

# ON MISCONCEPTIONS ABOUT THE APPLICATION OF THE SHARI'AH IN NIGERIA

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## ABSTRACT

*The "reintroduction" of the Shari'ah Penal Code in some states in the northern parts of Nigeria has continued to generate mixed reactions from different segments of the Nigerian society. This paper attempts to explore the various arguments which are usually canvassed by opponents and proponents of the application of the Islamic law in the country, in order to unveil some of the factors responsible for the misconceptions associated with the issue. It reviews the philosophy and fundamental principles of the Islamic law. It equally examines the status of non-Muslims under the system and the operability of such a body of law in the Muslim life despite the multi-religious nature of the Nigerian society. Observation, Interaction and interview with some stakeholders in the affected states formed basis of the methodology adopted in the paper, which in turn intimated the author with some vital information about the whole scenario. It became evident that there were lapses and errors committed by various stakeholders and organs of government as well as some members of the public, due to misinformation, misapplication and misinterpretation in the course of the "reintroduction", that inevitably provoked stiff opposition. The paper offers suggestions on how such sensitive issue can be handled, so as to pave the way for better understanding among the various sections of the multi-religious Nigeria for peaceful co-existence.*

**Field of Research:** *Shari'ah, Islamic Ethics, Islamic Law, Peaceful Co-existence, Nigeria.*

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## 1. Introduction

The Shari'ah issue remains a contentious issue in contemporary societies. In Nigeria, it has generated and continues to generate nervous debates among all categories of people all around the country. These debates are usually targeted at portraying the Shari'ah as a threat to human existence. It is noteworthy however to state that the Islamic law is not alien to the Nigerian society. The negative reactions generated by its reintroduction may therefore be seen as a result of human beings unreceptive attitude towards change after a long acquaintance with a particular lifestyle. Before the entrenchment of the Sokoto Caliphate, the Shari'ah has been operational in different parts of the

country and it was part and parcel of people's custom long before the arrival of the colonial masters. Ordinarily, the reintroduction of the Shari'ah in some parts of the country should not have generated any controversy since it used to be part of Muslim culture in the country. (Oloso & Uthman, 2011). However, soon after the British took control of the political landscape of the country, the Common law became the supreme law of the land, and the Shari'ah was relegated to family matters in the North, and was totally abolished in the South-West. This duplicitous action of the colonial masters in dealing with the Shari'ah in the country may not be unconnected with the degree of resistance they faced in different parts of the country (Oloso & Uthman, 2011).

During the course of the debates which followed the reintroduction of the Islamic law in the states that opted for it, it became evident that opposition to the law was partly hinged on the Nigerian constitution. Yet, others argued that the attempt to introduce the Islamic law was motivated by politics. Abikan (2006) however maintains that this claim does not hold water as the said constitution never arrogated such status to the country. He quoted a renowned legal luminary and a retired Justice of the Supreme Court of Nigeria, Honourable Justice Niki Tobi as saying:

There is the general notion that section 11 (of the 1989 constitution which the equivalent of s.10, 1999 constitution) makes Nigeria a secular nation. That is not correct. The word secular etymologically means pertaining to things not spiritual, ecclesiastical or not concerned with religion. Secularism, the noun variant of the adjective, secular, means the belief that the state, morals, education, etc. should be independent of religion. What section 11 is out to achieve is that Nigeria cannot, for example adopt either Christianity or Islam as State religion. But that is quite different from secularism (Abikan, 2006).

The political argument against the reintroduction of Islamic law in the country was equally weak. This is due to the fact that issues relating to the Shari'ah were meticulously debated on the floors of state houses of assembly of the affected states. For those that bickered on the ground that it was an impromptu agenda to derail democracy and undermine the government of the day, this allegation could as well be seen as mischievous and untrue statement. For instance, in the case of Zamfara State, the reintroduction of the Shari'ah was part of the electioneering campaign promises of the governor who assured the electorate that if given the mandate to lead the state the Shari'ah would be reintroduced. It is also worth mentioning that the opponents of the Shari'ah were not only non-Muslims as there were some Muslims who were not comfortable with a life under the watch of the divine law.

An attempt is thereby put forward in this paper to scrutinise the practical implementation of the Shari'ah in the affected states and how it has imparted on the well-being of the citizens and curb social vices that have become the order of the day in the country. Similarly, some of the misconceptions being linked to the reintroduction also received adequate attention while the way forward for Muslims and non-Muslims alike to live together peacefully is also proposed.

## **2. Aims and Objectives of the Shari'ah**

The primary aim of the Shari'ah is to regulate man's relationship with his Creator, his fellow human beings as well as other co-inhabitant of the earth. It is also meant to assist man to comfortably shoulder the enormous responsibilities entrusted to him by the Almighty. In the same vein, it is designed to ensure the success of humanity in this world and in the hereafter. These broad aims can be broken into the following objectives:

### **2.1 Preservation of the Divine Religion**

Since the sole purpose of man's existence on this planet is to worship God the Almighty, promulgation of divine directives in that direction becomes essential so that he can successfully maintain cordial relationship with his Creator, fellow man and other creatures of Allah. Preservation of the religion means safeguarding its values and teachings, which are the roadmap for a successful life in this world and in the hereafter. "He (Allah) has ordained for you the same religion (Islamic Monotheism) which He ordained for Nuh (Noah), and that which We revealed to you (O Muhammad SAW)..." (Qur'an 42:13).

### **2.2 Preservation of Soul**

As a way of guiding man on how to execute his obligations of maintaining peaceful coexistence on earth, Allah (SWT) extensively warned against any act that can lead to bloodshed illegitimately. "And do not kill anyone whose killing Allah has forbidden, except for a just cause..." (Qur'an 17:33).

### **2.3 Preservation of Honour**

Islam holds human dignity in a very high esteem. Consequently, it makes it unlawful to treat anyone with indignity or indulging in any act amounting to crime against humanity. Prophet Muhammad (SAW) was reported to have said in a hadith narrated by Abu Hurayrah that Muslims are brothers to one another. "...he must not cheat him, he must not let him down, he must not dishonour him, the fear of Allah is here – he pointed to him chest three times..." (Sahih Muslim, no. 4650).

### **2.4 Preservation of Wealth**

Protection of personal property is also a dearest issue to the Shari'ah such that it imposes stiffer penalties against theft and the thieves, in order to protect the society from breakdown of law and order. Allah the Most High commands: "And (as for) the male thief and the female thief, cut off (from the wrist joint) their (right) hands as a recompense for that which they committed..." (Qur'an 5:38). He also reiterates in another Surah: "And eat up not one another's property unjustly (in any illegal way, e.g. stealing, robbing, deceiving), nor give bribery to the rulers..." (Qur'an 2:188).

## **2.5 Preservation of Progeny**

The Shari'ah also pays special attention to the reproduction of man and the maintenance of the human race. That is why Islam put embargo on any process that can tamper with human reproductive system or killing of offspring: "And kill not your children for fear of poverty. We shall provide for them as well as for you. Surely, the killing of them is a great sin (Qur'an 17:31).

A critical look at the above objectives gives an open-minded person a clear picture of the goals the Shari'ah seeks to achieve in individual and collective life of mankind. However, misconceptions normally ensue due to lack of information and the way some Muslims portray the Shari'ah through their conduct. Similarly, investigations carried out into why some people are against the implementation of the Shari'ah revealed that the antagonism is largely upshot of the human desire to revolt against the Almighty. This is alluded to in the Qur'an where Allah says: "Verily, the (human) self is inclined to evil, except when my Lord bestows His Mercy (upon whom He wills)" (Qur'an 12:53) This assertion was a result of the fact that some of the antagonists of the reintroduction of the Shari'ah in some parts of the country who were interviewed were unable to give tangible reasons for their resentment.

## **3. Some of the Functions of the Shari'ah**

Contrary to erroneous conclusion some people have drawn about the Shari'ah that it is cruel, barbaric and out dated, the Shari'ah has offered and continues to offer solutions to family, social, health and economic problems bothering human beings from generation to generation. Few examples of such solutions are listed below:

### **3.1 Decent Dressing**

Among the honours bestowed on man that alleviated him above other creatures is the garment he was given to cover his nakedness. "O children of Adam! We have bestowed raiment upon you to cover yourselves and as an adornment..." (Qur'an 7:26). Almighty Allah has provided us with this basic necessity in order to differentiate between man and animals. Despite this honour done to man by his Creator, a glance at our society today reflects disturbing pictures. Some women and young ladies have misunderstood human rights and thought that indecent dressing or moving about half naked like animals is part of their inalienable rights in the society. The Shari'ah encourages men and women to dress decently whenever they are outdoors as a way of beautifying themselves, which is also a precautionary measure against sexual harassment from the opposite sex. Cases of rape and sexual harassment are common phenomenon on daily bases in our midst due to indecency in our dressing.

### **3.2 Inheritance**

Another human phenomenon that the Shari'ah offers a ready-made solution to in order to prevent rancour is inheritance. Many families have disintegrated due to disputes over who takes what from the deceased's property. But if the deceased and the heirs had acted according to the specific injunctions of the Shari'ah, all the disputes over inheritance could have been averted. The Shari'ah is very keen about the wellbeing of the deceased's immediate family, i.e. the spouse and the children. "There is a share for men and a share for women from what is left by parents and those nearest

related, whether, the property be small or large - a legal share" (Qur'an 4:7). A situation where the spouse of the deceased is deprived of her share, as it is the order of the day in some cultures is not acceptable to the Shari'ah. Likewise, the deceased is not permitted to give away all his property in the name of charity and leave his heirs to starve. The Shari'ah also prevents anybody who has a hand in the death of the deceased to take anything from his property, regardless of his or her relationship with the deceased. This is so in order to serve as a deterrent to those who may be interested in murdering a relative in order to inherit him or her.

### 3.3 Polygamy

One of the realities in human existence is the drop in men's population thereby creating problems for women to get worthy men to marry as their life partners. Regardless of the so-called official figure may say, there are clear-cut clues to authenticate this claim. Men involve in wars more than women; population of men in highly risk occupations such as mining, construction, manufacturing industries, etc outnumbered women population. Besides, there are other realities that may compel a man to marry more than one wife. These include; if the first wife is unable to conceive after all efforts and there are indications that the problem is not from the man. Naturally, some men are not satisfied with one woman. Instead of keeping illegal relationship with another man's wife or daughter, which could cause a serious problem here and in the hereafter, taking another wife legally remains the best option. It is also noteworthy that it is not Islam that innovated polygamy. Islam came and met people marrying women indiscriminately. After a careful study of the situation, the Shari'ah regulates it and put in place measures to give it a human face. Above all, capability in all ramifications must be there before one is allowed to marry another wife. "And if You fear that you shall not be able to deal justly with the orphan girls, then marry (other) women of your choice, two or three, or four but if you fear that you shall not be able to deal justly (with them), then only one or (the captives and the slaves) that your right hands possess (Qur'an 4:3).

### 3.4 Divorce

As the Shari'ah takes the union of a male and a female very seriously, so it does to a better life free of preventable obstacles for all human beings. In realising that Almighty Allah created us with different characters and people do not always turn out to be what they seem to be while observing them from a distance. It is also difficult to fully understand the stuff a person is made of until one lives together with another person. In the same vein, our world is filled with pretenders and hypocrites. Due to all these and other related issues, the Shari'ah introduces divorce as a legitimate means of removing undesirable people from our lives. "O Prophet (SAW)! When you divorce women, divorce them at their *'iddah* (prescribed periods), and count (accurately) their *'iddah* (periods)..." (Qur'an 65:1). There are cases of husbands killing their wives, children and in-laws and vice versa. It may be due to domestic disputes or other reasons best known to the perpetrators. However, it is not Islamically allowed for a couple to separate if there is love and compatibility in their marriage. In other words, there must be valid reasons for a man to divorce his wife. Since marriage is a two-way traffic, the Shari'ah also empowers a woman to seek for divorce if she feels foul play in the marriage and all efforts to reconcile them proved abortive. Instead of dying in silence or taking law into one's own hands out of desperation to relieve one of marital union, the Shari'ah offers divorce as the best option.

### **3.5 Punishment**

No matter how purified and reformed a given society becomes, crimes will still be committed. The crimes may however vary in degree from one society to another, depending on their orientation and effectiveness of the rule of law in their midst. In order to build a peaceful and progressive society where crimes are reduced to the barest minimum, the Shari'ah deems it necessary to put in place different punishments for different crimes as a deterrent measure for people from committing crimes. Furthermore, the Shari'ah punishes a few in order to protect the majority. For instance, if a finger has gangrened and it is not severed from the hand, the whole body will be obliterated. This is the philosophy behind the punitive nature of the divine laws, which have been found to be immensely successful in curbing crimes (Al-Sheha, 2001). However, the Shari'ah also makes it mandatory on the part of the authority to establish beyond reasonable doubt that the accused person has actually committed the crime and found guilty before the prescribed punishment is administered. "O you who believe! If a rebellious evil person comes to you with a news, verify it, lest you harm people in ignorance, and afterwards you become regretful to what you have done." (Qur'an 49:6).

## **4. Compatibility of the Shari'ah with other Divine Laws**

Since they originated from the same source, "unadulterated" divine laws are always in consistence with one another, though there may be slight changes from one generation to another. For example, the punishments prescribed by the Shari'ah for adultery, stealing and drinking are almost the same with what the Bible recommended for the same offenses. Let's look at the Qur'an and the Bible to authenticate this claim:

### **4.1 Adultery**

According to the Shari'ah, the adulterers should be stoned to death if they are married. In the Bible, Deuteronomy, 22:22 also recommends that they should be stoned to death.

### **4.2 Stealing**

While the Qur'an 5 verse 38 recommends amputation of the hand of a confirmed thief who sealed something that worth a prescribed amount, the Bible in Deuteronomy, 24:7 recommends death.

### **4.3 Drinking**

While the Shari'ah recommends eighty strokes of the cane for anyone who takes alcohol, Deuteronomy, 21:20-21 recommends death.

While it has been proved that Christianity as a religion does not condole social vices condemned by the Shariah, a rhetoric question that begs for answer is: Why do some Muslims and non-Muslims, especially Christians oppose the Shari'ah? Answer to this question may not be farfetched. Al-Faruqi

maintains that such opposition may be resultant of man's inclination to disagree and act contrary to the will of the Almighty as conveyed through the revelations (al-Faruqi, 1978).

## **5. Merits of the Shari'ah over Manmade Laws**

The superiority of the Shari'ah over any manmade law, under normal circumstances, should not be a contentious issue, due to the fact that human beings are prone to mistakes, which is normal and understandable. But in order to erase any iota of doubt that might be lurking in the minds of people who may be having second-hand information about the Shari'ah, few examples in this direction could serve as necessary impetus in this discourse:

### **5.1 The Shari'ah Withstands the Test of Time**

While other laws are liable to changes and modifications from time to time, through constitutional amendment or repeal of decrees, due to unforeseen circumstances at the time of making such laws, the Shari'ah can withstand the test of time and it can be adopted in any situation without rancour. "So set you (O Muhammad SAW) your face towards the religion of pure Islamic monotheism *Hanifa* (worship none but Allah alone) Allah's *Fitrah* (i.e. Allah's Islamic Monotheism), with which He has created mankind. No change let there be in *Khalq-illah* (the religion of Allah Islamic monotheism), that is the straight religion, but most of men know not" (Qur'an 30:30).

### **5.2 Universality**

The Shari'ah can be universally applied without problems while manmade laws will create confusion if they were to be implemented in every part of the universe. Due to their peculiarity to a particular set of people, nation and time, manmade laws cannot be universally endorsed for all mankind. And we have not sent you (O Muhammad SAW) except as a giver of glad tidings and a warner to all mankind, but most of men know not (Qur'an 34:28).

### **5.3 Error Free**

The origin of the Shari'ah makes it error free while manmade laws are prone to mistakes as a result of human shortcomings. "Verily We: it is We who have sent down the *Dhikr* (the Qur'an) and surely, We will guard it (from corruption)" (Qur'an 15:9). Falsehood cannot come to it from before it or behind it (it is) sent down by the All-Wise, Worthy of All praise (Qur'an 41:42). "Do they not then consider the Qur'an carefully? Had it been from other than Allah, they would surely have found therein much contradictions" (Qur'an 4:82).

### **5.4 Impartiality**

The lawmakers or parliamentarians may have interest in certain aspect of public life and thus make laws in that respect in favour of their whims and not in the best interest of the masses. For instance, some laws are at time put in place by politicians in order to witch-hunt members of the opposition. But the moment the perceived rivalry ceases, the law become obsolete and redundant. The Shari'ah

was promulgated by the Almighty whose interest is always in the well-being of His creatures. “O you who believe! Stand out firmly for Allah and be just witnesses and let not the enmity and hatred of others make you avoid justice. Be just: that is nearer to piety, and fear Allah. Verily, Allah is Well Acquainted with what you do” (Qur’an 5:8). “Truly! Allah wrongs not mankind in aught; but mankind wrong themselves” (Qur’an 10:44).

## **6. Non-Muslims under the Shari’ah Legal System**

The Shari’ah commands the believers to live in peace and harmony with all creatures of Allah; human beings Muslims and non-Muslims alike, animals, birds, plants, etc. Allah says in the Glorious Qur’an: “Allah does not forbid you to deal justly and kindly with those who fought not against you on account of religion nor drove you out of your homes.” (Qur’an 60:8). This verse best explains how keen is the Shari’ah about establishing relationship on the bases of tolerance, indulgence, justice, mercy and fairness among all the citizenry under the canopy of the Shari’ah. Non-Muslims, especially people of the Book (followers of revealed religions) under the Shari’ah enjoy special status and are known along with other minorities as *Ahl-Adhimmah* or *Dhimmis*. *Dhimmah* is Arabic word which means safety, security and contract. Hence, they were called *Dhimmis* because Allah, His Messenger and the Islamic community guaranteed them contract (Al-Qaradawi, 1985). Nevertheless, the contract is two sided, it establishes rights and obligations for both parties. The non-Muslims are extended the security and protection of the state, provided they respect its Islamic constitution. Nevertheless, the constitution does not infringe on their faith and practices, which remains free in an autonomous entity within the Shari’ah state. Below are some of the rights the Shari’ah offers non-Muslims citizens under its watch:

### **6.1 Protection from Inside Oppression**

Non-Muslims have equal rights with their Muslim counterparts to enjoy protection from internal oppression so that they can lead a peaceful life. In other words, the Shari’ah makes it a duty for the state to protect them from any form of injustice from the authorities or any individual within the state. “O you who believe! Stand out firmly for Allah and be just witnesses and let not the enmity and hatred of others make you avoid justice. Be just: that is nearer to piety, and fear Allah. Verily, Allah is Well Acquainted with what you do” (Qur’an 5:8).

### **6.2 Protection from Outside Aggression**

In addition to internal security, they also have equal rights as their Muslim counterparts to be protected from any authority or an individual from infringing on their rights from outside the state. “Allah does not forbid you to deal justly and kindly with those who fought not against you on account of religion and did not drive you out of your homes. Verily, Allah loves those who deal with equity” (Qur’an 60:8).

### **6.3 Protection of Life**

The Shari'ah system upholds the sanctity of life and honour of non-Muslims living among the Muslims. According to the consensus of jurists, it is unlawful to kill or dishonour them in any way. The Prophet (SAW) was reported to have said: "He who kills a *Mu'ahid* (non-Muslim under an Islamic government) will never smell the fragrance of Paradise, the fragrance of which can be smelt from a distance of forty years" (al Bukhari).

### **6.4 Protection of Property**

Besides securing the well-being of non-Muslims, the Islamic state is also bound to protect their property. All Muslims regardless of their schools of thought have always agreed on this point. Abu Yusuf in his book, *Al-Kharaj* quoted the Prophet's contract with the people of Najran: "Najran and its neighbouring areas are in the security of the Almighty Allah and His Messenger. The property, religion and Churches of the inhabitants, as well as all possessions, whether much or little are under the protection of the Prophet (SAW)" (Al-Qaradawi, 1985). The second *Khalifah* (successor) of the Prophet (SAW), 'Umar ibn al-Khattab (R. A.) in his letter to one of his governors, Abu 'Ubaidah ibn al-Jarrah (R.A.) wrote: "Prevent Muslims from harming or oppressing them (non-Muslims) or from taking their property illegally..." (Al-Qaradawi, 1985).

### **6.5 Protection of Honour**

The Shari'ah protects the honour of non-Muslims as it protects the honour of the Muslims. As such, no one may neither abuse a non-Muslim nor bring false charges against him. Similarly, he cannot be slandered in offensive terms regarding his personality, ancestry, complexion, religion and so on (Al-Qaradawi, 1985).

### **6.6 Assurance in Case of Disability, Poverty and Old Age**

Islam ensures a suitable livelihood for all non-Muslims and their families who are subjects of the Islamic state. 'Umar ibn al-Khattab once saw an old Jewish beggar whom he found to be destitute. He ordered that the state authorities should pay for his livelihood he then observed: "It is unjust if we collect the capitation tax from him in his youth and abandon him in his old age (Al-Qaradawi, 1985).

### **6.7 Freedom of Embracing a Religion**

Just as it preserves other rights of non-Muslims, the Shari'ah also guarantees them the right of embracing religion of their choice. In other words, a non-Muslim cannot be compelled to convert to Islam. Allah says in the Glorious Qur'an: "There is no compulsion in religion. Verily, the right path has become distinct from the wrong path..." (Qur'an 2:256). Therefore, non-Muslims under the Shari'ah legal system cannot be forced to embrace Islam, because it is their right to choose any religion of their choice.

## **7. Misconceptions about the Shari'ah**

After unveiling some of the objectives of the Shari'ah and freedom it offers non-Muslims under its watch, it is necessary to discuss some of the misconceptions being associated with the Shari'ah, which at time are the sources of antagonism towards the Shari'ah in the Nigerian society.

### **7.1 Islamisation of Nigeria**

One of the major misconceptions being peddled in the country is that Muslims want to islamise the country through the backdoor. After the proclamation of the Shari'ah reintroduction in Zamfara State and other states that followed suit, the non-Muslims, with the help of some section of the media misinterpreted the whole scenario and employed all means to incite the federal authority against those states. All sorts of allegations were levelled against the Shari'ah. There were insinuations that non-Muslims are to be compelled to either embrace Islam or leave the "Shari'ah states" because they are going to be subjected to Muslim way of life against their will. This misinterpretation led to series of demonstrations and counter demonstrations by anti and pro-Shari'ah protesters. At a point, the situation went bloody and state of emergency was imposed in some of the states.

At this juncture, it is noteworthy to clear the air on this misconception. The truth of the matter was that those who agitated for the Shari'ah implementation were not asking for its implementation on non-Muslims. Moreover, the conventional courts were still operational in those states to adjudicate on cases pertaining to non-Muslims while the Shari'ah Courts were to entertain issues relating to Muslims. Similarly, the Governors of the state categorically made it known to all and sundry that non-Muslims are not going to be victimised in any way. In fact, after the hullabaloo and the dust raised settled down, it was discovered that some non-Muslim youth corps members opted to be posted to Zamfara State for their nation youth service scheme in order to benefit from the unprecedented welfare package being enjoyed there by their counterparts.

### **7.2 Shari'ah is about Criminal Laws and Punishments**

Due to misinformation on what the Shari'ah stands for, many people, some Muslims inclusive believe that the Shari'ah is all about amputation, flogging and stoning. Some national dailies came up with different astounding headlines. They subjectively capitalised on deterrent measures the Shari'ah put in place to minimise crime and injustice, which could be described as one-sided account of what the Shari'ah is all about.

As earlier mentioned that no matter how purified a society becomes, so long the community is populated by human beings, crimes will still be committed. "And I free not myself (from the blame). Verily, the (human) self is inclined to evil..." (Qur'an 12:53). In order to dissuade people from taking laws into their own hands, the Shari'ah prescribes different retribution for various crimes. By mere looking at the rigorous procedures that must be followed before an offender is punished under the Shari'ah legal system, one would clearly understand that the punishment may not even be administered except in an extraordinary case. Therefore, branding Islam as a blood thirsty religion could be regarded as an unfair statement uttered without objectivity.

### **7.3 Enslavement of Non-Muslims**

The rumour making the round following the proclamation of the Shari'ah was that any non-Muslim that refuses to embrace Islam and remains within the Shari'ah territory will be enslaved and his property will be confiscated. This misconception generated apprehension and hanger around the country. People grumbled that how can a fellow citizen enslave his country man or woman? This fallacy aggravated the already charged atmosphere in country.

This misconception might have emanated from issues related to slavery in the Arab world and Islamic history. In addressing this misconstruction, facts to bear in mind are: firstly, Islam did not start slavery, as such, it cannot be blamed for its introduction into human society. Secondly, when the Shari'ah discovered that slavery was the order of the day, in terms of source of livelihood for some members of the society, it systematically put in place mechanisms to eradicate it. Islam commenced obliteration of slavery by elevating the status of individuals that found themselves in such situation by addressing them as brothers and sisters to their masters. In addition to that, all basic necessity of life must be provided for them. "Your workers are your brethren. The Almighty Allah placed them under you. Whoever has someone under him must feed him of what he eats, clothe him of what he clothes himself..." (Al-Bukhari). This measure on its own restored the sense of belonging and human dignity in the slaves. Islam later introduced various avenues by which slaves can regain their freedom, among which are, purchasing of their liberty, atonement for sins, atonement of oath, etc (Al-Sheha, 2001). Going by the scenarios painted above, it is ludicrous to believe that someone, in the name of Islam would have the guts to take a fellow man into his custody as a slave this time around.

### **7.4 Equating Shari'ah with Terrorism**

Activities of some misguided elements in the Nigerian society who have taken up arms against the state, killing and maiming innocent lives, irrespective of their religious inclination, destroying public and private properties in the name of Islam have also compounded the strained relation between Muslims and non-Muslims in the country. As a result of this, many non-Muslims erroneously believe that the insurgents are carrying out what the Shari'ah teaches and preaches, thereby synonymised it with terrorism.

The Shari'ah distastes and condemns any act of injustice, cruelty and crimes against humanity irrespective of who perpetrates them. Those who are familiar with Islamic history and have access to the primary sources of the Shari'ah would testify that what is being played out in Nigeria has nothing to do with the teaching of the Shari'ah. The outright condemnation of such acts by prominent Muslim scholars and leaders, coupled with the fact that some outspoken leading Muslim figures that criticised the evil fell victims to the insurgency, are clear indication that terrorism knows no religion. It is a monster that must be collectively fought to a standstill.

## **8. Shari'ah Implementation Out of Context**

The Shari'ah sees leadership as a trust to be shouldered by those who possess leadership qualities. It admonishes Muslims not to aspire to be in charge of people's affairs in their own and public interests, except when they are convinced within themselves that they are the right candidates. Abu Dharr (R.A) once requested to be made a leader, Prophet Muhammad (SAW) advised him by saying:

Oh Abu Dharr! You are weak, and [leadership] is a trust, it is a disgrace and regret on the Day of Resurrection, except for someone who rightly accepted it and tried his best to discharge his duty without fear or favour (Sahih Muslim, no. 4823).

The Qur'an reminds whoever wants to partake in leadership to be prepared to make sacrifices and be firm to uphold justice irrespective of whom it favours. "O you who believe! Stand out firmly for Allah and be just witnesses and let not the enmity and hatred of others make you avoid justice. Be just: that is nearer to piety..." (Qur'an 5:8). It is observed that as some members of the public are guilty of not making proper investigations before levelling unwarranted allegations against the Shari'ah, some of those saddled with the responsibility of enforcing the divine law are also culpable in indulging in activities that make Islam vulnerable to attacks. For instance selective implementation of the Shari'ah, where the poor masses are severely sanctioned for pardonable offences, while the highly placed criminals are left "untouched" should be condemned and checkmated. Those at the helm of affairs should endeavour to update their knowledge on contemporary issues and seek Islamic injunctions on them so as to be in tune with the position of the Shari'ah on matters not explicitly discussed in the primary sources of the Shari'ah.

## **9. Conclusion and Future Recommendation**

Attempts have been made in this paper to examine the Shari'ah as a mechanism for the entrenchment of social justice, rule of law and equal opportunity for all citizens irrespective of their religious conviction. It maintains that the Shari'ah legal system came to protect and promote the message brought by all Prophets of God, which is belief in the supremacy of the Almighty and fairness to all and sundry. Findings revealed that misunderstanding of what the Shari'ah is all about on the one hand, and misapplication as well as misinterpretation of the law on the other bred some of the misconceptions that emanated from the reintroduction of the Shari'ah in some parts of Nigeria. It is hereby recommended that members of the public, especially non-Muslims should be sensitised on the actual vision and mission of the Shari'ah as well as the benefits they stand to gain under the divine law. The Shari'ah administrators and enforcers should be properly trained and adequately motivated to do their jobs with the fear of the Almighty for the betterment of humanity. The paper also makes humble appeal to those at the helm of affairs in the "Shari'ah States" to fear the Almighty and be sincere in their implementation of this unique system of governance, so as to mirror the beauty of the Shari'ah to the entire world. Furthermore, the Shari'ah implementation should not be used as a means of suppressing and oppressing members of the opposition. In the same vein, constructive criticisms should be taken in good faith. Members of the public are advised to always be objective and constructive in their criticisms. Opinion leaders, activists, public commentators, preachers, media personnel and religious leaders should properly crosscheck the authenticity of any information at their disposal and put the interest of the nation above any other interest before exercising their freedom of expression. Finally, All and sundry should be reminded that false accusation and untrue statement about anything that has to do with public interest can trigger social disorder and disruption of peace and stability of a nation.

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