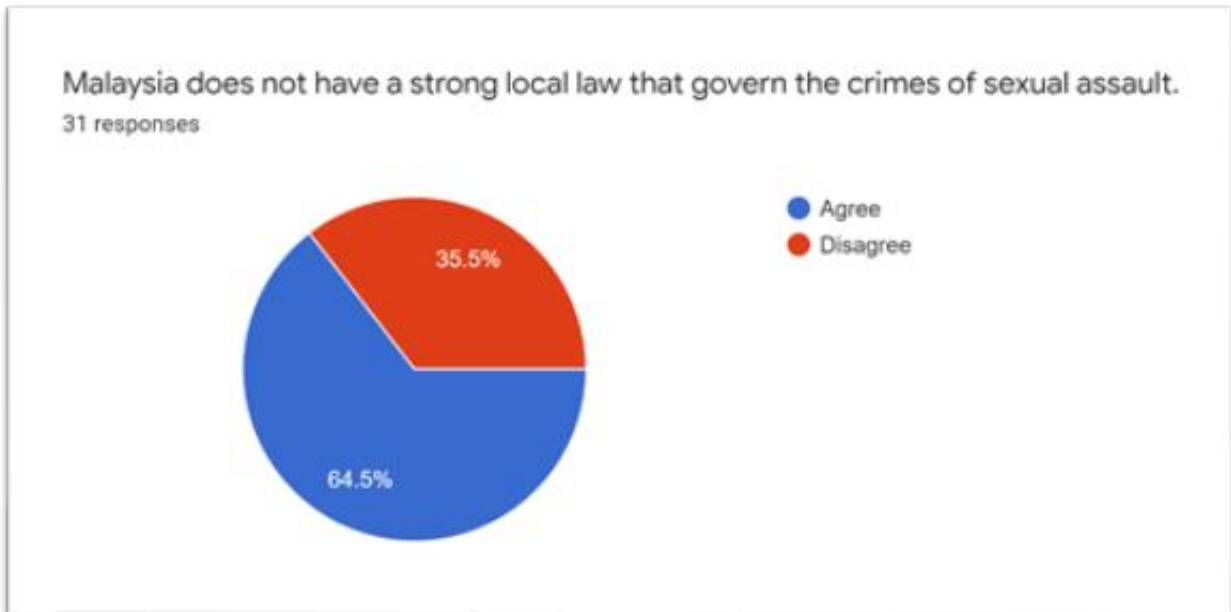


**Question 11**

Question 11 was to clarify the respondents' conscience regarding the unreported sexual crimes are due to society's stigma of victim-blaming. As the pie shows, all 31 respondents agree with the statement.

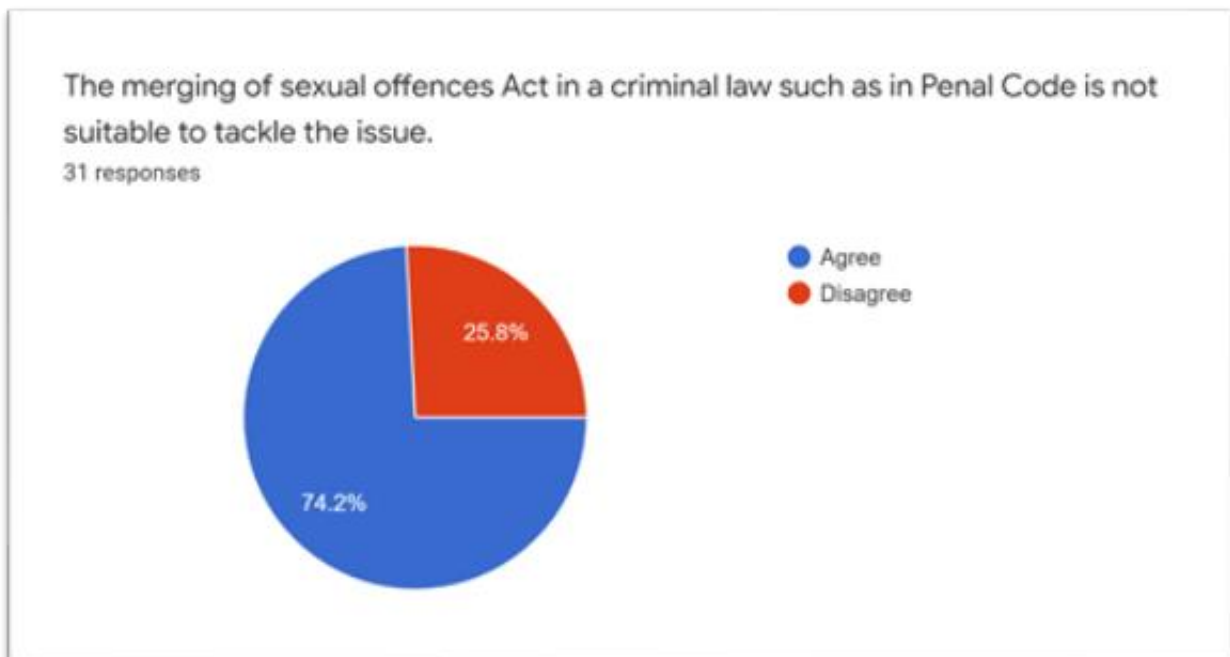


## Section C – Law related matter and non-governmental organizations



### Question 12

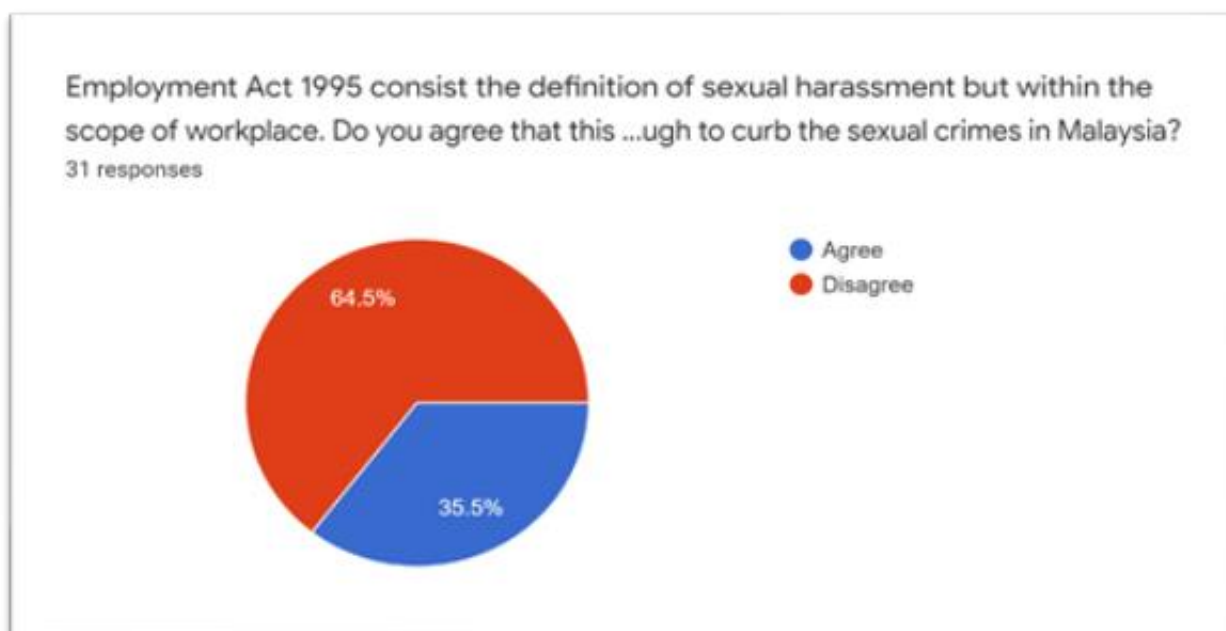
Question 12 was to observe whether the respondents agree that Malaysia does not have a strong local law that governs sexual crimes. The pie demonstrates 64.5% of 31 respondents agree while 35.5% disagree.



### **Question 13**

Question 13 was to perceive the respondents' answer whether the merging of sexual offenses Act within the Penal Code as mainly a criminal law is not suitable to tackle the sexual crimes issue.

74.2% of the 31 respondents agree that it is not suitable, whilst 25.8% of the rest disagree with the statement.

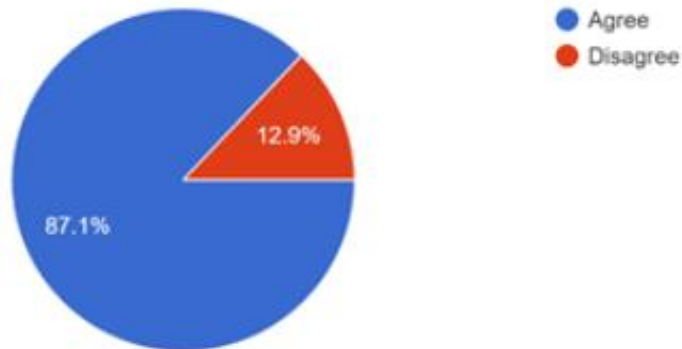


### **Question 14**

Question 14 was to see whether the respondents agree by the application of the Employment Act 1995 is enough to curb sexual crimes. As the pie shows, 35.5% agreed. While 64.5% disagree that the Act is enough to curb the problem.

There is a need for non-governmental organizations to interrupt within this area.

31 responses

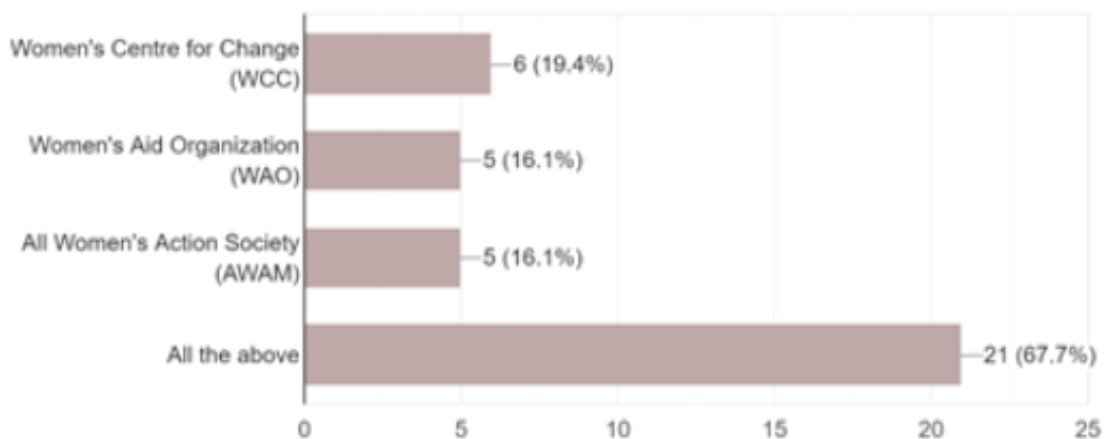


### **Question 15**

Question 15 was to look at the participants' responses to whether there is a need for non-governmental organizations to interrupt within this area. The pie chart shows that 87.1% agree that there is a need for the non-governmental interruption in this issue. While the 12.9% mark disagrees with the statement.

Which one of these organizations specialized in rape?

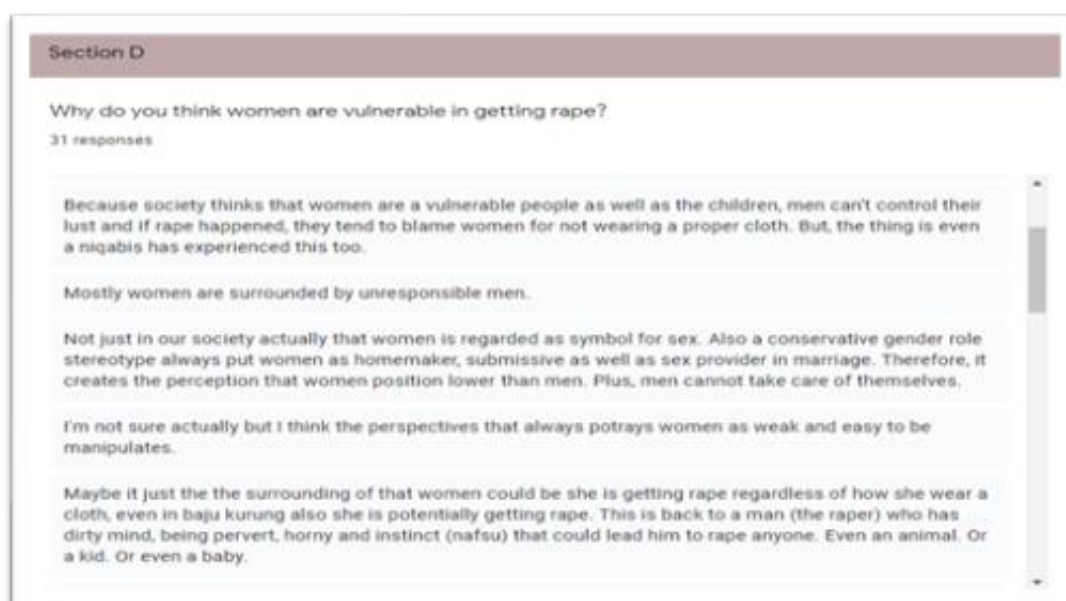
31 responses



## Question 16

Question 16 was to analyze the respondents' knowledge about the non-governmental organizations based in Malaysia that specialized in rape. According to the bar chart, 6 (19.4%) people marked the Women's Centre for Change (WCC). Each 5 (16.1%) people marked Women's Aid Organisation (WAO) and All Women's Action Society (AWAM) and the majority of the respondents marked all of the above answers as the organizations specialized in rape with 67.6% of the pie chart by 21 people.

## **Section D**



## Question 17

Question 17 was to view the respondents' opinion of why women are always vulnerable to getting rape. The majority of the respondents agree to the stigma that women are the subject of getting rape regardless of how she's wearing in the public. Other than that, all of them agree that society will blame the woman's cloth. Even so, a niqabis also experienced rape too.

Some of the respondents opined that women are always regarded as subject to sex. This kind of gender inequality puts women at the bottom of society lower than men.

Others are also opined that the society surrounded that influences the vulnerability of women in getting sexual assault. Doesn't matter how the women are wearing, irresponsible, pervert, and horny men will always find a chance to rape her. Even a baby can be the victim.

## 5.2 CONCLUSION

In conclusion, this research tends to change the societal preset of sexual crimes based on clothes through academic thoughts and several proves. As the researcher referred to in the discussion, scholars and other researchers also agreed to some extent that it is never the cloth why rape could happen. Several cases also mentioned that rape happened regardless of age, and this has proven that cloth is never the issue.

The way society always centered the clothing worn by the victims as the main reason why they were raped is just illogical. In Malaysia, society believes that a woman should wear religious clothes to not get sexualized. But little do they know that even a *telekung* (a female Muslimah outfit for pray) also attracts a man to lust. *Telekung* is the most conservative outfit a woman could wear in Islam.

Chapter 3 illustrated a specific underage rape case that happened in Selangor. The case was about a 12 years old girl being raped for 2 years by her stepfather. The case proved that outfits do not compatible when addressing sexual crimes as it can happen to anyone regardless of age.

While chapter 4 discussed the roles played by humanitarian movements or the feminist movements to curb the issue. The need for non-governmental organizations within this context is to assist the awareness of sexual crimes. Their involvement is important as it is inadequate to only rely on the government and the law. These organizations are not responsible for any punishments, but they are more to improve the current laws regarding sexual assault. Their current effort is proposing a special law regarding sexual harassment.

Victim-blaming is real and it is a nightmare to the rape survivors. Not only do they have to face the traumatic event and gather up courage, but also the society around were mostly influenced by the ridiculous rape myths that put the blame on the girls for what she wears.

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# Perceptions of Sexual Violence Involving the Clothes Worn by Female Victims in Malaysia (2007 - 2021)

University Sultan Zainal Abidin, Faculty of Law and International Relations Hello everyone, I am Khairun Niswah Binti Alias, a final year student of Bachelor of International Relations.

I am conducting research for my final year research paper as a requirement for the subject Research methodology in International Relations (IRB 31903) and the topic for my research paper is 'perceptions of sexual offence involving the clothes worn by female victims in Malaysia'.

The purpose of this research is:

- 1- To examine the causes of sexual crimes on female which based on clothing worn.
- 2- To study the sexual crimes cases happened within the state of Selangor.
- 3- To examine role played by humanitarian movement to curb this problem.

\*Required

## Section A

Demography

### 1. Age \*

Mark only one oval.

- 15 - 18
- 19 - 25
- 26 - 30

### 2. Gender \*

Mark only one oval.

- Man
- Woman
- Other: \_\_\_\_\_



3. Ethnicity \*

*Mark only one oval.*

- Malay
- Chinese
- Indian
- Other:

**Section B**

4. Have you ever be a victim of sexual assault before? \*

*Mark only one oval.*

- Yes
- No

5. Have you ever witnesses someone was being sexually assault publicly or privately? \*

*Mark only one oval.*

- Yes
- No

6. The culprit of sexual crimes often come from people that the victims recognize rather than strangers? \*

*Mark only one oval.*

- Agree
- Disagree

7. Cloth is one of the main causes of female in getting rape? \*

*Mark only one oval.*

- Agree
- Disagree

8. Choose below a rape myths \*

*Tick all that apply.*

- Girls who wear sexy clothes or flirt provoke men to rape
- Most women are raped by strangers
- Men are not rape victims
- All of the above

9. A female regardless of religion, ethnicity or nationality, wearing a sexually-oriented cloth is considered as inviting the rape. \*

*Mark only one oval.*

- Agree
- Disagree

10. The society is lack of knowledge about sexual crimes. \*

*Mark only one oval.*

- Agree
- Disagree

11. There are more unreported sexual crimes due to society stigma of victims-blaming \*

*Mark only one oval.*

- Agree
- Disagree
- Other

### Sections C

12. Malaysia does not have a strong local law that govern the crimes of sexual assault. \*

*Mark only one oval.*

- Agree
- Disagree

13. The merging of sexual offences Act in a criminal law such as in Penal Code is not suitable to tackle the issue. \*

*Mark only one oval.*

Agree

Disagree

14. Employment Act 1995 consist the definition of sexual harassment but within the scope of workplace. Do you agree that this Act is enough to curb the sexual crimes in Malaysia? \*

*Mark only one oval.*

Agree

Disagree

15. There is a need for non-governmental organizations to interrupt within this area.

*Mark only one oval.*

Agree

Disagree

16. Which one of these organizations specialized in rape? \*

*Tick all that apply.*

Women's Centre for Change (WCC)

Women's Aid Organization (WAO)

All Women's Action Society (AWAM)

All the above

## Section D

17. Why do you think women are vulnerable in getting rape? \*

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