

## **An Examination of Human Rights in Islam: A Quest for Individual and National Security**

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### **ABSTRACT**

*The rights of man are important to the progress and development of the society. It is on this note that Islām, as a divine religion, has catered for the rights of man in all aspects of life. The problem here, however, is that these rights are exercised in the contemporary society without considering the rights of one another which is now causing a high level of insecurity in Nigeria as a nation. Therefore, the purpose of this research is to examine the rights of man from the Islamic perspectives with a view to safeguarding the life and property of individual and developing the nation. The paper has adopted analytical and phenomenological methods of research. The result of this research was that there are well established rights of man in the Nigerian constitution only that there is no implementation. Also, it has been revealed that there is no justice and equality in the application of the rights. The paper concluded by recommending justice and equality in the application of rights in the country to secure the lives and property of individual and for strengthening the nation economically, socially and politically.*

**Keyword:** Human Rights, Islam, Nigeria, National Security, Justice and equality

### **INTRODUCTION**

The root cause of crises is due to the negligence of the rights of citizens which cut across socio-moral and religio-political, as well as educo-economical rights of individual in the society. Today, people are subjected to mental and physical torture, domestic violence, police brutality, kidnapping, public harassment of human rights activists and journalists as well as unlawful detention of innocent citizens, all in the name of misappropriation of rights. Statistics have shown that seventy percent of inmates in Nigerian prisons today are pre-trial detainees.<sup>4</sup> Moreover, the availability of oil in the Niger Delta region which does not avail them from abject poverty gave birth to militant groups and arm gangs to seek control over the resources within their vicinity, thinking that they have been alienated and their rights have been infringed upon. This has been the bedrock of violence in the eastern part of the country.<sup>5</sup> Again, the evils being perpetuated in the South West part of the country by the Fulani herdsmen triggered the anger of the inhabitants, thereby, seeking redress by proclaiming Yoruba nation. These human rights violation by different categories of people and authorities are again another backbone of insecurity in Nigeria.<sup>6</sup>

It is against this background that this paper aims at examining human rights from the perspective of Islām in order to mitigate and redress the chaos caused by the abuse of rights by the Nigerian state and its citizens. Numbers of authors across

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<sup>4</sup> E.E. Obioha, "Challenges and Reforms in the Nigerian Prisons System" *Journal of Social Sciences* 27, (2), 95-109, 2011

<sup>5</sup> I.S Ibaba, "Alienation and Militancy in the Niger Delta: Hostage Taking and the Dilemma of the Nigerian State, *African Journal on Conflict Resolution* 8 (2), 11-34, 2008

<sup>6</sup> A. Adegbam, "Insecurity: A Threat to Human Existence and Economic Development in Nigeria" *Public Policy and Administration Research*, 3, (6), 8-13, 2013

different fields have discussed extensively on the provision of human rights according to the Nigerian constitution and in Islamic dimensions. For instance, Adegbamigbo has maintained that the insecurity being experiencing in Nigeria today is a notable threat to human existence and a recognized hindrance to the growth of the country's economy. It is worthy to point out here that the author has done pretty well by dealing with insecurity in general, however, the work did not take the stance of Islām into account, and this lacuna is going to be filled by the present study. Zelikow has laid much emphasis on the connotation of national security to mean the protection from internal aggression and external oppression which is a violation of human rights. This paper is going to augment the effort of the author by backing it up with the provisions of Nigerian constitution. Aishah and Isma'il have argued that to fully establish the principles of human rights in Islām, wealth must circulate from the rich to the poor<sup>7</sup>. This would go a long way in eradicating grudges amongst the Muslims, nevertheless, the work has not dabble into the discussion of human rights in the context of Nigerian legal system, which is one of the focuses of the present study.

### **NATIONAL SECURITY: A CONCEPTUAL ANALYSIS**

According to Holmes "National Security is the safe keeping of the nation as a whole, its highest order of business is the protection of the nation and its people from attack and other external dangers by maintaining armed forces and guarding state secrets".<sup>8</sup> The ability and capability of a state to be in control of its sovereignty and holds its destiny in its hands is very crucial while discussing the issue of national security of any given country. If a state is lacking this, then, there is the tendency that its national security is at stake and this may later lead it to be labeled a failed state. The power of a nation is heavily rested on the shoulder of its military strength, economic power and the law enforcement agencies.

Additionally, the military ability of a nation supposed to be well managed, checks and balances are to be in place to examine whether it is in operative or the whether it is strong enough to guard against insecurity. Personally, it is the nature of man to protect his life, property, family and even his interest in order to stay alive and steady. Thus, it is the duty of the government and its citizens to be security conscious in order to guard their country against internal aggression and external oppression, the state should therefore, strive by every means possible protect its citizens, assets, heritage and sovereignty at large.<sup>9</sup>

Security denotes the state of being secure, free from war, free from poverty and also from being captured or powered. The tools to be used by the government in ensuring its safety cut across military prowess, safety knowledge, and the well management of nation's established public institutions. National Security at a wider scope can be said to be all those measures taken by a country to uphold its heritage at national level and to be able to withstand its sovereignty at international level. It is imperative to note that Nigerian insecurity is traceable to internal aggression rather than external oppression.<sup>10</sup>

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<sup>7</sup> Aisyah S. and Ismail N., "The Distribution of Zakat at the Time of Caliph Umar Ibn Khatab", *Al Iktisab: Journal of Islamic Economic Law* 3(2), (2019)

<sup>8</sup> P. Zelikow, "The Transformation of National Security: Five Redefinitions", *The National Interest*, 17-28, 2003

<sup>9</sup> A.O Oluwaseun, "Religious Violence and National Security in Nigeria, 1999-2011, *International Affairs and Global Strategy*, Vol 42, (2016) 23-31

<sup>10</sup> Oluwaseun, "Religious Violence and National Security in Nigeria, 1999-2011, *International Affairs and Global Strategy*

## **HUMAN RIGHTS: A CONCEPTUAL ANALYSIS**

The term human right has attracted different definitions from different people of different organizations. According to Equality and Human Rights Commission, it is defined as “the basic rights and freedoms that belong to every person in the world, from birth until death”.<sup>11</sup> From their own definition, UNICEF submits that “Human rights are standards that recognize and protect the dignity of all human beings”.<sup>12</sup> From this, it is deducible that human rights cater for the wellbeing of every individual regardless of where he hails and without considering his human status. The government is bound to carry out certain duties on behalf of its citizen and these things must not be neglected in order for the rights of the citizens not to be jeopardized.

More so, individual’s responsibilities must be duly observed, for the rights of some people are the duties upon the others and vice-versa. Human rights are universal and all encompassing, if it happens that a person’s right has been infringed upon, it is the duty of the state or the concern authority to redress that. It should be noted that there is no hierarchy in the exercise of rights and there is no discrimination in the fulfillment of obligations. The human rights tentacles cover not only the wellbeing of the citizens but also ensure that all people must be active whenever the need arises and nobody should be silenced because of their status or disposition.<sup>13</sup>

Therefore, a nation and all other duty bearers must comply and abide by the provisions of the law relating to human rights, failure to do this; any aggrieved rights holders can file a legal petition against them before a competent court. The rights of a citizen cannot be annihilated except if he has broken the laws of the country or to safeguard the interest of the national security. The major functions of human rights are to ensure the dignity, fairness, equality, respect and independence of all citizens. The craving for human rights by the world and the need to safeguard the security and privacy of every individual has necessitated the Nigerian government to have made outstanding provisions for the wellbeing of the rights of her citizens. It is crucial to note that the provision for the safety of human rights in the traditional Nigerian society especially in the Northern part of the country under the shade of Islamic principles predated the advent of colonialism in the region, only that it is not view like its modern nature.<sup>14</sup>

It was firstly introduced by the colonialists under the leadership of Clifford in 1922, the agitation for political inclusiveness by the early nationalists led to Littleton Constitution of 1954. This continued to be in operation until 1960 when the constitution firstly made provision for fundamental human rights, the 1963 constitution also follow suit. The citizens again enjoyed more under the 1979 and 1999 constitutions which elaborated on human rights and thus made a list of bill of rights.<sup>15</sup> It should however be noted that the military continuous interruptions served as great threat to the uphold of human rights laws of the 1960 constitution while the uprising revolts by militant groups like *Boko Haram* and Niger Delta militant led to the violation of human rights laws of 1999 constitution of the federal republic of Nigeria despite the fact that the whole

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<sup>11</sup> E.D Kinney, “The International Human Right to Health: What does this Mean for Our Nation and World” *Ind. Rev.* 34, 1457, 2000

<sup>12</sup> Unicef, “State of the World’s Children Celebrating 20 Years of the Convention on the Rights of the Child?”, *Unicef*, 2019.

<sup>13</sup> Unicef, “State of the World’s Children Celebrating 20 Years of the Convention on the Rights of the Child?”

<sup>14</sup> Federal Republic of Nigeria, National Action Plan for the Promotion and Protection of Human Rights in Nigeria, (Abuja: 2006).

<sup>15</sup> Federal Republic of Nigeria, National Action Plan for the Promotion and Protection of Human Rights in Nigeria, (Abuja: 2006).

chapter IV of the constitution is dedicated to safeguarding the rights of the citizens.<sup>16</sup> To give it more appealing picture, there is new Human Rights Commission Act of 1995 as amended in 2010.<sup>17</sup>

Rights in Islām emanate from Almighty Allah, the law Giver, He is the creator of the universe and all the things that exist on it, man inclusive. He thereby knows best what befits them, what would make them happy and everything that would create chaos amongst them, thus, He laid down principles that would be guiding their conducts towards one another.<sup>18</sup> He says of His all encompassing knowledge of His creations in Q67:14: “*Should He not know, - He that created? and He is the one that understands the finest mysteries (and) is well-acquainted (with them).*”

Moreover, the will of Almighty Allah to provide abundant wealth for some class of human being and made some others poor is to explain to them that they have rights and duty over and above one another. In addition to this, various pages of the Glorious Qur’ān deal with the relationship of man towards one another as well as the rights of Almighty over the man and vice-versa. The same thing is applicable to the *Sunnah* of the Prophet صلى الله عليه وسلم in the sense that numbers of his sayings explain the rights of individual from his partner. The Prophet has said: “*None of you is a (true) believer until he loves for his brother that which he loves for himself.*”<sup>19</sup> He says in another *Hadīth* that: “*A Muslim is a brother to another Muslim, he must not wrong him or hand him over to the one who will wrong him.*”<sup>20</sup> To confirm and re-affirm these sayings of the Prophet, Almighty Allah has placed the duty of brotherhood on the shoulders of the generality of the Muslims as contained in Q49:10.

It is worthy of noting here that there are two major sources of human rights as far as the religion of Islām is concerned; the Qur’ān and the *Sunnah* of the Prophet صلى الله عليه وسلم. Other Islamic literatures that discuss the issue of human rights are just elaborating the texts of these two sources. Therefore, the claim of those that say there is no provision for human rights in Islam is baseless.<sup>21</sup>

## APPLICATION OF HUMAN RIGHTS FOR INDIVIDUAL AND NATIONAL SECURITY RIGHT TO LIFE

Every citizen of Nigeria is entitled to freely live his life without any intimidation from anybody whatsoever. This right is general without considering the status of the individual in question. Except if such life has been sentenced to death by a competent court in an open place, or in seeking to prevent escape of persons on lawful detention or in the course of suppressing riots. This is found in section 33 (1) and (2).<sup>22</sup> This is one of those rights given to man by Almighty Allāh and it is regarded as one of the intention of the *Sharī‘ah* of Islām. Human life must not be taken for any reason whatsoever except if he has been found guilty of death by a competent court which must be carried out in the interest of the general public.<sup>23</sup> Several passages of the

<sup>16</sup> S. A. Maikasuwa, *1999 Constitution of the Federal Republic of Nigeria*, (Nigeria: 2011), 34.

<sup>17</sup> M. Gomez, “Social Economic Rights and Human Rights Commission”, *Hum. Rts. Q.* 17, 155, 1995

<sup>18</sup> M. Ebrahimi, “Islamic Identity, Ethical Principles and Human Values” *European Journal of Multidisciplinary Studies* 2, (6) 325-336, 2017

<sup>19</sup> M. Isma‘īl, *Saḥīḥ Bukhārī*, 1, (Istanbul: Elif of Set Publisher, 1979). *Kitābu’l Īmān, Bābu Mina’l Īmān, ‘an Yuḥibū Liaklihu mā yuhibu linafsihi.* 9

<sup>20</sup> Isma‘īl, *Saḥīḥ Bukhārī*, 3, *Kitābu’l Muḥālimu wal-Ghaḍabi, Bābu Lāyazlimu’l Muslim ‘l-Muslim walā yaslimuhu.* 96.

<sup>21</sup> A. Saeed, “Human Rights and Islam: An Introduction to Key Debates Between Islamic Law and International Human Rights Law” *Edward Elgar Publishing*, 2018.

<sup>22</sup> Maikasuwa, *1999 Constitution of the Federal Republic of Nigeria*, ... 34.

<sup>23</sup> A.F. Absar “Restorative Justice in Islām with Special Reference to the Concept of Diyya”, *Journal*

Glorious Qur'ān has forbidden the taking of innocent soul. For instance, Q6:151 forbids the practice of killing children by the Arabs before the advent of Islām. It is deduced from the foregoing that, the fact that a man gives birth to someone does not mean that he has the absolute right to terminate his life by his whims.

**Right to Dignity of Human Person:** According to section 34 (1) and (2), no person shall be subjugated to torture or inhuman treatment by anybody, nor shall anyone be maltreated or held in slavery. Again in a quest to safeguarding the full rights of the citizens, nobody is permitted to degrade or subject others to hard labour except such is issued in line with the due process of the law.<sup>24</sup> This is another prominent right which the religion of Islām has granted its followers. Again, it is one of the focus rights in the sight of Almighty Allāh. Thus, He dedicated a whole chapter to the teachings of moral values in order to protect and safeguard the honour of each individual including the Prophet. This *Sūrah* is known as *Sūratu'l-Hujurat* which some Islamic scholars referred to as *Sūratu'l-Akhlāq*. Specifically, verses 11 and 12 laid much emphasis on the protection of honour of the general public.

**Right to Personal Liberty:** Everybody is entitle to live freely without restriction or control by anybody except such right has been terminated by a court of law in Nigeria because of the person contravening the injunctions of section 35 (a-f). Aside that every citizens should enjoy his personal liberty which ranges from his right of answering or keeping silence to any question being asked by the law enforcement until he has consulted his lawyer; the right to be notified of his offence in writing if he has been arrested, else he should be brought to court within 48 hours of his detention.

However, if someone may be by mistake or negligence is unlawfully detained by the law enforcement agency, such a person is entitled to be compensated and should be given public apology by his detainers.<sup>25</sup> This particular right is also seen in the purview of Islamic law, once in the gathering of the Prophet, while he was admonishing his companions, a man stood up and asked the Prophet for what offence have my neighbours been arrested? The Prophet kept quiet and did not respond to him but continued with his speech, the man again stood up and said Oh! The Messenger, for what offence have my neighbours been detained? The Prophet did not answer him but continued with his preaching, the man for the third time stood up and said for what charge have my neighbours been detained? Then the Prophet ordered for immediate release of his neighbors. It is said that, the head of the police of the state was on sit on that very occasion, had it been those people have been arrested for a just cause, he should have stood up and explain himself. So, for him to have kept mute in the third time, the Prophet ordered for immediate release of the arrested people.<sup>26</sup>

**Right to Fair Hearing:** This is another fundamental right given to all citizens of Nigerian. It is to the effect that, everybody should be given the opportunity to say his own part of story in any criminal or civil offence. Moreover, the proceedings must be held in public. In addition to safeguarding the right to fair hearing of a citizen, anybody who is arrested for a particular offence shall be held innocent until the complainant or the state defense is able to prove his case beyond reasonable doubt, thereby the offender is proven otherwise.<sup>27</sup> The type of freedom Islām provides its citizen is all

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of Victimology and Victim Justice; <https://journals.sagepub.com/doi/full/10.1177/2516606920927277> Accessed on 14/09/2023

<sup>24</sup> Maikasuwa, 1999 Constitution of the Federal Republic of Nigeria, ...

<sup>25</sup> Maikasuwa, 1999 Constitution of the Federal Republic of Nigeria, ...35

<sup>26</sup> A. Mawdūdi, "Human Rights in Islām" Accessed on 14/07/2021, <https://www.iiu.edu.my/deed/articles/hr/hr.html>

<sup>27</sup> Maikasuwa, 1999 Constitution of the Federal Republic of Nigeria...37

encompassing, thus, it covers also liberation from all act of injustices that may be inflicted upon them. Unlike the western law, nobody could be arrested or called upon for an offence committed by others. Reverse is the case in the world today. It is even a norm in the Nigerian society, a situation whereby someone will commit an offence and run away, his close relations would be arrested and would be tortured until the accuse shows up to answer the charges counted against him.<sup>28</sup>

**Right to Private and Family Life:** This strictly relates to safeguard the privacy of all the citizens. Thus, everybody is allowed to run the activities of his personal apartment according to his whims and caprices provided such do not contradict the law of the land. In addition to this, all correspondence of a citizen, his telephone conversations, telegram communications are to be managed and enjoyed without the interference of anybody.<sup>29</sup> The *Sharī'ah* also makes it imperative to the Muslims to allow every individual to enjoy his private life without the interference of anybody. In other words, a Muslim is permitted to run his personal affairs without internal aggression or external oppression. For instance, spying is strictly forbidden by the injunction of Almighty Allāh in the Glorious Qur'ān as contained in Q49:12. The Prophet صلى الله عليه وسلم has also prohibited the act of eavesdropping and illegal interference in the matters of others as contained in the following *Hadīth*:

*Whosoever eavesdrops into the matter of a people and they have hindered him (from doing so) or they flee from him, a melton copper would be poured in his ears on the Day of Standing.*<sup>30</sup>

**Right to Freedom of Thought, Conscience and Religion:** This grants the citizens the opportunity to choose their desired religion or to swap in between religions. Citizens are permitted to propagate their chosen religion without being intimidated by anybody. This section forbids imposition of religion on students by any school or any tutor. It also forbids secrete society in totality.<sup>31</sup> Islām orders the Muslims to welcome those that accept the religion of Islām and recognize those that do not accept but are leaving under the covenant of an Islamic state. In addition to being good to the unbelievers, the Muslims have been strictly warned not to injure their feelings by way of abusing them or putting shame on their gods (Q6:108). However, religious debate with the unbelievers is allowed but with decency (Q29:46).

**Right to Freedom of Expression and the Press:** This grants the citizens the right to freely express their thoughts and feelings about any matter going on in the society or on any decision taken by the government. However, this has to be within certain limits. It is under this section that the right to establish newspapers, radio station, television station is guaranteed.<sup>32</sup> Muslims are also given the permission in Islām to freely express their thought without been hindered by anybody. However, this freedom of expression must be for the propagation of virtue and truth and not for the spreading of evils and wickedness. Again, abusive language as well as hatred must be shunned in the name of criticism.

**Right to Peaceful Assembly and Association:** Section 40 of Nigerian constitution permits the citizens to freely relate and mingle with other people, he can form or become a member of a political party in as much as such party is recognized

<sup>28</sup> Mawdūdī, "Human Rights in Islām"

<sup>29</sup> Maikasuwa, *1999 Constitution of the Federal Republic of Nigeria...* 39

<sup>30</sup> Isma'īl, *Ṣaḥīḥ Bukhārī*, v9, (Beirut: Dāru'lFikr, 1981), 83, Hadith 165, *Kitabu Ta'bir, Babu man Kadhaba fi Humlihi*

<sup>31</sup> Maikasuwa, *1999 Constitution of the Federal Republic of Nigeria...*

<sup>32</sup> Maikasuwa, *1999 Constitution of the Federal Republic of Nigeria...* 40

by the Independent National Electoral Commission (INEC). He is also allowed to form or become a member of a trade union in order that he may execute and protect his interest.<sup>33</sup> Right to form association or organization is given by the *Sharī'ah* as well, with the condition that it should be for the propagation of virtue and righteousness and not for the spread of evils and mischievous acts on the land. The group of Muslims who do embark on *Da'wah* tour and activities have been praised, commended and showcased by Allah to the people for emulation (Q3:110).

**Right to Freedom of Movement:** Every citizen of Nigeria is permitted to move freely across the country and can live anywhere in the country. Again, no citizen of Nigeria shall be expelled from it or restricted from entering into it except if the law provides otherwise.<sup>34</sup> Islām prohibits the act of enslavement, thus, embarks it with a great warning of chastisement. The Prophet has said that Allāh will by himself be a prosecutor against the enslaver on the day of resurrection, who then will stand as his defense counsel? This is to show that this type of right is too exclusive and one of the detested act in the face of *Sharī'ah*. In fact, Islām encouraged the then Muslims to set slaves free, thereby, makes some expiation of sins to be manumission. Examples of these are found in the pages of the Glorious Qur'ān like Q4:92 and Q58:3.

**Right to Freedom of Discrimination:** No citizen of Nigeria shall be discriminated on the ground of ethnic group, place of origin, circumstance of birth, sex, religion or political opinion. In other words every citizen should be treated equally. Holding position in an Islamic state should not be restricted to a certain class of people, a family or a clan, it should however be rotated within the masses.<sup>35</sup>

**Right to Acquire Property:** According to section 43 of the constitution of Federal Republic of Nigeria, every citizen has the right to acquire and own immovable property anywhere in Nigeria.<sup>36</sup> Islām unlike the socialist system of government, allows its adherents to secure and acquire as much property as they wish. This is evident in Q7:32, thus, after a Muslim has strived to acquire property through lawful means, he becomes the alpha and omega over it. In other words, he has the absolute right over the control of it without the interference of anybody (Q2:188).

**Right to Compensation for Property Compulsorily Acquired:** If it happens that a particular property is legally acquired by the government from an individual, such an individual is entitled to be compensated by the government.<sup>37</sup>

## **ROLES OF JUSTICE AND EQUALITY IN THE APPLICATION OF HUMAN RIGHTS IN THE SOCIETY**

Justice is regarded as an important characteristic of *Sharī'ah* that distinguishes it from all other man made law. The individual's right to justice is not something of mere status, thus, should not be treated with levity hand. No matter the status of a man, full justice must be observed towards him whether he is standing as a plaintiff or as a defendant. Thus, all forms of hatred and grudges should be shunned in order for peace to reign within the citizens of a particular environment (Q4:135). According to this sacred verse, bearing witness is compulsory on the Muslims even if that should be upon oneself or one's close relations. If this is in operative, it will serve as a deterrent for other intending criminals that they would not be covered by anybody as their own blood are all ready to bear witness against them. This means that Muslims are to observe justice not only

<sup>33</sup> Maikasuwa, 1999 *Constitution of the Federal Republic of Nigeria...*

<sup>34</sup> Maikasuwa, 1999 *Constitution of the Federal Republic of Nigeria...* 41

<sup>35</sup> Maikasuwa, 1999 *Constitution of the Federal Republic of Nigeria...*

<sup>36</sup> Maikasuwa, 1999 *Constitution of the Federal Republic of Nigeria...* 42

<sup>37</sup> Maikasuwa, 1999 *Constitution of the Federal Republic of Nigeria.*

within themselves but also among their enemies.

### EQUALITY BEFORE THE LAW

There is equal justice in the Nigerian legal system so as to ensure national security but not as wider in scope as that of the one provided by the religion of Islām. Muslims are equal in their rights and obligations and should be treated as such. There is absolute equality between the new converts to Islām and its old followers. Hence, there is no preference between them. Apart from the Muslims that enjoy absolute equality before the law, the *Dhimmis* have equal right with the Muslims in the light of the *Sharṭah*. The practice of equality among the people is well explained in the popular *Ḥadīth* of a woman that stole during the life of the Prophet when her family confronted Usama to seek intercession with the Prophet on her behalf, the Prophet rejected this, saying:

*Do you intercede regarding one of the punishments prescribed by Allāh? He then stood up and addressed the people saying : O people, those who have gone before you were destroyed, because if any of their dignitaries committed theft, they spared him; and if a destitute committed theft, they inflicted the prescribed punishment upon him, by Allāh, if Fatimah ,the daughter of Muḥammad, were to steal, I would have her hand cut off.<sup>38</sup>*

Equality, if in operative in a given society, it will play a major role in strengthening the security of such a state. This is so because, no one will feel cheated or being marginalized and there won't be room for anybody to feel special above the others. In doing this, there would be love and affection towards one another regardless of their status.

### RULERS ARE NOT ABOVE THE LAW

In the Islamic concept of human right, unlike the conventional laws, there is no immunity for anyone holding position of authority in the society. Thus, a leader can be called to account whenever the need arises. In fact, a citizen is permitted to file a legal claim against any official of an Islamic state. It is on record that the Prophet mistakenly hit the belly of a Muslim soldier while trying to set them in lines during the preparation for the battle of Badr. He complained this to the Prophet, immediately the Prophet opened his stomach for the man to hit him back, instead, the man kissed the belly of the Prophet.<sup>39</sup>

During the reign of ʿUmar bin Khattab, a man came from Egypt to lodge complain against Muḥammad son of Amr bn Al-ʿAs, the then Egypt Governor. Muḥammad was accused of whipping the innocent man, ʿUmar immediately sent for the appearance of Amr bn ʿAs and his son. On their arrival, ʿUmar gave the cane to the man and asked him to beat Muḥammad, after given him enough strokes, ʿUmar ordered him to beat the Governor himself, but the man refused saying that he has taken revenge from the one that offended him, ʿUmar then said, if you have beaten him, by Allāh I would not blame you because, he was the one that made his son to feel superior over the rest of the citizens. He then faced ʿAmr and said: “*When do you start to be enslaving men, when their mothers have given birth to them as free born*”.<sup>40</sup> Unlike the Nigerian legal system, there is nothing like immunity in the purview of Islamic law.

<sup>38</sup> An-Nawawī, *Sharhu Ṣaḥīhu Muslim*, 1<sup>st</sup> edition, 7, (Beirut: Da'ru'l Fikr, 1996), 4634.

<sup>39</sup> Mawdūdī, “Human Rights in Islām”...

<sup>40</sup> Mawdūdī, “Human Rights in Islām”...

## CONCLUSION

The paper so far has elucidated the fact that human rights are well entrenched in the Nigerian constitution just like the *Sharī'ah*. The only difference there is the just application of the laws for different categories of people living in the community. It has also brought to limelight the singular fact that amongst the crises being perpetuated in the society, religious issue is the most awful of all. The paper has discussed the various rights given by the Nigerian legal system in comparison with the religion of Islām to the Muslims and the non Muslims living in an Islamic state. These rights cut across right to life, right to acquire and secure property, protection of honour, right to freedom amongst other rights. The role of justice and equality in the application of human rights is also stressed as the bedrock of peace in any given human society. It was also discussed that Islamic human rights are incomparable to any other rights in other civilizations. The paper revealed that human rights in Islam and their application in the society are not limited by races, ethnicity, religion, sex and status. By this, peaceful coexistence was established in the period of the Prophet and his companions when these rights were fully applied without fear of any being other than Allāh.

In light of the above, the paper is recommending unlimited application of human rights in Nigerian society to bring about both individual and national security to the country. This will be fully ensured, if the application is done with justice and equality whereby no one is above the law or superior to it. In doing this, the process of appointing or electing the rulers need to be reexamined by giving consideration to merit and qualities instead of affiliation to god-fatherism. It is on this note that the Islamic provisions on human rights can serve as alternative mechanism in ensuring full application of human rights in Nigeria. This paper, thus, serves as an eyes opener for the Nigerian citizens as it brings the laws of their land closer to them. It has contributed immensely to the existing literature through its careful comparison of human rights in the Nigeria legal system with its provision in the *Sharī'ah* of Islam. Nevertheless, the conflicting ideas in the two laws regarding human rights are left for further research.

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