

# USING THE MECHANISM OF LAW AND LEGISLATION FOR CURBING CONTEMPORARY SOCIAL PROBLEMS IN NIGERIA: THE OPTIONS IN THE SHARĪ'AH

By

Ismaila, Wakeel. O.

Department of Islamic Studies, Oyo State College of Education, Lanlate  
[wakeelolaniyi77@gmail.com](mailto:wakeelolaniyi77@gmail.com), 08034205508

&

Dr Ismail Kolawole ODENIYI

Department of Islamic Studies, Adeyemi Federal University of Education,  
Ondo, Ondo State  
[odeniyyik@aceondo.edu.ng](mailto:odeniyyik@aceondo.edu.ng); [ismailode08@yahoo.com](mailto:ismailode08@yahoo.com), 07030341946

## Abstract

This paper identified some contemporary social problems, discussed their direct and indirect effects on the society and projected the efficacy of Sharī'ah for curbing such social problems in the Nigerian society. The task was hinged on the general assertion that Nigerians are highly religious, yet social malaise vis-à-vis moral decadence and crime rates increase daily in a geometrical progression, thereby constituting a variance to the expected morality level. This is brought about mainly by modern science and technology amidst other predisposing sub variables, such as widespread poverty, divorce and juvenile delinquency, alcoholism and drug addiction and other societal afflictions which affect people's daily living and general well-being. The paper accounted for some of these social problems and discussed the Sharī'ah options for curbing the menace, using textual and historical approaches. Based on the study, the authors recommended among others that social miscreants and lawbreakers be made to face adequate punishment in order to deter others from crime and promote social stability in the Nigerian society.

**Keywords:** Social Problems, Crimes, Sharī'ah law, antidotes.

## **Introduction**

In the early times, legal systems concentrated on a few matters that seemed to be the most urgent, these include the maintenance of civil peace, provision of basic necessities of life, the suppression of crime and violence, the protection of property and the enforcement of contemporary moral standards in family relations (Adebayo, 2012:2). Gradually, the scope of law was extended so that it is difficult to find modern examples of human conduct that are not in some ways regulated by law. In most modern states, the citizens are cared for and governed by law from the cradle to the grave. Indeed, the span goes beyond both extremes, for the question of abortion is subject to regulation by law and after death, the law sees that a deceased's will is put into effect, if it meets legal requirements (Doi,1984). Meanwhile, this work mainly examined the use of law to curb social problems.

The word "Law" comprises all the principles, rules and enactments that are applied in the country and enforced by the power of the state. Legislation on the other hand comprises the rules of law adopted by agencies of government to regulate social behavior (Abdul-Azeez, 2014). The term legislation is commonly used specifically for the laws enacted by representative assemblies as well as for the process of enacting laws (Schacht, 2014). Meanwhile the purpose of enacting law and legislation is intertwined, just as law and public policy are inseparable. As opined by Jimoh (2015), it is necessary to understand the purpose of law, for, it is against that purpose that the debate over good and bad law will range. Good law is one that responds to and delivers on the interest of groups and organizations and societies. Such law is especially said to be responsive when it proffers solutions to contemporary social problems. In the light of this, the current work was designed to examine the possibility of using Islamic law and legislation (Sharī'ah) to address the current societal problems with reference to Nigerian society. The work employed textual and historical approaches to drive home its point.

## **Law and Social Problems**

A social issue is a problem that influences a large number of individuals within a society (Hanson, 2013). Social issues often extend beyond an individual control and then become common problems affecting the society. Therefore, social laws refer to laws that are adopted to solve social problems affecting the society. Such laws are enacted and directed at promoting common goods in the society.

In modern-day Nigeria, many contemporary social problems have emerged which are against the norms, morals and ethics of the society and of course, make life very uncomfortable. Such problems include outward exhibition of moral decadence occasioned by widespread poverty, alcoholism, and drug addiction, divorce and juvenile delinquency, sexual crimes and many other social afflictions which destabilize the social order of the society. Effective application of law is therefore required to ensure a socially stable society (Okarah, 2014). In the Sharī'ah for example, social laws are not a means of maintaining the status quo, but an instrument of social engineering. It is based on man's worship of Allah and maintaining healthy social relationship with fellow men. The Sharī'ah addressed social aspects of life in its provisions for removal of injury, oaths and vows and punishment for crimes (Schacht, 2014). Hence, some prevalent social problems in Nigeria were examined with a view to suggesting measures of curbing them in the perspective of the Sharī'ah. A few of these problems were discussed below:

### **Social Problems occasioned by Science and Technology**

Science and technology, though a blessing, seems to have become a curse to man and humanity over time. Although, it is the mother of inventions, a break-through in modern business, facilitator of qualitative education and the controller or pivot of the modern day economy, expanding and covering larger frontiers of the universe in each new day (Agbefu and Sakurai, 2013), yet it is not without its own negative effects. It has been responsible for the alarming rate of crimes, injustice, killing and robbery, kidnapping and many other social disasters. Among the negative impacts of science and technology are the Hi-tech business crimes, such as credit cards and internet robbery and theft, luring victims into hooking on to false business link and contacts on the internet and cyber-crimes which promote examination malpractice among students (Brenner, 2012). For example, mobile phones have been used for cheating in public examinations in Nigeria.

The internet also provide access to phonographic shots and films which lure our youths to unhealthy and indiscriminate sexual activities, access to ungodly websites also known as *satan.com*, juvenile robbery clips, unauthorized and destructive clips showing crimes, shooting and sexual lawlessness (Alshalan, 2005). These and many more are readily available on the internet, home videos, crimes novels, journals and other publications.

They serve as the negative impact of science and technology which threaten and destroy the modern-day Nigerian society. Not only this, they also serve as spring boards for the proliferation of small and large scale crimes that result in total break-down of law and order in the society. These crimes become more socially threatening when it affects the children, leading to increase in juvenile crimes.

### **Juvenile Crimes as a Prelude to Social Disruption**

Juvenile crimes are those immoral behaviours exhibited by children below the ages of 18 (eighteen). Sometimes, they are overlooked or ignored by the parents, government and law enforcement agencies. Children are often rated as minors, meaning that they cannot or are not permitted by the law to stand trial when they commit crimes. These juvenile crimes are classified into three types namely: juvenile delinquency, gang delinquency and Neurotic delinquency (Adediran, 2008) which is a type of symbolic stealing by isolated children. There are many factors that lead to delinquency in children, these includes lack of adequate parental care which is sometimes occasioned by divorce; negative peer group influence; poverty which results in under-feeding and inadequate provision of necessary basic needs and lack of proper guidance and counseling services which usually help individuals to overcome obstacles (Anagbogu, 2018). Be that as it may, children's involvement in crimes calls for urgent actions because of the threat to the nation's future. All legal provisions for juvenile crimes need be reassessed in order to nib them in the bud.

### **Widespread Poverty**

Poverty is another contemporary social problem affecting Nigeria. It is a state of complete lack of minimal means of livelihood. In many parts of the world, poor people are regarded as those people who cannot for one reason or the other play economically productive role due to inadequate income for themselves. Poor people are not only deprived of most material comfort of life, but also cannot attain their maximum emotional and social development (Thompson,

2018). It is therefore not a gain-saying that the poor lacks the means to satisfy the basic needs of life and they do not have personal assets necessary to produce income and wealth. They are not only deprived of most material comfort of life, but also, cannot attain their maximum emotional and social development (Ogwezzy, 2012). Judging by the USDS's (United State Department of States) estimation, about eighty five percent (85%) of Nigerians are poor. This implies that an average Nigerian family may not be able to afford three square meals per day. This gives birth to incidence of high involvement of her citizens in immoral conducts, such as corruption, bribery and all types of criminal activities (Hanson, 2013). The major causes of poverty in Nigeria include lack of employment and inadequate measures of poverty alleviation which invariably result in high level of dependent population.

### **Alcoholism and Drug Abuse**

Alcohol and hard drugs are regarded as intoxicants which when taken modifies or alter normal function of human bodies. Such intoxicants include alcoholic drinks such as fermented juice, grape or barley. It may also include any liquor or drug which has the same property (Doi, 1984). Drugs such as tobacco, cocaine, heroin, Indian-hemp among others also form part of intoxicants which are daily abused by many Nigerians and this often lead to bad consequence in the society. Many drinkers and drug addicts have suffered from various kinds of diseases such as stomach pain, liver damage and other deadly diseases. Although, intoxicants are known to give the abusers temporary feeling of joy and relaxation, it is often short lived and it quickly wears away. Taking of intoxicants may also cause an increase in heart beats per minute and blood pressure in drinkers. It can equally affect the brain and human nervous system (Kent, 2015). Alcoholic related vehicles accidents are also known to have killed many people and injured many others in the Nigerian society.

Victims of drug and alcohol consumption are also compelled to take the drug or substance on a continuous basis in order to experience its mental effects and avoid the discomfort of its absence. He begins to realise that he needs to progressively increase doses of the intoxicants in order to remain "normal" and to avoid the withdrawal syndrome characterised by a combination of anxiety, insomnia, tremor, headache, restlessness, increased perspiration, vomiting, diarrhea, hallucination and even death (Kent, 2015). Drug addiction and alcoholism therefore poses a serious social malady for the Nigerian society and together with other social problems, requires a far reaching solutions. This work as earlier mentioned attempted to examine the Sharī'ah options for curtailing these social ills.

### **The Sharī'ah Options for curbing Social Crimes**

With regard to the Sharī'ah, it addresses social problems in its provisions for curbing crime in the society. It tries to integrate the worship of Allah with the mundane activities, namely, political, social and economic life into an encompassing religious world view. The scholars of the Qur'ān have enumerated varying number of verses of legal injunctions, but the number is approximately considered to be 500. They deal with marriage, polygamy, dower, maintenance rights and obligations of the spouses, divorce and various modes of dissolution of marriage, the period of *iddah* (retreat after divorce), fosterage, wills and inheritance. All these are categorised under the law of inter personal relations (Doi, 1984).

The social aspects of Islamic law are also embedded in its provision for removal of injury, oaths and vows and punishment for crimes. The crimes which are punishable in Sharī'ah are ones which affect the society. They include adultery and fornication, as well as wrong accusation of adultery, robbery and murder. For example, the social impact of fornication is shown in its tendency to destroy the very basis of family. It may lead to quarrels and murders. It may ruin reputation and property and lead to spread of sexually transmitted diseases in the society. The society in the purview of Islam takes preference over any of its inhabitants. It is because of this reason that any crime committed against the peace and well-being of the society is regarded as crime against the Creator Himself. The Sharī'ah options for curbing social crimes were therefore addressed in this paper by examining its provisions of preventive measures against crime; its maintenance of careful scrutiny in the investigation of social crimes and the institution of deterrent measures to eliminate crime.

### **Provision of Preventive Measures against Crime**

The Sharī'ah provides strategies for the prevention of crimes which are plaguing human society. Through the teachings of the Qur'ān and Ḥadīth which are its primary sources, it shows cases that human welfare, or his peaceful and pleasant life, depends on the promotion of *ma'rūf* (goodness) and prevention of *munkar* (evil). For achieving this objective, the Sharī'ah has evolved a comprehensive system of fundamental beliefs known as *awāmir wa nawāhir* (commands and prohibitions) or rules, moral teachings and pronouncement of reward for good and punishment for wrong-doers. All these parts of the system are well- connected with each other and they are working in a coherent, holistic way. These are the best strategy for the prevention of crimes.

The Sharī'ah gives more importance to the training of mind of people against crime through its teachings and legal principles. The Sharī'ah repeatedly invites people to understand the dangerous consequences of crime for the individual and for society. It reminds people of the Divine system of reward on the Day of Judgement for good-doers and punishment for wrong-doers, and warning the latter of the horrible situation of hell which they have to face, if not forgiven by Allah Almighty. Of course, firmness in this belief becomes a deterrent against the commission of crimes in the society. Beside this, it has laid down strict rules and prescribed harsh punishment for those who indulge in crimes and endanger the life, honour or property of others.

The Sharī'ah gives a well-defined system of *awāmir and nawāhir* (do's and do not's) which cover every aspect of human life. The Qur'ān for example commands about taking care of life and property of every one, not to play with honour and dignity of any person and to show gentle, just and respectable treatment to each member of society ( Q.4:36, Q.5 : 8, Q.16 : 90, Q.17 : 32, Q.24 : 23, Q.49 : 11-12, Q.31 : 18). Thus, Sharī'ah serves as a tool for guiding and training of people's mind against crime and as well protects human rights. It invites mankind to keep in mind that each and every social crime entails violation of human rights, and this ultimately creates conflict and tension in family or society and shatters peace. An understanding of these teachings, values and principles is required to prepare the modern mind to accept the fact that crime is destructive not only for an individual, but also for the whole society. Hence, it is their collective duty to work for their prevention.

The Qur'ān exhorts people to make effort wholeheartedly for the spread of virtues and eradication of evils. Collective effort of people is desirable in view of the Qur'ān as this is more effective in attaining the desired goal. The Qur'ān calls upon believers to cooperate with each other for the good and not to cooperate with each other for sinful acts (Q.5:2). This injunction, without doubt, strikes at the foundations of organised crime.

The aim of the Sharī'ah is to create a crime free environment, and not create offenders. For example, men and women are urged to wear modest and decent dresses, lower their gazes and avoid mingling of two sexes (Q.33:59, Q.24:30, Q.33:53). These verses appear as follow in the Qur'ān.

O Prophet, tell your wives and daughters and the believing women that they should cast their outer garments over their persons. That is most convenient, that they should be known (as such) and not molested and Allah is oft-forgiving, most merciful. (Q. 33:59).

Say to the believing men to lower their gazes and guard their modesty. That will make for greater purity for them and Allah is well acquainted with what they do (Q. 24:30). And

... for anything you want, ask them from behind a veil. That makes for greater purity for your hearts and for theirs (Q. 33: 53).

Based on this commands of Allah, the Prophet (pbuh) enforced separation of women at the mosque. Women's rows were separated from that of men. Men were also asked to stay in the mosque after completion of obligatory prayers so that women would have enough time to leave the mosque (Al-Bukhāri, 2005). These provisions are meant to prevent the crime of fornication, adultery, premarital sex, extramarital sex, rape, sodomy and lesbianism. In the same vein, Muslims are urged to shun intoxicants and gambling in order to prevent their abuse, addiction and drug or alcohol induced crimes of fraud, stealing robbery and murder.

### **Ensuring careful Scrutiny in the Investigation of Crimes**

In Sharī'ah, Allah's justice is open to all and no one can be abused or oppressed through the mechanism of law. For instance, a charge against a chaste individual needs to be confirmed and proven beyond any reasonable doubt. Allah says:

And those who launch a charge against chaste women, and produce not four witnesses (to support their allegations), flog them with 80 stripes; and reject their evidence ever after: for such men are wicked transgressors (Qur'ān, 24:4)

Islam, therefore, discourages unwarranted suspicions as much as possible. Allah says:

O you who believe! Avoid suspicion (as much as possible): for suspicion in some cases is a sin. And spy not on each other, nor speak ill of each other behind their backs. Would any of you like to eat the flesh of his dead brother? Nay, you would abhor it... But fear Allah: Allah is Oft-Returning, Most Merciful.(Qur'ān 49: 6)

So, if a person accuses a woman or a man of adultery or fornication, he or she should be given the benefit of the doubt in order to prevent social disharmony and rancor in the society. Allah warns the believers against the mischief of the wicked as follows:

O ye who believe! If a wicked person comes to you with any news, ascertain the truth, lest ye harm people unwittingly and afterwards become full of repentance for what you have done. (Qur'ān 49:6).

These provisions are meant to prevent social instability which may arise as a result of false testimony and frivolous abuse of the rule of Sharī'ah or its use to torment others in the society.

### **Provision of Deterrent Measures to Eliminating Crimes**

Deterrents are also provided in the Sharī'ah to eliminate criminal tendencies among people and promote general compliance with Islamic social legislations. The Qur'ān declares it as part of the duties of Muslim rulers to take steps towards checking crimes and show no leniency to criminals irrespective of their socio-economic status and political positions (Yusuf, 2013). In the purview of the Sharī'ah, every convicted criminal should be punished accordingly in the eyes of the public. For example, the punishment for adultery is laid down in the Qur'ān as follows:

The man and woman guilty of adultery or fornication, flog each of them with a hundred stripes: let no compassion move you in their case, in a matter prescribed by Allah, if you believed in Allah and the Last Day: and let a party of believers witness their punishment.(Qur'ān 24:2).

The Prophet's (S) enforcement of the final revelation on the prohibition of drinking wine and gambling is also revealing in this regard. The Qur'ān states as follows:

O ye who believe! Intoxicants and gambling, (dedication) of stones, and (divination by) arrows are an abomination of Satan's handiwork: Eschew such abomination, that you may prosper. Satan's plan is (but) to excite enmity and hatred among you, with intoxicants and gambling, and to turn you away from the remembrance of Allah and from Prayer: Will you not then abstain? (Qur'ān, 5:90-91).

It is based on this outright prohibition of intoxicants that the Prophet (pbuh) publicly administered forty stripes on drunkards in order to deter others from embracing it (Al-Bukhāri, 2005). This punitive measures embedded in the Sharī'ah can therefore be adopted to curb the problems of alcoholism and drug abuse in Nigeria and elsewhere in the world. The problem of alcoholism and drug-addiction prevalent among the people in many developed countries of the world point to the fact that they are unhappy due to its resulting social and health challenges.

Conventional wisdom will also checkmate others from committing crime when he sees that the culprits are duly punished. All law abiding Muslims are required to see this divine punishment for the culprits as Allah's blessing for the entire humanity. Duly punishing the convict for example, means that the law-abiding people will have peace of mind having been sure that they

are being duly protected by the Law. Thus, this is tantamount to removing the social cancer for the benefit of all.

### **Conclusion and Recommendations**

This paper has so far revealed that the Shari'ah possesses certain testable solutions to Nigerian social problems. These solutions abound in the Qur'anic commands: its do's and don't's, admonitions, warnings, cautions and injunctions which summarily prevent social crimes. The paper showcases some of these preventive measures and other options such as the maintenance of careful scrutiny in the investigation of crimes and as well as provision of adequate punishment for perpetrators of social crime. This measure it may be concluded, portend invaluable guidance for the Nigerian society which daily yearn for peace and social stability. The paper therefore inclined to recommend as follows:

Religious and civic education should be made compulsory for students at all levels of education in Nigeria. In addition to this, teachers of religious studies should place emphasis on religious and moral teachings which encourage civility and social harmony.

Poverty alleviation strategies such as payment of zakāt and sadaqāh as basic Islamic recipes for poverty alleviation should be embraced, organised properly and channelled to assist the poor and the down-trodden. This will forestall rivalry between the haves and the have-nots. It will also promote social harmony and peaceful co-existence in the society.

The government should provide jobs for its teeming population of youths in order to forestall social unrest and crimes which are sometimes occasioned by idleness and lack of basic needs. The law enforcement agents and others in charge of legal and judicial administration should approach and perform their tasks with utmost sense of discipline and professionalism. As much as no one should be allowed to evade reprimands for engaging in crimes, people should not be wrongly accused and punished for crimes committed by others. Hardened criminals should be duly punished for their crimes against the society, and such punishment should be made public in order to deter others from such path.

### **References**

- Abdul-Azeez, M. A. (2017). Judgments and Resolution of Muslim Marital Matters in Customary Courts and Independent Shari'ah Arbitration Panel in Oyo State, Nigeria 2000-2013. PhD. Thesis. Dept. of Arabic and Islamic Studies. University of Ibadan. Xiv + 318pp.
- Adebayo, R.A. (2012). *The Nigeria Police and its Public: Issues and Controversies of Human Right*. Lagos: Chimchi Blessed Nig. Ventures.
- Adeniran, A. (2008). The Internet and Emergence of Yahooboys Sub-Culture in Nigeria. *International Journal of Cyber Criminology*. 2(2) 368-381.
- Al-Bukhari, M. I. (2005). *Sahih Al-Bukhari*, Vol. 1. Number 729. Daarul Fikr, Cairo.
- Agbefu E. F. and Sakurai, K. (2013). Domain Information Blacklisting Method for the Detection on Malicious Webpages. *International Journal of Cyber Security and Digital Forensic*, 2(2), 36-47.



- Alshalan, A. (2005). *Cybercrime Fear and Victimization: An Analysis of a National Survey*. Published by the Department of Sociology, Anthropology and Social Work. Mississippi State university.
- Anagbogu, M. A. (2018). *Foundation of Guidance Counselling*. New York: John Willey and Sons.
- Brenner, S.W. (2012). *Cybercrime and the Law: Challenges, Issues and Outcomes*. Northeastern University Press: New England.
- Doi, A. I. (1984). *Shari'ah: The Islamic Law*. Taha Publishing Company, London: United Kingdom.
- Hanson, B. T. (2013). Leadership and Social Development of People. *Journal of Elementary School*, 1(2).
- Jimoh, A. (2015). *Law, Practice and Procedure of Legislation*, Academy Press, Lagos.
- Kent, M. (2017). Effects of Alcohol, 1 of 4. Retrieved from <https://www.ethics.com/spo3htm>
- Ogwezzy, M. C. (2012). Cybercrime and the Prolifiration of Yahoo Addicts in Nigeria. *Agora International Journal Jurisdiction Science*. 1, 86-102.
- Okarah, C. I. (2014). Causes and Effects of Insecurity in Nigeria: the Challenges and Relevance of the Nigerian Police Force as a Panacea. MSc. Dept. of Public Administration and Local Government Studies, University of Nigeria, Nsukka. Vii + 135.
- Schacht, Joseph (2014). *Islamic Law. Encyclopaedia of Islam*. Vol. 7 (2nd ed.). Brill Academic Publishers. pp. 106–113. [ISBN90-04-09419-9 Islamic Laws of Inheritance Surah Al-Baqarah Ayat 180 \(2:180 Qur'an\) With Tafsir](https://doi.org/10.1017/S0021871814000000)". My Islam. Retrieved 2022-07- 12.
- Thompson, E. F. (2018). *Basic Income and Poverty Alleviation in Rural Areas of West Africa*. Ibadan: Evans Publishers Ltd.
- Yusuf, A. A. (2013). *The Holy Qur'an, Text, Translation and Commentary*. Washington D.C. Amana Corporation.