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## A COMPARISON OF THE LEGAL AND SOCIAL ATTITUDES TOWARDS ADULTERY IN SAUDI ARABIA AND PAKISTAN

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### ABSTRACT

*Adultery is considered a major sin in Islam and is prohibited in all Muslim societies. However, there are differences in the legal and social attitudes towards adultery in different Muslim countries. This article aims to compare the legal and social attitudes towards adultery in Saudi Arabia and Pakistan, two Muslim-majority countries with different legal systems and cultural norms. The article begins with an overview of the Islamic perspective on adultery, as outlined in the Quran and Hadith. It then delves into the legal frameworks governing adultery in Saudi Arabia and Pakistan, including the penal codes and the judicial procedures for prosecuting, and punishing adulterers. Furthermore, the article explores the social attitudes towards adultery in these two countries, including the cultural norms and religious beliefs that influence people's perceptions of this issue. It examines the role of family and community in shaping these attitudes, as well as the impact of modernization and globalization on traditional values. The article draws upon a range of sources, including Islamic texts, legal documents, academic literature, and media reports. It provides a comprehensive analysis of the similarities and differences between Saudi Arabia and Pakistan in their legal and social attitudes towards adultery. Overall, this article contributes to the understanding of how Islam shapes the legal and social attitudes towards adultery in different Muslim societies, and the implications of these attitudes for the lives of people living in these societies.*

**Keywords:** Adultery, Saudi Arabia, Pakistan, Islamic Law, Social Attitudes

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## Brief Introduction of Adultery and its legal and social attitudes in Saudi Arabia and Pakistan

Adultery is considered a major sin in Islam and is prohibited in all Muslim societies. However, the legal and social attitudes towards adultery vary in different Muslim countries. Saudi Arabia and Pakistan, two Muslim-majority countries, have different legal systems and cultural norms that shape their attitudes towards adultery.

In Saudi Arabia, adultery is illegal and punishable by law, and the legal framework governing adultery is based on Islamic law. In addition, social attitudes towards adultery in Saudi Arabia are strongly influenced by religious beliefs and cultural norms, with adultery being considered a serious offense that brings shame and dishonor to the family.

In Pakistan, adultery is also illegal and punishable by law, and the legal framework governing adultery is also based on Islamic law. However, social attitudes towards adultery in Pakistan are more complex, with a range of cultural and religious factors influencing people's perceptions of this issue.

Understanding the legal and social attitudes towards adultery in Saudi Arabia and Pakistan is important for understanding the role of Islam in shaping the norms and values of Muslim societies, as well as the impact of modernization and globalization on traditional values.

### Purpose and Scope of Article

The purpose of this article is to compare the legal and social attitudes towards adultery in Saudi Arabia and Pakistan, two Muslim-majority countries with different legal systems and cultural norms. By analyzing the Islamic perspective on adultery, the legal frameworks governing adultery in these two countries, and the social attitudes towards adultery, this article aims to provide a comprehensive understanding of the similarities and differences in how these two countries approach this issue. This analysis will contribute to a broader understanding of the role of Islam in shaping the norms and values of Muslim societies, and the implications of these attitudes for the lives of people living in these societies.

#### Islamic view of adultery

Islamic law considers adultery to be a major sin. As it is stated in the Holy Quran:

"وَلَا تَقْرَبُوا الزَّوْجَ إِذْ كَانَ فَاحِشَةً وَسَاءَ سَبِيلًا" ١

## A COMPARISON OF.....IN SAUDI ARABIA AND PAKISTAN

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"And do not approach unlawful sexual intercourse. Indeed, it is ever an immorality and is evil as a way"

Islamic jurists define adultery as:

"وطى الرجل المرأة في القبل في غير الملك وشبهة الملك"<sup>2</sup>

"Penetration of a man into woman's vagina provided that there is no ownership or suspicion of ownership."

Adultery is considered a major sin in Islam for several reasons. First and foremost, it violates the sanctity and purity of the marital relationship, which is regarded as a sacred bond between husband and wife. The Quran describes marriage as a relationship of love, mercy, and tranquility, and it is considered the foundation of family and society.

ومن آياته ان خلق لكم من انفسكم ازواجا لتسكنوا اليها وجعل بينكم مودة ورحمة ان في ذلك لآيات  
للقوم يتفكرون<sup>٣١</sup>

"And it is among His signs that He has created for you wives from among yourselves, so that you may find tranquility in them, and He has created love and kindness between you. Surely in this there are signs for a people who reflect."

This verse emphasizes the importance of respecting the boundaries of marital relationships and the harmful consequences of violating them.

Moreover, adultery is considered a violation of God's commandments and a rebellion against His laws. It is regarded as a sin that corrupts the soul and damages one's relationship with God. The Quran states,

"والذين لا يدعون مع الله الها آخر ولا يقتلون النفس التي حرم الله الا بالحق ولا يزنون ومن يفعل ذلك يلق آثاما"<sup>٤</sup>

"And those who do not invoke with Allah another deity or kill the soul which Allah has forbidden [to be killed], except by right, and do not commit unlawful sexual intercourse. And whoever should do that will meet a penalty".

Therefore, adultery is considered a major sin in Islam due to its violation of the sanctity of marriage, the injustice it inflicts upon the spouse, and the rebellion it represents against God's commandments. These reasons are based on Islamic teachings and are reflected in the legal and social attitudes towards adultery in Muslim societies. That is why Islam proposes severe punishments for those who commit adultery. As stated in the Quran:

وَالَّتِي يَأْتِيَنَّ الْفَاحِشَةَ مِنْ نِسَائِكُمْ فَاسْتَشْهَدُوا عَلَيْهِنَّ أَرْبَعَةً مِنْكُمْ -  
فَإِنْ شَهِدُوا فَمَسْكُوهُنَّ فِي الْبُيُوتِ حَتَّى يَتَوَفَّهِنَّ الْمَوْتُ أَوْ يَجْعَلَ اللَّهُ لَهُنَّ سَبِيلًا ٥٥

“Those of your women who commit the shameful act, have four witnesses (against them) from among you. So, if they testify, then confine those women to their homes until death overcomes them, or Allah prescribes a way for them.”

After this initial introduction to punishment for adulterers, its details were given as:

الرَّائِيَةَ وَالرَّائِيَ فَاجْلِدُوا كُلَّ وَاحِدٍ مِنْهُمَا مِائَةَ جَلْدَةٍ وَلَا تَأْخُذْكُمْ بِهِمَا رَأْفَةٌ فِي دِينِ اللَّهِ إِنْ كُنْتُمْ تُؤْمِنُونَ  
بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَلْيَشْهَدْ عَذَابَهُمَا طَائِفَةٌ مِنَ الْمُؤْمِنِينَ ٦٦

"The [unmarried] woman or [unmarried] man found guilty of sexual intercourse – lash each one of them with a hundred lashes, and do not be taken by pity for them in the religion of Allah, if you should believe in Allah and the Last Day. And let a group of the believers witness their punishment"

This verse clearly indicates that both the man and woman involved in adultery are to be punished equally. In addition to the Quran, the Hadith also provide guidance on the Islamic view of adultery. According to a Hadith reported by Abu Hurairah, the Prophet Muhammad (peace be upon him) said,

"لا يحل دم امرئ مسلم يشهد أن لا إله إلا الله وأني رسول الله إلا بإحدى ثلاث: النفس بالنفس والثيب  
الزاني والمفارق لدينه التارك للجماعة"<sup>٧</sup>

“The blood of a Muslim who bears witness that there is no god but God and that I am the Messenger of God is not lawful except in one of three cases: life for life, the married adulterer and the one who separates from his religion and abandons the group.”

At another stance he said:

"خذوا عني، خذوا عني، خذوا عني فقد جعل الله لهن سبيلا، البكر بالبكر جلد مائة ونفي سنة والثيب  
بالثيب جلد مائة والرجم"<sup>8</sup>

“Take from me, take from me, take from me, for God has made a way for them. The virgin for the virgin is a hundred lashes and banishment for a year, and the non-virgin for the non-virgin is a hundred lashes and stoning”.

Similarly, he said at another place:

## A COMPARISON OF.....IN SAUDI ARABIA AND PAKISTAN

"اجتنبوا السبع الموبقات" قالوا يا رسول الله، وما هن قال "الشرك بالله، والسحر، وقتل النفس التي حرم الله إلا بالحق، وأكل الربا، وأكل مال اليتيم، والتولي يوم الرحف، وقذف المحصنات المؤمنات الغافلات"

"Avoid the seven heinous sins: (1) idol worship, (2) magic, (3) killing the soul which Allah has forbidden except for a just cause, (4) consuming interest, (5) consuming the property of orphans, (6) fleeing on the day of the march [to the battlefield], and (7) accusing chaste, unsuspecting women of adultery"

These references from the Quran and Hadith clearly show that adultery is considered a serious offense in Islam and is punishable by law. This Islamic perspective on adultery serves as a foundation for understanding the legal and social attitudes towards this issue in Muslim societies.

### An overview of the penal code governing adultery in Saudi Arabia

Saudi Arabia's law on adultery is based on Islamic law, which is derived from the Quran and Sunnah, which is considered the supreme law in the country. Adultery is regarded as a serious offense and is punished severely under this law. While Saudi Arabia has a penal code that outlines punishments for various crimes, including adultery, the specific punishment for adultery is not mentioned in the code.<sup>10</sup> Instead, the punishment for adultery in Saudi Arabia is based on the interpretation of Islamic law by the country's religious scholars and judges. As mentioned earlier, the punishment for adultery is stoning to death, but only if the accused confesses or if there are four male witnesses to the act of sexual intercourse.<sup>11</sup> If the evidence is not sufficient, the punishment may be reduced to flogging, imprisonment, or a combination of both.<sup>12</sup>

Adultery is considered a shameful and immoral act in Saudi society, and those accused of it may face discrimination and rejection from their families and communities. It is important to note that the application of Islamic law in Saudi Arabia is not uniform and it varies depending on the judge and the circumstances of the case.<sup>13</sup> However, the general principles and the penal code governing adultery in Saudi Arabia is based on Islamic law and imposes severe penalties on those found guilty of the crime. This law is deeply rooted in Saudi culture and tradition.

If someone is accused of adultery, the case is first investigated by the Committee for the Promotion of Virtue and Prevention of Vice (هيئة الأمر بالمعروف والنهي عن المنكر). If there is enough evidence to support the accusation, the case is then forwarded to the Public Prosecutor's Office for further investigation and prosecution.<sup>14</sup>



The accused is then brought to trial in front of a judge, who decides on the verdict based on the evidence presented. If the accused is found guilty, the punishment is carried out in accordance with Islamic law.<sup>15</sup>

Overall, the legal framework for adultery in Saudi Arabia is deeply influenced by Islamic law and is implemented through the country's legal system. The role of Islamic law in shaping the legal framework for adultery in Saudi Arabia underscores the importance of understanding the Islamic perspective on adultery when examining the legal and social attitudes towards it in Muslim societies.

### **An overview of the penal code governing adultery in Pakistan**

Islamic law, or Shariah, has played a significant role in shaping the legal framework for adultery in Pakistan. Adultery is considered a major sin in Islam, and it is prohibited under Islamic law. Pakistan is an Islamic Republic, and the country's legal system is based on a combination of common law and Islamic law. In Pakistan, the penal code governing adultery is based on Islamic law and is enforced through the country's legal system. Adultery is considered a criminal offense under Pakistani law and is punishable by imprisonment or fines. Under the Hudood Ordinance, adultery became a crime that falls under the category of "zina," which encompasses extramarital sexual intercourse between two consenting individuals.

According to the Penal Code of Pakistan, if a man and an unmarried woman have sexual intercourse with each other by mutual consent, then they will be guilty of adultery. And the person who commits adultery will be punished with imprisonment for five years. may be up to and a fine shall also be imposed which shall not exceed ten thousand rupees<sup>16</sup>

However, the laws introduced under the Hudud Ordinance 1979 introduced laws that are closest to the Qur'an and Sunnah, according to which if adultery is considered as a Hudud category<sup>17</sup>, then under the Hudud Ordinance 1979, the penalty of stoning was set for married adulterers<sup>18</sup> and punishment of one hundred lashes has been prescribed for unmarried adulterer.<sup>19</sup> And if according to circumstances of the witnesses, adultery is considered in the category of Ta'zir, then its punishment has been fixed as imprisonment for up to ten years.<sup>20</sup>

### **Comparison of Legal and Social Attitudes towards Adultery in Saudi Arabia and Pakistan**

The legal framework for adultery in Saudi Arabia and Pakistan differs in several ways. In Saudi Arabia, the legal system is based on Islamic law, and adultery is considered

## A COMPARISON OF.....IN SAUDI ARABIA AND PAKISTAN

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a crime that can be punished with severe penalties, including public lashing, imprisonment, and even execution. The punishment is implemented under the Islamic legal concept of "hudud," which are defined as fixed punishments for crimes considered to be against God.

Under this concept, the evidence required for conviction is extremely high, and usually, four eyewitnesses are required to prove adultery, making it challenging to obtain a conviction.<sup>21</sup>

In Pakistan, the legal framework for adultery is also based on Islamic law, but it differs from Saudi Arabia in several ways. Adultery is considered a crime under the Pakistan Penal Code and is punishable by imprisonment or fine, but it is not a capital offense according to PPC. However, under the Hudood Ordinances implemented in 1979, the punishment for adultery is harsher, including death by stoning or public lashing, and it requires the same strict standard of evidence as in Saudi Arabia.

In both Saudi Arabia and Pakistan, the family and community play a crucial role in shaping attitudes towards adultery. In Saudi Arabia, the family is seen as the foundation of society, and maintaining the honor and reputation of the family is of utmost importance. Adultery is seen as a threat to the family's honor, and there is a societal pressure to ensure that family members do not engage in any behavior that could tarnish the family's reputation. In Pakistan, similar societal pressure exists, with the family and community playing a critical role in regulating behavior and enforcing social norms.

In conclusion, while both Saudi Arabia and Pakistan have legal frameworks based on Islamic law, the punishment for adultery differs in severity. In both countries, the family and community play a significant role in shaping attitudes towards adultery, and societal pressure can have a significant impact on behavior.

### **Comparison of the social attitudes towards adultery in Saudi Arabia and Pakistan**

In Saudi Arabia, adultery is seen as a violation of Islamic values and social norms, which emphasize chastity, modesty, and family values. The punishment for adultery under Saudi law is severe, with the possibility of death by stoning or public execution.<sup>22</sup>

In contrast, social attitudes towards adultery in Pakistan are complex and influenced by a range of cultural, religious, and socio-economic factors. Adultery is generally considered a major sin and immoral act in Pakistani society, but attitudes towards it can vary depending on the circumstances. For example, men may be more likely to be forgiven for adultery than women, who face severe social stigma and even violence, and that is obviously not according to teachings of Islam.<sup>23</sup> Moreover, extramarital affairs

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are not uncommon among the Pakistani elite and powerful, despite their illegality and religious condemnation.<sup>24</sup>

Overall, while both Saudi Arabia and Pakistan have strict legal frameworks governing adultery, their social attitudes towards the issue are influenced by different factors and exhibit notable differences.

## **Conclusion**

In conclusion, the legal and social attitudes towards adultery in Saudi Arabia and Pakistan are shaped by a complex interplay of cultural, religious, and societal factors. While both countries are Muslim majority nations, there are notable differences in the way adultery is defined and punished under their respective legal systems. Saudi Arabia's legal framework for adultery is based on a strict interpretation of Islamic law, with severe penalties for those found guilty of committing the offense. On the other hand, Pakistan's legal system is more lenient in its treatment of adultery, with the offense being punishable under hudud laws but with relatively lighter penalties. Considering the complexities and nuances surrounding the issue of adultery in Saudi Arabia and Pakistan, it is imperative that policymakers, legal experts, and civil society actors engage in meaningful dialogue and reforms to ensure that justice is served in a manner that is equitable and fair to all parties involved, without compromising the values of Islam and the dignity of human life. Further research can be conducted to explore the practical implications of the legal and social attitudes towards adultery in Saudi Arabia and Pakistan. Future studies can examine how these attitudes influence the behavior and mental health of individuals who have been accused of or punished for committing adultery. Additionally, research can be conducted to investigate the role of gender and marital status in shaping the legal and social attitudes towards adultery in these societies. It is also important to explore the experiences of women and marginalized groups who are disproportionately affected by the legal and social consequences of adultery in both countries.

Moreover, comparative studies can be conducted to examine the legal and social attitudes towards adultery in other Muslim-majority countries, as well as non-Muslim countries, to provide a broader perspective on this issue. Finally, research can be conducted to evaluate the effectiveness of the current legal framework in preventing adultery and protecting the rights of individuals involved in cases of alleged adultery. These recommendations can contribute to a better understanding of the complex interplay between culture, religion, and law in shaping attitudes towards adultery in Muslim societies.

## A COMPARISON OF.....IN SAUDI ARABIA AND PAKISTAN

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### References

<sup>1</sup> Quran 17:32

<sup>2</sup> Al-Marghinani, Ali bin Abi Abakr, Al-Hidaya fi Sharh Badayat al-Mubatadi (Beirut: Darahiya al-Tarath) vol.2, p.344

<sup>3</sup> Quran 30:21

<sup>4</sup> Quran 25:68

<sup>5</sup> Quran 04:15

<sup>6</sup> Quran 24:2

<sup>7</sup> Sahih Muslim, Hadith No.: 1676

<sup>8</sup> Sahih Muslim, Hadith No.: 1690

<sup>9</sup> Sahih al-Bukhari, Hadith No. 2766

<sup>10</sup> Al-Zahrani, S. (2021). The punishment for adultery in Saudi Arabia: Legal and social perspectives. Journal of Law, Policy and Globalization, 111, 1-8.

<sup>11</sup> Saudi Arabian Information Resource. (2018). Penal code of Saudi Arabia. Retrieved from <http://www.saudiarabia.com/penal-code-saudi-arabia/>

<sup>12</sup> Al-Zahrani, S. (2021). The punishment for adultery in Saudi Arabia: Legal and social perspectives. Journal of Law, Policy and Globalization, 111, 1-8.

<sup>13</sup> Human Rights Watch. (2018). Saudi Arabia events of 2017. Retrieved from <https://www.hrw.org/world-report/2018/country-chapters/saudi-arabia>

<sup>14</sup> Al-Mutairi, N. H. (2017). Adultery in Saudi Arabia: A study of judicial trends. Journal of Applied Environmental and Biological Sciences, 7(8S), 38-44.

<sup>15</sup> Al-Sharif, A. M. (2016). Adultery in Islamic law and its criminalization in Saudi Arabia. Journal of Law and Social Sciences, 1(1), 14-25.

<sup>16</sup> Pakistan Penal Code, Article 496 Clause B

<sup>17</sup> Hudud Ordinance 1979, Article 1 a

<sup>18</sup> Ibid, article 2 a

<sup>19</sup> Ibid, article 2 b

<sup>20</sup> Hudud Ordinance 1979, Article 10 c



<sup>21</sup> Al-Abdulkarim, S. (2005). Saudi Arabia: Islamic Threat or Threat to Islam? *Harvard International Review*, 27(1), 16-20.

<sup>22</sup> Al-Saggaf, Y., & Neal, D. (2020). The effects of the Saudi Arabian legal framework on the perceptions and behaviours of Saudi women towards extramarital relationships. *Journal of International Women's Studies*, 21(2), 70-86.

<sup>23</sup> Mumtaz, Z., & Salway, S. (2007). Gender, pregnancy and the uptake of antenatal care services in Pakistan. *Sociology of Health & Illness*, 29(1), 1-26.

<sup>24</sup> Chaudhry, S. (2017). Why Adultery is not a big deal in Pakistan. *The Diplomat*. Retrieved from <https://thediplomat.com/2017/02/why-adultery-is-not-a-big-deal-in-pakistan/>