

Women's Rights Regarding Safety In Public Transport-In The Eye Of Islam: An Analysis.

Area studies : Islamic – Women - Culture

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Abstract— Malaysia has been an independent country for almost 53 years. There are many efforts that have been taken by groups of people, organizations and individuals to bring up the issues of women's rights in Malaysia. As an example, 'Islah Movement' was a reformation movement which fought for women's formal education in Malaya in the early 20th century. Undeniably, there are many organizations now which are concerned with the rights of women in this country in various aspects, such as education, the economy and others. However, the statistics show an increasing rate of abuse, harassment and crime cases where women are the victims. In conjunction with these issues, I would like to discuss women's safety from sexual assault in public transport in Malaysia. Recently, the 'ladies' coaches' for the commuter trains were introduced in Klang Valley and KL-Seremban and 'ladies' buses in Klang Valley areas to provide a convenient and safe situation for female passengers. Thus, this paper proposes to examine the factors of the mentioned unsecured situation as well as the responses of the people, especially women, on the service of special coach for ladies on commuter trains, buses and other potential ways of solving the problems in public transport. The author has conducted research based on qualitative surveys focusing on women passengers (70 women) of public transport in Klang Valley area including some students and staff in Sunway University. Interviews were also conducted involving experts in Islamic Studies, Syariah (Islamic) Law and Sociology to gain related information on the issue.

I. INTRODUCTION.

Recently, women in Malaysia have gone through rapid changes in their lives, in education, careers and life style compared to the past. Traditionally, a woman is not encouraged to leave the house independently without being accompanied by family members or female friends. Nowadays, women are recognized in contributing to the development of the nation as students, workers, professionals and others. Most women have to leave the house and travel alone every day including in the early morning and late at night without being accompanied by family members or female friends which potentially exposes them to an insecure situation, especially sexual assault by men. According to scholars, this is known as a geography of violence on women in different countries where women experience similar sexual assault cases. As stated in the article by Roy Rasul, 45.8% of women (from 13.08 million women) in

Malaysia give a direct contribution to the development of the country as professional and non-professional workers while the other 68.6% contribute indirectly at various levels. (1) It gives a clear idea to what was stated by Vice President of Women of Jemaah Islah Malaysia (JIM), it should be an extensive effort taken by the government, organizations and individually for ensuring women's safety when they are out of the house especially, at work or schools as they are also contributing to the development of the country. (2)

The definition of sexual assault takes many forms, including attacks such as rape or attempted rape, as well as any unwanted sexual contact or threats such as someone touching any part of another person's body in a sexual way, even through clothes, without that person's consent including touching, fondling, kissing and other unwanted contact. In public transit women combine various activities in one day, especially in Klang Valley areas, such as care-taking responsibilities, travel during peak hours with male passengers and get off at multiple destinations [3] Therefore, the women might be exposed to unsafe situations such as dark areas of taxi stands, bus stations and others.

II. OBJECTIVE AND METHODOLOGY.

The study was undertaken in order to see the safety level for women passengers in public transport as well as to see the factors or causes that contribute to the existence of sexual assault. The purpose of focusing on women is due to several factors, ie. most women nowadays leaving the house everyday for work, study and other important and related business by traveling in public transport such as bus, taxi and train. Therefore, this research is conducted to see the factors or causes of this problem, the impact of the addressed scenario on the women and society as possible solutions. To discuss the issue extensively, the author has conducted research based on qualitative surveys focusing on women passengers (70 women) of public transport in Klang Valley area including some students and staff in Sunway University. Interviews were also conducted involving experts in Islamic Studies, Syariah (Islamic) Law and Sociology to gain related information on the issue, taking the guidelines given in Al-Quran, Hadith and Muslim Jurists and scholars.

III. MAIN DISCUSSION.

- 1) *Recognizing the scenario in the Klang Valley Area.*

These are among the reported cases which involved sexual assault on women by male drivers and passengers in public transport since 2000.

Type of Transport	Incidents Reported
Public Bus	*October.7, 2000 –A 24 year old female engineer who traveled to Klang was raped in the bus and murdered by the driver. *October 31,2000- A 23 year old female passenger lodged a police report that she was kidnapped and raped by the bus driver.
Taxi	*November 29,2001- A female 22 year old promoter was raped by the taxi driver on the way back from her work place in the late evening. *May 22, 2003- A 19 year old house wife from Kuantan, Pahang managed to escape from the rape attempt by the taxi driver during her travel (and other attempt cases) *November 3, 2008 - A 20 year old university student raped by the taxi driver who was told that he needed to go back home to take his driving license.

*There are cases where female passengers are being assaulted by male passengers in these public transports and other sub-way transports such as commuter trains, LRT Putra and Star trains especially during peak hours (7.00am-8.30am and 5.30pm-9.00pm).

2) *Factors of sexual assault on women in public transport and the impacts of the addressed scenario on women and society.*

Women nowadays are independent, brave enough to walk and travel alone. According To Tuan Muhammad Azhari (Chief Registrar of Syariah Judiciary of Pahang) sometimes they overlook the dangerous situations and are less aware about the situations which might trap them and become victims, such as traveling alone in a remote area in the early morning or late at night. The media, printed and electronic, also play an important role where some of them show pictures and information which could lead to this crime where men cannot control their lust. The dress of a woman when she leaves the home is one of the factors where some feedback were received from the female passengers showing that the attire which reveals some parts of their body caught the attention among men and leads to sexual assault.

According to the author's research, the cases of sexual assault on women in the public transports do give impacts on women who experience it and the society as a whole. This situation creates an insecure situation and atmosphere where some of the women feel worry and are afraid to leave their house alone, especially for daily routines such as work, school and others. The parents and family members also feel reluctant to allow their daughters, wives and sisters to travel

alone especially in a taxi. The incidents also traumatized some of the women passengers who experienced them and de-motivated them from being progressive in their work, studies and daily routines.

3) *Efforts taken.*

Recently, the ladies' coaches for the commuter trains were introduced by Malaysian Railway which is known as KTMB and it started service on 28th of April, 2010 for Seremban-Rawang-Sentul-Port Kelang railways to provide a convenient and safe situation for female passengers. The president of KTMB, Dr.Aminuddin Adnan said that the existence of ladies' coaches is to upgrade its service to the passengers and convenient for women.(4) The Minister of Women, Family and Society, Datuk Seri Shahrizat Abdul Jalil said that the female passengers have the right to choose either to be in a normal coach or ladies' coaches and that sexual assault on women is not acceptable.(5) However, the current situation shows that there are still male passengers and women with male family members in the ladies' coaches. It seems there is not enough KTMB manpower to ensure only ladies will be in the ladies' coaches at all the time.

The ladies' buses of Rapid KL were introduced on 1st to 31st of December 2010 as a trial for the areas of Pinggiran Batu Caves hub, Damansara Damai hub, Sri Nilam hub, Terminal Kajang hub, Puchong Utama hub, UiTM Shah Alam hub, Subang Suria hub and Central Market. Women can now travel with peace of mind on public transport with the introduction of the Rapid Lady Bus service during peak hours on selected routes. The morning services are at 6.45am and 7.30am and evening services are at 6pm and 6.45pm daily RapidKL Bus chief operating officer Datuk Mohamed Hazlan Mohamed Hussain said in a statement that the special bus service was to provide more comfort and security to women and protect them from sexual harassment and jostling for space during peak hours.

4) *The responses and feedbacks of the passengers on these two services.*

Responses	Commuter Trains	Rapid KL Buses
Support (Agree)	*provides a convenient and safe journey for female passengers *it is a good effort – but there are still some men passengers in these ladies' coaches	*comfortable – it is hard to fight for space during peak hours- uncomfortable traveling in a bus packed with men
Not Support (disagree)	*normal coaches are full during peak hours – is a waste – *discrimination and segregation of gender	*segregation and discrimination of gender

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5) *The opinion on the issues of women traveling in public transport without 'Mahram' (family members or female friends).*

Some groups of people said women should reduce leaving the house and using public transport alone. As one of the Muslim scholars, Imam Nawawi said that the condition for a woman to perform pilgrimage in Makkah is to be with her husband, 'Mahram' or with a group of trusted women. Therefore, it is not permissible for a woman to travel alone where to avoid 'fitnah' and being the victim of crime cases including sexual assault. While, some people refers to the hadith (tradition) of Prophet Muhammad s.a.w, narrated by Ahmad-sahih which means it is not permissible for a woman who believes in Allah and the hereafter to travel the whole day alone without being accompanied by her 'Mahram'.(6)

لا يحل لإمرأة تؤمن بالله واليوم الآخر أن تسافر مسيرة يوم وليلة إلا مع ذي محرم

The other opinion on this issue is the 'Syara' (Islamic Law) does not prevent a woman from doing something if there is no 'fitnah' (falsehood) based on 'urf' (local custom) and the needs of the passengers. The Prophet Musa's a.s story shows that he helped the two sisters to get water from the oasis (In Egypt) to help their old father (Surah Al-Qasas:verse 24). The Muslim scholars; Imam Ahmad and Bukhari narrated from Rubayyi' binti Mu'awwidz Al Anshariyah said that "they had join together with Rosullullah to be in war, helped to serve drinks, food and returning corpses home. In other story, it shows that a woman is allowed to leave home for her matters, husband and children sake. For instance, Asma' Binti Abu Bakar brings the dates to another place (leave the house).

In the book "Mawahibul Jalil" written by al-Khattab, who is one of the Maliki's Scholars, it is stated that it is allowed to let a woman leave the house and travel without 'Mahram' if she is with a group of trusted women and in a safe situation. *Prophet Muhammad (peace be upon him) has said to Udai bin Hatim:* "If you live longer, you would see a Muslim woman traveling from Hirah to Makkah for the 'tawaf' at Kaabah for pilgrimage without being afraid of anyone except Allah swt. (Narrated by Bukhari Sahih).

فإن طالت بك الحياة لترين الظعينة ترتحل من الحيرة حتى تطوف بالكعبة لا تخاف أحدا إلا الله

Some people claimed that dress is not the reason for crimes by taking some examples where the women who dress decently and cover their 'aurah' are the victims of these incidents. While, the other argument against this opinion is these ladies may have become the victims of men who were stimulated by other women who are scantily clad. As taught in Islam, women must be concerned with custom, i.e. the way they dress, walk and act when leaving their homes. In the Holy Quran, Surah An-Nur, verse 31, Allah s.w.t said which Muslim women should not excessively reveal their ornaments including jewellery and do not show it to other men. On the other hand, it is understood that a woman

should act modestly including in public to avoid any conflicts.

IV. FINDINGS AND SUGGESTIONS FOR SOLUTIONS.

a)The vehicles and the waiting stations.

- *Request stop to get off closer to their destinations.
- *To have women-only buses and subway trains (Ladies' coaches) in all states.
- *No tinted windows and doors in buses and taxis.
- *To have CCTV at the station and in the vehicles.
- *To have Families' coaches for commuter trains.

b)The system and the rules.

- *Legal sanction for those who violate the laws.
- *Enough manpower to ensure safety of the passengers.
- *The company and agencies have to provide transports for those who work the night shift and ensure the safety of these workers in that transport.

c)For Female Passengers.

- *Women passengers to avoid travel alone at night especially in taxis if there is no urgent matter.
- *Women to dress properly and act modestly in public.
- *Bring pepper spray etc for protection.
- *To be aware of the situation.
- *To learn martial arts.

V. CONCLUSION.

Men and women are affected differently by real or perceived threats of violence and crime. Traditional has focused on strengthening police and the justice system as ways of reducing crime.(7) Therefore, the goal for this research is to target the root causes of crime and insecurity, foster a culture denouncing violence, reduce sexual assault and harassment and increase the feeling of safety among female passengers. Strategies creating safe gender-based public transportation are needed where subway station design features prioritize the prevention of violence. In addition, people should be educated to understand and obey the laws and rules respecting women as well as to educate women to know their rights and avoid being the victims of sexual assault. The suggestions to have special coaches for ladies in commuter train and ladies' buses in Malaysia should be taken into serious consideration as is practiced in other countries such as Japan. For instance, the Metro system provides ladies' coaches in Ransai areas (Kureida and Gauthier, 2003, 14).Some ladies' coaches were introduced for ladies at night and peak hours. For instance, 'Banet (Ladies) Taxi' was introduced in Beirut, Lebanon in March

2008. These pink taxis driven by female drivers are for female passengers only, especially at night (8). In New Delhi, India, there are 'Forshe', 24 hour radio taxis driven by female drivers only for women passengers where the drivers are well trained in martial arts. Recently, Indonesia introduced ladies' coaches in trains and Manila, Phillipines had implemented buses for ladies only for quite sometime in the busiest cities such as Ayala. All of these services are purposely providing safe public transit for women and girls, accommodating the reality of their travel patterns.

According to Tuan Muhammad Azhari, having special coaches or buses for ladies is not a gender bias but is a preventive approach (Saddu al-zara') in order to protect female passengers from being attacked and assaulted physically, emotionally, mentally and sexually. Ustaz Nik Nizam, who is a lecturer in Perkim, said that any service which is for ladies only, such as in commuter trains, should have coaches for families. This is to answer the issues where there are some women who are traveling with male family members entering ladies' coaches and causing discomfort to the ladies in those particular coaches. On the whole, it should advocate for a wide spectrum of transportation solutions to address safety needs and concerns. Hopefully, this discussion could lead to another step of discussions and actions taken by the authorities, agencies, societies and individuals.

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FOOT NOTES.

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