

Tackling the Menace of Rape Prevalence in Nigeria: An Islamic Perspective

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Abstract: Rape is a sexual, social and violent crime that has been continuously on the rise as the morals of the society decline and the religious values deteriorate. This trend recurrence in today's society constitutes a serious phenomenal threat to the human existence and dignity. This paper therefore examines the Islamic point of views on how to tackle the menace of rape prevalence in Nigeria. It highlights the major causes and consequences on the victims, the prescribed punishments for rapist and the means of blocking the avenues of raping according to Islam. This article is essentially library researched while incorporating internet sources. It is discovered that rape is one of the hideous crimes and one of the worst in Islam. It is considered a complicated crime that involves violence, oppression and sex. Islam also has a clear stance which states that this repugnant action is *haram* and imposes a deterrent punishment on the one who commits it. It also shows that, raped victims are not punished in Islam and even encouraged rape victim to have an abortion. Also, a woman who is being forced raped is obliged to defend herself and should not give in even if she kills the one who wants to rape her. However, Islam does not hunt for crimes just to punish; rather, it works towards the means of blocking the avenues of crimes. It concludes that, Islam closes the door to the criminal who wants to commit this crime.

Key words: Raping • Punishments • Woman • Man • Islam • Nigeria

INTRODUCTION

It is like a plague, the regular cases of reported rape in the country's mass media as well as confirmed reports from different police stations across the nation is daily threatening the essence of the society. Not a single day passes without reports of rape, making headlines in the newspapers. This ugly trend reported in the media and social media however does not depict the true statistics on rape as most rape victims do not have their cases reported to the police and therefore the rapists go scot free [1]. Simply because there are several cases of rape where the family will come and withdraw the petition that their religious leader or village members will solve it. Some will be afraid of the stigma so they stay back and settle with the man and let him off the hook. Most of these rapists are acquainted with their victims; approximately 30% are relatives of the child, most often brothers, fathers, uncles or cousins; around 60% are other acquaintances such as 'friends' of the family, babysitters, or neighbors; strangers are the offenders in approximately 10% of child

rape cases. This is what is usually bombarding with in various states of Nigeria when one cast a look on the newspapers [2].

As a result, the House Representatives report on a bill for an Act on "Violence Against Persons" (Prohibition) is seeking stiffer penalties for rapists'. The 51-clause bill, was extensively considered and adopted by the lawmakers. A section of the bill alludes: "Any man convicted of rape is liable to life imprisonment. Persons convicted of gang-raping any victim shall be liable, jointly and severally, to a minimum of 20 years imprisonment without an option of fine; where the offender is less than 14 years, he shall be liable to a maximum of 14 years imprisonment and a minimum of 12 years, without an option of fine [3]. That any person who compels another by force or threat to engage in any conduct or act of sexual or otherwise to the detriment of the victim's physical or psychological well-being, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or a fine not exceeding N500,000 or both." [4].

Yet, There Is No Different, Now the Questions Are: What is the solution? Man-made laws or God's law?, as history stands witness, Man-made is unable to regulate the human life in the best possible way. Every time the humanity faced any problem, the solution put forward by the man-made law turned out as a problem itself. Therefore the only solution lies in the hands of Revelation. Islam alone has the potential to drive mankind away from this quagmire because this is directly or indirectly the fruit of ignoring religion and embracing positivist philosophies blindly and indistinctly.

Some reports of sexual violence against women and children in different parts of Nigeria and the world by the sample newspapers are cited below:

Father Arrested for Serially Raping own 13-year-old Daughter, July 23, 2017, Police Arrest Village Head, Six others for Allegedly Raping 13-year-old Girl, July 12, 2017, Man Arrested for Raping Friend's 8-year-old Daughter, July 10, 2017, Two Siblings Arraigned for Alleged Abduction, Rape of 14-year-old Girl, July 5, 2017, Pastor Jailed 13 Years after Raping Church Member's Daughter, June 30, 2017, Vice Principal Jailed for Life for raping 12-year-old Student, June 29, 2017, Two Herdsmen Docked For Allegedly Raping Two Sisters, June 22, 2017, Court Grants N5 Million Bail Each to Teenagers Accused of Raping 13-year-old Girl, June 21, 2017, Man Docked for Allegedly Raping Friend's Teenage Sister, June 21, 2017 and Septuagenarian Bags Two Years Imprisonment for Attempted Rape of Minor, June 13, 2017 [5].

Causes for increase rate of rape in Nigeria: A lot of factors are responsible for the rate at which the rape epidemic is becoming prevalent in Nigeria today. These include:

Peer Group Pressure/Influence: Peer group is an important factor in the upsurge of rape cases in Nigeria. Innocent youths who keep regular company of rapists may easily learnt their evil ways no matter how careful they think they are [6].

Myths About Sex: There are quite a number of myths about sex which serves as an impetus to the growing incidents of rape in Nigeria. A study reveals that it is a common belief among many ethnic groups that, without premarital sexual intercourse, boys are bound to have small testicles, suffer from pimples, have difficult erection and not be able to perform better when married. Girls, on the other hand are bound to have small

breasts, experience early menopause, painful menstruation and painful nipples when breast-feeding their babies [7].

Exposure to Modernity: Adolescents in Nigeria today are being bombarded by modernizing influences. They read about sex in novels, books, magazines and newspapers. It is said that the adolescents also "Watch various types of pornographic movies aside from being exposed to sexually overloaded advertisements in newspapers and the television. All these and the sexually graphic music, movies, obscene literature directed at the adolescents arouse their interest in sex [8]. Most parents allow their wards to spend too much time watching television where sex is used by most factories to advertise things like toothpaste, drinks and flashy cars which likely put younger generation under terrific pressure to go into sex [9].

Influence of Indecent Dressing: Indecent dressing in women and girls are inappropriate mode of dressing that often exposes parts of one's body that should be covered from public view. This type of fashion is particularly rampant among College and University students, which apparently is becoming a common mode of dressing for the masses in Nigeria today [10].

The Nature of Adolescents: Adolescents generally have very strong desire for sex. This is said to be motivated by hormonal increase and activity which create an upsurge of sexual interest in the adolescents [11].

Stigmatization: The social stigma associated with rape across the globe forces female victims to conceal rape assaults in order to save themselves from shame and public embarrassment. Even parents of the raped often find it difficult to come out publicly to report such cases [12].

Poverty and Economic Factor: Poverty and economic down turn have forced many families to allow their female child hawk things for sale even at unholy hours and places to augment the family income thereby exposing their children to unavoidable danger of being raped by rapists [13].

Declining Moral Values: The eroding social morality is resulting to some parents having passion for their own biological children, Imams and pastors fancying their female converts and lecturers lusting after their students.

Poor Parental Upbringing: Parents who over-pampered their children by not enforcing strict disciplines on them as well as to engage in extra-marital affairs incautiously before them are more likely going to foster children that are rude, arrogant and wayward. Most children under this category probably become rapists.

Mishandling of Rape Cases: The rigorous requirement involved in producing authentic evidence of rape such as getting a medical report as well as a police report and within the shortest possible interval of any rape incident in question seems to trivialize the whole matter [14]. A report also indicates that one of the rape victims was even put in a cell for reporting a police rapist [15]. Research shows that, over a hundred cases of violence against the child and women often go without any of the culprits being prosecuted and jailed [16]. This probably may account for the reason an Abuja High Court Judge; Umoh Enah has recently lampooned the Nigerian Police for its poor handling and prosecution of an alleged rapist [17].

Alcohol and drug consumption: Increased vulnerability to sexual violence also stems from the use of alcohol and other drugs.

Victims to Rituality: Rape may lead one to be victim of rituality. Research shows that those rape victims are easy targets for ritual activities. Most people who were looking for human parts for ritual purposes give huge amounts of money to greedy and materialistic students, who possibly would end up with missing part or parts of his/her body or even his life [18]. There were reported cases (as revealed by security documents) involving students and this has been a matter of serious concern to the security.

Effects of Rape to the Victim: The consequences of rape can be summarized as follows:

Unwanted Pregnancy: The most immediate of rape is the risk for the victim of getting pregnant. Dependent on the age of the victim, she may conceive a child even if she is just reached puberty [19].

Abortion: In most instances, rape victims who do become pregnant opt to abort the child that is considered the result of the crime committed against them. In some cases the situation is further complicated due to abortions not being a legal option for the victim [20].

Exposure or Transmission of Certain Diseases: The rape victims are also at risk of acquiring sexually transmitted diseases such as HIV/AIDS that could affect their health in the short and long term even leading to death [21].

Damage or Disruption of Body Organs or Functions: The victim's body usually suffers physical injury particularly to the vagina, uterus and other parts of the reproductive system. The risks are greater if the rape victim is a child or a very young teen. In addition, the rape victims are often beaten up and tortured during and after the rape, which might even lead to losing their life in some cases [22].

Trauma and Paranoia: At times, the victim will exhibit symptoms of mental and emotional trauma through solitude and exclusion. They also develop fear in mingling and socializing with strangers and other people especially men. These effects can last for the duration of the victim's lifetime [23].

Self-pity or self-blame: Apart from making her aloof and isolated, rape can also lead the victim to pity or blame herself for the crime. This effect is partly caused by the social stigma or shame that societies or communities wrongly attribute to the victim. She is often deprived of the care she should receive from families and society at large, who in turn can accuse her of callous and provoking behavior. This worsens her mental state and she is left emotionally devastated [24].

Suicidal Tendencies: The most striking effect that rape can produce in a victim is the thoughts or tendencies of committing suicide [25]. Because of trauma, self-pity and seclusion, rape victims often feel that there is no longer hope and they could no longer recover and that they are not worthy of living.

Islamic Positions on Rape: In Islam, rape is defined as having extramarital intercourse by force or fear, including any subsequent injury both to the victim's mental and physical health [26]. It is different than adultery or fornication where there is a consensual agreement on having sex. It is also different than prostitution where sex out of marriage is paid for. Rape involves an attempt to empower a weaker or a threatened person to accept unwillingly the sexual advance of the attacker. According

to Islamic law, it is classified as *hirabah*, (a violent crime causing disorder in the land in the manner described in the Qur'an as *fasad* (destructive mischief) [27]. A similar crime, for example, would be highway robbery, as it puts fear in people going out or losing their property through violence. Some other branches of Islamic law consider it to be part of *zina*, as a crime called "coerced fornication" (*zina-bil-jabr*) [28]. Moreover, jurists extended the definition of coercion to include not only coercion by means of physical force, such as in the case of a man forcing his way on a woman, but also by other means [29]. For example, threats to kill or hurt the woman were included in the definition of coercion. Jurists even included denial of food or water to a needy woman in the definition as well, when the waiver of such denial is conditioned on the woman's acceptance to engage in a sexual act [30]. Indeed, a woman who was tried before Umar for *zina* claimed that she was thirsty and asked a shepherd for some water. The shepherd denied her water unless she allowed him to have sex with her. Having no choice, she did. Umar consulted with Ali whose opinion was that the woman had no other choice. Consequently, Umar dropped the case against her and even gave her monetary compensation [31].

However, Islam condemns all the elements that constitute the crime of rape that is sex violence and oppression. In the first instance, Allah strongly condemns any kind of sexual relationships outside of marriage: (Quran 5:5, 24:30, 24:31 and 23:5).

In addition to condemnation of the sexual crime involved in rape from the above, God strongly condemns the oppression element of rape in the strongest possible language. God, in the Qur'an, describes oppression as "worse than murder." This puts rape among the worst crimes committed by a human being in the sight of God. For instance, Qur'an 2:191... Oppression is worse than murder Qur'an 2:217. God in the Qur'an also did not save the words to condemn prostitution, especially when oppression and forcing the young girls is a factor and this makes it different than a prostitution practiced by consenting adults and it would place it in the category of rape. Of course both kinds are condemned but adding the oppression factor changes its nature into a rape with its consequence of higher need for a stronger punishment. Qur'an 24:33 says ...You shall not force your girls to commit prostitution, seeking the materials of this world, if they wish to be chaste. If anyone forces them, then God, seeing that they are forced, is Forgiver, Merciful.

From the above Qur'anic position it is evident that rape is one of the hideous crimes and one of the worst in the sight of God. It is considered a complicated crime that involves violence, oppression and sex. God says in the Qur'an, "Do not go near to adultery. Surely it is a shameful deed and evil, opening roads (to other evils)" (Qur'an 17:32). "Say, 'Verily, my Lord has prohibited the shameful deeds, be it open or secret, sins and trespasses against the truth and reason'" (Qur'an 7:33). Prophet Muhammad (SAW), has said in many place that adultery is one of the three major sins. However the most interesting story is that of a young man who went to the Prophet and asked for permission to fornicate because he could not control himself. The Prophet dealt with him with reasoning and asked him if he would approve of someone else having illegal sex with his mother, sister, daughter or wife. Each time the man said 'no'. Then the Prophet replied that the woman with whom you plan to have sex is also somebody's mother, sister, daughter or wife. The man understood and repented. The Prophet prayed for his forgiveness³². The Prophet also warned: "If one of you were to be stabbed in the head with a piece of iron it would be better for him than if he were to touch a woman whom it is not permissible for him to touch." [33]. This refers to the punishment for just touching, so how about worse deeds, such as embracing and kissing and even worse kinds of illicit activity? Shudder at the thought!.

The Punishment of Rape in Islam: Rape, known in Islam as *zina bi al-ikrah* or *zinaa bil jabr*, is generally defined by Muslim jurists as forced intercourse by a man with a woman who is not his wife and without her consent. Rape doesn't exist in the Qur'an. The whole concept of sex without consent isn't even acknowledged as an entity. There isn't even a word for "rape". The word used for a sex crime is *zina*, defined as "unlawful sexual intercourse" which includes only two things: (i) fornication (pre-marital sex); and (ii) adultery (extra-marital sex). The phrases *zina bi al-ikrah* or *zinaa bil jabr*, which are used by some Islamic scholars to refer to rape, does not appear in the Qur'an. So in the Qur'an, sex is classified into only two categories: (i) lawful sex (with wives); and (ii) unlawful sex (fornication or adultery). Therefore, some Islamic scholars concluded that, the punishment for rape in Islam is same as the punishment for *zina*, which is stoning if the perpetrator is married and one hundred lashes and banishment for one year if he is not married [34]. The position of some modern jurists is that the hadd penalty

for outlaws should apply to rapists (hadd Hirabah), described in Qur'an 5:33. Others say that rape can be treated by the judge as an offence that receives Tazir (discretionary) punishment. These approaches avoid the impractical four witnesses requirement for applying a zina hadd penalty when there is no confession [35]. However, throughout Islamic history there have been scholars who classified rape as a form of terrorism (hiraba) [36]. There have also been specific examples in Islamic history which can shed light on how early Muslims handled this crime and its punishment. For instance, during the lifetime of the Prophet Muhammad (SAW):

Narrated Wa'il ibn Hujr: "When a woman went out in the time of the Prophet (SAW) for prayer, a man attacked her and overpowered (raped) her. She shouted and he went off and when a man came by, she said: That (man) did such and such to me. And when a company of the Emigrants came by, she said: That man did such and such to me. They went and seized the man whom they thought had had intercourse with her and brought him to her. She said: Yes, this is he. Then they brought him to the Apostle of Allah (SAW). When he (the Prophet) was about to pass sentence, the man who (actually) had assaulted her stood up and said: Apostle of Allah, I am the man who did it to her. He (the Prophet) said to the woman: Go away, for Allah has forgiven you. And about the man who had intercourse with her, he said: *Stone him to death*. He also said: He has repented to such an extent that if the people of Medina had repented similarly, it would have been accepted from them" [37].

Thus, in Islam, the punishment for rape is same as the punishment for *zina*, which is stoning if the perpetrator is married and one hundred lashes if he is unmarried. Qur'an, 24: 02-03, says:

The woman and the man guilty of adultery or fornication,- flog each of them with a hundred stripes: Let not compassion move you in their case, in a matter prescribed by Allah, if ye believe in Allah and the Last Day: and let a party of the Believers witness their punishment. Let no man guilty of adultery or fornication marry but a woman similarly guilty, or an Unbeliever: nor let any but such a man or an Unbeliever marry such a woman: to the Believers such a thing is forbidden.

Also, once a person came to the Prophet and confessed that he had committed Adultery. The Prophet turned his head to other direction but the person insisted and admitted the crime four times. Thereupon, the Prophet asked him whether he was a mad person. When the person responded in negative, the Prophet asked him whether he was married. When the person answered in affirmative, the Prophet ordered his companions to "take him and stone him" [38]. In another tradition, the same sentence of stoning was pronounced against a woman who had herself come to the Prophet and admitted her sin and demanded punishment [39].

All that is just a drop in the ocean, compared to the punishments for the sinner in the next life: The Prophet has told Muslims of the punishment that those who commit zina will receive in their graves before the Hour begins and that they will be punished with fire [40]. Allah also says in Surah Al-Furqan, Verses 68-69: "And those who invoke not any other ilah (god) along with Allah, nor kill such life as Allah has forbidden, except for just cause, nor commit illegal sexual intercourse and whoever does this shall receive the punishment. The torment will be doubled to him on the Day of Resurrection and he will abide therein in disgrace".

Jurists disagree on whether the rapist must also pay a dowry as compensation to the victim. For instance, al-Shaafa'i, Imam Maalik said: ...man who rapes a woman, whether she is a virgin or not, he must pay a "dowry" like that of her peers [41]. Abu Haneefah and al-Thawri said: the hadd punishment is to be carried out on him but he is not obliged to pay the "dowry" [42]. The evidence for what we say is that the hadd punishment and the "dowry" are two rights, one of which is the right of Allah and the other is the right of the other person. So they may be combined, as in the case of a thief whose hand is cut off and he is required to return the stolen goods [43]. According to several classical interpretations of Islam, the victim is entitled to monetary compensation for her loss as well.

There is also no need to present four witnesses to prove the rape when there are so many other physical proofs [44]. In this modern society, no one will be convicted with no proof or any person can accuse any person at any time with no proof and gets away with it. Islam is justice, for both the victim and the accused. The least of the proofs is eyewitness and God sees to it that the four witnesses (who do not have to be men), will be a better guarantee against a deliberate plot to scheme an innocent person (Qur'an 4:15 and 24:4).

Having mentioned above verses we would like to explain that we are not allowed to tarnish the honor of anyone [45]. One is required to produce four witnesses when making an allegation of adultery against another person; otherwise, one will be guilty of slandering. A raped woman is a victim that must be treated with honor and kindness. She is not required to produce four witnesses to prove the crime done against her, her claim shall be accepted unless there are tangible grounds to prove otherwise. To insist that she provide witnesses is akin to inflicting further pain on her. If anyone refutes her claim of innocence, the onus is on him to provide evidence and she may simply deny the claim by making a solemn oath, thus clearing herself in public. The Prophet said, "The onus to provide evidence falls on the one who makes a claim and the one who denies (the same) can absolve himself or herself by making a solemn oath to the contrary" [46].

It was happened during the lifetime of the Prophet Muhammad, a rapist was punished based on only the testimony of the victim. Wa'il ibn Hujr reported that a woman publicly identified a man who had raped her. The people caught the man and brought him to the Prophet. He told the woman to go, that she was not to be blamed and ordered that the man be put to death [47]. In another case, a woman brought her infant to the mosque and publicly spoke about the rape that had resulted in her pregnancy. When confronted, the accused admitted the crime to the Khalifah Umar who ordered his punishment [48]. The woman was not punished.

Obviously, it would be a horrible injustice for an innocent man to be falsely accused of a capital crime such as rape. To safeguard the rights of the accused, the crime must be proven with evidence in court. There have been various historical interpretations of Islamic law, but the most common legal practice is that the crime of rape may be proven by:

- Witness testimony - The testimony of four witnesses to the act itself is traditionally the requirement to prove adultery under Islamic law. Most Islamic scholars, however, recognize that adultery is voluntary while rape is coerced [49]. Thus they have moved beyond requiring this evidence alone to prove sexual assault.
- Confession - The full and complete confession of the perpetrator is accepted as evidence under Islamic law.
- Physical evidence - Even in early Islamic history, many Islamic jurists accepted physical evidence to prove a woman's lack of consent. As forensic science

becomes more adept at providing physical evidence of sexual assault, such evidence has become commonly accepted in Islamic courts.

Also, raped women are not punished in Islam. This is like saying that a person robbed of his property should be punished. The Islamic scholars, like Imam Malik, clearly state that no punishment is applied on the raped women [50]. They based their arguments on the *hadith* that says, "Allah has forgiven for my Ummah for their mistakes, what they forget and what they are forced to do" [51]. They concluded from this *hadith* that if a person, especially a woman was forced into a sexual act, then she/he would not be subject to punishment.

Ibn Qudamah narrates different hadiths and incidents that support this view. For instance, a woman claimed that she was raped during the Prophet's time; the Prophet did not charge her with any crime. He also narrates that some female slaves were raped by some male slaves and were brought before Khalifah Umar. Umar cleared the females of any wrongdoing and flogged the male slaves [52]. In another incident, an alleged adulteress was brought before Umar and she claimed that she was sound asleep when a man came unto her. Umar released her though she was not able to recognize and hence identify the rapist [53].

Also, undoubtedly the rape of a woman by an evil enemy is a strong reason for the woman and for her family to have an abortion [54]. For she will hate this foetus, the result of this iniquitous attack and she will want to get rid of it. So this concession is to be given because of necessity, especially in the first days of the pregnancy. bear in mind that the mother may be psychologically and emotionally effected and lead to insanity by reminders of the rape, especially if the child resembles the evildoer and the husband may not (for understandable reasons) wish to raise and spend his own money on the child of the man who broke in to his house and forcefully had sex with his wife. Though, the basic principle concerning abortion is that it is haraam and is not allowed from the moment of conception when it becomes a new being and is "placed in a place of safety". i.e., the womb, even if this being is the result of a haram relationship such as zina [55]. Also, there are some fuqahaa' who think that it is permissible to have an abortion within the first forty days of pregnancy [56]. Some of them even permit it until before the soul is breathed into the embryo [57]. The stronger the excuse, the clearer the reason for the concession is and if that is within the first forty days it is, this means that the concession is more appropriate.

Also, a woman who is being forced to commit zina is obliged to defend herself and should not give in even if she kills the one who wants to do that to her [58]. This self-defence is obligatory and she is not at fault if she kills the one who wants to force her into zina. Imam Ahmad and Ibn Hibban reported that the Prophet said: "Whoever is killed defending his property is a shaheed (martyr), whoever is killed defending himself is a shaheed, whoever is killed defending his religion is a shaheed and whoever is killed defending his family is a shaheed." [59]. In the commentary on this hadith it says: "whoever is killed defending his family is a shaheed" refers to the one who defends the honour of his wife and female relatives. If a man is obliged to defend his wife and fight off the one who wants to rape her even if this leads to his own death then this obligation applies even more to the woman herself, who must defend herself and not give in to the aggressor who wants to violate her honour, even if she is killed, because if she is killed she will also be a shaheedah, just as her husband will be a shaheed if he was killed defending her honour. Shahaadah (martyrdom, the status of shaheed) is a high status which is only achieved by the one who dies in the way of obedience to Allah and that which He loves, which indicates that Allah loves this kind of defense, a man's fighting to defend his wife's honour and a woman's fighting to defend herself [60].

Ibn Qudaamah al-Hanbali says in al-Mughni: "Concerning a woman who was pursued by a man and she killed him to protect herself, Ahmad said: 'If she knew that he wanted to rape her and she killed him to protect herself, then she is not at fault [61]. Ahmad mentioned the hadith which al-Zuhri reported from al-Qaasim ibn Muhammad, from 'Ubayd ibn 'Umayr, in which it said that a man had visitors from [the tribe of] Hudhayl and he wanted to rape a woman, so she threw a rock at him and killed him. 'Umar said, 'By Allah, there is no diyah for him ever' [62] i.e., she did not have to pay the 'blood money' for him. If it is permissible to defend one's money, which can be given away, is clearly more permissible than a man defending his money. If this is clear, then she is obliged to defend herself if she can, because letting someone overpower her [rape her] is haram and by not defending herself, she lets him overpower her" [63].

However, Islam does not hunt for crimes just to punish; rather, it works towards the means of blocking the avenues of crimes. Even when it punishes, it doesn't punish blindly; rather, it strikes the guilty hand. So, for a rape victim to be absolved from guilt, she must not be the one that opens her house for robbery and her dignity for deflowering. If, after trying her best to resist the attack, she gets overcome by the assailants, she is totally

absolved from punishment. Muslim scholars are unanimous on this. They maintain that any woman, who, despite doing her utmost to resist these thugs and their ilk, is raped, is not guilty of any sin [64].

In Islam, determining the case as a rape case is important and would mean the difference between life and death to the man. There is a difference between a rapist who is caught raping innocent children or someone who forcibly raped a woman beyond her will after stalking her and someone went with his girlfriend to hotel by her own will and spent the night there together and she came back claiming that he raped her. If a woman seems that she invited a man to have sex with her, or was willing to have sex with him and both went away and came back later and then she claims that he raped her and he denies that, then her case would be considered invalid and both of them would be determined to have had illegal sex and therefore, both of them would get punished for it [65].

The Ethical Teachings of Islam as a Panacea to Raping:

The problem of rape and its consequences as analyzed in this write up can therefore be adequately addressed by the following ethical conduct of life contained in the Qur'an and exemplified by Prophet Muhammad (SAW) as substantiated to avert all evils that may arise from raping.

Remember Allah Is Watching You: When one have an urge to go into a closed off area to commit sin, should remember this hadith stated by the Prophet regarding 'Ihsan' (true righteousness): "[Ihsan is] to worship Allah as though you see Him and if you cannot see Him, then indeed He sees you" [66]. Would you feel embarrassed on doing such shameful disgusting deeds if you knew that Allah was watching? Well Allah *is* watching you and can see and hear your every sinful thought and sinful action. Allah warns in Qur'an43:80, "Or do they think that We hear not their secrets and their private counsels? Indeed (We do) and Our messengers are beside them to record".

Early Marriage: Prophet Muhammad (SAW) while engaged in the process of advising young Muslims told them: Young men, those of you who can support a wife should marry, for it keeps you from looking at strange women and preserves your chastity, but those of you who cannot marry should fast, for it is a means of cooling the sexual passion [67].

Lowering of the Gaze: The Qur'an24:30 instructs the believing men and women to lower their gaze and to safeguard their chastity. Interestingly, this verse is right before the verse ordering women to do the same. Allah

addresses men first when expecting modest behavior, then women. Shaykh Yusuf al-Qaradawi explains this instruction in the following manner: What Islam prohibits in the sphere of sex includes looking at a member of the opposite sex with desire; for the eye is the key to the feelings and the look is the messenger of desire, carrying the message of fornication or adultery [68]. It is primarily to protect his followers from being tempted to commit adultery or fornication the *Prophet* to Sayyidina Ali: Ali, do not let the second look follow the first. The first is allowed, but not the second. The *Prophet* even said looking at the member of the opposite sex with lust and desire as tantamount to zina of the eyes. The eyes also commit zina and its zina is the (lustful) look.

The `awrah: Exposing of parts body would be in contravention of the dictates of the Shari`ah and deemed impermissible. The `awrah of a Muslim woman is explained by Prophet in a Hadith addressed directly to Sayyidatuna Asma' the daughter of Sayyidina Abu Bakr: After a girl attains the menstrual age (i.e., puberty) nothing should be seen of her except her face and hands [69]. Even men are required by the Shari`ah to clad themselves properly. The Prophet explained that the men should be covered at least from the navel to the knees [70]. In other words, there should be no indecent exposures of the bodies of both men and women in public, including the censure of using women as enticement in advertisements to sell goods or products of any sort. Moreover, the Prophet cursed the women who try to resemble men and the men who try to resemble women, either in clothing or manners [71].

Proper Child Upbringing: To reform the society parents must play the most salient role. They must make concerted efforts in ensuring proper moral upbringing of their children right from early childhood Q,66:6. The following Prophetic tradition states that: All of you are guardians and are responsible for your wards. The ruler is a guardian for his subjects and the man is a guardian of his family, the lady is a guardian for her husband house and his offspring; and so all of you are responsible for your wards [72]. Parents especially fathers must therefore try to set good examples for their wives and children. They must take care of their financial expenses to prevent them from waywardness. All avenues leading to illicit sexual affair of young girls like hawking, having bad friends, lack of proper handling and watching of pornographic or inciting films, must be avoided. Parents should, from all ramifications, be good examples to their children. Their utterances and actions must be confined within the realm of the *Shariah*.

Avoid seductive or sweet voices in front of non-Mahrams:

This is done by lowering the voice and not flirting. As Allah tell the wives of Prophet Muhammad (SAW) in Surah Al-Ahzab, Verse 32: "...do not be pleasant of speech, lest one in whose heart there is a disease should feel desire for you..."

Avoid loneliness with a non-mahram: The Prophet forbade men and women from being alone together. He said: "Never is a man alone with a woman except that Satan is the third party with them" [73]. This also refers to unnecessary talking via email, text and phone as well

CONCLUSION

Raped victim as have discussed could be as a result of peer group pressure/influence, myths about sex, exposure to modernity, influence of indecent dressing, the nature of adolescents, rape and stigmatization, poverty and economic factors, declining moral values and poor parental upbringing and the likes. Also the negative consequences of marital infidelity of women are obvious and include, Also among the negative consequences of the victim are exposure or transmission of certain diseases, unwanted pregnancy, damage or disruption of body organs or functions, trauma and paranoia, self-pity or self-blame, suicidal tendencies among others. It is also discovered that rape is one of the hideous crimes and one of the worst in Islam. And it is considered a complicated crime that involves violence, oppression and sex. Islam also has a clear stance which states that this repugnant action is haraam and imposes a deterrent punishment on the one who commits it. The death sentence for rapists originated from the Prophet's example. It is also shows that, raped victims are not punished in Islam and even encouraged rape victim to have an abortion. Also, a woman who is being forced raped is obliged to defend herself and should not give in even if she kills the one who wants to rape her. However, Islam does not hunt for crimes just to punish; rather, it works towards the means of blocking the avenues of crimes. So, for a rape victim to be absolved from guilt, she must not be the one that opens her house for robbery and her dignity for deflowering. If, after trying her best to resist the attack, she gets overcome by the assailants, she is totally absolved from punishment. The problem of rape and its consequences as analyzed in this write up can therefore be adequately addressed by the following ethical conduct of life contained in the Qur'an and exemplified by Prophet Muhammad (SAW) as substantiated to avert all evils that

may arise from raping: remember Allah is watching you, early marriage, lowering of the gaze, avoiding exposing of parts body, Proper Child Upbringing, Avoid seductive or sweet voices in front of non-Mahrams, Avoid loneliness with a non-mahram among others.

REFERENCES

1. "Anti-rape Movement" Retrieved from: <http://www.wikipediaencyclopedia.com/anti-rape-movement>, on the 7/7/2017
2. "Incessant Cases of Rape in Nigeria; Needs for Proactive Measure" Retrieved from: <http://www.grassrootsvanguard.com/2011/11>, on the 7/7/2017
3. Kawu, I.M., 2017. Nigeria's Troubling Epidemic of Rape, Retrieved from: <http://www.nigeriastroublingepidemicofrape>, on the 7/7/2017
4. Malcolm, 2017. Rape Under Nigerian Law: Time for a Review" Retrieved from: <http://saymalcolm.wordpress.com/2012/07/25/>, on the 7/7/2017
5. Olarewaju E.O., 2017. The Causes of Pre-Marital Sex and Its Effects on the Development of the Youths of Egbe, Kogi State, A Seminar Paper Presented at the Postgraduate Seminar of the Department of Religion Studies, Ekiti State University, ado-Ekiti, Nigeria, on 06/07/2017, 13
6. Isangedighi, A.J., 1990. Adolescent Sexuality in the Nigerian Society, in D.N. Nwachuku (ed.) Contemporary Issues in Nigerian Education and Development, Enugu: Sam & Star Group Company, pp: 281-290.
7. Olukemi, A.A. and O.C. Folakemi, 2015. Culture of Silence and Wave of Sexual Violence in Nigeria, AASCIT Journal of Education, 1(3): 31-37.
8. Ajuwon, A.J., *et al.*, 2006. Sexual Behaviour and Experience of Sexual Coercion among Secondary School Students in Three States in North Eastern Nigeria, BMC Public Health, 6: 310.
9. Shapiro, B.L. and J.C. Chwarz, 1997. Date rape: its relationship to training symptoms and sexual self esteem Journal of Inter Personal Violence, 12: 407-419.
10. Ajuwon, A.J., *et al.*, 2002. Risk-Related Behaviour, Sexual Coercion and Implications for Prevention Strategies among Female Apprentice Tailors in Ibadan Nigeria, AIDS and Behavior, 6: 233-241.
11. Chukwuma, J.E., 2013. "Why Sexual Abuse of Kids is Increasing, in The News 06 May, pp: 18-20.
12. Achunike, H.C. and R.H. Kitause, 2014. Rape Epidemic in Nigeria: Cases, Causes, Consequences and Responses to the Pandemic, IMPACT: International Journal of Research in Applied, Natural and Social Sciences, 2(1): 31-44.
13. Fawole, O.I., *et al.*, 2002. Prevalence of Violence against Young Female Hawkers in Three Cities in South Western Nigeria Health Education, 102: 230-238.
14. Rickert, V.I. and C.M. Wiemann, 1998. Date Rape among Adolescents and Young Adults Journal of Pediatric and Adolescent Gynecology, 11: 167-175.
15. Adogu, P.O.U., *et al.*, 2014. Predictors of Rape among Female Students in a Tertiary Institution South East Nigeria, International Journal of Clinical Medicine, 5: 819-828.
16. Morenike, *et al.*, 2014. Rape in Nigeria: a silent epidemic among adolescents with implications for HIV infection, Glob Health Action, 7: 10.
17. Sanders, B. and D.L. Moore, 1999. Childhood maltreatment and date rape, Journal of interpersonal Violence, 14: 115-124.
18. Ibid
19. Briere, J. and M. Runtz, 1999. Childhood sexual abuse: Long-term Sequel and implication for psychological assessment, Journal of Interpersonal Violence, 8: 312-330.
20. Ejim, A., 2017. Molestation and Rape", Retrieved from: <http://pmnewsnigeria.com/2013/04/30> on the 7/7/2017
21. Malhotra, N. and M. Sood, 2000. Sexual Assault, a Neglected Public Health Problem in Developed World, International Journal of Gynecology & Obstetrics, 71: 257-258.
22. Green, T., *et al.*, 2001. Patterns among Sexual Assault Victims Seeking Treatment Services, Journal of Child Sexual Abuse, 10: 89-108.
23. Ibid
24. Ejim, A., XXXX. Molestation and Rape", Op.Cit
25. Kessler, B.L. and K.J. Bieschke, XXXX. A retrospective analysis of shame, dissociation and adult victimization in survivors of childhood sexual abuse, Journal of Counseling Psychology, 46: 335-341.
26. Karamah, 2017. What Does Islamic Law Say About Rape?, Retrieved from: <http://www.rrapeZina-Rape-and-Islamic-Law-An-Islamic-Legal-Analysis-of-the-Rape-Laws-in-Pakistan1.pdf>, on the 7/7/2017

27. Huda, 2017. What Does Islamic Law Say About Rape?" Retrieved from: <https://www.thoughtco.com/what-does-islamic-law-say-about-rape-2004208>, on the 7/7/2017
28. Shaykh Muhammad Saalih al-Munajjid, 2017. Islam Question and Answer", Retrieved from: <https://islamqa.info/en/72338>, on the 7/7/2017
29. Shazia Ahmad, 2017. Question Regarding Marital Rape" Retrieved from: <http://www.virtualmosque.com/islam-studies/hot-topics/question-regarding-marital-rape/>, on the 7/7/2017.
30. What does the Quran say about rape? What should someone who has been raped do?, Retried from: <http://www.islamopediaonline.org/fatwa/what-does-quran-say-about-rape-what-should-someone-who-has-been-raped-do>, on the 7/7/2017
31. Azman Mohd Noor, 2009. Punishment for Tape in Islamic Law" Malayan Law Journal, 2009, 5
32. Imam Ahmad b. Hanble: Musnad, Cairo: Mu'assah al-Qurtabah, n. d, Vol. 5, Hadith No. 22265
33. Mohamed Bin Ismail al-Bukhari: 1987. Sahih al-Bukhari, Dar al-Qalam, Beirut, 1987, 17, Hadith No. 5045
34. M.F Abbas, 2017. An Appraisal of the Application of the Punishment of the Crime of Zina in Nigeria" M.A, Thesis, Department of Islamic Law, Ahmadu Bello University, Zaria, December, 2014
35. Asifa Qureishi, 2002. Her Honour: An Islamic Critique of the Rape Provisions in Pakistan's Ordinance on Zina, Kuala Lumpur, Islamic Book Trust, 2002, 21.
36. Ibid
37. Abdulahi, B. Abd-ar-Rahaman At-termidi: *Sunan Tarmidi*, Dar Dayan Li at-Turath, Cairo, 1987, Hadith No. 17:37 and Abi Da'ud, Sulayman ibn Ash-'Ashath As-Sajastani: *Sunan Abi Da'ud*, Beirut, Dar al-Kutub al-Ilmiyah, 2001, Hadith No. 38: 4366.
38. Mohamed Bin Ismail al-Bukhari: Sahih al-Bukhari, ... Op Cit, Hadith No. 4196
39. Muslim bin al-Hujjaj bin Muslim al-Qushairi: *Sahih Muslim*, Cairo, 1393A.H, 17, Hadith No. 4209\37
40. Mehdi, Rubya, 1997. The Offence of Rape in the Islamic Law of Pakistan, Women Living Under Muslim Laws Dossier 18, October 1997, 1-10.
41. Malik, Ibn Anas: Al-Muwatta' Muhammad Fuad 'Abdalbaqi (Eds), Cairo, 1951, Hadith No. 2/734
42. Quraishi, Asifa, 1997. Her Honor: An Islamic Critique of the Rape Laws of Pakistan from a Woman Sensitive Perspective. Michigan Journal of Law 18: 287-315.
43. Julie Norman, 2005. Rape Law in Islamic Societies: Theory, Application and the Potential for Reform, Final Paper, CSID Sixth Annual Conference "Democracy and Development: Challenges for the Islamic World" Washington, DC - April 22-23, 2005.
44. Rahat Imran, 2005. Legal Injustices: *The Zina Hudood Ordinance* of Pakistan and Its Implications for Women, Journal of International Women's Studies, 7(2): 78.
45. Abbas, M.F., XXXX. An Appraisal of the Application of the Punishment... Op. Cit
46. Malik, Ibn Anas: Al-Muwatta' Muhammad Fuad.... Volume. 2, Hadith No. 10
47. Ibid Hadith No. 1560.
48. Ibid
49. Karamah, XXXX. What Does Islamic Law Say About Rape?,... Op. cit
50. Ibid
51. Ibn Majahi, 1964. Sunan Ibn Majah, Cairo, 1371 A.H, Hadith.
52. What does the Quran say about rape? What should someone who has been raped do?, Retried from: <http://www.islamopediaonline.org/fatwa/what-does-quran-say-about-rape-what-should-someone-who-has-been-raped-do>, on the 7/7/2017
53. Abbas, M.F., XXXX. An Appraisal of the Application of the Punishment... Op.Cit
54. Al-Munajjid, M.S., 2017. Abortion of pregnancy resulting from rape. Retrieved from <http://www.islamqa.com/en/ref/13317/rape%20pregnancy>, on the 7/7/2017
55. Ibid
56. Al-Munajjid, M.S., 2017. Abortion of physically deformed fetus. Retrieved from <http://www.islamqa.com/en/ref/12118>, on the 7/7/2017
57. Alamri, Y.A., 2011. Islam and Abortion, JIMA, 43: 39.
58. Al- Shafi'i and Abu Abdullah Mohammad Idris, XXXX. *Al Umm* (an extended work in Islamic legislation and its sources), 6(144).
59. Imam Ahmad b. Hanble: *Musnad*, Cairo: Mu'assah al-Qurtabah, n. d, Hadith No. 1565, Abdulahi, B. Abd-ar-Rahaman At-termidi: *Sunan Tarmidi*, ... Hadith No. 1421
60. Jahangir, Asma and Jilani, Hina, 2003. *The Hudood Ordinances: A Divine Sanction?* Sang-e-Meel Publications, Lahore, Pakistan.
61. Al- Shafi'i, Abu Abdullah Mohammad Idris, *Al Umm* ... Op. Cit

62. "Do Women Need 4 Witnesses to Prove Rape?" Retrieved from: <https://pennyappealusa.org/referral/muslimgirl/>, on the 7/7/2017
63. Al-Shafi'i, Abu Abdullah Mohammad Idris, *Al Umm* ... Op. Cit
64. "Rape - Quran's perspective and misconceptions", Retrieved from: <http://submission.org/Rape.html>, on the 7/7/2017
65. Bukhari, I.M., 1985. *Sahih Bukhari, English Translation* by M.M. Khan, Lebanon: Daar al-Arabiyyah, 7: 98.
66. Sulaiman K.O., 2015. The Teaching of Sex Education in Public Schools: An Islamic Critique in DECEL Journal of the Arts and Humanities, pp: 106-121.
67. Sulaiman, K.O., 2016. Mis-interpretation of some Islamic Teachings and Traditions as Gender Discrimination against Women, NSANCITA: Journal of Islamic Studies in Indonesia and Southeast Asia, 1(1): 1-16.
68. Muslim, A.H., 1972. *Sahih Muslim*, English Translation by A Siddiqi. Lebanon Daar al-Arabiyyah, 3: 912
69. Sulaiman, K.O., 2016. Islamic Responses to the Raging Debate of Child Marriage in Nigeria, Ahfad Journal: Women and Change, 33(1): 29-42.
70. Sulaiman K.O., XXXX. The Teaching of Sex Education in Public Schools:.... Op. Cit
71. Sulaiman, K.O., 2012. A Discourse on the Islamic Justification for the Institution of Divorce In AL-ASAALAH International Journal of Arabic and Islamic-Studies, 3(1): 144-157.
72. Sulaiman K.O., 2015. Insights into the Qur'an, 4:34 Ruling as Regard Wife Beating in Islam, Islamic Perspective Journal of the Islamic Studies and Humanities, 14: 37-59.