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THE NEED TO REFORM THE LAW
PERTAINING TO RAPE

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INTRODUCTION

One of the main tasks of the past decade for women has been to get the world at large, to take times of several violence against women seriously. Violence against women has increased and is advancing.

Rape is an act of violence against women. It is a hostile and a sadistic act. It is a violation of a women's autonomy and a negation of her independence. It is not enough to denounce the struggle against the myth of rape as an outcome of passion and overwhelming desire. These myths have to be re examined

This project paper focuses on an offence which has been given a lot of attention by the local mass media and the Joint Women Action Group, that is rape and the need to reform the law pertaining to rape. The calls for official action came from several groups, including the ad-hoc committee of Citizens Against Rape, the Association of Women's Lawyers, Gerakan Wanita Movement and the Law Reform Committee of The Malaysian Bar Council.

This offence is heinous crime which warrants more study from a legal point of view. Failure or reluctance to report rape stems from fear of reprisal to the belief that there will be no redress from court of law, save exposing oneself to embarrassment and the tenure of being questioned by the police, defence counsel and the prosecution. The Defence counsel will usually try to discredit the presecution evidence of non-

consent by making humiliating inquiry into the complainant's reputation, behaviour, dress and sexual experience. It is not unusual to find that the victim of a rape might be regarded with scorn and prejudice by people in her community.

The objectives of this project paper is to highlight the existence of this processive problem in the Malaysian Society. The writer will further highlight what the necessary ingredients of the crime of rape are, what in fact has been done to reform the law pertaining to rape, the present law, the victims and sentencing the offender.

The number of woman who goes through the traumatic experience of rape is getting higher day and day. The voices of the rape victims is like the lone voices in the wilderness. It is this state of affairs that this project paper intends to highlights; and analyse the victims not only suffers deep humiliation, confusion and a sense of lose of honours but also depression; insomnia and the fear of being alone.

On top of all this when a women does report rape, more often than not she is ridiculed, and it is the rape victim rather than the rapists who ends up being put on trial. Her character is shredded and she ends up more broken than ever.¹

¹ Section 155 (D) Evidence Act 1950