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PROFILING THE RAPIST: A STUDY ON RAPISTS IN THE SEREMBAN, JOHOR BAHRU, KAJANG AND SUNGAI BULOH PRISONS

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Prof. Madya Dr. Rohana Ariffin
Sujatha Menon

ABSTRACT

The number of rape incidents in the country is showing an increasing trend. It is reported that an average of four women get raped everyday in Malaysia. As the rapists are the perpetrators of the crime, it is hoped that an insight into their thoughts, feelings, perception and attitude would help reduce the number of rape incidents in our country. The objectives of the study are obtaining a socio-economic profile of the rapists, understanding the family background of the rapists and outlining programmes which can help combat the rise of rape incidents. This study outlines the profile of the Malaysian rapists. A total of 90 convicted rapists from Seremban, Johor Bahru, Kajang and Sungai Buloh prisons were interviewed. Majority of the offenders were Malay and were aged between 45 to 55 years old. The most common types of rape were incest and acquaintance rape. The victims were mainly 16 years and below. The Malaysian rapist originates mainly from the rural areas and has low education. They are mainly married. Most of them reported good relationship with their mothers but not their fathers. Their views concerning females in general were degrading and humiliating. These views affected their overall perception and attitudes towards women. Though rape is a violent crime, the responses from the convicted rapists show that they see rape as a sexual act.

Introduction

The official statistics of rape in Malaysia shows an increasing trend. The number of reported cases was 138 in 1980. By 1994 the reported number rose to 912. In 2002, the reported cases totaled 1431 (see Table 1) The latest figures for reported rape cases between January to June 2004 totalled 908 (The Star, 5 August 2004). It is reported that an average of four women were raped daily in just the first five months of 2003 in Malaysia (Sunday Star, 20th July, 2003).

Table 1: Number of Rape Cases from 1997 to May 2003

Year	1997	1998	1999	2000	2001	2002	Jan-May 2003
Reported Rape Cases	1429	1539	1457	1217	1388	1431	588
% Increase / Decrease of cases		7.69	-5.32	-16.5	14.1	3.1	

Source: Royal Malaysian Police Force, Bukit aman (1998 - 2004)

The breakdown by race for the cases reported in 2003 shows the highest number recorded was that of the Malays (66.3%), followed by the Others (15.3%), Chinese (10.5%) and Indians (7.8%) (see Table 2) The cases classified as “others” were mainly natives of Sabah and Sarawak, while the rest of the cases recorded in Peninsula Malaysia, were mainly foreign workers comprising Indonesians.

Table 2: National Rape Cases by Ethnic Groups for Jan to May, 2003

Total Cases	Ethnic Groups			
	Malay (%)	Chinese (%)	Indian (%)	Others (%)
588	390 (66.3%)	62 (10.5%)	46 (7.8%)	90 (15.3%)

Source: Royal Malaysian Police Force, Bukit Aman (2004)

For the years 2000, 2001, 2002, and for the period from January to April 2003, the highest number of rapists fell under the friend/acquaintance category followed by boyfriends. Strangers were the third highest category. However, for the first four months of 2003, strangers had committed more rape cases compared to boyfriends. This is a new trend and the recent spate of brutal rape-cum-murder cases (Canny Ong, Noor Suzaily Mukhtar and Nurul Huda Ghani) all involved strangers (see Table 3).

Table 3: Relationship between Perpetrator and Victims for the Years 2000, 2001, 2002 and for the Period Jan to Apr 2003

Relationship	Year			
	2000 No. (%)	2001 No. (%)	2002 No. (%)	2003 (Jan-Apr) No. (%)
Acquaintance/Friend	457 (37.6)	541 (38.9)	572 (40)	186 (42.5)
Boyfriend	239 (19.6)	272 (19.6)	252 (17.6)	85 (19.4)
Stranger	207 (17)	201 (14.5)	215 (15)	92 (2.1)
Father	67 (5.5)	77 (5.5)	77 (5.4)	29 (6.6)
Stepfather	38 (3.1)	52 (3.7)	40 (2.8)	17 (3.9)
Uncle	34 (2.8)	42 (3.0)	65 (4.5)	10 (2.3)
Brother-in-law	30 (2.5)	23 (1.7)	21 (1.5)	7 (1.6)
Grandfather	4 (0.3)	5 (0.4)	13 (0.9)	2 (0.5)
Neighbour	65 (5.3)	86 (6.2)	45 (3.1)	10 (2.3)
Unknown	76 (6.2)	89 (6.4)	131 (9.1)	--
TOTAL	1217	1388	1431	438

Source: Royal Malaysian Police Force, Bukit Aman (2001-2003)

What is considered rape in this country? In Malaysia, rape is categorized as a violent crime and under Section 376 of the Penal Code, rape is defined as the penetration of the male sexual organ into the female sexual organ without the consent of the women. Statutory rape involves under-aged women (16 years and below) and in these cases, the question of consent does not arise.

Problem Statement

Almost all earlier western and local studies on the topic of rape have concentrated on incidents of rape, the effects on the victims and how victims can be helped to cope with the issues surrounding rape. In order to obtain a more holistic view of the issue, the focus should be on the rapists and not only the victims. As they cause rape, perhaps an insight into their thoughts, feelings, perceptions and attitudes would help us reduce the number of rape incidents in our country.

With these in mind, we conducted interviews on rapists in prisons in the southern part of Malaysia with the hope to obtain a greater understanding of the background of the rapists, with the main objective of attempting to outline their profiles.

Objectives of the study

The research attempts to:

1. Obtain a socio-economic profile of the rapists.
2. Understand the family background of the rapists.
3. Obtain from the convicted rapists their perception and attitudes of the events leading to the rape and issues related to it.
4. Outline a profile of the Malaysian rapist.

All ninety convicted rapists were interviewed at the Seremban, Johor Baru, Kajang and Sungai Buloh prisons.

Theories on Rape

Theories on why rape occurs in societies can be classified under three common aetiologies. They are psychopathological, physiological and socio-cultural explanations (Lottes, 1988; cited in Rohana et al, 1977).

The psychopathological perspective assumes that rapists are men who are psychologically unstable and maladjusted. Kraft-Ebing, the pioneer in the study on sexual disorder concluded, "most rapists were degenerate, imbecilic men." (Brownmiller, 1975). However, Koss and Leonard (1984) after reviewing psychological studies on sexually aggressive men concluded that there was little evidence to support this notion. Schwendinger (1983) noted that although there are evidences of a small number of rape offenders being psychotic, the majority were not (cited in Lottes, 1988)

The physiological perspective assumes that the male's uncontrollable desire for sex (which is unfulfilled) can cause aggression. This creates an image of a rapist as a sex-

starved maniac prowling on women. Symons (1979) argues that rape is motivated by the desire for sex. Man, he says, will rape if force is the only way to obtain sex and if they feel that the negative consequences resulting from rape, is low.

Three socio-cultural factors are identified as influencing the sexual aggressive nature of men. They are the patriarchal system, gender socialization and legitimate violence. Proponents of the patriarchal system state that all forms of sexual aggression by men against women take place in societies where social inequalities between the genders exist. In this perspective, rapists are viewed as men who are influenced by the dominant societal attitudes of men towards women (Rohana et. al, 1997).

Many feminists and sociologists argue that societies that are dominated by the patriarchal system will contribute to gender inequality and as long as there is gender inequality, inevitably there will be rape. This is because rape is more or less a direct function of the degree to which females are politically and economically powerless relative to men (Davis, 1975; Metzger 1976). Koss and Harvey (1989) state that at the level of society, rape can be seen as a "manifestation of gender inequality and as a mechanism of the subordination of women."

Related to the patriarchal system is the view that traditional gender attitudes encourage rape. Teh (1987) argues that women are taught early in life to be dependent both emotionally and economically on men. Men, on the other hand, become aware early in life that their birthrights accord them privileges to dominate and conquer the world. They are taught that to be a real man is to be strong, tough, powerful, independent and capable of succeeding even at the expense of others (Ibid)

Weis and Borges (1977) argue that sex-role socialization is responsible to a large extent in shaping men into assailants and women into victims.

The proponents of legitimate violence debate as to whether pornography does contribute to rape and sexual violence. Straus (1989) states three interrelated factors as to why feminist scholars believe that pornography leads to violence against women.

Firstly pornography is seen as both reflecting and promoting male dominance against women. Secondly, women are perceived and shown as objects which can be abused and exploited sexually and thirdly, pornography presents violence against women in a positive light. Morgan (1980) (cited in Baron and Straus, 1989:95) stated that women are shown as enjoying themselves in being coerced, brutalized and raped.

There are many types of rapists, namely power rapist, anger rapist, sadistic rapist, gang rapist, date or acquaintance rapist, child rapist and those committing incest.

In theory, the rape committed by power rapists, anger rapists and sadistic rapists can be classified as stranger rape.

A) Stranger Rape

Stranger rape is committed by an offender who is unknown or has no previous acquaintance with the victim. In such cases, the victim can be attacked and sexually assaulted anywhere at anytime. This type of rape could also lead to the murder of the victims. According to Deputy Superintendent Ong Chin Lan, Head of the Special Investigation Unit for Sexual Assault, rapists are getting more violent. (New Straits Times, July 20, 2003). E.g. the brutal rape and murder of Canny Ong and Noor Suzaily Mukhtar. In 2002, out of a total of 1431 cases reported, 215 were stranger rape (15%)(www.rmp.gov.my). Statistics show that incidences of stranger rape are often the least frequent type reported. According to Groth and Birnbaum (1979), their study on 500 convicted rapists showed that in nearly all cases of stranger rape, elements of power, anger and sadism are present.

B) The Gang Rapist

This rapist rapes in the company of his peers. Reducing the victim to the low status of an object, the gang rapist seeks confirmation of his own masculinity and expresses power and authority over another person, validating his superior position.

In true gang behaviour, the first person to rape the victim is the gang leader. The age of the victim usually reflects the age of the gang members.

C) Date or Acquaintance Rape

In this type of rape, the offender is known to the victim. From the reported rape cases of 2002, it can be seen that this type of cases were the highest. Out of a total of 1431 reported cases, 493 (34%) were committed by acquaintance, 252 (18%) by boyfriends, and 79 (6%) by new acquaintances. In some cases, the victim may have known the offender for a period of time while in other instances, the victim could have known the offender for just a couple of hours. Many of these rape cases involve victims below the age of 16 and is known as statutory rape.

This rapist forces unwanted sexual advances on the victim. This type of rape is becoming a recognised problem among teenagers and young adults. It is usually grossly under-reported, partly because the victim is often portrayed as deserving of punishment.

D) Incest

There is never a more vulnerable victim available to an adult than a powerless child, especially when the child is abused by a caretaker e.g. a parent or step-parent, a grandparent, an uncle or an aunt.

Often the rape of a child, especially incest, which involves the child's family members, is viewed with revulsion and disgust by many cultures and religions. In 2002, incest

accounted for 21% (307 out of 1431 cases) of the total rape cases reported for that year.

By definition, incest is the “sexual intercourse between persons as closely related that they are forbidden by law to marry” (cited in Katz and Mazur, 1979). In Malaysia, incest is classified as rape under Section 376 of the Penal Code. If victims are below the age of 16, these cases are also viewed as statutory rape. Though reported cases of incest are considered high, Singh (1996) stated that often crimes committed against children are ignored or overlooked.

Generally, it is believed that incest is a problem, which occurs within families of low socio-economic levels, living in rural or low-cost housing areas, which are often overcrowded. Many studies conducted overseas confirm the fact that incest occurs in families of low socio-economic levels (Molnar & Cameron, 1975; Maish, 1972 cited in Katz and Mazur, 1979). On the other hand, Kinsey’s (cited in Katz and Mazur, 1979:256) study of sexual offenders showed that 70-77% of sexual offenders were in the upper and upper-middle working class. A study conducted by Hadi (1996) showed that incest in Malaysia is more prevalent in families of lower socio-economic levels. This was also confirmed by findings by Rohana et al. (1997).

Summary of Previous Malaysian Studies

Studies and research on rape in Malaysia shows the occupation and income of rapists to be skewed towards the lower income group. Younger rapists (below 30 years old), even those involved in gang rape, tend to receive lighter sentencing compared to older rapists (say 40 years and above). There was a constant patterning that the majority of rapists are Malays over the last twenty years and that there seems to be no indication of a decreasing trend. However, the age group of rapists show no consistent pattern ranging from 14 to 70 years old although somewhat concentrated is the age group of 35-50 years old. What seems to be a regular pattern was that the rapists have managed to gain the trust of the victims in that relationship which enabled them to subsequently rape them. It is needless to say that in cases of incest and other relatives/employers, unequal power relations made it impossible or difficult for the victims to resist the predators’ aggressive action.

Most rapists had categorically stated that it was sex that drove them to commit the act. Sexual stimulants such as pornography was one of the preceding factors towards raping the nearest available victim including own daughters and relatives (Alina, 2002, Jamaludin, 1997).

Findings from our study

Among the 90 respondents, in terms of race, Malays comprise the majority (80%) followed by the Others (11.1%). In terms of age, the highest group of offenders fall into the above 50-age group, followed by those aged between 21-30 years old. If we look at the percentages above the age of 41, they make up 57.8 % of the offenders. Among the 90 cases, the youngest offender was 20 years old and the oldest, 72.

At the point of imprisonment, a fair number of the rapists were married (48.9%). A significant number had been married before (72.2%). This group includes the married, divorced, separated and widowed. It is common for the wives of rapists to divorce them after they have been jailed for over a year.

Over 61% of the respondents have low levels of educational achievement. They are either without education or with only primary education. Sociologists tend to hold the view that criminals come from underprivileged background such as those from congested, high-density living and poor life opportunities. All these factors reflect the situation of the powerless class. (Wilson and Seaman 1977: 298-299)

Almost all respondents were from the lower stratum of the job hierarchy, which is consistent with their low educational status. The businesses they were involved in were mainly petty trade and hawking.

Table 4: Types of Rape Committed by Respondents

Types of Rape	No. of respondents	Percentage
Incest	40	44.4
Stranger Rape	2	2.2
Date/Acquaintance Rape	41	45.6
Rape of Minor	66	73.3
Rape & Other Crimes	5	5.6
Rape & Sexual Assault	1	1.1
Gang Rape	1	1.1

Majority of the respondents (73.3%) committed rape on girls below 16 years of age (see Table 4). Rape by acquaintance/friend and boyfriends are the highest reported cases. The categories "Rape and other crimes" and "Rape and sexual assault" can also be considered as Stranger Rape. In the cases of this nature recorded by us, the offenders' main intention was to rob either the home or the individual of her belongings. Rape was an afterthought as the opportunity was available. It can be seen clearly that while younger men are normally date/acquaintance rape offenders, older men are normally incest offenders. In the case of the younger men, many times it is a boyfriend – girlfriend relationship with the man not knowing that it is an offence to have a sexual relationship with girls aged 16 years and below

The majority of the respondents grew up in rural areas including Felda schemes (71.1%). In terms of judgment, sixty percent of the respondents were sentenced to more than 10 years. In most instances, respondents received both prison sentences and caning for

committing rape. Under the Amended Rape Laws of 1989, the minimum number of years a rapist can be sentenced to is 5 years and the maximum 20 years. Those aged 55 and above are not caned. The minimum stroke of caning received by the respondents in our study is one stroke and the maximum strokes are 16.

Most of the respondents were from 2-parent families although more than one-third came from homes where the parents were divorced. Psychologists and police practitioners adhere to the view that there is some genetic determinant, which turns a person into a criminal (Samenov, 1984; Douglas and Olshaker, 1996). According to these writers, most of the criminals have experienced either one or more of these factors: lonely childhood, physical abuse, unwanted by parents and obsessed by sexual fantasies.

In terms of the respondents' relationship with their parents, it can be concluded that the majority have a positive relationship and outlook about their mothers but not their fathers. Psychiatrists Dr. Mahadevan and Dr. Chen (interviewed in NST, 20th July, 2003) stated that fathers of rapists either play an insignificant role or impart negative sexual influences like forcing sex on the mother when he comes home drunk and angry. Such family background leaves rapists with poor social skills and an inability to sustain a healthy relationship with women.

Forty percent of the respondents were exposed to violent experiences during their growing up years. Their experiences included physical abuse at home (fathers beating mothers, fathers beating the respondents) and physical fights in schools among students or among peers in their villages or towns.

With regards to the age when the respondents had their first sexual experience, 50% had their first sexual experience between the ages of 10 to 20 years. Prior to their arrest, more than 50%(58.9%) of the respondents stated that they have had between 2-4 partners. About 20% claimed to have more than 10 partners! Though most of the respondents claimed that physical beauty of their female partners is of no importance to them, the age is of significant importance. It can be noted from Table 5 that 82% of respondents aged 50 and above raped girls aged 16 and below. This is an alarming trend that needs to be checked.

Table 5: Number of Respondents in Various Age Groups Whose Victims Were 16 years and Below

Age of Respondents	20 & below	21-30 years	31-40 years	41-50 years	Above 50 years
No. of Respondents	1	26	11	24	28
Number of respondents whose victims were 16 years and below (Percentage)	-	19 (73%)	6(54.5%)	18(75%)	23(82%)

What is the rapists' perception of women? Table 6 gives a brief overview of the rapists' outlook of women.

Table 6: Respondents' Perception Towards Women

	Statements Concerning Women	Strongly Agree (1) N (%)	Agree (2) N (%)	Unsure (3) N (%)	Disagree (4) N (%)	Strongly Disagree (5) N (%)
1.	Women have been created to fulfil men's desires	19 (21.1)	37 (41.1)	14 (15.6)	13 (14.4)	7 (7.8)
2.	Women are qualified to be leaders	12 (13.3)	55 (61.1)	5 (5.6)	12 (13.3)	6 (6.7)
3.	Women are as beautiful as flowers	12 (13.3)	46 (51.6)	16 (17.6)	15 (16.7)	1 (1.1)
4.	Men are meant to lead women	34 (37.8)	46 (51.6)	4 (4.4)	5 (5.6)	1 (1.1)
5.	Women need to be taught and shown the right way	32 (37.8)	46 (50.0)	8 (8.9)	3 (3.2)	2 (2.2)
6.	Women are temptresses	17 (18.9)	38 (42.2)	19 (21.1)	15 (16.7)	1 (1.1)
7.	Women enjoy being treated roughly	0 (0.0)	5 (5.6)	4 (4.4)	52 (57.8)	29 (32.2)

Although their views towards their mothers/female caretakers were positive, their views towards women in general were degrading. For example, more than 60% agreed that women were created to fulfil men's desires (statement 1). More than 80% agreed that women need to be taught and shown the right way and this is related to the statement that men are meant to lead women (statement 4). More than 60% agreed that women are the temptress and this statement also concurs to the fact that many of them felt that women are responsible for the incidents of rape

When asked on what they thought was rape, among those who answered, 42.1% looked at rape as a forceful act. It is pertinent to note here that 32.2% did not respond. They were mainly those who admitted that they had committed rape. The others who answered were those who claim to know what rape is but believed that they have not committed rape and have been wrongfully sentenced. These men normally state that they were in a relationship with mutual consent. This included men above the age of 50 having sexual relationship with girls below the age of 16!

On what factors led them to rape, the responses by 31.1% and 23.3% respondents respectively endorsed the fact that pornography and uncontrolled lust are factors that caused them to rape.

Conclusion

What then is the profile of the Malaysian rapist? Our findings reveal a Malaysian rapist to be above the age of 40, married, has low levels of education, a menial job and has low income. He is mainly from the rural area. He has a good relationship with his mother but not his father. His views towards women are degrading and to some extent humiliating. He looks at rape as a sexual act and believes that a mutual consent exists, however young the victim is. More importantly is the fact that the Malaysian rapist is likely to be a friend or a family member.

As only one visit was made to interview the rapists, this study is not extensive enough to attempt a psychological profiling of the offenders. A more in-depth profile would be possible with more interviews with the offenders.

The society should be made more aware of the nature of rape and the effects on the victims. The focus of awareness programmes and campaigns should be on the rural areas, as this study shows that a large proportion of the rapists (and victims) are from the rural areas. As the young age of the victims is a big concern, it is strongly recommended that rape campaigns and sex education be introduced in schools. In addition to this, efforts should be taken to bar sex offenders from jobs that will require them to work closely with children as was recommended by the Government last year in their efforts to curb sex crimes (The Star, 5th August 2004). Upon release of the offenders from prison, it is recommended that they receive counselling at the nearest Welfare Department for a certain period of time.

This study also shows a high number of incest in Malaysia. Hence, it is recommended that a separate legislation be enacted for incestuous rape. Currently, incest falls into the general category of rape. However, some factors that come into play in cases of incestuous rape are absent in other cases of rape. For instance, in incest cases, fresh tears of the victim's hymen and signs of bodily injury cannot be used as evidence of rape. This is because incest could have occurred over a long period and such evidences might not be visible anymore. The victim in the case of incest might not have resisted the crime as she trusts and loves the offender.

This study also shows that a sizeable number of rape cases occurred in Felda Schemes, where only one or two rooms are available for families of all sizes. In many cases, parents share the same room with their adult children resulting in the lack of personal space and privacy. It is recommended that the government look into the types of houses that are being built for the local population especially low cost houses and houses built in rural areas.

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