

# **RELEVANCE OF SHARI'AH TO MODERN CHALLENGES IN NIGERIA**

*BY*

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## **ABSTRACT**

*Shari 'ah (Islamic laws) are divine precepts provided by Almighty Allah. It covers all aspects of human life; from the most insignificant to the most fundamental sectors of life, be it physical, economic, social, educational, national and international lives. However, in the recent time, the modern world with particular reference to Nigeria is being characterized by a host of vices which have deviated it from the divine purpose. Therefore, this paper examines the roles of Shari 'ah in the reconstruction of the decadence society; it also observes the socio political problems confronting the modern developing countries visa-avis Islamic solution. The aim is to reveal those vices among other things that characterized the present modern life, and at the other hand to bring to limelight, way out of these vices from the Shari 'ah point of view.*

## **INTRODUCTION**

The initial creation of man was in the paradise, he was there dwelling with all kinds of enjoyment, not until when he violated a law of his Creator, that he was chased down unto the earth. While on earth, he was naked, ignorant and unaware. He has to shuttle for his sustenance and for that of the family at large. Allah provided him with divine guidance in order to live an harmonious life that portrays divine purpose of his creation which is “worship” (Q51 :5 6).

However, with expiration of times, man started deviating from the divine guidance; his act of deviance was manifested in his worship to other beings beside Allah and formation of his own laws apart from the Divine one. As a result, the actual system of operating Shari 'ah becomes subjected to attack by the advocates of other systems of law.

The Islamic law known as Shari 'ah emanates from two sources: primary and secondary. The primary source consists of Qur'an and the *sunnah* of the prophet (SAW), while the secondary one consists of inter alia, the followings: *Al-Ijma<sup>c</sup>* i.e the consensus of opinions, *Al-qiyas* i.e analogical deductions. *Al-Ijtihad* i.e Human reason, *Istihsan*, *Istislah* or *Masalih al-mursalah*: Public interest, and *Istishab*; legal presumption.

The adherence to the laws (Shari‘ah) of Allah mean every thing, as it encompasses our social life, economic life, political life, cultural life, National and international affairs, judicial matters, constitutional matters, personal life and family life as well. Therefore, a true believer should not follow any law, rule or order which contradicts the injunctions of the Holy Qur‘an and Sunnah, he should keep to his mind the popular saying that: “there should be no obedience to any creature in disobedience to the Creator” (Sahih Bukhari). To avoid the anger of Allah both in this life and the hereafter, a Muslim should not divide his life into the so-called “religious and secular matters” nor should he divide it into spiritual and mundane. And he should not separate any aspect of life; be it political, economic, social, judicial or constitutional, from Islam (Aliyu Dauda 1994) In Islam everything belongs to Almighty Allah. the popular aphorism “give what is Caesar’s to Caesar” is a misnomer and indeed an abomination in Islam for who is Caesar when Allah is the First and the Last, the Obvious and the Hidden, to Him belongs everything (including Caesar himself).

### **Meaning of *Shari‘ah***

*Shari‘ah* is an Arabic word from *shari‘ah* (i.e to commence, to enter or to enact) whose literal meaning is connected with “water” i.e “approach to a water hold” (Cowan J.M 1974) or “the resort of one who is in need of water” (Louis ma<sup>c</sup> Luf, n.d) The word Shari‘ah acquired its importance to the Arabs during the pre-Islamic era because water and the way leading to it were extra-ordinarily important to them since they live in the desert where water is often scarce. However, with the advent of Islam, the meaning of *shari‘ah* came to connote “an important way or course to follow” (Q5:48) rather than “an approach to water hole”.

However, the technical meaning of *shari‘ah* could be derived from revelations sent to various prophets of Allah, particularly the Qur‘an sent to Prophet Muhammad (SAW) as guidance in order to live an harmonious and prosperous life in this world and to be a successful servant in the hereafter, thus,

Shari‘ah could be defined as: “Laws ordained by God for His servants to enable them become faithful servants to Him and workers towards what will make them prosper in this world and hereafter” (Ajetunmobi, 1987) Also, shari‘ah is the body of those institution which Allah has ordained in full or in essence to guide the individual in his relationship to God, his fellow Muslims, his fellowmen, and the rest of the universe (Mahmud Shaltut 1959). The Shorter Encyclopedia of Islam calls it the basis for the normal judgment of actions as good or bad. Prophet Muhammad’s (SAW) message i.e the Qur’an is a universal one that encompasses all human facets on earth, it is a unique system of law which every Muslim as well as every nation that upholds Islam as its religion, must adopt as a code of conduct and guide.

### **Fundamental Human Rights Discourse in Islam**

Fundamental human rights have been differently construed and applied by different Western political systems of the world. However, the universal concept of fundamental human right as entrenched in the various constitutions recognizes basic human rights either in theory or practice in the following areas: right to life; freedom of expression, provided it does not encroach on the right of others, right to equal treatment and justice. The rule of law is equally a cardinal legal principle in the various legal systems of the world. The rule of law ensures equality of all citizenry before the law.

However, the above working principles in the post colonial territories of the world have been existing in theories and often not applicable in practical terms: the various world constitutions have been intermittently reviewed by men in order to crave for dynamism and suitable insulative devices against ineffectiveness of such constitution in view of modern challenges. The review has seemingly led to corrupt legal system in the various countries. For instance, in Nigeria and some other countries, an incumbent president or governor cannot physically appear in law court in defence of law suit filed against him because of the legal immunity

conventionally granted him. Conversely, the incumbent Nigerian ambassadors or diplomat have been legally immunized against seizures or searches by the Nigeria Police anywhere on the Nigerian territory.

Corruption, looting of public resources and other associated criminal activities continued to threaten human rights. Unemployment syndrome contributed to youth restiveness. The denial of basic rights like irregular payment of salaries, wages and other allowances to workers immensely influenced the high tempo of criminality among civil servants in the name of “safeguarding” their future. The high cost of education and its facilities is another integral aspect of the frustrated fundamental human rights in Nigeria. In the bid to bridge the gap between financial requirements for education and the required standard of educational status in Nigeria, many Nigerian youths have been involved in abominations such as sex scandal, bunkering, drug trafficking etc.

On the other hand the Holy Qur’an as a universal book is not subject to review: it has specified all the basic conducts and regulation to be implemented and resources needed to facilitate such required implementation have also been put in place by the Qur’an. The Qur’an declares

“Will they not ponder on the Qur’an, had it been from any other than Allah, they would have found a lot of disparities” (Q4:82)

A political leader in an Islamic state safeguards the rights of the citizenry. The political leader is known as *Khalfah* meaning the commander of the faithful and as such he is directly responsible to Allah.

This was pragmatically demonstrated in the inaugural speech of Abubakar bn Abi Kuhafah who said: the strong ones among you is the weak one (in my own estimate) and the weak one is the strong one until I get him his due right (Oloyede I.O, et al 2003)

In order to enjoy basic right by the citizens, Allah commands the citizens to obey the authority while at the same time divinely regulated the art of governance with complete sincerity and accountability to Allah. Allah instituted the payment of *zakat* to facilitate economic and social interactions. The institution of *zakat* removes tendencies towards enmity, indolence and disloyalty.

Those who hoard gold and silver and do not spend it in the way of Allah, give them tiding that painful doom awaits them. (Q9:34)

Therefore, the Islamic principle co-ordinates different societal classes together on the platform of brotherhood and harmony.

### ***Shari'ah* and the Modern Socio-Political Challenge in Nigeria**

The *shari'ah* in religious sense means a codification of Islamic laws which encompasses all human facets on earth, through which a Muslim could live a purposeful life and attain the prosperity in the hereafter. This is obtainable only if it is fundamentally tailored towards the piety of Allah.

Geographically, *shari'ah* enjoys a considerable spread in application. After the death of the holy prophet (SAW), the companions were sincerely stick to the primary source of *shari'ah* i.e Qur'an and *Hadith*, they felt reluctant in dabbling in to whatever is silent in the Qur'an and not found in the *Hadith*, not until when condition warranted such a situation that they were however forced to exercise *Ijma'* (i.e consensus of opinions) on legal and political matters to a larger extent than it was practiced during the prophetic era, though it was not new to them, only that was scanty in the era of the Prophet himself (*Sahih Muslim*), the recognized sources of the Shari'ah during the periods of the four orthodox caliphs were the Qur'an and *Sunnah* mean while *Ijtihad* was later incorporated.

The Quranic legislations would be firstly put in to consideration in the *shari'ah* system of justice dispensation, but if such injunction is unavailable directly, then the prophetic legislation would follow, if still, like the former we

would resort to the consensus of opinion of *sahabah* (*Ijma<sup>c</sup>*) and if still, no injunction could be found in this last method as in others, then one is allowed to apply analogical deduction (*Qiyas*) by making a meaningful research into the Qur'an and *Sunnah*.

However, it is quiet unfortunate that the application and operation of *shari'ah* legal system and its components have been subjected to attack by the advocates of other system of law. Both the educated and uninformed Muslims have been hostile to its application, talk less of non- Muslims who levy a calumny accusation against its operation. This biased attitude cuts across many nations of the world. The knowledge about the flexibility of *shari'ah* was unknown to many people and this serves as a causative agent for the hostility. Upon this ignorance did the advocates of other systems of law capitalize to pollute millions of minds on its application (Ajetunmobi, 1987).

Taking into cognizance, the democratic political dispensation in Nigeria whereby the political socialization is characterized by gerrymandering and bitter opposition to the political opponents. Party opponents are being assassinated by unknown assailant. Public treasure is looted and used for electioneering processes to forcefully change the conscience of the electorates to a particular party which in actual sense has not satisfied the true opinions of people.

The privatization of parastatals syndrome is emphatically popularized by democratic government in Nigeria. However no significant consideration has been giving to the masses as dividend of democracy in such new economic drive of the nation because the potential buyers of such industries are predominantly Nigerian capitalists. The educational sector has increasingly inflated its costs. This has negative effects on the intellectual development of the country. The intermittent power supply and high cost of electricity maintenance are increasingly unaffordable to the masses.

## **Relevance of Shari ah to the Contemporary Life**

The role of *shari'ah* in any developed or developing nation and especially in any Islamic society is considered second only to the oxygen we breathe in order to survive. Infact, life in its totality without *Shari'ah* could be useless, goalless, purposeless and it could be considered fundamentally frustrating. This is because the Creator of mankind has decreed that, "He has created both mankind and Jin in order to operate the totality of their lives as a kind of worship to Him".(Q51 :56). Therefore, the role of *shari'ah* to our contemporary time, as ever in the history of mankind, is to guide man towards the successful fulfillment of the Divine purpose for his existence on earth, and making him realize that the imposition of the *shari'ah* is the success of man's life both in this world and the hereafter. Shari 'ah has categorically guided Man and Jin on how they should operate their total lives as faithful servants of their Creator (Ismail M.H 1998). In order to facilitate that, *shari'ah* has been divided into tow segments voluntary and involuntary segments.

The lives of the entire mankind and Jin are basically governed by the involuntary segment of the Shari 'ah, whether one believes in Allah as the Supreme Law Giver or not, his entire life is being willy-nilly governed by Him. This involuntary segment of *shari'ah* which affects every human souls and that of Jin, covers such areas as breathing Allah's oxygen in order to survive, eating and drinking through the channels decreed by the *shari'ah*, urinating and defecating through the passages ordained by the Creator of Mankind and Jin, sleeping, sighting, hearing, walking, sensing etc. are all being governed by the *shari'ah* Allah says:

say: The truth is from your lord" let him who will, believe, and let him who will reject (it)", Q18:29.

The above quoted verse of the Qur'an is a clear testimony that our Creator is generous, and has super-democratic way of dealing with us, He has given us a law by way of decree and has given us the freedom to either obey or not, which is



never done by any human ruler, simply because the law is clearly formulated in the interest of the followers and not in the interest of the ruler. Out of the whole creatures of Allah on earth, only mankind and Jin were liberated to freely submit themselves to the universal law (i.e *shari‘ah*) to governing their voluntary sectors of life, or to rebel against it if they like, but in the case of involuntary sector of their lives, without option, they must submit to the universal law. Allah says:

Do they seek for other than the religion of Allah?”  
while all creatures in the heavens and on earth  
have willingly or unwillingly bowed to His will  
(accepted Islam) and to him shall they all be  
brought back.” Q3:83

The first above quoted verse of the Qur‘an is a clear manifestation of Allah’s tolerance towards all human beings and Jins vis-à-vis the *shari‘ah*, while the second quoted verse however shows that whether one likes it or not, he is governed by the *shari‘ah* in the areas of involuntary aspects of his life, therefore, it is up to him to willingly submit himself to the *shari‘ah* in all other voluntary aspects of life. This is necessary in order to have an internal harmony within the life of Man and that of Jin, otherwise, there will be internal conflict and fundamental contradiction within the personality of both man and Jin, because some part of their lives are obedient to the universal law while others are rebellious.

Similarly, Allah says in another chapter that all the creatures in the heaven and on the earth do infact prostrate themselves to Him beside their submission to the *shari‘ah*, and even their shadows do prostrate themselves as well to Allah every evening and morning. Here is the Divine record as follows:

“Whatever beings there are in the heavens and the earth, do prostrate themselves to Allah with good-will, or in spite of themselves: so do their shadows in the mornings and evening” Q13 :15.

Therefore, it is obliged on every creature in the heaven and on the earth to submit themselves, willingly or unwillingly, to Allah and follow the universal law sent down to them. This obligation is especially more binding on the Jin and the mankind (Ismail M.H. 1998).

### **The Significance of *Shari'ah* to the Modern World**

The only difference, between human being and animals is in the intellectual capacity and rational thinking. Making a good choice based on the guidance of the Truth (Allah), and the correct conception of the Truth, as well as submission to higher moral values i.e the *shari'ah*, are largely depended on faith (*Iman*). In other word, those who do not have faith at all are, always, not better than animals, infact the Creator and Lord of the world says, that they are even worse than animals, here is the Divine word as follows:

“Many are the Jins and Men, We have made for Hell: they have hearts wherewith they understand not, eyes wherewith they see not, and ears wherewith they hear not. They are like cattle, nay more misguided: for they are heedless (of waning)” Q7:179.

Therefore, the role of *shari'ah* today is very fundamental, purposely because, it has to be followed in order to raise the standard of man from crude animalism to decent and humble human being, and to even a greater self realization; seen oneself as a representative of Allah's authority on earth. Also, it makes man realize the futility, self deceit, senselessness and humiliating nature of worshiping some other gods beside Allah (be it man or animal, living or non-living) known as TAGHOOT in Islamic terminology. Through *shari'ah* man can only understand the ground wisdom, rationale and the beauty associated with the total submission to Allah by hundred percent application of *shari'ah* to his total life.

In other word, the role of the *shari'ah* in general, today as ever in history, is to revolutionize the life of mankind and radically transform their society from its sub-servile status of Western Euro American capitalist imperialism or Eastern-Euro Asian Marxist socialist confusion to life of freedom, human dignity and humble life of Islam.

The relevance of *shari'ah* throughout the so-called modern world or to be more precise, the 21st century decadent world of ours, is in a very serious need of *shari'ah* in order to salvage it from moral decadence, socio-anarchy, political chaos, psychological holocaust, educational crisis, societal goallessness, crisis of identity, complete lack of sense of direction, bastardization of political leadership, ideological confusion, progressive de-generation of human value, and economic strangulation, to mention just a few of the characteristics of the modern ignorant world. Those who do not have any need to lie (i.e rulers) are today the biggest liars whose major trade mark is public deceit, and those who have every cause to be God fearing, humbles, courageous and self contented (i.e religious leaders), are increasingly becoming un-Godly, arrogant, cowards and materialistic. Those that have every reason to be grateful to their Creator and Lord (i.e the rich people) and therefore show mercy to the weak, the poor, the disinherited masses and the economically sapped, are the most ungrateful people to their Creator, they are increasingly becoming merciless towards their fellow human beings, and insatiable in their appetite for more wealth.

## **Conclusion**

The paper has examined the relevance of *shari'ah* to the seemingly unabated political and socio-economic crisis in the world with particular reference to Nigeria. The country is retrogressively placed in the development of art of governance, science and technology due to injudicious use of natural and human resource. The tempo of indiscriminate obnoxious activities ravaging the country is heightened on daily basis. Religious intolerance, arson, political crisis,

embezzlement are mayhem often experienced by some secular countries. The article calls for new horizon towards the recognition and practical application of the fundamental human rights and the rule of law as entrenched in the Noble Qur‘an.

Therefore, *shari‘ah* is not only relevant but a necessary panacea to the multidimensional predicaments of the modern world, however, world in Islamic perspectives (be it ancient or modern), which is heedless of Allah’s warning and goes against His *shari‘ah* is not only suffering from insanity but also demotes itself from an honourable human’s status to that of animal, it is typically ignorant (Jahiliyah) in nature.

*Shari‘ah* has been misconceived by the Western world, such a way that the misinformed people or those who lacked the knowledge about elasticity of *shari‘ah* had passed many unwarranted comments on it. This however is a misconception which needs proper clarification. Therefore, *shari‘ah* law is hereby recommended for trial in at least Muslim and Islamic states of the world. The Islamic law (*shari‘ah*) is meant to serve as checks and balances on the daily increasing social vices and devilish changing pattern of man’s life. The primary sources of *shari‘ah* (Qur‘an and *sunnah*) are universally accepted among the Muslim jurists, and can be applied without hesitation. The secondary sources however have generated divergent opinions among scholars, and they have unanimously agreed that the application of *If ma* and *Qiyas* during the process of *If tihad* adequately catered for local differences in the Muslim world.

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