



## Social Stigma of Incest in Malaysia

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### Article Information

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### Abstract

Incest is a social problem of sexual nature which is often neglected and underreported. While it is distasteful and disapproved by most societies, incest is a difficult crime to prosecute in view of complexed social issues surrounding it. Victims of incest tend to suffer in silence and are reluctant to report to the authorities or seek justice to punish the perpetrator as the perpetrator is a person who has familial ties with the victim. The tendency for society to blame the victims, the victim's embarrassment of having an illegitimate child as a consequence of incest and the fear of causing the family institution to breakdown if the incestuous incident is revealed are among the common reasons for victims of incest to conceal the occurrences of incest. When children are the victims of incest, discovery of the offence may be more difficult, resulting in prolonged misery and permanent emotional scarring. This paper analyzes the social stigma surrounding incest. It is contended that the social stigma associated with incest is an impediment in Malaysia which has to be defeated to help victims of incest report occurrences of incest and recover from the traumatic experience.

### INTRODUCTION

Incest is a complex subject that has sociological, anthropological, psychological, criminal, biological, and historical features (Arens, 1986; Masters, 1968, cited in Jean-François de Rochemont, 2008). Numerous theorists cite incest as the single most important feature in the development of both the individual and civilization (Foucault, 1981; Twitchel, 1987, Jean-François de Rochemont, 2008). While incest is not a new phenomenon, it has been found to exist in various culture. It is a behavior that occurs cross-culturally, but at the same time is also prohibited in various cultures (Arens, 1986; Brasch, 1973; Eskapada, 1987; Justice & Justice, 1979; Masters, 1963; Parker, 1996; Scheidel, 1996, Jean-François de Rochemont, 2008). Some cultures appear to condone, and in some cases revere, incestuous contacts (Eskapada, 1987; Highwater, 1992; Holmes, 1991; Parker, 1996, Jean-François de Rochemont, 2008). In 1963, Leslie White wrote:

*We find incestuous episodes in the mythologies of all peoples. And in advanced cultures, from Sophocles to Eugene O'Neill, incest is one of the most popular of all literary themes. Men seem never to tire of it but continue to find it fresh and absorbing. Incest must indeed be reckoned has one of man's major interests in life (Masters, Patterns of Incest, p. 233, Jean-François de Rochemont, 2008).*

Although incest is a worldwide problem, it remains a neglected social problem and in the developing countries, incest is taboo. In the context of reconstituted families, incest is frequently used to describe these same taboo sexual behaviors though the perpetrator is genetically unrelated caretakers (Jean-François de Rochemont, 2008).

As reported by Csorba et al. (2006), the incidence of incest was 25% among all adolescent sexual abuse cases. Father–daughter incest is apparently not an uncommon occurrence (Kim and Kim, 2005; Kuartei, 2005; Alikasifoglu et al., 2006). There is never a more vulnerable victim than a powerless child, especially when the child is abused by a caretaker e.g. a parent or stepparent, a grandparent, an uncle or an aunt. Often the rape of a child, especially incest that involves the child's family members, is viewed with revulsion and disgust by many cultures and religions. For instance, incest has been a criminal offence in England & Wales in 1908. There is a widespread disgust at incestuous activity and generally accepted is the wrongfulness of sex with children (Roffee, 2014).

It is believed that incest is a problem, which occurs within families at the lower socio-economic levels, living in rural or low-cost housing areas, which are often overcrowded. Many studies conducted overseas confirmed the fact that incest occurs in families of low socioeconomic 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. In Malaysia, a study conducted by Hadi (1996) showed that incest in this country is more prevalent in families of lower socio-economic levels. This was also confirmed from the findings of Rohana et.al. (1997).

Incest is one of the most under-reported forms of crime. Disclosure of incest is a delicate and sensitive process that is influenced by implicit or explicit pressure for secrecy, feelings for responsibility or blame, feelings of shame or embarrassment, or fear of negative consequences. (Collin-Vezina et al., 2013). Ethnic & religious cultures may also influence the way by which the process of disclosure is experienced and can act as either facilitators or barriers to the telling and reporting of incest. Economic dependency is also another important factor which influences a victim or the victim's female caregiver (usually mother) not to report the crime as she would be concerned about the well-being of the family in not receiving financial support from the breadwinner who committed the incest.

The incidents of incest have the tendency to recur when the perpetrator influences or threatens the victim to remain silent. Another factor is because of the dynamics of such cases: the victims are usually young children who are either threatened or manipulated into acquiescence or silenced; parents may not be trained to recognize signs of sexual abuse in children; parents who know of the incident may not report it due to the lack of support systems available; or a host of other factors (Rohana Ariffin & Rachel Samuel, 2008).

## **SOCIAL STIGMA AND INCEST**

Stigma plays a primary role in sociological theory. Émile Durkheim, one of the founders of the social sciences, began to address the social marking of deviance in the late nineteenth century. Erving Goffman, an American sociologist, is responsible for bringing the term and theory of stigma into the main social theoretical fold. In his work, Goffman presented the fundamentals of stigma as a social theory, including his interpretation of "stigma" as a means of spoiling identity. By this, he referred to the stigmatized trait's ability to "spoil" recognition of the individual's adherence to social norms in other facets of self. Goffman identified three main types of stigma: (1) stigma associated with mental illness; (2) stigma associated with physical deformation; and (3) stigma attached to identification with a particular race, ethnicity, religion, ideology, etc.

In Erving Goffman's theory of social stigma, a stigma is an attribute, behavior, or reputation which is socially discrediting in a particular way: it causes an individual to be mentally classified by others in an undesirable, rejected stereotype rather than in an accepted, normal one. Goffman, a noted sociologist, defined stigma as a special kind of gap between *virtual social identity* and *actual social identity*.

Society establishes the means of categorizing persons and the complement of attributes felt to be ordinary and natural for members of each of these categories. When a stranger comes into our presence, then, first appearances are likely to enable us to anticipate his category and attributes, his "social identity" (Goffman, 1963). Goffman divides the individual's relation to a stigma into three categories:

1. the stigmatized are those who bear the stigma;
2. the normal are those who do not bear the stigma; and
3. the wise are those among the normal who are accepted by the stigmatized as "wise" to their condition (borrowing the term from the homosexual community).

Conversely, Jones et al. (1984) added the "six dimensions" and correlate them to Goffman's two types of stigma, discredited and discreditable. The six dimensions that match these two types of stigma are:

1. Concealable - extent to which others can see the stigma
2. Course of the mark - whether the stigma's prominence increases, decreases, or remains consistent over time
3. Disruptiveness - the degree to which the stigma and/or others' reaction to it impede social interactions
4. Aesthetics - the subset of others' reactions to the stigma comprising reactions that are positive/approving or negative/disapproving but represent estimations of qualities other than the stigmatized person's inherent worth or dignity
5. Origin - whether others think the stigma is present at birth, accidental, or deliberate
6. Peril - the danger that others perceive (whether accurately or inaccurately) the stigma to pose to them.

Social stigma is a mark of severe social disapproval that results from an individual's deviation from social norms. Social stigma is so profound that it overpowers positive social feedback regarding the way in which the same individual adheres to other social norms. It is an attribute or characteristic of a person that is deeply discrediting. This attribute is devalued in a particular context and calls into question the full humanity of this person. Because of this negatively valued attribute, persons are devalued, spoiled or flawed in the eyes of others (Crocker et al., 1998; Jones et al, 1984).

Stigma is not merely a physical mark but rather an attribute that results in widespread social disapproval - a discrediting social difference that yields a 'spoiled social identity', to use Goffman's terms. Most definitions of stigma comprise two fundamental components, namely the recognition of difference and devaluation (Dovidio, Major, & Crocker, 2000). They also emphasize that stigma occurs in social interactions. As such, stigma is not considered to reside in the person but rather in the social context (Crocker, Major, & Steele, 1998; Hebl & Dovidio, 2005).

## **INCEST IN MALAYSIA**

In Malaysia, incest is a crime under section 376A of the Penal Code (Revised 1997) Act 574. A person is said to commit incest if he or she has sexual intercourse with another person whose relationship to him or her is such that he or she is not permitted, under the law, religion, custom or usage applicable to him or her, to marry that other person. Upon conviction, section 376B provides that the punishment shall be imprisonment for not less than 10 years and not more than 30 years. In addition, the offender shall be liable to whipping. Rape, on the other hand, is a crime under section 375 of the same Act where a man forces sexual intercourse with a woman without her consent, against her will or if she consented out of fear for her life. It is statutory rape under section 375(g) if a man has sexual intercourse with a woman under 16 years old regardless of her consent. The punishment for rape is imprisonment up to twenty years and whipping. Comparatively, the punishment for incest is more severe than rape due to its repulsive nature as the perpetrator is related to the victim and is usually the male figure in the victim's family who should be responsible for the victim's safety.

According to Salina Nen et.al, (2012), prior to 2004, there was no record of incest by the Social Welfare Department (JKM) as it is categorized under "other" cases. The cases were categorized under incest only after 2004. From the year 1997-2001, physical abuse of children was commonly reported (Shah, 2005). However, from 2002-2006, child sexual abuse was the highest types of cases reported (2,655 cases), followed by neglect/maltreatment (2,592 cases) and physical abuse (2,135 cases) (SWD, 2007). Similar to findings in other countries, the number of girls as a victims are more than boys. Child abuse cases are more prevalent among the Malays as compared with other ethnic groups such as Indians and Chinese (SWD, 2007). Statistics from the Royal Malaysia Police (RMP) for 2000-2004 showed that the majority of child victims of sexual abuse was 16 years old and younger. However, this statistic includes those who have sex voluntarily but are under the category of statutory rape for being underaged (National Report on Violence and Health Malaysia, 2006).

Reported rape and incest cases appear to be increasing and alarming. There were 3,264 cases on domestic violence reported in 2006 which includes incest and rape. It was unidentified whether the figure increase was due to more women coming forward to report their trauma, or whether more such crimes are being committed. A study by Islam et al. (2015) showed that incest cases in the state of Kelantan were not an infrequent sexual behavior. The result shows that most incest cases were by the victim's close blood relations that is own father, followed by the uncle and the stepfather. Incest was the second highest number of sexual offences (27.3%) reported at OSCC, HUSM after rape (72.7%). Majority of victims of incest in Kelantan fall into category of age 0-6, 7-12 and 13-18 years. Only 6 cases were reported by victims from age 19-24 and 25-30 years. From the total of 439 sexual offence cases, 120 cases (27.3%) were found to be incest. It is indicated that 2.1% were

victims of incest by their grandfather; 1.8% by their step grandfather; 5.5% by their father; 4.8% by their stepfather; 3.4% by their brother; 5.0% by their uncle; and 4.8% by their cousin. According to the National Center for Victims of Crime and Crime Victims Research and Treatment Center (1992), from the 61% of rape victims, 11% were raped by their fathers or stepfathers, and 16% were raped by a relative (11). This findings were similar to the results found in this study where 10.3% of victims attended at OSCC, HUSM were raped by fathers and stepfathers where as another 17.1% were raped by relatives (Islam et al., 2015).

Statistical reports on incest between 2000 and 2007 recorded by the states in Malaysia found that the highest number of incest cases reported was in Johor followed by Selangor and Sabah (JKM, 2007). However, the statistic according to the state should be properly assessed, by taking into account the population size and age composition of which varies from one state to another. The number of cases of child abuse by region shows the highest number recorded in cities like Kuala Lumpur, Selangor and Penang (SWD, 2007). It was found that the majority of perpetrators were parents, followed by the mother and guardian (Kasim, Cheah and Shafie, 1995). It was suggested that the abuse occurs when working mothers leave their children to be cared by the father (Shah, 2005). However, only a small number of cases of sexual abuse were reported to the authorities (Kamaruddin, 1996). The main obstacles to reporting the case was because of the social sensitivity of the case, the desire to preserve the dignity and stigma against victims' families and the involvement of family members as the perpetrator who is viewed as a family matter that should be kept confidential (Shah, 2005 cited in Salina Nen, Fauziah Ibrahim, Suzana Mohd Hoesni, Z. A. R. , 2012),

Statistics from the police also revealed that incest cases were found to be highest in Selangor and Johor. From 2158 cases reported to the police, both States recorded 308 cases. Incest was also reported in the following States: Sabah (258 cases), Perak (197 cases), Kedah (195 cases), Pahang (164) and Sarawak (136), Terengganu (109 cases), Kelantan (107) Negeri Sembilan (102), Melaka (101), Kuala Lumpur (96) Penang (59) and Perlis (18 cases). However, there are also cases which were unreported because the victims feared being harmed by the perpetrators and the stigma of society to such cases of incest (Sarkawi, F. B. M., Sarmadan, S. B., Sharif, M., Mustafa, B., Shakib, S., & Mohd, B., 2008).

The vast majority of sex offenders know that their abusive behavior is against the law and that it conflicts with the behavioral norms and ethics they have been exposed to and taught. (Ninggal, M., Mohan, V., & Bavani, S., 2008). Several studies have reported that the majority of offenders are male who are known to or acquainted with the victim (Aydin et.al, 2014). Perpetrators of incest have easier access to children under their care and as such, incest is usually committed within the home environment. As the child could be silenced, the offence usually goes undetected until much later when effects begin to show such as pregnancy, behavioral changes, depression, unexplained tantrums, or other medical conditions. Children's disclosure of child sexual abuse varies depending on to whom the disclosure was made and what prompted the victim to disclose. It was found that younger children were more likely to disclose to adults while older children were more likely to disclose to peers. Among the barriers for immediate disclosure by children on abusive event are threats, fears, lack of understanding and the children's relationship with the perpetrator (Schaeffer, Leventhal, Asnes, 2011). With incest, as the perpetrator is related to the victim, disclosure by the victim is more problematic as the victim is consumed by humiliation and other social oddities.

### **SOCIAL STIGMA OF INCEST IN MALAYSIA**

Sexual issues are not openly discussed in Malaysia. Cultural taboos prevent people from openly discussing sex or related matters. Consequently, people who are not well exposed to accurate information about sex are more likely to develop misunderstandings and to believe myths rather than the actual facts. Reliance on cultural taboos and myths is also responsible for formulating negative attitudes toward sexual abuse victims in the case of incest. For instance, people tend to believe that victims are responsible for abuse and/or sexual abuse is not a serious problem (Salina Nen, 2010).

Current evidence shows that there is still limited research documenting the problem of incest in Malaysia. It was difficult to obtain the exact number of incest cases as it remained unreported by the victims. Out from three cases, only one of incest case will be reported to the authority. According to police record on incest cases from 1996-1997, 71.2% of incest victims were Malay. From 1369 cases reported, 974 were Malays. More than 66% from the cases involved a girl as victims under the age of 16 years old. From the 380 cases, it was reported that father was the perpetrator, followed by uncle (231) and brother (87) (Sabariah, S, 2013). In 2012, out of 3,831 cases of children needing care and protection, Malays made up 2,671 cases whereas the Chinese and Indians contributed 353 and 467 cases respectively. Cases on sexual abuse of children were reported to be high among the Malays (328 female children and 27 male children) as compared with Chinese and Indian (JKM, 2012).

The perpetrators among the Malay population were fathers, uncles, and cousins. Among the Chinese, most perpetrators were fathers, while among the Indian they were uncles and brothers-in-law. Incest among the Indian population is also significant. The difference could be explained by sociocultural factors. Among the Indian, marriage between a maternal uncle and niece is allowed, irrespective of the age of the niece. This nature has allowed some maternal uncles to take advantage of the situation by having sexual relationship with their niece without marriage.

The reluctance to report abuse cases can be due to several factors, including stigma or embarrassment and the culture of silence within communities. Although there seems to be increased awareness and media attention about child abuse, this low rate of reporting nevertheless seem to indicate apathy from civil society, as too few adults intervene when children are abused, resulting in serious harm and even death (Status Report On Children's Rights In Malaysia, 2012).

One of the reasons why many of the victims remain silent is due to the burden of social stigma. Many choose to keep close to their chest on what had happened and refuse to seek justice by reporting to the authorities. This has very much to do with the social stigma harbored by the society on sexual assault victims. The social stigma creates fear for the victims. They will be frowned upon if others get to know the fate that befell them, if the victim gets pregnant, the stigma continues with the child described as illegitimate. Incest is difficult to be discovered because it is a well-suppressed and guarded secret that commonly occurs through persuasion and pressure rather than by physical violence. Economic dependency is also an important reason for the victim's silence as victims of incestuous act have to depend on their abusers for food, shelter and other needs (Vibhute, 1998). Hidden from relatives, communities, schools, and neighbors, incest is underreported, under recognized, and often goes unpunished, leaving child victims to suffer in silence and adult survivors to manifest myriad psychosocial problems (Daie, Witzum, & Eleff, 1989).

Thus, cases of rape, incest and molestation are unreported and unresolved. A study in Malaysia demonstrates that there is a tendency for society to blame victims for what has happened (Lai, Abdullah et al., 2002, WCC Penang, 2007). Asian sexual mores put more blame on a woman rather than on an incestuous man and she may not get moral support from other family members (Vibhute, 1998). Such perceptions not only negatively influenced victims from seeking help or reporting the incident, they also influenced professionals' intervention to victims.

The social stigma associated with incest is an impediment in Malaysia which has to be defeated to help victims of incest report occurrences of incest and recover from the traumatic experience. Section 28 of the Child Act 2001 places responsibility on the parents, family members and caregivers of an abused child to report the abuse to the authorities. Child abuse victims may be taken into temporary custody by police officer or a protector described under the Child Act in order to protect the child from further abuse or if it is in the best interest of the child, as provided under section 18. The child may also be subjected to medical examination or treatment wherever necessary under section 21 of the same Act. While these provisions are relevant and very much needed, it also equally important to provide avenues for the sexually abused child to be heard. Accessible and child-friendly measure of reporting the crime is very pertinent and must be made available in places where the child would feel comfortable and safe such as schools, clinics and more important, at home. Parents, family members and caregivers need to be educated on identifying signs of sexual abuse and also remove the social stigmas which would impede a victim's endeavor in disclosing the sexual abuse.

## CONCLUSION

Issues of stigma, discrimination, denial and ignorance continue to have an impact on every incest cases in Malaysia. The fear of being discriminated and self-stigma has hindered the victims from seeking help or reporting the incident even accessing treatment and care. Victims of incest often do not see themselves as victimized, and families as well as professionals fail to recognize the abuse. The secret remains hidden, camouflaged by play and tangled in the complex dynamics of abusive family relationships. However, incestuous behaviors are too often invisible in stressed, chaotic families. Issues of mutuality, self-blame, guilt, and intricate family relationships must be addressed in a sensitive, supportive manner that follows the victim's readiness to undertake active resolution of relationship issues with the offender, parents, and other family members which adds to the stigma of society in incest. There is also a considerable pressure on victims to maintain the secret of incest and in cases involving young children, awareness of incest as a problem may not yet exist. Adult victims of incest may not connect problems they are currently experiencing with their abusive history, rendering self-disclosure unlikely particularly due to social stigma. Efforts to promote disclosure must be indirect, supportive, and relevant to the victims age and the setting in which the society the victims live in the stigma of the society.

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