

Marriage, Sexual Abuse, and Domestic Violence: A Sharia Perspective



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Abstract: *Sexual abuse within the confines of marriage has been identified as a distressing and pervasive issue with far-reaching implications for the mental health of survivors. This study explores the sexuality-related teachings of Islam in married partnerships. An essential component of human nature is the natural desire to satiate sexual cravings, and marriage is the widely accepted mean of doing so. Shariah has extensive rules that regulate a married couple's sexual interactions, with a focus on the husband's duty to show kindness and affection towards his wife. While it is required of wives to satiate their husbands' sexual demands, reciprocity requires husbands to do the same for their wives. Quran recounts a historical context marked by violence against women, including instances of sexual abuse. Practices such as zihar and lian were prevalent during the era of ignorance, exploiting women sexually. Islam, however, eradicates all forms of exploitative sexual relationships. Violations of these Islamic principles resulting in harm to women, subject to punishment in accordance with both Shariah and state laws. This study highlights various forms of sexual abuse and explores potential solutions from an Islamic standpoint. Employing a qualitative research methodology, the analysis focuses on textual data derived from the Quran and Sunnah.*

Keywords: Sexual Abuse, Spousal Relationship, Pakistan, Domestic violence

Shariah perspectives on Sexual Abuse

Islam, a comprehensive code of living, does not support compromises or partial reforms. It has helped a person to aware of his special place in the cosmos as the best creation of Allah. Marriage strengthens the bond between two people and the Prophet Muhammad (S.A.W) declared it as a practice followed by all prophets.

Marriage is a word used to justify sexual connections between man and woman in order to fulfil the bliss of a family (Maqsood, 2000 p.5-6). Allah says:

"وَالَّذِينَ هُمْ لِأُزْوَاجِهِمْ حَافِظُونَ. إِلَّا عَلَىٰ أَرْوَاحِهِمْ أَوْ مَا مَلَكَتْ أَيْمَانُهُمْ فَإِنَّهُمْ غَيْرُ مَلُومِينَ."

"And those who guard their chastity (private

parts, from illegal sexual acts), except from their wives or (the slaves) that their right hands possess, for then, they are free from blame." (23:5)

Ibn Kathir writes that Allah praises individuals who guard their private parts from unlawful actions, refrain from fornication and homosexual behavior, and approach no one other than the wives. Those who seek beyond that area considered to be transgressors. A person who wants what Allah has deemed permissible for him is not to be held accountable and is not guilty of any sin (Ibn Kathir, 2003 Vol 6 p.631). It is narrated by Hazrat Ayesha (R.A) that Prophet Muhammad (S.A.W) said:

"النِّكَاحُ مِنْ سُنَّتِي فَمَنْ لَمْ يَعْمَلْ بِسُنَّتِي فَلَيْسَ مِنِّي وَتَرَوُجُوا

فَأَيُّ مَكَائِرٍ بِكُمْ الْأُمَمُ وَمَنْ كَانَ ذَا طَوْلٍ فَلْيُنكِحْ وَمَنْ لَمْ يَجِدْ
فَعَلَيْهِ بِالصِّيَامِ فَإِنَّ الصَّوْمَ لَهُ وَجَاءٌ "

“Marriage is part of my Sunnah, and whoever does not follow my Sunnah has nothing to do with me. Get married, for I will boast of your great numbers before the nations. Whoever has the means, let him get married, and whoever does not, then he should fast for it will diminish his desire.” (Sunan Ibn Majah, The chapter on Marriage, Chapter: What was narrated concerning the virtue of Marriage, Hadith 1848)

In Islam, sexual activity within marriage is considered not only a biologically healthy act but also a blessing and a part of ritual. Prophet Muhammad (S.A.W) said:

... «وَفِي بُضْعِ أَحَدِكُمْ صَدَقَةٌ» قَالُوا: يَا رَسُولَ اللَّهِ أَيُّ آيَاتِي أَحَدُنَا
شَهْوَتُهُ وَيَكُونُ لَهُ فِيهَا أَجْرٌ؟ قَالَ: «أَرَأَيْتُمْ لَوْ وَضَعَهَا فِي حَرَامٍ
أَكَانَ عَلَيْهِ فِيهِ وَزْرٌ؟ فَكَذَلِكَ إِذَا وَضَعَهَا فِي الْحَلَالِ كَانَ لَهُ
أَجْرٌ»

“And in a man’s sexual intercourse there is sadaqa. On being asked whether a reward would be given for satisfying one’s passion, he said, tell me; if he were to devote it to something forbidden, would it not be a sin on his part? Similarly, if he were to devote it to something lawful, he would have a reward.” (Mishkat al-Masabih ,The Book on Zakat, Chapter: The Excellence of Sadaqa Hadith 1898)

Shariah involves a comprehensive approach based on Islamic principles to combat sexual abuse. This includes implementing legal safeguards, educating the community about consent and consequences, and establishing robust support systems. Legal recourse is available within the Islamic framework, and ethical conduct, respecting boundaries, and responsible behavior are emphasized.

Islam provides detailed guidelines on spousal sexual relationships, and all forms of sexual abuse are strictly prohibited. Sexual pleasure, according to Muslim jurists, purifies the hearts (Dialmy, 2010). When partners make love, God looks at them with tenderness (Dialmy, 2010).

Sexual abuse and husband

The purpose of marriage is to provide and

receive joy and satisfaction from one another, as well as to enhance affection and love. It is stated in Quran:

"خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً
وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ" (30:21)

“Among His wonders is this: He creates for you mates out of your own kind. So that you might incline towards them, and He engenders love and tenderness between you: in this, behold, there are messages indeed for people who think.” (30:21) Therefore, women are responsible to comply with her husband's wishes for sexual activity.

"نَسَاؤُكُمْ حَرْثٌ لَكُمْ فَأْتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ وَقَدِّمُوا لِأَنْفُسِكُمْ
وَأَتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّكُمْ مُلْفُوهٌ وَبَشِّرِ الْمُؤْمِنِينَ." (2:223)

“Wives are your tilth; go, then, unto your tilth as you may desire, but first provide something for your souls” (2:223)

Couples may seek each other's comfort in any way that gives them the greatest and most fulfilling pleasure within this healthy, warm, and conducive environment. Sexual fulfilment must thus be sought as part of a larger goal that both pleases Allah and benefits the humans, involved. Allah will reward them even more for appreciating and following his precepts (Qutb Vol. 1, p. 321). Dr Israr Ahmed said that here, piety is mentioned along with marital relations. If piety is not given priority, then the rules become a joke (Amhad, 2008, Vol 1 ,p.141).The Prophet (SAW) said:

" إِذَا الرَّجُلُ دَعَا زَوْجَتَهُ لِحَاجَتِهِ فَلْتَأْتِهِ وَإِنْ كَانَتْ عَلَى النَّوْرِ "

“When a man calls his wife to fulfill his need, then let her come, even if she is at the oven.” (Jami at-Tirmidhi, The book on suckling, Chapter: What has been related about the husband right over the wife Hadith, 116)

Abu Huraira reported: Prophet Muhammad (S.A.W) said:

"إِذَا دَعَا الرَّجُلُ امْرَأَتَهُ إِلَى فِرَاشِهِ فَأَبَتْ فَلَمْ تَأْتِهِ فَبَاتَ غَضْبَانَ
عَلَيْهَا لَعْنَتُهَا الْمَلَائِكَةُ حَتَّى تُصْبِحَ "

“The angels curse a man's wife till dawn if he calls for her to join him in bed but she declines and stays away, making him angry all night.” (Sunan Abi Dawud, The Book on Marriage, Chapter The rights that the husband has over the

wife, Hadith 2141).

Al Bahwti commented on this tradition, writing:

"وَالرَّوْجِ الْإِسْتِمْتَاعِ بِرَوْجَتِهِ كُلِّ وَقْتٍ عَلَى أَيِّ صِفَةٍ كَانَتْ... مَا لَمْ يَشْغَلْهَا عَنِ الْفَرَايِضِ أَوْ يَضُرُّهَا فَلَيْسَ لَهُ الْإِسْتِمْتَاعُ بِهَا إِذْنٌ لِأَنَّ ذَلِكَ لَيْسَ مِنَ الْمَعَاشِرَةِ بِالْمَعْرُوفِ وَحَيْثُ لَمْ يَشْغَلْهَا عَنِ ذَلِكَ وَلَمْ يَضُرُّهَا فَلَهُ الْإِسْتِمْتَاعُ"

"A husband has the right to enjoy his wife at any time no matter her circumstances... as long as he does not distract her from her religious obligations or harm her. He may not enjoy her in that case, since that is not living with them 'honorably'. If he does not distract her from those duties, nor harm her, then he may enjoy her." (Al Bahwti, Vol 5, p.188). Ibn Hajar commented on this tradition, writing:

"وَأَمَّا حَدِيثُ النَّبِيِّ فِيهِ إِلَّا أَنْ الْمَلَائِكَةَ تَفْعَلُ ذَلِكَ وَلَا يَلْزَمُ مِنْهُ جَوَازُهُ عَلَى الْإِطْلَاقِ"

"As for the tradition on this topic, there is nothing in it but that the angels do that (cursing). It does not necessitate permission for him in any respect" (Al- Asqalani, 2006). These Hadith make it clear that a woman cannot violate her husband's sexual right by disobeying his desires. She shouldn't try to escape it and shouldn't make nonsense reasons.

Sexual abuse and wives. It is incorrect to believe that only the man has the privilege to sexual fulfilment; this privilege belongs to both spouses. Ibn Qudamah writes:

"وَلِأَنَّ النِّكَاحَ شُرْعٌ لِمَصْلَحَةِ الرِّوَجَيْنِ وَدَفْعِ الضَّرَرِ عَنْهُمَا وَهُوَ مُفْضٍ إِلَى دَفْعِ ضَرَرِ الشَّهْوَةِ عَنِ الْمَرْأَةِ كَأَفْضَائِهِ إِلَى دَفْعِ ذَلِكَ عَنِ الرَّجُلِ فَيَجِبُ تَعْلِيلُهُ بِذَلِكَ وَيَكُونُ النِّكَاحُ حَقًّا لُهُمَا جَمِيعًا"

"For marriage has been legislated for the welfare of both spouses and to repel harm from them both. It leads to the removal of harmful lusts from the wife, just as that removes it from the husband. Thus, its legal purpose is obligated by that and it is a right for them both in marriage" (Ibn-Qudamah, 1982, Vol 7, p.304). It is forbidden for a man to sexually mistreat his wife in any form. These ways are mentioned in Quran. Allah Almighty says in Quran

"الَّذِينَ يُرْوَلُونَ مِنْ نِسَائِهِمْ تَرِيصًا أَرْبَعَةَ أَشْهُرٍ سَفَاهًا فَإِنْ فَأَوْ فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ. وَإِنْ عَزَمُوا الطَّلَاقَ فَإِنَّ اللَّهَ سَمِيعٌ عَلِيمٌ" (227--2:226)

"Those who forswear their wives (by pronouncing *ila'*) must wait for four months; then if they change their mind, lo! God is Forgiving, Merciful. And if they decide upon divorce, then God is surely Hearing, Knowing." (2:226-227)

In *ilah*, the husband take oath not to have sexual relations with his wife. There isn't any consummation for four months after this oath. The marriage ends permanently after the fourth month has passed. However, *ilah* is canceled and the marriage does not end if the husband starts cohabiting within four months (Bani & Pate, 2015). According to Syed Qutb, there are periods in married life when spouses are drawn away from one another for various reasons. As a kind of punishment, men promise not to have sexual relationship with wife, which can be embarrassing for the woman and psychologically exceedingly difficult for her. This behavior was not explicitly prohibited because it may be effective to deal a conceited, disobedient, or quarrelsome wife. To balance all important variables and realities, Islam has set a four-month period for such separation (Qutb Vol 1 .p .324).

According to the jurists of four schools of thought, if the husband does not have sex for more than four months, the woman will bring the matter before the judge, who will order the husband to resume sexual relationship. If the husband deny again, the judge will grant her divorce, which is revocable in all cases (Mughniyyah, 2016).

Another common way of abusing women is *zihar*. The husband would compare his wife to his mother or sibling. Following such a contrast, the husband does not cohabit with his wife for four months. Upon the expiry of the said period *zihar* is complete (Bani & Pate, 2015). This old custom of Arab is mentioned in Quran:

"يُظْهِرُونَ مِنْ نِسَائِهِمْ ثُمَّ يَعُودُونَ لِمَا قَالُوا فَتَحْرِيرُ رَقَبَةٍ مِنْ قَبْلِ أَنْ يَتَمَاسَا ذَلِكَ تَوْعَظُونَ بِهِ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ" (58:3).

"Hence, as for those who would separate themselves from their wives by saying, Thou art as unlawful to me as my mother, and thereafter would go back on what they have said, [their

atonement] shall be the freeing of a human being from bondage before the couple may touch one another again: this you are [hereby] exhorted to do - for God is fully aware of all that you do” (58:3)

It is stated in sunan Abi Dawud that:

"أَنَّ جَمِيلَةَ، كَانَتْ تُحْتِ أَوْسَ بْنِ الصَّامِتِ وَكَانَ رَجُلًا بِهِ لَمَمٌ فَكَانَ إِذَا اشْتَدَّ لَمَمُهُ ظَاهَرَ مِنْ أَمْرَاتِهِ فَأَنْزَلَ اللَّهُ تَعَالَى فِيهِ كَفَّارَةَ الطَّهَارِ".

"Khawlah was the wife of Aws ibn as-Samit; he was a man immensely given to sexual intercourse. When his desire for intercourse was intensified, he made his wife like his mother's back. So Allah, sent down Quranic ayats relating to expiation for *zihar*” (Sunan Abi Dawud, The Book of Divorce, Chapter: Regarding Az-Zihar Hadith 2219). A man came to the Messenger of Allah, he had done *zihar* upon his wife then he had sexual relationship with her. He said:

"يَا رَسُولَ اللَّهِ إِنِّي قَدْ ظَاهَرْتُ مِنْ زَوْجَتِي فَوَقَعْتُ عَلَيْهَا قَبْلَ أَنْ أَكْفِرَ . فَقَالَ " وَمَا حَمَلَكَ عَلَى ذَلِكَ يَزْحَمُكَ اللَّهُ " . قَالَ رَأَيْتُ خُلْأَلَهَا فِي صَنْوَةِ الْقَمَرِ . قَالَ " فَلَا تَقْرُبُهَا حَتَّى تَفْعَلَ مَا أَمَرَكَ اللَّهُ بِهِ "

“O Messenger of Allah! I uttered *zihar* against my wife, then I had intercourse with her before atoning.” He (S.A.W) said: "what caused you to do that, may Allah have mercy upon you?" He said: 'I saw her anklets in the moonlight.' He said: 'Then do not go near her until you have done what Allah ordered (for it)’ (Jami` at-Tirmidhi, The Book on Divorce and Li'an, Chapter: What has been related about the one who has uttered *Zihar* and has intercourse (with his wife) before atoning Hadith 1199)

The old Arab practices involved such statements to permanently end all marital relationship with their wives. This was regarded as worse than divorce. Although there were possibilities to rekindle the relationship after the divorce, *Zihar* was meant to continue forever. Such a phrase had been used to end the husband-and-wife relationship completely. In such circumstances, the family was exclusively devastated (Minai, 2002, p.401).

A woman was singing poetry about being lonely and missing her husband who was far away from his home and with one of the Muslim armies.

One night as the second Caliph, Hazrat Umar (R.A) , was patrolling the streets of Madinah. She bemoaned having trouble sleeping, which she blamed on the fact that she didn't have anyone to enjoy herself with. She claimed that only her fear of Allah prevented her from enjoying herself with someone else. The Prophet's wife, Hafsa (R.A), who was his daughter, was then asked by Umar that how long a wife could survive without her husband. She responded, "Six months," or, reportedly, "Four months." Following that, Umar declared that he would never permit troops to be separated from their wives for more than time of four months (Qutb, Vol 15,p. 324).

This incident demonstrates how concerned Hazrat Umar(R.A) was about women, since he issued an order that no men is allowed to stay away from his house for more than four months. It was narrated that 'Abdullah said:

"دَخَلَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حُجْرَتِي فَقَالَ " أَلَمْ أُخْبِرْ أَنَّكَ تَقُومُ

اللَّيْلَ وَتَصُومُ النَّهَارَ " . قَالَ بَلَى . قَالَ " فَلَا تَفْعَلَنَّ نَمَّ وَفَمَّ وَصَمَّ وَأَفْطَرَ فَإِنَّ لِعَيْنِكَ عَلَيْكَ حَقًّا وَإِنَّ لَجَسَدِكَ عَلَيْكَ حَقًّا وَإِنَّ لِرُؤُوسِكَ عَلَيْكَ حَقًّا وَإِنَّ لِبَدَنِكَ عَلَيْكَ حَقًّا وَإِنَّ لِبَدَنِكَ عَلَيْكَ حَقًّا"

"Prophet Muhammad (S.A.W) entered my room and said: "I have been told that you stand all night (in prayer) and fast all day.' I said: 'Yes (I do).' He said: 'Do not do that. Sleep and stand (in prayer); fast and break your fast. For your eyes have a right over you, your body has a right over you, your wife has a right over you, your guest has a right over you, and your friend has a right over you.” (Sunan an-Nasa'i, The Book of Fasting , Chapter: Fasting one day, and not fasting one day, and the difference in the wording of the transmitters Of The Narration Of 'Abdullah Bin 'Amr About It .Hadith 2391)

Imama Shafi was questioned regarding a man's obligation to spend time with his wife or wives, specifically whether he is compelled to have regular intercourse with her. He answered:

"وَهَكَذَا لَوْ كَانَتْ مُنْفَرِدَةً بِهِ أَوْ مَعَ أَمَةٍ لَهُ يَطُورُهَا أَمْرٌ يَتَّقَى اللَّهُ تَعَالَى وَأَنْ لَا يَضْرِبَهَا فِي الْجَمَاعِ وَلَمْ يُفْرَضْ عَلَيْهَا شَيْءٌ يَعْنِيهِ إِنَّمَا يُفْرَضُ عَلَيْهِ مَا لَا صِلَاحَ لَهَا إِلَّا بِهِ مِنْ نَفَقَةٍ وَسُكْنَى

وَكِسْوَةٍ وَأَنْ يَأْوِيَ إِلَيْهَا فَأَمَّا الْجِمَاعُ فَمَوْضِعٌ تَلَدُّدٌ وَلَا يُجْبَرُ أَحَدٌ عَلَيْهِ"

“Likewise, if he has only one wife or an additional concubine with whom he has intercourse, he is commanded to fear Allah Almighty and to not harm her in regards to intercourse, although nothing specific is obligated upon him. He is only obligated to provide what benefits her such as financial maintenance, residence, clothing, and spending the night with her. As for intercourse, its position is one of pleasure and no one can be forced into it” (Al Shafi Vol 5,p.203). Al-Nawawi states this general principle:

"فان كان يمكن جماعها من غير ضرر بها كان له ذلك وان كان لا يمكن جماعها الا بالاضرار بها لم يجز له جماعها"

“If it is possible to have intercourse with her without harming her, he may do that. If it is not possible for him to have intercourse with her except by harming her, he does not have permission to have intercourse with her” (Al-Nawawi,1990, Vol 16).

In above Hadith, the Prophet of Allah (S.A.W) counselled Abdullah to practice moderation in his worship and, knowing that he had not shared a bed with his wife, told him, "Your wife has a right over you," making it abundantly clear that the husband is responsible for meeting the wife's physical, emotional, and sexual needs.

Islam protects the privacy of the couples because discussing their private affairs is forbidden; in fact, it is one of the worst things for either spouse to divulge the details of their private affairs. The Messenger of Allah said:

"إِنَّ مِنْ أَعْظَمِ الْأَمَانَةِ عِنْدَ اللَّهِ يَوْمَ الْقِيَامَةِ الرَّجُلُ يُفْضِي إِلَى امْرَأَتِهِ وَتُفْضِي إِلَيْهِ ثُمَّ يَنْشُرُ سِرَّهَا"

“The most serious breach of trust in Allah’s sight is that a man who has intercourse with his wife, and she with him, spreads her secret.” (Sunan Abi Dawud, General Behavior, Chapter: Transmitting what others have said, Hadith 4870)

Men need to practice sexual restraint in certain circumstances. Therefore, a Husband who engages in sexual activity with his wife, who is momentarily prohibited for him due to obstacles

like menstruation, being in the sacred state for pilgrimage, or being in pious seclusion (*itikaf*), will face discretionary punishment. He cannot be shielded from penalty for violating the situational prohibition by his general spousal right (Lowe,2020).

Methodology

In this study analytical and descriptive methodology is used. In order to collect data on sexual abuse primary and secondary sources are used. Primary sources; Quran, teaching of Hadith and juristic opinions are used. Secondary sources; books of eminent scholars, encyclopedias, dictionaries, research journals, magazines and articles of newspapers are also consulted to establish clear findings for the study.

Literature Review

In most parts of the world, sexual violence against intimate partner has received little attention from researchers, despite the fact that data suggests it a serious public health issue (Garcia et al., 2006). Ellis described marital satisfaction as a mutual state of contentment, satisfaction, and pleasure shared by each member of a married couple when all aspects of their life are considered (Tavoni et al., 2005). Sexual abuse in marriage, also known as marital rape, refers to non-consensual sexual activity between spouses. This form of abuse can take many forms, including forced sex, sexual assault, and manipulation to coerce a partner into having sexual relations (<https://abuserefuge.org/identifying-sexual-abuse-in-marriage/>). Sexual rights, which include "the right to sexual freedom, autonomy, integrity, and safety of the body," are important component of reproductive rights. It also includes the rights to sexual privacy, equity, enjoyment, and emotional expression as well as the freedom to freely interact sexually and sexual health care (Ali et al., 2009).

Wife must obediently comply with her husband's sexual demands under the Islamic law. If a wife won't satisfy her husband, he should try to convince her first in a civilized way. But if he thinks his wife is trying to hurt him and he can't bear it, he can punish her by

following the steps specified in shariah. However, a man is not entitled to go beyond the established bounds and become oppressive (Bani & Pate,2015). Muhammad Ibn Adam al-Kawthari in his book "Islamic Guide to Sexual Relations," discusses Marital sexual Issues. He asserted that it is erroneous to think that only the husband has the right to sexual fulfillment.This privilege is shared by both husband and wife. The wife's right to address her sexual need is equal to the husband's right (Kawthari, 2008).

Victims of marital rape may face various barriers to seeking help, including the stigma associated with marital problems, cultural or religious factors, and the fear of not being believed.

Pakistan is an Islamic country with a culture based on Eastern collectivistic values. In order to maintain the dignity of their husbands and families, Pakistani women have a strong entrenched belief that they should not disclose their marital and sexual affairs in public (Qadir et al.,2005) as it is considered disrespectful (Sarfratz et al., 2020). When it comes to picking a partner and pursuing their sexual urges, women in Pakistan are less free than males, which affects how they act when it comes to reproduction and other human rights. Women are less likely to have healthy sexual relationships and are more likely to endure violence and mental illness as a result of this gender inequality (Manzoor, 1993).

Sometimes husbands treat their wives quite poorly when engage in sexual activity. They believed they had complete control over their wives. They excuse their behavior by citing verses from the Quran and Hadith, but they ignore those teachings that encourage them to treat their wives well (Azam, 2015, p. 19). Shagufta Nasreen and Ayan Ali discussed few case studies in their article. Few women took separation from their male spouses because of abusive behaviour. During the debate, it was discovered that their husband abuse during intercourse and beat on refusal to involve in sexual relation, were the primary causes of their divorce. The husbands acted as if it were their right to humiliate them. This behaviour had an emotional and physical impact on them. One of

the victims admitted of being unable to sleep at night or wake up screaming (Shah & Nasreen & Ali,2010).

Analysis and conclusion

Marriage, or Nikah, has been a part of the Islamic family structure since the time of Adam, and the Prophet Muhammad (S.A.W) proclaimed it the Sunnah of all prophets. In Islam, the marriage serves as a means of preserving the moral character, and chastity of the couple. It is a method of restraint sexual fervor.

Islam, a comprehensive and ethical framework, strongly condemns all forms of exploitative sexual relationships. Examining Islamic sexual ethics in the framework of this research is not meant to be a punitive action, but rather a beacon to help build a community that is morally and justly ordered. With its emphasis on justice, respect, and the defense of individual rights, Islam provides a moral framework that is drawn from its essential values as a holistic way of life. With regard to the delicate subject of sexual assault in particular, the goal is not only to denounce but also to offer a road map for creating a setting that supports these ideals. A major factor in establishing social norms and standards is Shariah, the legal system based on Islamic ideas. It functions as an all-inclusive manual for both the establishment and individual behavior.

Shariah is crucial in establishing social norms and expectations. It acts as a thorough manual for creating a just social structure as well as for personal behavior. Shariah offers a comprehensive solution to sexual assault that includes legal ramifications, preventative measures, and channels for pursuing justice. Because of its many facets, Shariah guarantees that it deals with the underlying causes of abuse and provides victims with a means of remedy.

Quran outlines the principles of modesty, decency, and respect for personal boundaries. The concept of Zina, which refers to unlawful sexual intercourse, is condemned in Islam, highlighting the gravity with which the religion views any violation of ethical norms in the realm of sexuality. The Sunnah, (S.A.W), provides

practical examples of how to implement these principles in daily life. Instances from the Sunnah highlight the Prophet's commitment to justice, even in cases of sexual misconduct, showcasing Islam's unwavering stance against any form of exploitation.

Islam's exploration of these principles serves as a guide for establishing a just and ethical society. Shariah, the legal framework derived from Islamic principles, provides a comprehensive approach to addressing sexual abuse. In instances where harm is inflicted upon women, both Shariah and state laws work in tandem to ensure justice is served.

In conclusion, Islam vehemently opposes exploitative sexual relationships and enforces a set of principles that prioritize justice, respect, and protection of individual rights, especially those of women. By understanding these principles, societies can work towards creating an environment that upholds the dignity and well-being of individuals, fostering a just and ethical framework for addressing and preventing sexual abuse.

References

- Ahmad, I. (2008). *Bayan ul Quran*, Quran Academy Lahore.
- Al-Asqalani, I. H. (2006). *Fath al-Bari*. Beirut: Dar al-Ma'rifah, 1379.
- Al-Bahwti, M. B. Y. (1982). *Kashf al-Qina'an Matn al-Iqna'*. Dar al-Fikr, 1402
- Ali, F. A., Israr, S. M., Ali, B. S., & Janjua, N. Z. (2009). Association of various reproductive rights, domestic violence and marital rape with depression among Pakistani women. *BMC Psychiatry*, 9, 77. <https://doi.org/10.1186/1471-244X-9-77>
- Al-Nawawi. (1990). *Al-Majmu'sharh Al-Muhadhdhab*. Dar al-fikr.
- Al-Shafi'i, M. I. I. (1990). *Al-'Umm* (8 vols.). Beirut: Dar al-Ma'rifah.
- Azam, H. (2015). *Sexual Violation in Islamic law: Substance, evidence, and procedure*. Cambridge University Press.
- Bani, L. M. & Pate, H. A. *The Role of Spouses under Islamic Family Law. International Affairs and Global Strategy*. Vol.37, www.iiste.org. ISSN 2224-574X (Paper) ISSN 2224-8951.
- Dialmy, A. (2010). Sexuality and Islam. *The European Journal of Contraception and Reproductive Health Care*, 15, 160–168. doi:10.3109/13625181003793339
- Garcia-Moreno, C., Jansen, H. A., Ellsberg, M., Heise, L., & Watts, C. H. (2006). Prevalence of intimate partner violence: findings from the WHO multi-country study on women's health and domestic violence
- Ibn Kathir, A. F. (2003). *Tafsir Ibn Kathir*. Riyadh: Darussalam.
- Ibn Qudamah, A. B. A. (1968). *Al-Mughni*. Egypt: Maktabah al-Kaherah.
- Lowe, J. F. (2020). *Legal Conceptions of Sexual Violation in Late Islamic Law and Modern Jordan* (Doctoral dissertation, University of Toronto (Canada))
- Manzoor, K., & Mahmood, N. (1993). An attempt to measure female status in Pakistan and its impact on reproductive behaviour [with Comments]. *The Pakistan Development Review*, 32(4), 917-930.s
- Maqsood, R. W. (2000). *The Muslim Marriage Guide*. Beltsville: Amana Publications.
- Minai, M. M. (2002). *Islami Fiqah*. Islamic Publications Private Limited, Lahore.
- Mughniyyah, J. (2016, November 21). Divorce according to five School of Islamic law. Al-Islam.org Website <https://www.al-islam.org/divorce-according-five-schools-islamic-law-muhammad-jawad-mughniyya/al-ila>
- Qadir F, Silva PD, Prince M, Khan M. Marital satisfaction in Pakistan: a pilot investigation. *Sex Relat Ther*. 2005;20(2). doi: 10.1080/14681990500113260.
- Qutb, S. (2003). *In the shade of the Quran*. Trans: MA Salahi. The Islamic Foundation, Leicester.

- Sarfraz, H., Madani, M., & Shaikh, R. A. (2020). Knowledge and Perception of Marital Rape in Pakistan. *International Journal of Women Empowerment*, 6(1), 54–58. <https://doi.org/10.29052/2413-4252.v6.i1.2020.54-58>
- Shah, N. A., Nasreen, S., & Ali, A. (2010). Marital Rape. *Pakistan Journal of Gender Studies*, 3(1), 53–63. <https://doi.org/10.46568/pjgs.v3i1.370>
- Tavoni, S., & Anisi, B. (2005). Postpartum sexual functioning and sexual factor associated. In Proceeding of the 2nd Congress of Familial and Sexual. Shahed University, Tehran.