



THE PHENOMENON OF FREE INTER- MINGLING  
AMONG STUDENTS OF OPPOSITE SEX AT IIUM: A  
JURISTIC EVALUATION

BY

NURUL IZZAH BINTI YAHAYA

A dissertation submitted in partial fulfilment of the  
requirements for the degree of Master of Islamic  
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Kulliyyah of Islamic Revealed Knowledge and Human  
Sciences  
International Islamic University  
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## ABSTRACT

Islamic law as an all- embracing code of human behavior of human life, social and personal. In this context, it imposes certain rules when it comes to social encounter between the members of opposite sex in the course of day today social interaction. However, this Islamic principle seems not to have been properly grasped by many youngsters in our time. Even at IIUM some male and female students at IIUM involve themselves in free intermingling which according to Students' Discipline Rules 2004 (Amendment 2006) of the university cannot be classified as legitimate social encounters. Accordingly, the researcher concerned herself with this question and conducted a survey among IIUM students. The finding of this study which involved 200 students from various Kulliyah seems to confirm this assertion. The reasons leading to such a phenomenon include: first, lack of proper Islamic moral upbringing in the family; second, weak law enforcement at IIUM and lastly lack of overall reinforcement of good values in class and IIUM environment. Consequently, people at all these levels have a moral duty to internalize the law of *ḥarām* and *ḥalāl* in social interaction among members of the opposite sex if we want to build a wholesome *ummah*.

## ملخص البحث

يعد التشريع الإسلامي شاملاً لكل تصرفات الإنسان في حياته الاجتماعية والشخصية. وفي هذا الصدد يفرض التشريع الإسلامي جملة من الأحكام في حياة الاجتماعية بين مختلف الجنسين فيما يتعلق بالتصرفات الاجتماعية اليومية. ومع ذلك، فإن هذا المبدأ الإسلامي يبدو أن لم يدرك بشكل صحيح من قبل العديد من الشباب في وقتنا هذا. حتى في الجامعة الإسلامية العالمية فإن بعض الطلاب والطالبات يخطئون بحرية ووفق قانون انضباط الطلاب لعام ٢٠٠٤ (تعديل ٢٠٠٦) في الجامعة، هذه العلاقة لا يمكن أن تصنف على أنها لقاءات اجتماعية مشروعة. وبناءً عليه، فإن الباحثة اعنت نفسها بهذه المسألة وأجرت دراسة استقصائية بين طلاب الجامعة الإسلامية العالمية بماليزيا. والنتيجة التي توصلت إليها هذه الدراسة التي شملت ٢٠٠ طالب من مختلف الكليات تبداوا تؤكد هذا القول. والاسباب التي أدت إلى هذه الظاهرة تشمل: أولاً، افتقار التربية الأخلاقية الإسلامية الصحيحة في الأسرة. ثانياً: ضعف في تنفيذ قوانين الجامعة. وأخيراً: نقص في تعزيز القيم الحميدة في الفصول والبيئة الجامعية. وبناءً على ذلك، على الناس في كل المستويات واجب أخلاقي لتنفيذ قوانين الحلال والحرام في التفاعل الإجتماعي بين الجنسين، إذا كنا نريد بناء أمة صحية.

## APPROVAL PAGE

I certify that I have supervised and read this study and that in my opinion, it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a dissertation for the degree of Master of Islamic Revealed Knowledge and Heritage (*Fiqh* and *Uṣūl al-Fiqh*)

.....  
Sayed Sikandar Shah  
Supervisor

I certify that I have read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a dissertation for the degree of Master of Islamic Revealed Knowledge and Heritage (*Fiqh* and *Uṣūl al-Fiqh*).

.....  
Mek Wok Mahmud  
Examiner

This dissertation was submitted to the Department of *Fiqh* and *Uṣūl al-Fiqh* and is accepted as a partial fulfilment of the requirements for the degree of Master of Islamic Revealed Knowledge and Heritage (*Fiqh* and *Uṣūl al-Fiqh*).

.....  
Mek Wok Mahmud  
Head,  
Department of *Fiqh* and *Uṣūl al-Fiqh*

This dissertation was submitted to the Kulliyah of Islamic Revealed Knowledge and Human Sciences and is accepted as a partial fulfilment of the requirements for the degree of Master of Islamic Revealed Knowledge and Heritage (*Fiqh* and *Uṣūl al-Fiqh*).

.....  
Badri Najib Zubair  
Dean,  
Kulliyah of Islamic Revealed  
Knowledge and Human Sciences

## DECLARATION PAGE

I here declare that this dissertation is the results of own investigation, except where otherwise stated. I also declare that it has not been previously or concurrently submitted as a whole for my other degree at IIUM or other institutions.

Nurul Izzah binti Yahaya

Signature.....

Date.....

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**THE PHENOMENON OF FREE INTER-MINGLING AMONG STUDENTS  
OF OPPOSITE SEX AT IIUM: A JURISTIC EVALUATION**

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***Dedicated to,***

***My beloved mother, Puan Hajah Saduyah bt Saad,***

***My beloved husband Mazlan bin Jamhari,***

***My lovely son, Muhammad Ilham Danish***

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## TRANSLITERATION TABLE

Arabic Term	Transliteration	Arabic Term	Transliteration	Arabic term	Transliteration
ء	‘	ر	r	ف	f
ب	B	ز	z	ق	q
ت	T	س	s	ك	k
ث	Th	ص	Ṣ	ل	l
ج	J	ض	ḍ	م	m
ح	H	ط	ṭ	ن	n
خ	Kh	ظ	ẓ	ه	h
د	D	ع	‘	و	w
ذ	dh	غ	gh	ي	y
ـَ	a	ـِ	i	ـُ	u
ـَ+ـِ	ā	ـِ+ـِ	ī	ـُ+ـِ	ū

## CHAPTER ONE

### INTRODUCTION

#### 1.1 INTRODUCTION

Islam as a comprehensive code of conduct enacts a *Shari'ah* in order to guide, condition and regulate human life. When it comes to social encounter between members of the opposite sex, the *Shari'ah* principle is: Not every kind of social interaction is prohibited nor all forms of mixing are allowed.<sup>1</sup> However, the line of demarcation between permissible and prohibited mixing in our time, particularly among youngsters at IIUM, has been somewhat obscured. Some male and female students at IIUM involve themselves in free intermingling which according to Students' Discipline Rules 2004 (Amendment 2006) of the university cannot be classified as a legitimate social encounter.

Free inter-mingling of opposite sex according to the above rule denotes immoral interaction or close proximity between unmarried couples, or individuals (not being a *maḥram*) or being in physical proximity between opposite genders or of the same gender in any suspicious situation (s) or in any condition (s) which may raise suspicions as to the real motive of the acts (s) and / or all kinds of other deviant behaviors, "suspicious" and "deviant activities". According to the above law, deviant activities include all, but not limited to sexual

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<sup>1</sup>Yusuf al-Qaradawi , *The status of women in Islam* (Cairo: Islamic Inc,1997), p.32.

activities with or without the consent of the involved parties. They can take the form of acts, such as caressing any part of the partner's body, smooching, hugging, kissing, holding hand and sitting in close proximity to each other in isolation from other people in a situation or position that could raise suspicion as to the real motive to the act.<sup>2</sup> It is crucial to mention that the above law has been applied on those errand students who were caught committing coupling or mingling of some kind,<sup>3</sup> as defined by the above administrative order.

All the above acts, in Islamic Jurisprudence, can be described as some kind of *ikhṭilāt muḥarrām and muqaddimāt al-zinā* (preliminary steps to fornication) respectively. The researcher, therefore, feels that these concepts need to be given, among others, juridical exposition with two objectives in view: First, to re-orientate students about the limits of social encounter between unrelated members of the opposite sex as conceived by the teachings of Islam. Second, to identify controlling measures of the *Sharī'ah* in dealing with the coupling or mingling between opposite sex.

At the orientation level, we need to revisit the *Sharī'ah* code of social interaction that provides practical safeguards against unbridled gratification of sexual desire among the members of the opposite sex. This code, among others, provides: First, there should not be any unnecessary free and casual social mixing between a man and woman

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<sup>2</sup>Rule (1) of the Students' Discipline Rules 2004 (Amendment 2006), Legal Unit IIUM.

<sup>3</sup>The Legal Unit at IIUM has in custody the record of tried cases of such free intermingling among students of opposite sex. Moreover, according to a recent survey (September 2007), done by Mohd Husni Zaem Mahfuz B.Abd Razak, a second year Fiqh student, out of 100 students who were randomly selected as respondents from across Kulliyahs, 62% of them have admitted to have been involved in some kind of free intermingling as defined above.

with the intention of amusing oneself or enjoying the company of the opposite sex.<sup>4</sup> Second, any interactions between the opposite sexes must be free from allowing women's overt and covert sexuality to get inlet or man's sexually tempting behavior to dominate.<sup>5</sup> Third, there should not be any *khalwah*<sup>6</sup> (private meeting in a secluded place) between a man and a woman who is not a member of his unmarriageable kin or his wife even if it be on the pretext of subsequently getting married. Finally, to practically affect descent social interaction between men and women in the course of day to day nation building, a Muslim woman must wear non-attracting kind of dress<sup>7</sup> so that she while bringing out her femininity can conceal her sexuality- indicating to man with strong sense of *hayā'* (modesty, shame and reserve) that she deserves protection from sexual assault, sexual undertones and sexual harrassment.

To minimize and control the problem, the *Shari'ah* legislates the following: First, it sanctions the enjoyment of any kind of sex relationship between men and women through lawful marriage, which has to be preceded by regulated procedures as detailed in Islamic law. Second, it makes it obligatory on the parents to actively involve themselves in the continuous process of socializing their children in accordance with the Islamic ethos and norms.<sup>8</sup> It binds other people in

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<sup>4</sup>Abī al-Ḥusāyn Muslim ibn al-Ḥajjāj al-Qushayrī al-Nisābūrī, *Ṣaḥīḥ Muslim*, (Bayrūt: Maktab al-Islāmī, 1982), vol.4, hadīth no.1693, 244.

<sup>5</sup>Mohammad Muhsin Khan, *The translation of the meanings of Ṣaḥīḥ al-Bukhārī*, (Lahore: Kazi Publications, 1983), vol.6, hadīth no.38, 155.

<sup>6</sup>Qur'ān: al-Nūr:30.

<sup>7</sup>Qur'ān: 'āl-i-'Imrān:14.

<sup>8</sup>Qur'ān: al-Taḥrīm:6.

position of authority including teachers and university administration to enforce and re-enforce moral and legal requirements of Islam within the sphere of their jurisdictions.<sup>9</sup>

I believe, Islam by enacting such as morally constructive code of social interaction for men and women is more realistic since preventing them from temptation is better than expecting them to flirt around and then resist not experiencing the pleasure of the flesh.

This research, therefore, undertakes to study the problem with the purposes of unveiling its underlying causes and suggesting some strategic solutions to curb its trends.

## **1.2 OBJECTIVES OF THE RESEARCH**

The purposes of the study are:

- 1) To gauge out students` perception about free intermingling among students of opposite sex.
- 2) To discover the main causes of free intermingling among students of opposite sex at IIUM.
- 3) To evaluate the efficacy of the University rules on the prevention of free intermingling among students of opposite sex.
- 4) To recommend policy measures that could be useful in overcoming the problem.

## **1.3 SIGNIFICANCE OF THE RESEARCH**

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<sup>9</sup>Khan, *Ṣaḥīḥ al-Bukhārī*, vol.4, ḥadīth No.18, 253.

No doubt the issue of free intermingling among students of opposite sex at IIUM somehow has been taken care of by the IIUM Administration. At the academic level, however, it needs to be further clearly articulated and probed. To this end, the study tries to address two main issues: First, it explores the factors that stimulate free intermingling among students of opposite sex. Next it recommends policy measures, well-articulated arguments based on Islamic Jurisprudence, to overcome the problem.

#### **1.4 LITERATURE REVIEW**

Indisputably, there is a great deal of academic writings on the subject of social encounter between members of the opposite sex, intermingling and preliminary steps to *zinā* (fornication), but bulk of these literature espouse the issue from purely a theoretical view point. However, among the most relevant studies touching on theoretical aspect of the problem at hand includes: "*Muslim jurisprudence and the Qurānic law of crimes*", which describes *zinā* (fornication), its elements and punishment but does not touch or touches scantily on the preliminaries to *zinā* (fornication).<sup>10</sup>

*Al-Ewwa* in his book entitled, "*Punishment in Islamic law: A comparative study*", details about the *al-zinā* (fornication) and states that all the jurists agree that the main element in this crime is unlawful intercourse. Hence, any sexual relationship between a man and a

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<sup>10</sup>Mir Wali Ullah, *Muslim jurisprudence and the Qurānic law of crimes* (Delhi: Taj Company, 1920), 122.

woman which does not involve in the intercourse is not punishable by the *ḥādd* punishment.<sup>11</sup> But he does not deal with the criminal nature of preliminaries to *zinā* (fornication).

Paizah Hj Ismail in her book, "*Undang-undang jenayah Islām*", deals with a host of issues about *zinā* (fornication), in terms of its definition, witnesses and punishment but does not deliberate on unlawful acts that lead to actual *zinā* (fornication).<sup>12</sup>

Jabr Mahmud Fudaylat in his book, "*Al-zinā: aḥkāmuhū, asbābuhū, natā'ijuhū, wa al-wiqāyah minhu*", talks about *al-zinā*: its definition, evidences of its prohibition, its punishment and requirements for proving it.<sup>13</sup> Nevertheless, he does not explicate preliminaries to *zinā* (fornication).

Zakaria Stapa, in his article, entitled, "*The attitude and ethics of Muslims life nowadays*", journal of YADIM, specifically enumerates the factors that drive teenagers to involve in social ills, which includes parents' lack of involvement, guidance and exercise of control over the free lifestyle that their children adopt. Parents seem to have forgotten that proper orientation of children starts at home.<sup>14</sup> This article in spite of bearing some affinity with my thesis falls short of investigating other dimensions of the problem.

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<sup>11</sup>Al-Ewwa Muḥammad Salīm, *Punishment in Islamic law: comparative study* (Indianpolis: American Trust, 1982), 59.

<sup>12</sup>Paizah Haji Ismail, *Undang- undang jenayah Islam* (Selangor: Tradisi Ilmu Sdn. Bhd, 1991), 79.

<sup>13</sup>Jabr Maḥmūd Fuḍaylat, *Al-zinā: aḥkāmuhū, asbābuhū, natā'ijuhū wā al-wiqāyah minhu* ('Ammān: Dār 'Ammār, 1989), 132.

<sup>14</sup>Zakaria Stapa. "*Akhlak Islam dan gaya hidup muslim semasa*". Journal YADIM, (Kuala Lumpur: Yayasan Dakwah Islamiyah, Jun 2002), vol.3, 34.

Mohd Nasir Omar, in his paper on, "*Miskawayh on social ethics: Love and friendship*", underlines the role of ethics not merely as a theoretical body of concepts but capable of bringing potentially good values into actuality by actions and deeds.<sup>15</sup> He, however, does not propose strategic steps to make this a reality.

Ahmed Adam and Abdullah Abdur Rahman, in his posted article on the web, entitled, "*Dating*", emphasizes the role of parents in helping their children to understand the context of the relationship between men and women according to Islamic teachings and guidelines. They should ensure that their children internalize the Islamic outlook so that they will not engage in dating. Parents have to be able to explain to their teenagers that dating is not permissible in Islam. They must do so in a way that they make it clear that it is not a case of being strict or old-fashioned, but dating is not permissible as a matter of principle.<sup>16</sup> Nonetheless, the author does not suggest practical schemes.

In another article, on "*Dating*", the author while detailing the topic of *zinā* (fornication) rightly points out that *zinā* (fornication) can be committed not only when a Muslim man and woman who are not married, indulge in sexual intercourse but all preliminaries to it from lustful glances, staring etc, are also considered as *zinā* (fornication).<sup>17</sup> The article, however do not detail the coupling or mingling of opposite sex as an offence.

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<sup>15</sup>Mohd Nasir Omar, "Miskawayh on social ethics: love and friendship", *Journal IKIM*, (Kuala Lumpur: Yayasan Dakwah Islamiyah, 2006), vol.4, no.1, 23.

<sup>16</sup>*Dating*, <<http://www.islamonline.net/English/family/2005/06/article09.shtml>>, accessed 6 Mac 2008.

<sup>17</sup>*Fornication*, <[http://en.wikipedia.org/wiki/Zina\\_\(Arabic\)](http://en.wikipedia.org/wiki/Zina_(Arabic))>, accessed 12 Mac 2008.

Another article, entitled as "*The selection of spouse*", enumerates the criteria for spouse selection in Islam but does not contextualize them to the local scene.<sup>18</sup>

Walid Masadeh in his article on, "*Islamic education and the choosing of good friends*", discusses the important problem of relationship between individuals especially men and women. He suggests that parents' involvement is very crucial so that their children do not mix up with bad apples. However, the author does not propose actionable framework.

Rosniza bt Mohamed in her thesis, "*Perlaksanaan hukuman terhadap kesalahan zinā di dalam Islam*", also discussed the law of *zinā* (fornication) without concerning herself with the issue of coupling or mingling among students of opposite sex.<sup>19</sup>

Wan Noradilah bt Wan Abdullah in her thesis on, "*Al-zinā bi al-mahāram fī al mujtama' al-Malīzī: Dirāsah fiqhiyyah muqāranah*", addresses an important social problem and makes valuable suggestions<sup>20</sup> but with no relevance to the problem at hand.

‘Abd al-Raḥīm Ṣallāh ‘Abd Allāh in his book “‘*Awāmil al-inḥirāf al-jinsī wa manhajū al-Islām fī al-wiqāyah minhā wa ‘ilājuhā*”, writes comprehensively about *zinā* (fornication), as to how it spreads in this world and mentions that Islam prohibits a relation with a man and

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<sup>18</sup>*Selection of Spouses*, < <http://.victorynewsmagazine.com/4SpouseSelection.htm>>, accessed 12 Mac 2008.

<sup>19</sup>Rosniza bt Mohamed, "*Perlaksanaan hukuman terhadap kesalahan zinā di dalam Islam*, a thesis submitted to the Kulliyah of Law, IIUM, 1993.

<sup>20</sup>Wan Noradilah Binti Wan Abdullah, "*Al-zinā bī al-mahāram fī al-mujtama' al-Malīzī: dirāsah fiqhiyyah muqāranah*, a thesis submitted to the Kulliyah of IRKHS, IIUM, 2003.

woman without any witness.<sup>21</sup> We can relate it very narrowly, with the topic of mingling among students of opposite sex in conducting this research.

“*Al-ḥall Islāmī li al-inḥirāf al-khuluqī*” written by Muḥammad Nadḥir Karīm, discusses the basics of Islamic principles, Islamic ethics, problem in the society and free mixing.<sup>22</sup> It may be useful to develop the theoretical dimension of the study.

“*Wa laisa al-dhakarū ka al-unthā, dirāsah min al-manẓūr al-Islām wa al-‘ulūm al-ḥadīthah*” by Muḥammad ‘Uthmān al-Qushat discusses about the natural indulgence to sex<sup>23</sup> but does not relate it to the issue of mingling among students of opposite sex or coupling.

Shaikh ‘Abd al-Ḥamid Kishk, in his book “*Al-shahwah, al-‘ilāj al-Islāmī li mashākil al-jinsī*”, mentions about inappropriate encounters between a man and woman. He also proposes some ways to solve it,<sup>24</sup> but does not specifically mention about mingling among students of opposite sex or coupling.

"*Tinjauan Psikologis, larangan mendekati zinā dalam al-Qur’ān*", written by Z. Kasijan, details the actions that will lead to *zinā* (fornication) and their implications on society. The author though

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<sup>21</sup>‘Abd al-Raḥīm Ṣallāh ‘Abd Allāh, *‘Awāmil al-inḥirāf al-jinsī wā-manḥaju al-Islām fī al-wiqāyah minḥā wa ‘ilājūhā* (‘Ammān: Dar al-Nafā’is),p.1996.

<sup>22</sup>Muhammad Nadḥir Karīm, *Al-ḥall al-islāmī lī al-inḥirāf al-khuluqī* (Indonesia: Fakhnabariu, 2004), 163.

<sup>23</sup>Muḥammad ‘Uthmān al-Qushat, *Wa laisa al-dhakarū ka al-unthā, dirāsah min al-manẓūr al-Islām wa al-‘ulūm al-ḥadīthah* (Al-Qāhirah: Maktab al-Qur’ān, 1984), 233.

<sup>24</sup>Shaikh ‘Abd al-Ḥamid Kishk, *Al-shahwah, al-‘ilāj al-Islāmī li mashākil al-jinsī* (Al-Qāhirah: Maktab al-Turāth al-Islāmī), 67.

emphasizes the role of proper upbringing of the children do not propose solutions to mingling among students of opposite sex or coupling.<sup>25</sup>

In view of the above, the researcher believes that the problem as intended to be explored in this study has not been dealt with in the above studies. Hence, the study will fill this gap.

## **1.5 RESEARCH METHODOLOGY**

This study will be conducted using library research and quantitative methods:-

1. Library research

To develop the theoretical framework of the research, the researcher will undertake content analysis of the available literature both in electronic and traditional forms. In this process, the researcher will engage in deduction and induction of the Islamic legal heritage and contemporary views to build up her thesis.

2. Quantitative method

The following methods would be used to study the phenomenon:-

- a) **Questionnaire**

To discover the students' attitude towards the problem, a set of questionnaire will be distributed to 200 students of different programs and varying levels of the study in this university .Each questionnaire contains a total of 20 questions. **(Please refer to Appendix 1)**

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<sup>25</sup>Z. Kasijan, Tinjauan Psikologis, larangan mendekati zinā dalam al-Qur'ān (Malaysia: Penerbit Penamas Sdn.Bhd, 1984), 212.

**b) Interview**

Some of the stakeholders including selected lecturers would be interviewed so as to seek their professional advice in formulating policy statements to curb the problem.

## CHAPTER TWO

### FREE INTERMINGLING IN ISLAMIC JURISPRUDENCE

#### 2.1 INTRODUCTION

The term free intermingling is composed of two words, free and intermingling. Free literally means: not under the control or in the power of something or someone else and able to do what you want.<sup>1</sup> Intermingle means: to mix people ideas, colors together etc, to be mixed in this way.<sup>2</sup> Free intermingling means relationship between a man and woman without any control or under the power of someone else as they are able to do something freely for instance, sitting in objectionable mode without *maḥram*, holding hands, kissing touching, etc. Practically, all kinds of these situations would be unlawful and prohibited in Islam. This is by the virtue of the *Qur'ān*:

وَلَا تَقْرَبُوا الزَّوْجَ إِنَّهُ كَانَ فَحِشَةً وَسَاءَ سَبِيلًا

“And come not near to the unlawful sexual intercourse. Verily, it is a Fāḥishah [i.e. anything that transgresses its limits (a great sin)], and an evil way (that leads one to Hell unless Allāh forgives him).”<sup>3</sup>

Commenting on this, al-Qurṭubī (may Allah have mercy on him) said: “The phrase and come not near to unlawful sexual intercourse is more eloquent than merely saying do not commit *zinā* (fornication), because it means do not come even close to *zinā* (fornication). This means not doing any act that may get close to *zinā* (fornication) or lead to it, such as being alone with a member of the opposite sex,

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<sup>1</sup>Sally Wehmeier, Colin McIntosh, *Oxford Advanced Learner's Dictionary* (Oxford: Oxford University Press, 7<sup>th</sup> Edition, 2006), 592.

<sup>2</sup>Ibid, 935.

<sup>3</sup>Qur'ān: al-Isrā':32.