

Evaluating The Merits And Demerits Of Muslims' Demand For Shari'Ah In Contemporary Nigeria: A Case Study Of The Southwest

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Abstract: *Advocacy for shari'ah, the Islamic law takes new dimension in Nigeria especially in the present political era. Most of the existing works on shari'ah focus mainly on its history and challenges in the past with little attention paid to the present. This work is therefore designed to survey the merits and demerits of the contemporary Muslims on their advocacy to government to implement shari'ah in Southwestern Nigeria. This was with a view to examining the advantages and benefits recorded by Muslims on their demand. Islamic jurisprudence was adopted as the frame work. Muslims' advocacy for implementation of shari'ah in this political dispensation are encapsulated into: establishment of independent shari'ah panels, representation in Nigeria's politics, marginalization, free-interest-bank, adoption of female Muslim face veil in higher institutions and public offices, and recognition of shari'ah court. Muslims' advocacy for establishment of shari'ah is centered on their needs to practice some aspects of the law especially the social aspects. The government needs to pave allow the advocates on their civic rights.*

Keywords: *Nigerian law versus shari'ah, Nigerian Muslim Challenges on shari'ah, Shari'ah gains in Nigeria, Shari'ah in Yorubaland, Yoruba Muslims and shari'ah.*

I. Introduction

In Nigeria's political system, religions were principally segmented into three viz, Islam, Christianity and indigenous-faith. The indigenous had been in practice many centuries before the advents of the Faith-Based Religions. According to Bolaji (1993)¹, every clan in Yorubaland had deity which they worshipped before the advent of Islam and Christianity. These include Ogun, Sango, Oya and Esu. Mention should be made here that the *Esu* as an ancestor in Yoruba Traditional Religion is different from Esu in the faith-based religions. *Esu* in the faith-based religions is referred to as devil. It is called devil or satan in Christianity while it is named *shaytan* in Islam. In Islam which is my area of study, Esu which is of Arabic name '*shaytan*' was a jinn living among the angels of Allah. Initially, it was living among the angels before he absconded from the authority of Allah to bow for Prophet Adam as the angels were also commanded. This disobedience earned him to be tagged *shaytan*, which denotes 'the accursed' (Muhammad, 2014)². Meanwhile, Yoruba interpretation of *shaytan* is Esu. This is a reason for equating the same title of the ancestor with his.

After a long period, a number of factors facilitated the emergence of the faith-based religions in Nigeria. Islam reached Nigeria via Malian scholars who had earlier accepted the faith from the Arab migrants. Their migration was of two motives viz, religious and commercial activities. After many persuasions and encounters, Islam was earlier accepted in some localities. It was gradually embraced in virtually every town in Nigeria especially in South-West and Northern Nigeria. Its acceptance made many Yorubas denounced the indigenous faith. Moreso, the acceptance of Christianity played the same role. The converts from the traditional religion are thus either Muslims or Christians. Meanwhile, the colonial indoctrination which has influenced Yoruba perception created discords between Muslims and Christians (Fafunwa, 1976)³. This indoctrination was infused into the perceptions of doctrines of each religion by the colonialists by setting the adherents against each other. It was first achieved by condemning the existing tenets of Islam which had been in practice prior to their arrival, marginalizing Muslims from benefiting from the dividends of their administration, and forcing Muslim students to convert to Christians (Fafunwa, 1976)⁴.

Fundamentally, shari'ah and Islam are inseparable. This is the core reason why Islam is defined as shari'ah and vice versa (Doi, 1984)⁵. Besides this, the Muslims' advocacy for adoption of shari'ah is also due to the fact that Islam cannot be practised without shari'ah. This implies that Islam is the nomenclature of the religion of Muslims while shari'ah is the manner of practising it. The advocacy had been made long ago in southwestern Nigeria. The merits and drawbacks of the advocacy thus form the background of this study.

II. Sharī'ah: Cursory Look at its Concept

Sharī'ah is derived from three-letter Arabic verb, sha-ra-'a. The verb connotes 'to make path', 'to prescribe', 'to establish a norm', and 'to legislate' (Ahmed, 2009). It means a path or road that leads to a watering place (Cowan, 2006)⁶. It is equated with water as an essential of life which neither animal or man can do away with. Hence, the importance of the sharī'ah is as imperative as water in man's life without which no man can survive. Literally, it is defined as the Islamic law (Doi, 2013)⁷. Contextually, sharī'ah is the indispensable divine law that regulates the affairs of man in this life and guides him to gain the hereafter. It is also the embodiment of law that guides Muslims on the manner of Islam and a way of abiding by the Islam's rules and regulation in according to the dictate of sharī'ah. Moreso, it is the divine will which analyses the mode the teachings of Islam which a Muslim must abide to be successful in this life and hereafter (Assad, 2018)⁸. In the same vein, it is the path ordained by Allah through Prophet Muhammad for Muslims to follow in all facets of life.

Examining the above varied definitions by the scholars, sharī'ah is the Islamic code of conduct that regulates moral and personal conducts of an individual and as well directs his affairs according to the divine injunctions as stipulated in the Qur'an and Hadith. Besides, it is also the body or law and divine institution prescribed by Allah to be followed by Muslims. This is a reason why the call for introduction of sharī'ah is always reiterated by Muslims in Nigeria and Southwestern region in particular. Its practice serves as the basis for the way of practising Islam. Therefore, Islam is cannot be practised without sharī'ah.

As a body of law, sharī'ah covers all spectra of administration viz, politics, governance, economy, commercial activity, international relation, diplomacy, family, health, gender, institutions, interfaith relationship and social matters. Similarly, it enacts certain measures to regulate the excesses in human activities. This is referred to as the penal-code (Abdullah, 2008)⁹. Penal code in sharī'ah is in conformity with the nature of humanity. For instance, to build an egalitarian society, there are needs for provisions of human rights and the needs to checkmate his activities. From my discovery, Nigerian law which is an extract of the conventional law also contains two aspects. A section of the law contains measures that spell out the fundamental human rights such as rights to expression, education, religion and culture. Another section enacts the rules and punishments for any individual that violates the guiding principles or infringes the right of another. As this second segment of the conventional law caters for guiding the excesses so also the sharī'ah does in the society.

Sharī'ah as the divine law was mentioned in the Holy Qur'an. This implies that the title given to the law was not drawn by Muslims but divine. References to this are contained in many verses of the Qur'an such as the Qur'an 45 vere18:

'We prescribed sharī'ah for you to abide by on any affair, follow it, and do not deviate to the whims and caprices that will let you deviate from Allah's path'.

Also,

We have prescribed the sharī'ah for you as the law in the same prescription we enacted it for prophet Nuh, Ibrahim, Musa and Isa. And we obliged them to uphold the tenets of Islam and they should not divide on its practice... (Qur'an 42 verse 13).

III. Sources and Scope of the Sharī'ah: A Brief

Like Nigerian constitution, sharī'ah also has its sources of law or codes of conduct. They are the Islamic religious hermeneutics. The sources are summed up into primary or fundamental and the secondary laws. The both sources are derived from the *Qur'an*, *Hadīth*, *Qiyās*, *Ijmā'a*, *Ijtihād*, *Istihsān*, *Istidlāl* and '*Urf*'.

3.1 The Primary or fundamental Sources of the Islamic Jurisprudence:

The Qur'an: The first fundamental source of *sharī'ah* is the Qur'an. It comprises the words of Allāh. Its revelation was divine. This is also corroborated by Abdullah (2008)¹⁰, that the Qur'an, the primary source of the Islamic jurisprudence is inimitable and unchangeable. The Qur'an examines needs of humanity. Its *Āyāt* (verses) spell out the governing principles for Muslims. The verses are segmented into *Akhlāq* (ethics), *Al-'ibādāt* (worship), *al-Mu'amalah* (interpersonal and interfaith relationship), *Al-Hukūmiyyah* (governance) and *Hadd* (penal code) among others. These verses were revealed as resolutions to the challenges that were and will be encountered by people. Not only this, they were also revealed to reform culture and traditions (*'urf* and *ādāt*) that are antithetic to the society and also to settle discords, maintain orderliness and promote peace in the society (Muhammad, 1999)¹¹.

Hadith: *Hadith* is the recorded prophetic narrations and sayings that guide Muslims in their affairs. Application of the *Hadith* as a juridical-guide in sharī'ah was first demonstrated by the prophet himself on elaboration of verses of the Qur'an. The prophet thus obliged Muslims to refer any affair of their lives to these fundamental sources of the Islamic jurisprudence (Qur'an and Hadīth). This is illustrated as:

I left two things for you. You shall never go astray if you uphold their tenets. They are the book of Allāh (The Qur'ān) and my traditions (Hadīth and Sunnah) (Muhammad, 2016)¹².

Hadith is classified in shari'ah into *Sunnah-shari'iyyah wa Sunnah ghayr shari'iyyah*. (Legal and non-legal *Sunnah*). The legal aspect examines what is *Halāl* (lawful), *Harrām* (forbidden), *Makruh* (rejected), *Mubah* (approved), *Mandud* (disapproved) and *Wājib* (compulsory) in the society. It also examines the significance of politics as a manner of administering, controlling and managing the affairs of society (Muhammad, 1999)¹³.

3.2 Secondary Sources:

Qiyās: This is the application of juridical deduction from the primary sources of the *shari'ah* as a verdict to proffer solution to an occurrence in the society (AbuBakr, 2004)¹⁴. It is deduced as the legal solution (*Hukm*) to certain issues that are judgements are not explicit in the Qur'ān and Hadīth. Its inclusion in the Islamic law is corroborated by the Qur'ān verse which says: "refer any issue among yourselves to Allāh (The Qur'ān) and the messenger (Hadīth and Sunnah), if you indeed believe in Allāh (Qur'an 2: 59).

Ijmā'a: It is the concession of the Islamic jurists on any matter after the demise of the prophet based on the dictates of the Qur'ān and Hadith. Other secondary sources include *Ijtihād* (*Istihāsān*, *Istidlāl*, *Maslah* and *'Urf*. These are the arms of *shari'ah* that give preference for the best judgement in the society on any matter from time to time. Their applications are based on the nature of each society.

3.3 Scope of the Shari'ah: An Overview

Shari'ah, the manual of Islām guides Muslims in all their activities. It contains the duties of individual Muslim to his creator (Allāh) as well as to another fellow; either Muslims or non-Muslims. Its scope encompasses a unique system of administration politically, socially, educationally, economically and other facets of life. Parts of the scope center on *Imān* (belief), *'aqīdah* (doctrines), *'Ibādah* (worship), *al-Mu'amalāt* (Interpersonal relation), *Ādāb* (Morality), *Akhlāq* (Ethics), *Tarbiyyah* (Literacy), *'Adl* (Justice), *Hukūmah* (politics), *Nikah* (marriage), *Talāq* (Divorce), *Mirāth* (inheritance), *Zakāt* (alms-giving) and organisation of society. Others include: *hadd* (Penal code), *surkah* (Theft), *hirābah* (Highway robbery), *zina* (Fornication and adultery) and *qadhf al-Muḥṣanāt* (Defamation) just to mention a few. Each scope is concisely examined below:

Imān: belief in monotheism of Allah is the primary tenet of the shari'ah. It the foundation of activities in Islam. This is a core reason why Muslims do claim that the *shari'ah* is Islām and Islām is *shari'ah* and that the two are inseparable (Assad, 2018)¹⁵. This concept of belief is segmented into three. The first category centers on belief in Allah as the creator, provider, sustainer and the giver of security. The second segment deals with belief in the mode of worship as prescribed in the shari'ah. The third category examines the names and other attributes of God. The commonest is Allāh. Others include: Ar-Rahmān (The Compassionate), Ar-Rahīm (The Merciful), Al-Malik (The Dominion), Al-Haqq (The Truth), Al-hādī (The Guide), Al-Kabīr (The Great), Al-Ghafūr... All these names distinguish Allāh as the only controller of everything. The other aspect of belief in Allāh is embedded in the pillars of Islam. These are: performance of prayers, fasting *Ramadān*, *Zakāt* and pilgrimage to *Makkah*. Besides, Islamic doctrines are: beliefs in Allāh, prophets (from Ādam to Muhammad), *Malāikāt* (Angels), scriptures Allāh, *Tāwrah* (Torah), *Injīl* (Bible), *Zabūrah* (Psalm), the Qur'ān, *Yawm al-Qiyāmah* (day of reckoning) and *Qadar* (Destiny).

'Ibādah: 'Ibādah literally means worship. It is as any permissible act by Allah in devotion, deeds and utterances. This implies that worship in Islām is not limited to supplicating to Allāh alone but all encompassing. On the supplication, *shari'ah* obliges Muslims to be servitude to Allāh through performance of *Salawāt* (obligatory prayers). This is why Muslims do seek for a place of worship at any occasion they find themselves. Such place is turned to a mosque (even without a building) by the time of the devotion.

Interpersonal Relationship: *shari'ah* emphasises on inter-religious and interpersonal relationships. This is due to the nature of man as social animal. There are intra and inter relationships in the *shari'ah*. The former refers to relationship of a Muslim to other fellow Muslims while the latter refers to non-Muslims. Therefore, in any society, either Islamic (*shari'ah* compliant one; or Muslim or multi-religious one like that of Nigeria) it is incumbent on Muslims to relate and be kind to every individual (Muhammad, 2016)¹⁶. This is emphasised in many references of the *shari'ah* such as the Qur'ān 4 verse 36. By this, act of tolerance with people of other faith is embedded in shari'ah. Hence, any religious bigotry or hostility is not tenable in Islam.

Ādāb: This aspect of *shari'ah* deals with morality. It urges Muslims to be morally upright in all daily activities. Morality was an inherent trait that was inherited from culture of the prophet. This is clearly expatiated in a number of the prophetic traditions among which is: "My Lord educates me and endows me with best morality" (Muhammad, 2016)¹⁷.

Akhlāq (Ethics): Ethical issues are comprehensively examined in Islām as the guiding norms in the society. There are societal ethics which include dignity of an individual, respect to elderly ones, respect of other peoples' faith, sacredness of life, respect to the constituted authority and diplomacy.

Tarbiyyah (Literacy): education in Islām is the core need for growth and advancement of humanity. The nature of education in the *sharī'ah* is divided into self-sustained and religious knowledge. These two concepts of education are referred to as the balanced education. The first revealed verses of the Qur'ān did not only emphasise the importance of literacy but also command Muslims to seek for lawful knowledge of sustenance. Knowledge is emphasised as the core needs that a Muslim should continue to pursue from the childhood till adulthood. Among the hadith that clarify this act are:

Seek for knowledge from cradle to grave. Searching for knowledge is mandatory on every Muslim. Muslims must seek for knowledge even to a land that is as far as China to Arabian Peninsular (Muhammad, 2016)¹⁸.

'Adl (Justice): Justice is enacted in Islamic law as the bed-rock of building a society (Qur'an 16 verse 90). The Qur'ān further says: *O you who believe stand up as witnessse for Allah in fairness, and do not let the hatred of people deviate you from justice ('adl). Be just, this is closest to piety* (Qur'ān 5: verse 8). *Sharī'ah* thus affirms that justice should be maintained between the government and the governed on political, resource control, social and economic administrations.

Hukūmah (Politics/System of government): In *sharī'ah*, the emphasis is laid down on system of administration. Politics in *sharī'ah* is the complete system of controlling, managing and administering the affairs of the society (Abdullah, 2008)¹⁹. Through this, *sharī'ah* regulates human affairs without jeopardizing the interest of other fellows. It lays down a system of politics that is embedded with merits to the leader and the led. Society is categorised in *sharī'ah* into two, namely, the Islamic and the Muslim states. Islamic state is a *sharī'ah* compliant society. It is a society that its system of governance is completely based on the dictates of *sharī'ah*. Majority of the inhabitants of such state are Muslims. Meanwhile, non-Muslims are accommodated and treated as the members of the society. They are referred to as *Dhimmi* (expatriates). On the other hand, a Muslim state is a multi-religious state. Such state may not be *sharī'ah* compliant in its administration. However, there are provisions for adherents of each religion to be practise their beliefs. An example of such state is Nigeria. This is a rationale behind the advocacy of Muslims to the government to allow them practising the *sharī'ah* as enshrined in the constitution of the nation.

Nikah: Marriage is an institution in *sharī'ah*. Family as a primary unit of a society begins from *Nikah*. By this, certain conditions are stipulated under the *sharī'ah* in the institution. Such as offer, acceptance, permissions of the parents or guardians of the spouses, witnesses from the both families and feast or *walīmah*. All these are to procreate legitimate children, solidify the union, prevent likely conflict and prevent premarital sexual affairs.

Talāq: Divorce or marital dissolution is the most detestable thing in the *sharī'ah* (Muhammad, 2016)²⁰. *Sharī'ah* provides a number of mechanisms to sustain conflict-free matrimony. It also enacts decisive measures to prevent any discord that may ensue from the couples. These are categorised in this study into internal and external mechanisms of preventing marital conflicts. After which the both means of resolving the discords have been exhausted and the final decision is to dissolve the union, Islām still stipulates *iddah* period (period of waiting) (Abubakr, 2004)²¹. Meanwhile, there can still be reconciliation during the period. This is to prevent the dissolution.

Mirāth: This means inheritance in Islam. *Sharī'ah* lays down principles of distribution of wealth for the heirs of the deceased. Its distribution is completely different from that of Yoruba cultural rites. For instance, Yoruba tradition postulates the division of the deceased properties on wife or wives of the deceased. This is termed as "*idi-igi*". In the *sharī'ah*, the estates or property must be shared by the heirs who are categorised into two: the immediate and distant families (Abdulsalam, 2014)²². The formers' shares are also specified in the Qur'an. Under this category are: the wife(s), husband, son, daughter, father, mother, grandfather, grandmother and grandson (Qur'an 4 verses 11-12).

Zakāt: *Zakāt* is an annual obligatory fixed payment by the rich to the poor in the society in accordance with the principle of *sharī'ah*. It is prescribed by Allah on every rich in the society as a measure to eradicate poverty, provide social security, and bridge the gap between the have and less privileged. In *sharī'ah*, strata of people in every society are different. Hence, society is organised on social stratification under the *sharī'ah*. This is succinctly expressed below

IV. Sharī'ah and Social Stratification: A cursory Look at Southwestern Nigeria

First, sharī'ah postulates a society as the organisation of people of diverse backgrounds and ideologies (Doi, 1984)²³. Each society is formed from conglomerations of clans who have come together to live as an entity. A typical example is Southwestern Nigeria. By this, people that are residing in the society are segmented in their hierarchical orders into a number of divisions. This is referred in this study as hierarchical ('*darajah*') status. In accordance with the sharī'ah, man are divinely created with different levels of wealth. Some are fated to be rich while some are dependents (Qur'an 16 verse 71). By this, the stratification under the sharī'ah is concisely put in this study into:

The rich or wealthy class (*al-Ghaniyy*): This is the stratum of wealthy people. They are those that are bestowed with abundance of wealth. They are divinely fated to be rich irrespective of their occupations. Through this, sharī'ah obliges them to benefit other strata that are not of the same status as they are. Among the modes of spreading their helping hands are through the *Zakāt*, *ṣadaqah* and *waqf* (endowment).

Middle Class (*al-Faqurā'*): This is a stratum of people who are of average means of survival. Their means of income are not as buoyant as that of the wealthy class. They are also referred to as dependents. This set of people is also categorised into two in this study: the poor and the needy. The poor are those that have means of their livelihoods with that of their families only. Among the members of this category in Nigeria are civil-servants or salary earners of low income. The needy fall into the class of people who are depending on another to survive. Members of this class cannot do without being assisted by the wealthy. This stratum is made up of virtually beggars, un-employed, orphans and anybody that depends on another to find his or her ends meet. By and large, sharī'ah proffers the cares of the dependent strata as a mean of establishing co-existence, promoting unity, social security and eradicating poverty through *zakah*, *sadaqah* and *waqf*.

The Qur'an examines categories of the above strata as the recipients of *zakah*. They are mentioned as (*Al-Fuqarā'*), poor, (*Al-Masākīn*) the needy, (*Al-Mu'allafatu Qulūbuhum*) slaves, (*Fir-Riqāb*) debtors and (*Al-Ghārimīn*) and wayfarer (Q9:60). Moreover, with the global economic challenge, additions have been made by the jurists to the recipients of *zakah*. They include orphans, low-salary earners, the unemployed, indigent students, widows, sick, aged, *al-Majiris* and handicapped. It may also be used to finance Islamic education and welfare of the nation.

Hadd (Penal code): In every law, there are certain measures to regulate the affairs of the society. This is referred in the *sharī'ah* as the '*Hadd* or penal code'. It is the segment of the Islamic law that checkmates wrong deeds in society (Doi, 2013)²⁴. There are specific laws that are laid down to control illicit act under the *sharī'ah*. Among them are laws on *Surkah* (Theft) (Qur'an 5 verse 38), *Hirābah* (Highway robbery) (Qur'an 5 verse 33), *Zina* (Fornication and adultery) (Quran 24 verses 2-3), *Qadhf al-Muḥṣanāt* (Defamation) (Qur'an 24 verse 4) and unjust killing of another fellow (either Muslim or non-Muslim). The punishments for these crimes are divine. That is why they are unchangeable under the sharī'ah. If they are applied in Nigeria or the South-west, there might be little or no criminal act. .

Prior to the applications of the penal-codes, the sharī'ah lays down certain humanitarian principles that government must provide for individuals to eradicate poverty. For instance, institution of *zakāt* is established to eradicate poverty, any act that can lead to theft and robbery. In the same vein, *nikah* (marriage) is established to curb *zina* (fornication and adultery). Sharī'ah also postulates condition that may warrant a man to practise polygamy. These may include wife's incurable disease that affects her health, bareness of long time and uncontrollable ill-conduct of the wife. Similarly, man may also desire to marry more than a wife, if he wishes, without any defect from the first wife. Meanwhile, he must be able to do justice and be financially capable to practise such.

On *Qadhf al-Muḥṣanāt* (Defamation), dignity of an individual is protected in the sharī'ah. Defamation is tantamount to character assassination. Islam warns Muslims to shun defaming one another either in public or private place. More so, shari'ah forbids unjust killing of another fellow. Indeed, life of every member of a community, either Muslim or non-Muslim is sacred in Islam. The decisive mechanism laid down in Islam for any unjust killing is to avenge with killing the killer. This is to protect lives of every individual and eradicate wasting of innocent victims. At this juncture, mention should be made of incessant massacre of people and genocide especially in the Northeastern part of the nation. Such act is not tenable in the sharī'ah. Islam protects lives and properties of Muslims and non-Muslims in the society. The protection is reiterated in a number of references of the Qur'an, hadith and other sources of the Islamic jurisprudence. These include

Thus, we forbade killing of one another unjustly. Whoever kills another person is like who massacres a whole group of people and whoever spares another fellows is like who safeguards lives of group of people... (Qur'an 5 verse 32).

Furthermore, on protection of life and property of every member of a community, the Qur'an postulates certain mechanisms to curb evil acts in society. Such measures include punishment for banditry, genocide, kidnapping, highway robbery and all other sorts of devilish act as they are common in Nigeria. These acts are

tagged 'waging war against Allah' in the sharī'ah. This is so because the sharī'ah examines co-existence of humanities irrespective of religious affiliations or tribes (Qur'an 49 verse 9-13). Through this, to maintain law and order on the sacredness of lives and properties, decisive punishments are expressed in a number of Qur'an references which include (Qur'an 5 verse 33). Meanwhile, if such measures are taken in Nigeria or Yorubaland, illicit acts might be curbed or reduced.

V. Sharī'ah in Yorubaland: Concept and Misconceptions

Sharī'ah takes new dimension in Yorubaland. It generates a number of perceptions which include political, ethnic, religious notions and western influence. These are grouped into concept and misconceptions. Divergences of perceptions are the challenges that hinder the implementation of the law in Yorubaland in particular. In the first premise, the notion of politics that has crept into virtually all affairs of the nation does not favour its establishment especially in Southwestern Nigeria. Sharī'ah is perceived as the system of law that is designed to be practised in Arab nation.

Historically, sharī'ah was embraced as the system of law in Yorubaland. It was adopted in the precolonial era by Muslims on some of their affairs; such as inheritance. It was also enacted by Muslim scholars who were grinded in the Islamic law especially in the Malikite school of thought (Abdulsalam, 2025)²⁵. The roles of those scholars were not political but to propagate Islam. Meanwhile the colonial administration imposed the British law over sharī'ah and later subjugated it to the customary law. Not only this, the adoption of the sharī'ah was supported by some notable monarchs in the Southwest among who were Oba Habeeb Olagunju of Ede 1855. An account reveals that he established sharī'ah court in his palace. His successor, Oba Oyelekan also sustained his legacy (Makinde, 2007)²⁶. Oba Momodu Lamuye of Iwo also established sharī'ah-court where issues of conflict and inheritance were resolved. Oba Aliyu Oyewole of Ikirun followed the same suit in 1910. Also, in 1851 Oba Kosoko of Lagos did not only embrace the sharī'ah but also advocated for its practice. This led to his exile to Epe in 1855 (Ajetunmobi, 2017)²⁷. At the reigns of these traditional rulers and others, sharī'ah was construed as the divine-law which caters for the needs of humanities. It was preferred on the inheritance over the traditional norms. This is due to the fact that it is explicit on the distribution of the deceased property beyond only the wife or wives as postulated in the traditional norm. However, due to the British colonization that relegates the sharī'ah and promotes the canon-law, the sharī'ah was not regarded as a law. Instead, it was coloured with hate titles and misconceptions. Till now, some Yorubas still perceive the sharī'ah as a severe or barbaric law.

VI. Gains and Pains of Yoruba Muslims' Advocacy for Sharī'ah implementation in the present Era

Retrospectively, Muslims recorded little achievements on their advocacy for sharī'ah. This was a reason why they clamoured of being marginalised by the government. However their demands for the establishment of sharī'ah in this present era has brought more developments to Muslims in the region. Some of the recorded achievements include approval of establishment of sharī'ah arbitration panels, election of more Muslims into governance, permitting the use of Hijab in institutions of learning and government offices, approval of specific hours for performing Friday prayers for the civil servants, employment of teachers of Arabic and Islamic studies, proliferation of classical Muslim associations, erection of mosques in government institutions and establishment of more Muslim schools.

Agitation of Muslims on implementation of sharī'ah in Nigeria especially in the Southwest has yielded positive as some of their demands have been granted by the government. These include the permission to establish sharī'ah arbitration panels. The panel is constituted by the chosen Muslim jurists with the aim of resolving intrareligious conflicts. Some of the challenges confronted by Muslims on marital affairs, economic problem and inheritance are always resolved by the panel. Abdulsalam (2014)²⁸, points out that the panel operates within the framework of the Nigerian constitution as an alternative mechanism for conflict resolution among Muslims. Notable among them are Independent sharī'ah Arbitration Panels (ISAP) which were established in Lagos, Osun, Ekiti and Oyo States. Some Islamic organisations also established similar panel. These include Muslim Ummah of South-West Nigeria (MUSWEN), Islahu-Deen Missionary Association of Nigeria, Nurudeen Islamic Organisation for Estate Distribution (NIOED), Zakāt and Sadaqah Foundation (ZSF) and Fatwa House for Arbitration and Dispute Resolution on Islamic Affairs.

Agitations of Yoruba Muslims on the needs for sharī'ah made them to be more active in Nigerian politics. They observed politics as a tool needed to achieve their objectives. Through their mass participation, some of them aspired to be governors in their respective states. Besides, their impacts also make them to be reckoned with in the selection of aspirants. Till now, Muslim is appointed as deputy governors of any southwestern state where a Christian is a governor. This has been the political culture on the gubernatorial selection. However, Ondo and Ekiti are different. This is due to the high population of Christians in the two states.

Approval of the use of Hijab in institutions of learning and government offices. Hijab is a prescribed female dress code in Islam. Initially, female Muslims were deprived of using it by the government. The denial serves as one of the factors that led to Muslims' advocacy for shari'ah. Through this agitation, hijab has been allowed in schools and government offices in Yorubaland. Addition to the approval of Hijab is the approval of specific hours for Muslim civil servants to observe the Friday prayers. The approval paves way for Muslims from 12pm to 3pm.

Employment of teachers of Arabic and Islamic studies is another achievement on the agitations. After a long argument over years, there is increase in the employment of teachers of the two twin subjects in primary and secondary schools. Also, there is increase in number of Muslim teachers of other subjects, though; the percentage is very low if compared with that of Christians. More so, the advocacy facilitated proliferation of classical Muslim associations. Some elite Muslims deemed it highly essential to sensitize the young Muslims and those who do not comprehend the knowledge of the religion. This modality facilitated the formation of modern Muslim organisations in the region. These groups are typologically categorised into the foundation, umbrella, individual, professional, independent and doctrinal ones (Oloyede, 2014)²⁹. Among these are Muslim Rights Concerns (MURIC), Muslim Ummah of South-West Nigeria (MUSWEN), National Council of Muslim Youth Organisations (NACOMYO), Akhbarudeen Society of Nigeria, Federation of *Ahlu-Sunnah wa Jama'ah, Nasrullahi Fatih* Society of Nigeria (NASFAT) and Islamic Welfare Foundation (Oloyede, 2014)³⁰.

Mosque is the Muslims' focal point. It is the most sacred place in Islam where Muslims worship. In addition to the deprivation of Muslims in the colonial era on their right to practise their religion, the post-colonial era also denied them of such. A modality to be free from this denial led to the reason for their advocacy. The efforts yielded positive after a number of clamour. At present, Muslims are allowed to erect mosques in some governmental ministries. There are also central mosques in many government secretariats.

Muslims' efforts on their demand for shari'ah practice also led to establishment of more Muslim schools. Activities of Muslim organisations and individuals on the act of sustaining the Islamic legacy on pursuance of western and Islamic knowledge brought the idea of dire needs of more Muslim private schools. To actualise this dream, more schools were built in addition to the existing ones built by some pioneer Muslim societies, such as Ansaruddeen, Ahmadiyyah Muslim Jama'ah and Muslim Association of Nigeria. The proprietors of those schools formed an umbrella association as a mean of inculcating tenets of Islam into the students. The umbrella body is titled Association of Model Islamic Schools (AMIS).

Similarly, advocacy also led to formation of relief foundation. Some are operating at state levels. There are also mosque and organisational relief associations. The present agitation also fetched Muslims the opportunity of securing an Islamic bank in the nation with branches in the southwest. The bank, al-Jaiz operates shari'ah banking system which is of high benefits to Muslims. It includes non-interest on loans, partnership with individuals and corporate associations based on the agreed profit sharing on shari'ah principle.

VII. Drawbacks on the advocacy for the Implementation

On the other side, with the advocacy of Southwestern Muslims on their demands for shari'ah in the past and the present, there are still many challenges that deny the approval. These include conflict between Shari'ah and Nigerian legal system, suspicion that the shari'ah might be imposed on others, marginalizing Muslims on dividends of politics, bacterdizing the meaning of shari'ah by non-Muslims, restricting Muslims from practising the law accordingly, ascribing hate names to Muslims, depriving Muslims to use hijab in some public schools, marginalisation of Muslims in public service, plural religious environment, misconception of shari'ah by non-Muslims, non-recognition of shari'ah as a state legal system, intra religious doctrinal differences, divergence of opinions of local Muslim clerics and politicization of religion. The above demerits are grouped into internal and external differences.

Adaptation of Nigerians to British-law is a big challenge to acceptance of shari'ah in Southwestern Nigeria. Shari'ah is perceived as the threat that will relegate the British-law. Hence, the society derives mechanisms to disapprove its practice by promoting common law and relegating the shari'ah. Addition to this is the suspicion that the shari'ah might be imposed on non-Muslims. Thus, the fear of perceiving the shari'ah as a criminal-law made many non-Muslims gang against its implementation. Not only this, those who do not comprehend the meaning and the scope of the shari'ah among Muslims also opposed its establishment.

Another drawback is the act of marginalizing Muslims on dividends of democracy. In a bid to derive benefits of democracy, Muslims increased their participation in politics. However, their active participation was perceived as a process to establish shari'ah. Thus, there aspiration for governorship post in the region is always opposed. Since the independence till the present, only few Muslims had emerged as governors in the region. At present, none of the six governors of the region is a Muslim. This is a challenge for Muslims on their advocacy.

Negative notion of non-Muslims on the establishment of shari'ah include bacterdizing the meaning of shari'ah. Some tagged it as the law of book-haram, bandits, genocide and criminology. They also ascribed hate names; such as fanatics, extremists, book-haram and terrorists to Muslims with the aim of condemning the

implementation of shari'ah in the society. As a result of these challenges, Muslims have been restricted from practising the shari'ah in detail as they wish. The demands for the shari'ah by Muslims is not accidental but their right to the freedom of the practice of religion as enshrined in the nation's constitution. Muslims are of the opinion that the Nigerian law satisfies the Christians but deprives Muslims of their fundamental human rights in which the shari'ah is inclusive.

Societal hindrance on the Muslims' demand for shari'ah practice includes labeling Muslims with many hate names such as infidels, hypocrites, Boko-haram, terrorists, Taliban and al-Qaeda. These names usually cause interreligious conflict by setting the adherents of Islam and Christians against each other in public.

Hijab is a prescribed female face-veil in Islam that covers from the head to the bosom with the exemption of face. Its usage is emphasized in many verses of the Qur'an. As part of the practices of Islam, Muslims appealed to the government to allow the use of Hijab for their daughters in schools. Unfortunately, in spite of the peaceful approaches adopted by Muslim parents on this appeal, only few public schools allow its usage. There are many cases of hijab crisis in secondary schools and other governmental ministries across Yorubaland. Some ministries claim that they denied its usage based on directives from the government and at times from the heads of such establishments.

Marginalization of Muslims in public service is rampant in southwestern states. This is due to plural religious environment, Irrespective of the demands of Muslims to the government to do justice on the employment; the situation remains incomparable with that of their counterpart. For instance, nearly all principals of secondary schools, vice chancellors, commissioners, rectors, provosts, heads of public directorates and security operatives are non-Muslims. This classification serves as drawbacks for Muslims on the success of their advocacy.

In another dimension, there are also different opinions among Muslims on the establishment of Hijab. While some are of opinion that it is very essential to establish it, some are of negative notion. Hence, there are intrareligious doctrinal differences, divergence of perspectives of Muslim and politicization of the religion.

There are also different perspectives of some Islamic religious groups. Leaders of some groups perceived that the shari'ah cannot be practised in Yorubaland. They argued that the Nigeria system of government is western and that the constitution is secular (62Salihah, 2025). By this, establishing shari'ah, according to them is not practicable. Similarly, some Muslims did not support the advocacy. They regarded the advocates as the extremists and their demand as non-reconciliatory ideology.

VIII. Conclusion

The study examines some advantages that the Muslims have benefited from their advocacy for establishment of shari'ah in Southwestern Nigeria. It analyses that though the government has not permitted the full implementation of the Islamic law, however, some of their demands have been granted. However, there are still challenges confronted by Muslims on their demands. These are summed-up into internal and external challenges. Government should grant the Muslims the rights to practise the shari'ah as enshrined in the constitution.

IX. Recommendations

In view of the above, I hereby give the following recommendations:

Justice is the bedrock of good governance. Therefore, it is highly essential for the government to maintain justice on religious affair without any bias.

The advocates should maintain dialogue as a mechanism to approach the government.

It is highly essential for Islamic scholars to enlighten those who do not comprehend the meaning of shari'ah among Muslims. This will acquaint them the knowledge of the law and the reason why it should be allowed in Southwestern Nigeria.

Muslims should maintain peaceful approach on the advocacy. By this, they should not cultivate any act of extremism, fanaticism, anti-government and confrontation in their approaches on their demand.

There should be cordiality and co-existence between Muslims and Christians for the uplift of the region.

References

- [1] I.E. Bolaji, *Olodumare: God in Yoruba Belief* (New York: London, 1993).
- [2] M.K. Muhammad, *The Noble Qur'an* (Riyadh Darussalam, 2014).
- [3] A.B. Fafunwa, *History of Education in Nigeria* (Great Britain: Lowe and Brydone Printers Limited.1976).A.B. Fafunwa, *History of Education in Nigeria* (Great Britain: Lowe and Brydone Printers Limited.1976).
- [4] A.B. Fafunwa, *History of Education in Nigeria...*
- [5] A. R.I. Doi, *Islam in Nigeria* (Zaria: Gaskiya Corporation Limited, 1984).

- [6] J.M. Cowan, *The Hans Wehr of Dictionary of Modern Written Arabic* (New Delhi: Modern language Service, 2006).
- [7] A.R. Doi, *Shari'ah, the Islamic law* (Toha Publishers: London, 2013).
- [8] N.B. Assad, *Principles of Islamic Faith: Al-'Aqidah Al-Wasitiyah* (Chicago: IQRA' International Educational Foundation, 2018).
- [9] O.N. Abdullah, *Islam and development* (Encyclopedia of Seerah. London: Seerah Foundation, 2008).
- [10] O.N. Abdullah, *Islam and development* (Encyclopedia of Seerah. London: Seerah Foundation, 2008).
- [11] A.A. Muhammad, *Management and Administration in Islam* (Riyadh: King Fahd University of Petroleum, 1999).
- [12] M.K. Muhammad, *Sahih Muslim* (Riyadh Darussalam, 2016).
- [13] A.A. Muhammad, *Management and Administration in Islam* (Riyadh: King Fahd University of Petroleum, 1999).
- [14] J.A. AbuBakr, *Minhaj al-Muslim* (Riyadh: Darussalam, 2004).
- [15] N.B. Assad, *Principles of Islamic Faith: Al-'Aqidah Al-Wasitiyah* (Chicago: IQRA' International Educational Foundation, 2018).
- [16] M.K. Muhammad, *Sahih Muslim* (Riyadh Darussalam, 2016).
- [17] M.K. Muhammad, *Sahih Muslim* (Riyadh Darussalam, 2016).
- [18] M.K. Muhammad, *Sahih Muslim* (Riyadh Darussalam, 2016).
- [19] O.N. Abdullah, *Islam and development* (Encyclopedia of Seerah. London: Seerah Foundation, 2008).
- [20] M.K. Muhammad, *Sahih Muslim* (Riyadh Darussalam, 2016).
- [21] J.A. AbuBakr, *Minhaj al-Muslim* (Riyadh: Darussalam, 2004).
- [22] M.K. Abdulsalam, *Administrative law of inheritance among Islahu-Deen Nigeria Missionary Association*, Project. Department of Arabic and Islamic Studies, University of Ibadan. B.A, 2014.
- [23] A. R.I. Doi, *Islam in Nigeria* (Zaria: Gaskiya Corporation Limited, 1984).
- [24] A.R. Doi, *Shari'ah, the Islamic law* (Toha Publishers: London, 2013).
- [25] M.K. Abdulsalam, *Historical Application of Islamic Inheritance Law in South-West Nigeria*. *Wukari International Studies Journal*, 9 (5), 2025, 188-201.
- [26] A.K. Makinde, *The Institution of Shari'ah in Oyo And Osun States, Nigeria. 1890 – 2005*, doctoral diss., Thesis. Dept. of Arabic and Islamic Studies, University of Ibadan. Ph.D., 2007.
- [27] R.O. Ajetumobi, *The Benin Factor in the History of Lagos: Historical Origin*. Retrieved on March 22, 2017, from www.Google.com
- [28] M.K. Abdulsalam, *Administrative law of inheritance among Islahu-Deen Nigeria Missionary Association*. Project. Department of Arabic and Islamic Studies, University of Ibadan. B.A, 2014.
- [29] I.O. Oloyede, (2014), *Islam in Nigeria: a Century of National Islamic Societies*. Keynote Address. International Conference of Islam in Nigeria (COIN) (University of Ilorin, 2014).
- [30] I.O. Oloyede, *Islam in Nigeria: a Century of National Islamic Societies*. Keynote Address. International Conference of Islam in Nigeria (COIN), (University of Ilorin, 2014).