

Zina bil-Jabr in Pakistan: A Socio-Religious Legal Analysis

Qazi Dr Shaikh Abbas Borhany al-Waleed

PhD. (USA), NDI, Shahadat al-Aalamiyyah (Al Hawzah, Najaf, Iraq), M.A, LLM (Shariah)

Musheer: Fed. Shariat Court of Pakistan

Member: Ulama Council of Pakistan

Chairman: The Guardian Pakistan

The Writer is an Attorney at Law and a Religious Scholar

Website: www.durrenajaf.com

Academia: <https://durrenajaf.academia.edu/QaziBorhany>

Contact for spiritual help: najafspiritualcenter@gmail.com

Abstract: Zina bil-Jabr (rape) represents one of the gravest crimes in Islam, unequivocally condemned in the Qur'an as Fahishah (shameful indecency) and deemed a violation of human dignity. Despite this, its alarming prevalence in Pakistan signals a deep moral, social, and institutional crisis. Survivors-predominantly women-suffer not only physical violence but also disbelief, humiliation, and ostracization, reflecting entrenched failures of law enforcement, judicial systems, and communal ethics. This paper critically examines the persistence of Zina bil-Jabr in Pakistan by analyzing its structural, cultural, and moral dimensions. Key contributing factors include patriarchal norms, harmful customary practices such as Vani and Swara, widespread victim-blaming, and the normalization of obscenity through pornography and entertainment media. Institutional corruption within police and judiciary fosters impunity, enabling custodial violence and discouraging victims from seeking justice. The neglect of Qur'an injunctions (17:32; 24:19), delayed Nikah, and tolerance of immoral influences undermine the protective framework envisioned in Shariah, weakening both individual virtue and collective resistance to immorality. Cultural invasion and unregulated media further desensitize society, eroding moral safeguards and perpetuating Fahishah. Drawing on Qur'an, Hadith, and the Talim of the Ahl al-Bayt (as), the study underscores that Islam absolves victims of all blame, while those who resist unto death are honored with martyrdom. Nonetheless, Pakistani society frequently reverses this principle by stigmatizing survivors instead of shielding them. This inversion of justice not only compounds individual trauma but also corrodes societal integrity. The paper argues for a holistic reform agenda that integrates spiritual renewal with structural accountability. Core recommendations include facilitating timely Nikah, enforcing divine injunctions, reforming policing and judiciary to eliminate corruption and bias, regulating obscenity in media, and reviving the collective obligation of Amr bil-Ma'ruf wa Nahy 'An al-Munkar. These measures must operate in tandem, as neither moral exhortation nor institutional reform alone can confront the scourge of Zina bil-Jabr. Ultimately, safeguarding women's dignity and restoring social order requires aligning legal frameworks and cultural practices with Qur'an guidance and Nabawi Talim. By reclaiming the moral and spiritual vision of Islam, Pakistan can confront this grave crime not only as a legal violation but also as an assault on faith, family, and community integrity.

Keywords: Qur'an, Hadith, Zina bil-Jabr, rape, Fahishah, Islamic Law, Pakistan, Pornography, modesty, Cultural Invasion, Nikah, Amar bil-Ma'ruf, Hijab, Judiciary, Media, Ahl al-Bayt (as), Nikah, women's rights, prevention

1. Introduction:

Zina bil-Jabr (rape) is an act of extreme violence and humiliation, leaving lifelong scars on its victims. In Pakistan, reports reveal that almost every day women are subjected to this heinous crime. Yet silence surrounds the majority of cases due to fear of reprisal, societal shame, and the powerful influence of perpetrators. The humiliation of rape is unbearable not only for the woman but also for her family, and in many cases victims are pressured into silence. According to human rights organizations, even law enforcement agencies, entrusted with protecting citizens, have themselves committed rape against women who sought justice. In such an environment, poor and powerless women have little courage to stand against wealthy and influential rapists. Surveys suggest that only five out of every hundred victims ever disclose their ordeal. The persistence of Zina bil-Jabr in Pakistan represents not only a legal failure but also a spiritual and moral crisis. The Qur'an (17:32) and the Talim of Ahl al-Bayt (as) make clear that sexual immorality is among the greatest threats to the survival of nations. It corrupts the individual, erodes family bonds, and destabilizes societies. Amir al-Mumineen Ali (as) warned:

"No people abandoned enjoining good and forbidding evil except that Allah made their worst ones rule over them," (Nahj al-Balagha, Saying 374).

This principle reflects the reality of Pakistan today, where weak institutions, corrupt governance, and a compromised media have collectively allowed indecency to spread unchecked. Zina - particularly Zina bil-Jabr (rape) - represents a profound violation of both human dignity and divine law. The Qur'an categorically prohibits indecency:

"Do not come near Zina. Surely it is an abomination and an evil way" (Qur'an 17:32).

Despite this, Pakistani society has witnessed an alarming rise in such crimes. Surveys indicate that more than one lakh women are assaulted annually, with Punjab recording the highest number of cases (HRCP 2024). Amir al-Mumineen Ali (as) in Nahj al-Balagha described that a society that tolerates oppression and immorality invites divine punishment. He said:

"People will never abandon enjoining good and forbidding evil, unless Allah appoints over them the worst of their people as rulers" (Nahj al-Balagha, Saying 374).

2. Fear of Zina bil-Jabr in Society

Fear of sexual assault is an ever-present reality for women in Pakistan. Walking alone in cities or rural areas, they are constantly aware of footsteps, strangers, and dark spaces. While society imagines rapists as unknown men lurking in streets, evidence shows otherwise. Media and intelligence reports confirm that nearly 80% of rapes are committed by men known to the victim: colleagues, acquaintances, relatives, or even authority figures. Women expect protection from "normal" men, but this is a dangerous myth. Judges, lawyers, doctors, teachers, and police officers-individuals entrusted with responsibility-have often been secondary abusers, compounding the suffering of victims. History records that many men, instead of protecting women, turned a blind eye to acts of sexual violence. A victims' survey estimates that more than 100,000 women are sexually assaulted in Pakistan annually. In last few years, reported rape cases increased

by nearly 40%. Yet, these represent only a fraction - about one percent - of the actual number. It is unclear whether the rise in reported cases reflects increased violence or greater willingness of women to come forward. Punjab has consistently recorded higher incidents than other provinces.

3. Social and Cultural Causes of Zina bil-Jabr in Pakistani Society

Zina bil-Jabr (rape) in Pakistan is not only a legal and criminal issue but also deeply rooted in social and cultural structures. Patriarchal norms play a central role, as women are often perceived as bearers of family honor rather than autonomous individuals. This notion creates a culture of control over women's bodies and silence around sexual violence. Widespread gender inequality and rigid power hierarchies perpetuate male dominance, where acts of sexual violence are used to assert control, punish women, or settle disputes. Harmful customs, such as Vani and Swara (giving women in marriage to settle tribal conflicts), normalize the commodification of women and reinforce their vulnerability to coercion. Cultural stigma surrounding rape further contributes to underreporting. Survivors fear shame, social ostracism, and even violence from their own families, which allows perpetrators to act with impunity. Weak enforcement of legal protections and victim-blaming attitudes within institutions mirror societal biases, making justice inaccessible. Thus, the persistence of Zina bil-Jabr is sustained by intertwined social and cultural forces that marginalize women, restrict their agency, and foster environments where sexual violence can occur with limited accountability.

Communities often treat victims as guilty. Yet the Qur'an condemns suspicion (Qur'an 49:12). Al Imam Jafar al-Sadiq (as) says:

"Whoever accuses a believer of what he/she is innocent of, Allah will make him stand on a hill of fire until he retracts" (al-Kafi, vol. 2, p. 357).

4. Legal Institutional Causes

Police and Judicial Corruption is common in Pakistan. Many cases occur in custody. Numerous cases of custodial rape, gang rape by police, and abuse of women in jails have been documented by NGOs. Although the law forbids holding women overnight in police custody, in practice such rules remain on paper. Court trials further victimize women, forcing them to recount humiliating details. Corruption within the police and judicial systems in Pakistan has long undermined the protection of human rights, particularly for women and marginalized communities. A critical manifestation of this corruption is the prevalence of custodial rape and sexual violence within police stations. Such cases not only reflect abuse of power by law enforcement officials but also expose the structural weaknesses in mechanisms of accountability. Research and reports by human rights organizations indicate that women detained in custody are highly vulnerable to sexual exploitation, harassment, and rape by police officers. This occurs in an environment where victims often lack access to legal remedies, and perpetrators benefit from impunity. Judicial corruption further compounds the problem: survivors face intimidation, manipulation of evidence, delayed trials, and compromised verdicts. These systemic failures discourage victims from reporting abuse, perpetuating a cycle of silence and injustice. The persistence of custodial sexual violence highlights the urgent need for

police reforms, independent oversight bodies, and strengthened judicial accountability. Without institutional checks, such practices erode public trust in law enforcement and obstruct broader efforts toward justice and gender equality in Pakistan. Amir al-Mumineen Ali (as) warned governors in his letter to Malik al-Ashtar (ra):

"The worst ministers are those who have been ministers to evil rulers... beware of them" (Nahj al-Balagha, Letter 53).

5. Moral and Religious Causes: Delayed Nikah:

Al Imam al-Baqir (as) says:

"Every eye will weep on the Day of Judgment, except the eye which remained awake in the night for the sake of Allah, the eye that refrained from the prohibited, and the eye that lowered its gaze from what is unlawful" (Wasa'il al-Shi'a, vol. 14, p. 139).

Neglect of Qur'an Injunctions: Amir al-Mumineen Ali (as) says:

"Lust is a companion of blindness and its outcome is regret" (Ghurur al-Hikam, No. 1336).

True reform requires a holistic response that addresses both spiritual and structural dimensions. On the spiritual level, society must return to the guidance of the Qur'an and the Sunnah, along with the wisdom of the Ahl al-Bayt (as), which emphasize modesty, Nikah as a safeguard against immorality, and Amar Bil Ma'ruf wa Nahi 'Anil Munkir as the foundation of collective responsibility. On the structural level, Pakistan requires government accountability, judicial enforcement, police reforms, and community vigilance to protect the vulnerable and punish perpetrators with justice. Unless decisive reforms are undertaken - rooted in Nikah, modesty, institutional justice, and the revival of Islamic morality - the spread of Zina will not only dishonor women but will also destroy families and invite the wrath of Allah Taala upon the nation. The path forward is therefore both preventive and corrective: strengthening faith, reforming laws, curbing obscenity, and empowering communities to uphold divine values. Only then can Pakistan hope to emerge from this crisis with dignity, justice, and divine protection. Community institutions provide long term Qardan Hasanah (interest-free loans) to support marriages of the needy. Early marriages reduce immorality.

6. Media and Pornography

Westernized practices - such as mixed gatherings on the clourful title of night out get to gather, cat walks, music shows, and so-called cultural programs - encourage promiscuity and erode Islamic modesty. Free mixing, fashion obsession, and imported entertainment propagate a culture of lust. Imams of Ahl al-Bayt (as) repeatedly warned against indecency. Al Imam al-Sadiq (as) said:

"Looking at forbidden things plants the seeds of desire in the heart, and that is enough for corruption" (al-Kafi, vol. 5, p. 559).

What should I say about fashion Industry? Rasulullah (S) says:

"There will be women who are clothed yet naked... they will never smell the fragrance of Jannah" (Sahih Muslim, Hadith 2128). Shi'a scholars affirm this as a warning against immodesty.

Moreover, the widespread promotion of vulgarity through films, advertisements, and pornography - often tolerated or even encouraged by the state-creates an environment where Fahishah is normalized. The Qur'an explicitly warns:

"Indeed, those who love that Fahishah should spread among the believers will have a grievous punishment in this world and the Hereafter" (Qur'an 24:19). By allowing cultural invasion and obscenity to dominate, the government and media have become active participants in perpetuating the conditions that encourage Zina bil-Jabr.

7. Islamic Perspective on Victims of Zina bil-Jabr

The crisis is aggravated by a culture of victim-blaming, where survivors of rape face humiliation and ostracization instead of justice and compassion. In stark contrast, Islam absolves victims of all guilt and, if they resist unto death, declares them martyrs. The failure of society to uphold this principle reflects both moral decay and institutional negligence. Islam absolves victims of guilt. If a woman resists but is overpowered, she is innocent. If she dies resisting, she is a Shahidah. Wasail discussed:

"Whoever is killed defending her chastity is a martyr" (Wasa'il al-Shi'a, vol. 19, p. 28).

It is un-Islamic to stigmatize victims. Amir al-Mumineen Ali (as) said:

"The wicked of people is the one who accuses the innocent" (Ghurur al-Hikam, no. 9291).

A woman subjected to Zina bil-Jabr is not required to sacrifice her life to avoid rape. If she faces a genuine threat of death, she bears no guilt if overpowered. Islam recognizes the complexity of human reactions in such situations. If she resists and kills her attacker in self-defense, she is not guilty of murder. If she is killed, she attains the status of Shahidah (martyr) according to Islamic jurisprudence. Unfortunately, victims are often blamed by their families and communities, especially if pregnancy results from the assault. This attitude is rooted in suspicion, which Islam condemns. The Qur'an commands judgment only on the basis of clear evidence, not assumptions:

"And pursue not that of which you have no knowledge. Surely, the hearing, the sight, and the heart-all of those shall be questioned."

(Qur'an, Surah al-Isra, 17:36)

Thus, any stigma attached to the victim reflects the moral failure of the community, not the woman.

8. Nudity promotion Role of Media and Government Fahishah

i. Reason of Fahishah in our society:

The Qur'an warns:

"Indeed, those who love that Fahishah spread among the believers will have a painful punishment" (Qur'an 24:19).

Al Imam al-Husain (as), in his stand at Karbala, declared:

"I have risen only to reform the Ummah of my grandfather... to enjoin good and forbid evil" (al-Tabari, Tarikh al-Umam wa al-Muluk).

This principle directly applies to media corruption and government negligence.

Electronic and print media glorify immorality. Vulgar dramas, obscene films, indecent advertisements, and provocative modeling normalize shamelessness. Pakistani media, imitating Western and Indian channels, promotes nudity, sexual suggestiveness, and free mixing, corrupting the young generation.

ii. Pornography:

The Qur'an condemns the spread of immorality:

"Indeed, those who love to spread indecency among the believers will have a painful punishment in this world and the Hereafter. And Allah knows, while you know not."

(Qur'an, Surah al-Noor, 24:19)

Pornography, whether films, magazines, or online content, fuels lust, destroys modesty, and weakens self-restraint. Islam categorizes it as Fahisha (shameful indecency).

9. Preventive Measures - Promotion of Nikah:

Al Imam Jafar al-Sadiq (as) says:

"Two Rakah offered by a married man are better than seventy Rakah offered by an unmarried man" (Wasa'il al-Shi'a, vol. 14, p. 5).

Implementation of Divine Laws is necessary. Qur'an prescribes Hadd for proven rapists (Qur'an 24:2). Community-Based Security is indispensable. Amir al-Mumineen Ali (as) established Shurta al-Khamis (community watch gaurds) to protect society. The role of Ulema is important factor. Al Imam al-Husain (as) emphasized Amar Bil Ma'ruf wa Nahi 'Anil Munkir as the foundation of reform. A Tradition says: "Lowering the Gaze, as the eyes are the snares of Shayt'an; whoever lowers them saves himself from great calamities. (Bihar al-Anwar, vol. 79, p. 8).

Postponing marriage after puberty intensifies sexual frustration. Al Imam Jafar al-Sadiq (as) taught:

"When a young man marries at the beginning of his youth, Shayt'an cries out: 'Three-quarters of his religion is protected from me!'"

(Da'a'im al-Islam, vol. ii, Sayyiduna al-Qadi al-Nau'man, Al Muizziyyah al-Qahirah)

Parents who delay their children's marriage despite financial means are held accountable in Hadith for the sins that may result.

10. Create Awareness in Society

Religious institutions, mosques, and schools must highlight the dangers of Zina, promote modesty, and encourage lowering the gaze, as commanded in Qur'an (24:30–31).

Zina bil-Jabr is not merely a crime against individuals but a destructive force against society's moral, spiritual, and social fabric. Its root causes-pornography, delayed marriage, shameless media, cultural invasion, police corruption, and weak judiciary-must be tackled comprehensively. Islam provides a holistic framework of prevention: modesty, early marriage, strong family ties, divine law, community accountability, and justice. Failure to act invites divine punishment, as history testifies. Unless society collectively addresses this crisis, the curse of Zina will erode values and destroy future generations. The responsibility lies with families, communities, judiciary, and

government to protect women and restore dignity through adherence to the Qur'an and Sunnah.

11. Conclusion:

The crisis is aggravated by a culture of victim-blaming, where survivors of rape face humiliation and ostracization instead of justice and compassion. In stark contrast, Islam absolves victims of all guilt and, if they resist unto death, declares them martyrs.

"Whoever is killed defending her chastity is a martyr" (Wasa'il al-Shi'a, vol. 19, p. 28). The failure of society to uphold this principle reflects both moral decay and institutional negligence. Moreover, the widespread promotion of vulgarity through films, advertisements, and pornography - often tolerated or even encouraged by the state - creates an environment where Fahishah is normalized. The Qur'an explicitly warns: "Indeed, those who love that Fahishah should spread among the believers will have a - grievous punishment in this world and the Hereafter" (Qur'an 24:19).

By allowing cultural invasion and obscenity to dominate, the government and media have become active participants in perpetuating the conditions that encourage Zina bil-Jabr. True reform requires a holistic response that addresses both spiritual and structural dimensions. On the spiritual level, society must return to the guidance of the Qur'an and the Sunnah, along with the wisdom of the Ahl al-Bayt (as), which emphasize modesty, Nikah as a safeguard against immorality, and Amar Bil Ma'ruf wa Nahi 'Anil Munkar as the foundation of collective responsibility. On the structural level, Pakistan requires government accountability, judicial enforcement, police reforms, and community vigilance to protect the vulnerable and punish perpetrators with justice. Unless decisive reforms are undertaken, rooted in Nikah, modesty, institutional justice, and the revival of Islamic morality, the spread of Zina will not only dishonor women. Victims should not be subjected to humiliating cross-examinations. Rape trials must respect dignity and confidentiality. The Qur'an commands:

*"Let there be among you a group who enjoin what is good and forbid what is wrong. Such are they who shall be successful."
(Qur'an, Surah Ali Imr'an, 3:104)*

Neglecting this duty leads to divine wrath, as Amir al-Mumineen Ali (as) warned that past nations perished when scholars failed to prevent evil.

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