

Viewing 'basikal lajak' case through racial lens clouds issues of life, freedom

By [Dzulkifli Abdul Razak](#) - April 25, 2022 @ 12:00am



- NSTP file pic

The controversy involving the *basikal lajak* accident that claimed eight lives has reignited a racially slanted debate on social media associated with the Johor Baru High Court's decision to sentence the driver for reckless driving.

The incident that took place at 3.20am on Feb 18, 2017, caused eight deaths when a motorist hit the riders of modified bicycles in Jalan Lingkar Dalam in the capital city.

The driver, Sam Ke Ting, was 22, and the teenagers were aged between 13 and 16.

They were Fauzan Halmijan, 13; Mohamad Azrie Danish Zulkefli, Muhamad Shahrul Izzwan Azzuraimie, Muhammad Harith Iskandar Abdullah and Muhammad Shahrul Nizam Marudin, all 14; as well as Muhammad Firdauz Danish Mohd Azhar, Mohamad Azhar Amir, and Haizad Kasrin, all 16.

No racial sentiment was implied in the incident then.

Charged with reckless driving, an offence under the Road Transport Act, Sam was acquitted and discharged by the magistrate's court in October 2019.

The investigation found that she was not under the influence of alcohol.

Magistrate Siti Hajar Ali made the decision to acquit Sam on Oct 28, 2019, without calling on her to defend against the charges, after the prosecution apparently failed to prove a prima facie case at the end of the prosecution case. There was still no racial sentiment attached at this point.

The prosecution then filed an appeal. The Johor Baru magistrate's court again acquitted and discharged her last year.

However, when the prosecution appealed once again, this time the Johor Baru High Court found her guilty of reckless driving and sentenced her to six years' jail and a fine of RM6,000, or six more months in jail if she did not pay the fine.

She was also disqualified from driving for three years from the date she completed her prison sentence.

"The respondent's act of driving recklessly or dangerously resulted in the loss of eight lives. The offence committed by the respondent is a serious offence," judge Datuk Abu Bakar said.

He said the court took into account the submissions of the relevant parties and considered various factors, such as public interest.

Sam appealed for a stay of execution and leave for appeal, which was granted five days later by the Court of Appeal. She was released on a RM10,000 bail.

What is intriguing is that this time, the event ignited a "racially charged" controversy.

The case attracted a dominant race-based political party to offer help to Sam gratis.

It drew more tension by playing the racial card.

It is worth noting that the appeal proceedings involved Muhammad Faizal Mokhtar on behalf of Sam, Johor director of prosecution Tengku Amir Zaki Tengku Abd Rahman and deputy public prosecutor Muhammad Syafiq Mohd Ghazali.

Amid all these, Sam was reported to have said that she "believes the judiciary was not to be blamed", according to her lawyer when speaking to the press.

"She expressed her disappointment when the public blamed the judiciary.

"When she lost (the prosecution's appeal at the High Court), people said the judiciary system is broken," Faizal said outside of the courtroom after the sentence was announced.

"Her case is not about racial issues, but the important universal issue (of justice) and not a narrow-minded issue.

"She has been taken care of while in prison and she wanted the public to know that she is healthy and well.

"The issue that Sam understands here is the value of life, which has collided with her freedom," the lawyer said.

In other words, by insisting on viewing the case through a racial lens, this can cloud the fundamental issue of life and freedom, especially when selectively applied based on one's biased and coloured mindset, which has extended to the media with regard to this tragic case.

The writer, an NST columnist for more than 20 years, is International Islamic University Malaysia rector