

## ANALYSING CRIME WAVES IN CONTEMPORARY NIGERIA THROUGH THE MAQĀSID AL-SHARI'AH FRAMEWORK

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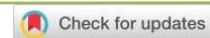
**Abstract:** The prevalence of crime is a significant socioeconomic challenge in Nigeria. While various studies have examined this issue, none have explored the economic importance of *Maqāsid al-Shari'ah* (Objectives of Islamic Law) in addressing crime and promoting economic growth. This qualitative study used content analysis and thematic coding to investigate the economic implications of *Maqāsid al-Shari'ah* for crime management in Nigeria, drawing on primary and secondary sources. The sources included government institutions' reports, the *Qur'ān*, *Aḥādīth* (sayings of Prophet Muhammad), semi-structured interviews, non-participatory observation, news reports, crime data, textbooks, and journal articles. Using *Maqāsid al-Shari'ah* as a theoretical framework, this study evaluated Nigerian crime patterns, laws, and policies from an economic perspective. The study found that Nigeria's current system is ineffective in managing crime, particularly in relation to the protection of faith, life, intellect, lineage, and wealth, both in theory and practice, leading to significant economic losses for the country. However, the study revealed that *Maqāsid* principles, such as promoting human well-being, preventing harm, and administering justice, have economic importance and can help solve crime waves, ensure economic security, and foster growth and development. The study concluded that incorporating *Maqāsid* principles into Nigeria's socioeconomic and legal systems could effectively address crime prevalence and associated economic losses. This suggests that a comprehensive understanding and implementation of *Maqāsid* principles could serve as a model for tackling Nigeria's crime menace and promoting economic growth and development.

**Keywords:** Economy, Crime, *Maqāsid al-Shari'ah*, Nigeria, Sustainable Development Goals.

**Abstrak:** Prevalensi kejahatan merupakan persoalan sosial-ekonomi yang serius di Nigeria dan berdampak langsung pada stabilitas serta pertumbuhan ekonomi. Meskipun berbagai studi telah membahas isu kejahatan, penelitian ini menyoroti celah penting dengan mengkaji signifikansi ekonomi *maqāsid al-shari'ah* dalam upaya pengelolaan kejahatan. Dengan pendekatan kualitatif melalui analisis isi dan pengkodean tematik terhadap sumber primer dan sekunder – termasuk laporan lembaga pemerintah, al-Qur'an, hadis, data kejahatan, serta literatur akademik – penelitian ini mengevaluasi pola kejahatan, hukum, dan kebijakan Nigeria dari perspektif ekonomi berbasis *maqāsid*. Temuan penelitian menunjukkan bahwa sistem yang ada belum mampu secara efektif melindungi agama, jiwa, akal, keturunan, dan harta, baik pada tataran normatif maupun implementatif, sehingga memicu kerugian ekonomi yang signifikan. Namun demikian, prinsip-prinsip *maqāsid* seperti kemaslahatan manusia, pencegahan mudarat, dan penegakan keadilan memiliki relevansi ekonomi yang kuat dan berpotensi menjadi kerangka alternatif untuk menekan gelombang kejahatan, memperkuat keamanan ekonomi, serta mendorong pembangunan berkelanjutan di Nigeria.

**Kata kunci:** Ekonomi, Kejahatan, *Maqāsid al-Shari'ah*, Nigeria, Tujuan Pembangunan Berkelanjutan.

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## INTRODUCTION

From antiquity to the contemporary period, societies have devised and implemented numerous means to curb crime in a bid to achieve security, peace, and development. While in some societies, criminality is minimal, the same cannot be said for other societies. In Nigeria, crimes and criminalities have a long history but have become more prevalent in contemporary times due to the country's socio-economic and political conditions.<sup>1</sup> Although Nigeria's crime data statistics reporting and records are poor, the volume of various crime cases in recent times has been alarming.<sup>2</sup> Since the early 2000s, Nigeria has been plagued by various forms of violence, including militancy, Boko Haram insurgencies, banditry, and communal conflicts. These horrendous phenomena have led to a surge in notorious crimes, including kidnapping, armed robbery, murder, rape, and theft, in various regions of the country. Additionally, other crimes such as human trafficking, drug peddling and abuse, cybercrime, prostitution, and cultism have also been prevalent, particularly in urban centers, with devastating impacts on lives and property.<sup>3</sup>

The crux of the matter is that Nigeria, a quasi-religious state<sup>4</sup> with a deeply religious population,<sup>5</sup> has not effectively leveraged religious principles in legal, economic, and criminal matters hindering the country's pursuit of peace, stability, and development.<sup>6</sup> Some studies point to the contemporary nature of crime, particularly cybercrime, among Nigerian youth.<sup>7</sup> One of the central arguments of these studies is

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<sup>1</sup>See Olufunmilayo Oloruntimehin, "Family Structure and Juvenile delinquency in the City of Lagos" (M. A. Dissertation, University of Ibadan, 1969); Toyin Falola, "Theft in Colonial Southwestern Nigeria," *Africa: Rivista Trimestrale Di Studi e Documentazione Dell'Istituto Italiano per l'Africa e l'Oriente* 50, no. 1 (1995): 1-24, <https://www.jstor.org/stable/40760976>; O. T. Olawoyin, "A History of Juvenile Delinquency in Lagos, 1861-1960" (M. A. Dissertation, University of Lagos, 2005); Laurent Fourchard, "Lagos and the Invention of Juvenile Delinquency in Nigeria, 1920-60," *The Journal of African History* 47, no. 1 (2006): 115-37, <https://www.jstor.org/stable/40760976>; Paul Osifodunrin, "Violent Crimes in Lagos, 1861-2000: Nature, Responses and Impact" (PhD Thesis, University of Lagos, 2007).

<sup>2</sup>A. Ojo and O. Ojewale, *Urban Crime in Nigeria: Trends, Costs and Policy Considerations* (Urbanisation Research Nigeria, 2018), 36.

<sup>3</sup>Stephen Ellis, *This Present Darkness: A History of Nigerian Organized Crime* (New York: Oxford University Press, 2016); Ojo and Ojewale, *Urban Crime in Nigeria*.

<sup>4</sup>Jamiu M. Busari and Kazeem A. Adegoke, "Nigerian Muslims and the Intrigues of the 1999 Constitution as Amended: An Examination of its Principles within the Context of Islamic Law," *Journal of Islamic Studies and Humanities* 8, no.1 (2023): 63.

<sup>5</sup>Idowu Bolaji, *Olodumare: God in Yoruba Belief* (New Jersey: African Tree Press, 1964), 5.

<sup>6</sup>Mubarak O. Sanni, "Religiosity and Morality: Siamese Twins for Security, Peace and Development in Nigeria," in *Impacting the Nigerian Society through Humanities and Education*, ed. K. O. Paramole, T. M. Salisu and O. K. Amuni (Republic of Moldova: LAMBERT Academic Publishing, 2022), 85-105.

<sup>7</sup>F. A. Oludare, "Globalization and the Nigerian Youths," *Dahomey International Journal* 1, (2016): 36-61, <https://ir.unilag.edu.ng/handle/123456789/7440>; S. A. Oyenuga, "Youth and Cybercrime Culture in Lagos State, Nigeria" (PhD Thesis, University of Ibadan, 2017).

that technology is intensely shaping youth culture in Nigeria to a degree that allows new forms of criminal tendencies antithetical to African cultural values. The studies also found that young people increasingly rely on spiritual elements to exploit unsuspecting people in cyberspace. While cybercrime is one of the predominant crimes, especially in urban areas in Nigeria and among youth, other studies<sup>8</sup> have highlighted kidnapping, armed robbery, rape, murder, cultism, theft, prostitution, human trafficking, gambling, drug abuse, banditry and terrorism as widespread crimes in Nigeria, with various regions grappling with specific ones.

In addition to these studies, some others have identified several factors responsible for the prevalence of crime in Nigeria.<sup>9</sup> These factors include the breakdown of value systems, broken homes, environmental influence, lack of education, unemployment, poverty, economic inequality, migration, population upsurge, small arms and light weapons trafficking, drug abuse, proliferation of shanty settlements, demolition, and displacement. Other factors contributing to crime in Nigeria include extreme religious ideology and radicalization, infrastructural deficits, security and social amenities deficits, institutional corruption, ineffective governance and judicial administration, urbanization, and technological advancements. Some of these works and other studies further show that the predominance of crime in Nigeria causes loss of lives, properties, and money, social disintegration, and is generally a major impediment to security, peace, stability, youth productivity, and economic growth and development in the country.<sup>10</sup>

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<sup>8</sup>Ellis, *Present Darkness*; V. U. Nwankwo and J. Okolie-Osemene, "Prevalence of Lethal and Non-lethal Crimes in Nigeria," *Journal of Advanced Research in Humanities and Social Science* 3, no. 1 (2016): 10-25, <https://www.nigeriawatch.org/media/html/Nwankwo-James2016.pdf>; Ojo Ojewale, *Urban Crime in Nigeria*; M .Y. Maisuna, "Islamic Jurisprudential Antidotes to the Upsurge of Rape Cases in Nigeria," *LASU Journal of Religions & Peace Studies* 4, no. 1 (2020): 115-132; John Walker Adetunji-Adeoye, *How we Destroy Nigeria: Haven for Financial Crimes & Corruption* (Ikeja: Ascology Limited, 2022); O. Tade and F. M. Olaitan, "'They Collected Money and Used Hammer to Remove my Front teeth': 'One-Chance' Criminality and Victimization Experiences in Lagos Transport Corridors," *Deviant Behavior*, (2023): 1-16, <https://doi.org/10.1080/01639625.2023.2266095>; M. O. Sanni, "An Islamic Perspective on the Cost-Benefit Analysis of Gambling in Nigeria," *Lagos State Journal of Arabic & Islamic Studies* 1, no. 1 (2025): 93-115; M. O. Sanni, "Historical Review of Youth's Involvement in Crimes and the Applicability of Islamic Justice System in Lagos State, Nigeria (1967-2023)" (PhD Thesis, Lagos State University, 2025).

<sup>9</sup>March-Antoine Perouse de Montclos, "Boko Haram, Youth Mobilization & Jihadism," in *Creed and Grievance: Muslim-Christian Relations and Conflict Resolution in Northern Nigeria*, ed. A. Mustapha and D. Ehrhardt (Abuja: Premium Times Books, 2018), 165-183; O. O. Austin, "Youth Unemployment and Social Welfare Services in Nigeria: Socio-Religious Challenges," *Journal of University Scholars in Religions* 1, no.8 (2020): 196-205; Omeni Akali, *Insurgency and War in Nigeria: Regional Fracture and the Fight against Boko Haram* (London: I.B. TAURIS, 2020), 100-126; K. Meagher and I. H. Hassan, "The Informal Economy & Islamic Radicalization in Northern Nigeria," in *Overcoming Boko Haram: Faith, Society & Islamic Radicalization in Northern Nigeria*, ed. A. Mustapha & Kate Meagher (Abuja: Premium Times Books, 2020), 244-271.

<sup>10</sup>Fabian. A. Adenuga and N. A. Abdul Razak, "The Dynamic Relationship between Crime and Economic Growth in Nigeria," *International Journal of Management and Economics* 53, no. 1 (2017): 47-

Numerous works have also been written on various aspects of the phenomenon of *Shari'ah* in Nigeria.<sup>11</sup> These works generally establish that *Shari'ah* was practised in some northern parts of Nigeria as early as the 12th century, and by the 18th century, it had spread to a significant part of Yorubaland. However, the advent of the British in the 19th century gave birth to three interacting systems of law or legal pluralism in the country: customary law, *Shari'ah*, and British law. These studies further show that since the 1960s, there have been challenges surrounding the status, establishment, and application of *Shari'ah* in the country. Amidst these challenges, while a significant part of Northern Nigeria, which has a predominantly Muslim population, has been partly successful in establishing *Shari'ah* courts and applying *Shari'ah* to personal and criminal law, the same cannot be said of the Southern region of the country. At best, some concerned Muslims in Yorubaland have only been able to create a private arrangement outside the official government support by establishing and managing Independent *Shari'ah* Panels, where adjudications are limited to the Islamic personal law aspects of civil matters. These works generally argue that although the Nigerian 1999 Constitution, as amended, recognises the *Shari'ah* as a source of law, its applicability and enforcement have been undermined for decades. Even in Northern Nigeria, where the *Shari'ah* is said to be applicable, it has not been meaningfully adhered to and applied.<sup>12</sup>

Notwithstanding the challenges facing the understanding, status, and application of *Shari'ah* in Nigeria, there are extant scholarly works that explain the importance of *Shari'ah* and its application in solving the problem of crime prevalence

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64, DOI: 10.1515/ijme-2017-0004; Ojo and Ojewale, *Urban Crime in Nigeria*, 186-197; Tade and Olaitan, "They Collected Money"; M. A. Bello, *An Islamic Perspective on combating Environmental Abuse in South West Nigeria* (GALDA VERLAG, 2024).

<sup>11</sup>H. A. Abdulsalam, "Islam and Public Law: An Inseparable Synergy," in *Dynamics of Revealed Knowledge and Human Sciences: Essays in Honour of Professor Is-haq Olanrewaju Oloyede*, ed. Y. O. Imam, R. I. Adebayo, and A. I. Ali-Agan (Abuja: Spectrum Books Limited, 2016), 251-267; A. K. Makinde, "An Assessment of Independent *Shari'ah* Arbitration Panel in Oyo State," in *Dynamics of Revealed Knowledge and Human Sciences: Essays in Honour of Professor Is-haq Olanrewaju Oloyede*, ed. Y. O. Imam, R. I. Adebayo, and A. I. Ali-Agan (Abuja: Spectrum Books Limited, 2016), 1-35; H. A. Abdulsalam, "The Trends of Application of Islamic Legal System in Yorubaland of Nigeria," in *Religion in Contemporary Nigeria*, ed. Y. A. Quadri, R. W. Omotoye, and R. I. Adebayo (London: Adonis and Abbey Publishers, 2017), 349-366; A. K. Makinde, "A Chronicle of *Shari'ah* Practice in Yorubaland," in *Islam in Yorubaland: History, Education and Culture*, ed. M. O. Opeloye, M. A. Bidmos, A. Oladosu and I. Musa (Lagos: Unilag Press, 2018), 291-310; A. O. Amoloye-Adebayo, "The Nigerian Constitution and the *Shari'ah* in South-western Nigeria," in *Islam in Yorubaland: History, Education and Culture*, ed. M. O. Opeloye, M. A. Bidmos, A. Oladosu and I. Musa (Lagos: Unilag Press Ltd, 2018), 259-276; Busari and Adegoke, "Intrigues of the 1999 Constitution," 52-76.

<sup>12</sup>Amoloye-Adebayo, "Shari'ah in South-western Nigeria."

in the country.<sup>13</sup> The works of Adegoke,<sup>14</sup> and Adegoke and Oloke<sup>15</sup> for example identify theft, fornication, adultery, and banditry using the legal concept of *Sadd Adh-Dhara'* as a solution to these crimes. Sidiq<sup>16</sup> also focuses on the concept of *Maṣlaha* (public interest) as a panacea for solving the problem of herders/farmers conflict in Nigeria. It should be noted that these extant works have not been able to clearly, specifically, and robustly examine the economic importance of *Maqāṣid al-Shari'ah* vis-à-vis the phenomenon of crime in contemporary Nigeria. At best, some of the available works contain scattered references related to the subject matter of this study. This indicates that there is a dearth of literature on *Maqāṣid al-Shari'ah*, let alone their economic implications and importance in relation to solving the problem of crime in Nigeria. A recent study by Sanni on youth involvement in crimes in Lagos State, Nigeria, also has a narrow focus. It only examines *Maqāṣid al-Shari'ah* in relation to crime punishment, without exploring the economic implications for preventing and combating crime in Nigeria.<sup>17</sup>

The literature on crime and *Shari'ah* in Nigeria reveals a complex dynamic. Studies consistently show that crime is a significant problem in the country, while the application of *Shariah'* remains a topic of concern. However, a closer analysis reveals a disconnection between the two fields, particularly regarding the implications of *Maqāṣid al-Shari'ah* for managing crime. On the one hand, research on crime in Nigeria often focuses on the nature, pattern, types, effects, and factors of crime, as well as government responses, without considering the potential role of *Shari'ah* in addressing these issues. In contrast, studies on *Shari'ah* in Nigeria tend to focus on its historical, legal, and practical challenges, and those that do address crime often neglect its economic implications for crime management. This disconnect underscores the need for an integrated approach. Such an approach, which this paper aims, would explore the economic implications of *Maqāṣid al-Shari'ah* in relation to crime prevalence and its potential for solving the problem in Nigeria.

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<sup>13</sup>Adegoke, K. A. "The Principle of *Sadd Adh-Dhara'i* in the *Shari'ah* Framework: the Case of Zina and Sharqah." *Al-Fikr Journal of Arabic and Islamic Studies*, 26, (2014): 158-72, <https://ir.unilag.edu.ng/handle/123456789/7880>; Maisuna, "Rape Cases in Nigeria," 115-132; Kabir O. Paramole, "Modern Slavery in Nigeria The Islamic Perspective," in *Islam and the Contemporary Nigerian Society* (Lagos: MUMTAZ Publishers, 2022), 291-306.

<sup>14</sup>Adegoke, "Sadd Adh-Dhara'i".

<sup>15</sup>Kazeem A. Adegoke and M. A. Oloke, "Rethinking *Shari'ah* Legal Concept of *Sadd Adh-Dhara'* as a Right-Based Approach to Curb the Menace of Banditry in Nigeria," *Lagos State Journal of Arabic & Islamic Studies* 1, no. 1 (2025): 28-40

<sup>16</sup>Uthman O. Sidiq, "An Analytical Study of Contemporary Illicit Occurrences in Nigeria (1999-2012) in the Light of Qur'anic Discourse on *Fasad*" (Ph.D. Thesis, Lagos State University, 2018).

<sup>17</sup>Sanni, "Youth's Involvement in Crimes" 148-156.

To this end, this study is guided by two key research questions: (1) To what extent does the Nigerian legal system align with the principles of *Maqāṣid al-Shari‘ah*? (2) What potential roles can *Maqāṣid al-Shari‘ah* play in addressing crime in contemporary Nigeria, and what are the economic implications of its application? This study aims to investigate the alignment between the Nigerian system and *Maqāṣid al-Shari‘ah*, exploring its potential to shape economically viable frameworks for crime prevention and reduction, effective governance, and sustainable development in Nigeria and beyond.

A concept to be clarified in this study is *Maqāṣid al-Shari‘ah*. Every aspect of Islam is based on the *Shari‘ah* (Allāh’s divine legislation), which regulates the lives of Muslims. It is firmly established that *Shari‘ah* has various objectives called *Maqāṣid al-Shari‘ah*. *Maqāṣid al-Shari‘ah* explains the objectives behind the rulings of Islam. The summary of the *hikmah* (wisdom) for *Maqāṣid al-Shari‘ah* by various classical Islamic scholars<sup>18</sup> is that they are good ends which the *ahkām* (injunctions) of Islam<sup>19</sup> aim to achieve by blocking or opening certain means for the interest and development of humanity.<sup>20</sup> According to Ibn al-Qayyim, “the *Shari‘ah* is all about achieving people’s welfare in this life and the afterlife. Thus, any ruling that replaces justice with injustice, the common good with mischief, or wisdom with nonsense is a ruling that does not belong to the *Shari‘ah*, even if it is claimed to be so according to some interpretation.”<sup>21</sup> Indeed, the basis of Islamic legislation is the removal of difficulty, the realization of public welfare, and the realization of universal justice.<sup>22</sup> Classical Islamic jurists have argued that Allāh’s general purpose for revealing and enacting the Divine Legislation is to protect people’s benefits (*masālih*) and prevent harm (*mafāsid*), knowing that preventing harm takes precedence over achieving benefits. Benefits are divided into necessities (*darūriyyāt*), complementary requirements (*hājiyyāt*), and embellishments (*taḥsiniyyāt*).<sup>23</sup> The essentials or necessities, which are the focus of this study, are the protection of religion, life, intellect, lineage or family, and property. The failure to protect these human necessities is tantamount to allowing insecurity to thrive in

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<sup>18</sup>These classical scholars include Imām Abdul-Mālik al-Juwaynī, Imām Abū Ḥāmīd al-Ghazālī, Imām Shamsuddīn ibn al-Qayyim, Imām Abū-l-Ishāq al-Shātibī, and so on.

<sup>19</sup>This is usually based on the Qur‘ān, *Sunnah*, *Ijma‘* (Islamic scholars’ consensus), and *Qiyās* (Individual scholarly reasoning on the basis of the Qur‘ān and Sunnah). See A. Khallaf, *The Science of the Principles of Islamic Jurisprudence: The Methodology of Islamic Law*, trans. M. El Hammouli (Beirut: Al-Koton Al-Ilmiyah, 2017).

<sup>20</sup>J. Auda, *Maqāṣid Al-Shari‘ah: Beginner’s Guide* (London: The International Institute of Islamic Thought, 2008), 3-4.

<sup>21</sup>Auda, *Maqāṣid Al-Shari‘ah*, 21.

<sup>22</sup>B. Philips, *The Evolution of Fiqh: Islamic Law and the Madh-habs* (Riyadh: International Islamic Publishing House, 2006), 29-44.

<sup>23</sup>Khallaf, *Islamic Jurisprudence*, 327-340.

individuals' physical, mental, family, and material lives as well as in the stability of society.

Methodologically, this study employs a qualitative approach, applying content analysis to examine the economic implications of *Maqāṣid al-Shari‘ah* on crime prevalence in Nigeria, drawing on primary and secondary sources. The primary sources consulted include official documents such as police reports and crime statistics (2011 onwards), government publications from the National Bureau of Statistics (NBS) and the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), legal documents (Nigerian 1999 Constitution (as amended) and the Nigerian Criminal Code Act), and recent newspaper reports from major Nigerian newspapers. Additionally, religious texts, including the *Qur‘ān* and *hadīth*, were consulted. The secondary sources comprise a comprehensive review of books and journal articles focusing on crime, insecurity, *Shari‘ah* in Nigeria, and *Maqāṣid al-Shari‘ah*, published mainly between 2015 and 2025.

Primary data were collected through semi-structured interviews with five individuals using purposive sampling. The interviewees included one Islamic Studies lecturer/Cleric and one Federation of Muslim Women's Associations in Nigeria (FOMWAN) member (2). These interviewees were selected because of their experience in crime management, both in theory and practice. Others included sex workers (3) around nightclubs in the Akowonjo area of Lagos State. These second category of interviewees were selected because they provided first-hand information based on their involvement and experience as sex workers, alcohol consumption, and other drug-related offences. Interviews with five drug addicts and two compulsive gamblers were also conducted online. Non-participatory observation was conducted from June 2023 to present around nightclubs in the Akowonjo area of Lagos State, where crimes such as drug peddling and abuse, gambling, and commercial sex activities are prevalent. The researcher observed how people interacted, behaved, or responded in certain situations, taking notes and photos to capture relevant information. This approach enabled the researcher to gather additional data, enhancing the validity of the findings through data triangulation.

The study utilized content analysis, using thematic coding as propounded by Miles and Huberman. *Maqāṣid al-Shari‘ah* was employed as a theoretical framework to guide the research design, data collection, and analysis, providing a conceptual structure for understanding the data on the economic implications of crime in Nigeria. In addition, *Maqāṣid al-Shari‘ah* principles were used as pre-defined codes to categorize and analyze data. *Maqāṣid al-Shari‘ah* principles were used to evaluate the effectiveness or alignment of Nigerian crime policies, laws, and practices with Islamic values. The study was constrained by limited access to key stakeholders nationwide, with a primary focus on the Lagos State. Second, Nigeria's multi-religious nature and the lack

of accessible and comprehensive economic data hinder a thorough cost-benefit and fiscal analysis of implementing *Maqāṣid* principles in crime management.

## DISCUSSION

### 2.1 Economic Implications and Significance of *Maqāṣid al-Shari'ah* on Crimes in Nigeria

This section analyses the economic implications and significance of *Maqāṣid al-Shari'ah* in relation to crime in Nigeria.

#### 2.1.1. Protection of Faith/Religion

The most important objective of *Shari'ah* is the protection of faith, particularly Islam. From a restricted perspective, this is usually explained as protecting Islam from external attacks and upholding the basics of Islam from being corrupted.<sup>24</sup> Nevertheless, in a broader sense, Islam respects other belief systems in a bid to protect the Islamic faith and ensure religious tolerance.<sup>25</sup> In Qur'ān 2:256, Allāh says: لَا إِكْرَاهَ فِي الدِّينِ "There shall be no compulsion in [acceptance of] the religion." Allāh also says in Qur'ān 6:108 that: وَلَا سَبُّوا الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ فَيَسْبُّو أَنَّهُمْ عَدُوُّ بَغْيَرِ عِلْمٍ "And do not insult those they invoke other than Allāh, lest they insult Allāh in enmity without knowledge." These Qur'ānic provisions were exemplified by Prophet Muḥammad ﷺ, when he and his followers coexisted peacefully with the non-Muslims. For example, in Madīnah, the Prophet entered into a treaty with the Jews, which included provisions such as: (a) The Jews of *Banu* (tribe) ḥāfiẓ are one community with the believers (Muslims), each professing their respective religion; (b) Mutual relations shall be founded on righteousness and cooperation; and (d) Neither party shall commit injustices against the other.<sup>26</sup>

Moreover, the Nigerian State recognizes the need to protect religion and ensure religious freedom. Section 38 of the Constitution of the Federal Republic of Nigeria (CFRN) 1999, as amended, provides that: "Every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom to manifest and propagate his religion or belief in worship, teaching,

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<sup>24</sup>M. A. K. Afridi, "Maqasid Al-Shari'ah and Preservation of Basic Rights: Islam and its Perspectives on Global & Local Contemporary Challenges," *Journal of Education and Social Sciences* 4, (2016): 280, [http://jesoc.com/wp-content/uploads/2016/06/KC4\\_14...](http://jesoc.com/wp-content/uploads/2016/06/KC4_14...)

<sup>25</sup>K. O. Dauda, A. O. Hashimi, and M. A. Lawal, "Religious-Motivated Insurgency within the Islamic Context: Trends, Nexus and Implications for Sustainable Peace in Nigeria," *Sri Lankan Journal of Arabic and Islamic Studies* 6, no. 4 (2023):11, <https://doi-ds.org/doilink/03.2023-55683162/6.2-2>; Manzoor Apenna Lawal and Kazeem Oluwaseun Dauda, "Religious Insurgency and Quest for Sustainable Peace in Nigeria: The Islamic Model as a Panacea," *Indonesian Journal of Interdisciplinary Islamic Studies (IJIIS)* 6, no. 2 (2023):116, <https://doi.org/10.20885/ijiis.vol6.iss2.art1>

<sup>26</sup>SafiuRahman Al-Mubarakpuri, *The Sealed Nectar (Ar-Raheequl-Makhtum)* (Riyadh: Darussalam Publishers, 2015), 179-80.

practice and observance.” However, the ongoing Boko Haram insurgency is rooted in Islamic extremism, which rejects pluralism and coexistence with non-Muslims.<sup>27</sup> Indeed, religious conflicts in Nigeria often stem from allegations of contempt of religious creed,<sup>28</sup> leading to mob killings and death sentences,<sup>29</sup> that have generated public criticism and controversy.<sup>30</sup>

Economically, the Boko Haram insurgency and other religious conflicts in Nigeria have led to immense human suffering, loss of life and property damage.<sup>31</sup> This problem has also prompted the Nigerian government to spend vast amounts on security. For example, the budget of the Ministry of Defence was ₦443.1 billion in 2016, and by 2023, it had exponentially increased to ₦1.248 trillion in a bid to combat insurgency, largely occasioned by Boko Haram.<sup>32</sup> At the beginning of President Muhammadu Buhari's administration (2015-2023), the Nigerian government allocated \$21 million to the Multinational Joint Task Force (MNJTF) to purchase arms, ammunition, and other military equipment to combat Boko Haram insurgents.<sup>33</sup> Additionally, the incessant loss of life has devastated human productivity across Nigeria's economy. This is particularly evident in agriculture, where farmers and

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<sup>27</sup>Thurston, *Salafism*, 193-218; Akali Omeni, *Insurgency and War in Nigeria: Regional Fracture and the Fight against Boko Haram* (London: I.B. TAURIS, 2021), 14-15.

<sup>28</sup>For example, in February 2006, thousands of Muslim rioters went on rampages in different states, burning churches, destroying Christian shops and homes, and killing Christians. The reason for the violence was ostensibly outrage at the publication in the *Danish Magazine Jyllands-Posten* of cartoons of Prophet Muhammad that some Muslims consider blasphemous. On 12 May 2022, Deborah Samuel Yakubu, a second-year college student, was stoned and her body set on fire by a mob in Sokoto after being accused of blasphemy against the Islamic Prophet Muhammad; On 25 June 2023, Usman Buda of Sokoto was stoned to death by a mob, accusing Buda of blasphemy.

<sup>29</sup>For example, in Kano, between 2015 and 2016, nine men, including Abdulazeez Dauda, were sentenced to death by hanging because of their insulting act of the Prophet Muhammad. See Heather Bourbeau, Muhammad Sani Umar, and Peter Bauman, *Shari'ah Criminal Law in Northern Nigeria: Implementation of Expanded Shari'ah Penal and Criminal Procedure Codes in Kano, Sokoto, and Zamfara States, 2017-2019* (United States Commission on International Religious Freedom, 2019), 9.

<sup>30</sup>Sanni Mubarak O., "An Interrogation of the Prescribed Punishments Mentioned in Qur'an 5: 32-34 as a Panacea to Crime Prevalence in Nigeria," *Manchester Journal of Transnational Islamic Law & Practice* 18, no. 2 (2022): 202, <https://doi.org/10.20885/ijis.vol6.iss2.art1>

<sup>31</sup>Adam Higazi, "Rural Insecurity on the Jos Plateau Livelihoods, Lands & Cattle amid Religious Reform & Violent Conflict," in *Creed and Grievance: Muslim-Christian Relations & Conflict Resolution in Northern Nigeria*, ed. Abdul Raufu Mustapha & David Ehrhardt (Abuja: Premium Times, 2018), 289-297; Abubakar K. Monguno and Ibrahim Umara, "Why in Borno? The History, Geography, & Sociology of Islamic Radicalization," in *Overcoming Boko Haram: Faith, Society & Islamic Radicalization in Northern Nigeria*, ed. Abdul Raufu Mustapha & Kate Meagher (Abuja: Premium Times, 2020), 68-74.

<sup>32</sup>Goodgist Onyedinefu, "Nigeria's Spend on Defence Rises but Security Elusive," *Business Day*, January 23, 2023, <https://businessday.ng/business-economy/article/nigerias-spend-on-defence-rises-but-security-elusive>

<sup>33</sup>See "Buhari orders release of \$21m to MNJTF on Boko Haram," *Vanguard*, June 14, 2015, <https://www.vanguardngr.com/2015/06/buhari-orders-release-of-21m-to-mnjtf-on-boko-haram/>; Femi Adesina, *Working with Buhari: Reflections of a Special Adviser, Media and Publicity* (2015-2023) (Ibadan: Safari Books Ltd, 2023), 267-269.

herders have lost their lives, land, and cattle, leading to exacerbated food insecurity.<sup>34</sup> Specifically, a study by Ishaq and Adamu found that between 10-30 bags of staple crops and extensive livestock were lost due to displacement in the Madagali local government area of Adamawa State.<sup>35</sup> Another study by Maisule et al. reported a 63% reduction in food availability and 62% limited market access to food supply due to displacement in Borno State since the beginning of the insurgency.<sup>36</sup>

## 2.1.2. Protection of Life

*Shari'ah* accords great importance and maximum sanctity to human life. An unjust killing of one person is similar to murdering the whole of humanity, and saving a human soul is like saving the whole of humanity as clearly mentioned by Allāh in Qur'ān 5:32-33. In Qur'ān 17:33 Allāh says that: وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَمَ اللَّهُ إِلَّا بِالْحَقِّ وَمَنْ قُتِلَ مَظْلُومًا فَقَدْ جَعَلَنَا لِوَالِيَّهِ سُلْطَانًا فَلَا يُسْرِفُ فِي الْقَتْلِ إِنَّهُ كَانَ مَنْصُورًا "And do not kill the soul which Allah has forbidden, except by right. And whoever is killed unjustly, We have given his heir authority, but let him not exceed limits in taking life. Indeed, he has been supported [by the law]." Similar to the Islamic legal system, the Nigerian legal system also protects human life. Section 33(1) of the CFRN provides that, "Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria." Section 319(1) of the Nigerian Criminal Code Act further provides that "Any person who commits the offence of murder shall be sentenced to death." These provisions aim to prevent the unjust loss of human lives, which often weakens societal productivity. However, despite these divine and secular legal provisions for the protection of human lives, there have been incessant killings in Nigeria due to various crimes. According to the *Thirteenth Nigeria Watch Report*, between 2006 and 2023, approximately 196,737 people lost their lives in 40,725 violent and criminal incidents. Nigerian police records from 2021 to 2023 show 5,191 murder cases.<sup>37</sup>

Essentially, there are numerous economic implications associated with the protection of life under *Shari'ah*, as evident in the concepts of *qiṣās* and *diyyah*. *Qiṣās* is the law of retaliation, while *diyyah* emphasizes financial compensation to be paid to the

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<sup>34</sup>Al-Jazeera, "'Tens of civilians' killed in gruesome Nigeria massacre, UN says," *Al-Jazeera*, November 29, 2020, <https://www.aljazeera.com/news/2020/11/29/at-least-110-civilians-killed-in-gruesome-nigeria-massacre>

<sup>35</sup>Ishaq Idris Saad and Adamu Jibrilla, "An Empirical Analysis of the Impact of Insurgency on Agricultural Output in Madagali Local Government Area of Adamawa State," *ADSU International Journal of Applied Economics, Finance & Management* 9, no. 1 (2024): 475, <https://ajaefm.adsu.edu.ng/index.php/journals/article/view/85/71>

<sup>36</sup>S. A. Maisule et al., "Small-Scale Farmers' Perception of the Effect of Insurgency on Food Security in Borno State, Nigeria," *Global Academic Journal of Agriculture and Biosciences* 7, no. 2 (2025): 23, <https://doi.org/10.36348/gajab.2025.v07i02.002>

<sup>37</sup>Ministry of Police Affairs, "Crime Statistics, 2021-2023," accessed April 26, 2025, <http://policeaffairs.gov.ng/crime-statistics/>

victim or their heirs in cases of bodily harm or murder, especially when done by mistake. Allāh in Qur'ān 4:92 says: "And never is it for a believer to kill a believer except by mistake. And whoever kills a believer by mistake - then the freeing of a believing slave and a compensation payment presented to the deceased's family [is required] unless they give [up their right as] charity" However, in Nigeria, the practice of *qisas* is substantially absent. Since the beginning of Nigeria's Fourth Republic in 1999, state governors, who are constitutionally empowered to sign death warrants, have refrained from doing so in most cases. Notable exceptions include Ibrahim Shekarau of Kano State in 2006 and Adams Oshiomhole of Edo State in 2012.<sup>38</sup> Instead of facing the prescribed penalty of execution, murderers are maintained at the government's expense. In August 2024, the Federal Government of Nigeria (FGN) increased the feeding allowance for prison inmates from ₦750 to ₦1,125.<sup>39</sup> As of June 2025, there were 3,823 inmates on death row in Nigerian Correctional Facilities.<sup>40</sup> Thus, the daily and annual feeding costs would be  $3,823 \text{ inmates} \times ₦1,125 \text{ per inmate} = ₦4,300,875$  and  $₦4,300,875 \times 365 = ₦1,569,819,375$ , respectively.

Furthermore, like *diyya* under *Shari'ah*, Nigerian law allows for compensation in cases of manslaughter. Section 319 of the Nigerian Administration of Criminal Justice Act (ACJA/ ACJL) empowers courts to order offenders to pay compensation to injured parties and defray medical costs.<sup>41</sup> In application of this provision, for example, in 2018, the Umuahia High Court ordered a police officer and a pastor to jointly pay ₦20 million as compensation to the family of a 22-year-old student who was wrongly shot dead.<sup>42</sup> Some provisions of the Penal Code in some Northern Nigerian states provide for *diyyah* payments. However, as pointed out by Shittu and Mustapha et al., the *Shari'ah*'s provisions on *diyyah* have not been robustly practised and applied in this region.<sup>43</sup> Nonetheless, some *Shari'ah* courts in the region have

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<sup>38</sup>Ameh Comrade Godwin, "Only two governors signed death warrants since 1999" – Falana," *Daily Post*, December 23, 2012, <https://dailypost.ng/2012/12/23/only-two-governors-signed-death-warrants-since-1999-falana/>

<sup>39</sup>TVC News Nigeria, "FG Increases Inmates' Feeding Allowance From N750 To N1,250," YouTube video, September 8, 2024, <https://www.youtube.com/watch?v=dOd5pTylAk>;

<sup>40</sup>Christiana Nwaogu, Kamal Ibrahim, Iniobong Ekpona, "FG Spends N4.3m Daily To Feed 3,823 Inmates On Death Row," *Leadership Newspaper*, June, 2025, <https://leadership.ng/fg-spends-n4-3m-daily-to-feed-3823-inmates-on-death-row>

<sup>41</sup>Wigwe, *Criminal Law*, 631.

<sup>42</sup>Emmanuel Ugwu, "Court Orders Police, Pastor to Pay N20m for Student's Murder," *This Day*, February 17, 2018 <https://www.thisdaylive.com/2018/02/17/court-orders-police-pastor-to-pay-n20m-for-students-murder/>

<sup>43</sup>A. D. Shittu, "Towards Locating the Nigerian Shari'ah Penal Codes' Provisions for Willful Homicide Within the Shari'ah," *Ilorin Journal of Religious Studies*, (IJOURELS) 5, no. 1 (2015): 103-118, <https://www.researchgate.net/publication/384040759>; Sodiq S. Mustapha, A. D. Shittu, and L. Adeleke, "Diyyah Under the Shariah Penal Code of Kano State: A Reflection or Deflection from Classical Maliki School of Law," *Journal of Shariah Law Research* 7, no. 1 (2022): 25, <https://doi.org/10.22452/jslr.vol7no1.2>

ordered individuals guilty of manslaughter to pay compensation to the victims' families. For instance, in 2021, an Upper *Shari'ah* Court in Kano State ordered a 40-year-old driver, Sani Abubakar, to pay ₦220 million as compensation for causing the death of three family members. However, it is doubtful that offenders will be able to pay the compensation given the status of their jobs and the economic structure and realities of the country.

Unlike Nigeria, countries like Saudi-Arabia and Qatar, being Muslim dominated and largely-*Shari'ah* compliant, strictly follow the *Shari'ah* punishment for murder and its associated offences. In 2024, Saudi authorities carried out at least 338 executions for various crimes, including murder.<sup>44</sup> In addition, a Kenyan man, Stephen Abdulkareem Munyakho, was released from death row in Saudi Arabia after several years of negotiations. The family accepted a \$1 million settlement as *diyya*.<sup>45</sup> The argument is that countries that effectively implement *Maqāsid* principles on the protection of life often tend to have lower murder rates and reduced expenditures on murder-related offences, unlike countries with weaker implementation. Qatar and Saudi Arabia had very low homicide rates of 0.39 per 100,000 people<sup>46</sup> and 0.80 per 100,000 people in 2019, respectively,<sup>47</sup> compared with the high rate of 21.74 per 100,000 people in Nigeria in the same year.<sup>48</sup>

Although there are various arguments regarding the value of *diyyah* for non-Muslim slaves, for a free Muslim, the traditional value is 100 camels (equivalent to about ₦122,960,000 as of 2023). This *diyyah* serves as relief or consolation for the family of the deceased, coupled with other forms of punishment.<sup>49</sup> From another perspective, the effective implementation of *qisāṣ* and *diyyah* has the potential to increase economic productivity and growth. For example, if some apprehended Boko Haram insurgents guilty of murder had been executed or appropriately penalized earlier, about 100 rice

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<sup>44</sup>ADHRB, "Saudi Arabia's Death Penalty: A Tension Between Reform and Repression," Americans for Democracy and Human Rights for Bahrain, April 4, 2025, <https://www.adhrb.org/2025/04/saudi-arabias-death-penalty-a-tension-between-reform-and-repression/>

<sup>45</sup>"Kenyan freed after \$1m blood money settlement in Saudi," *Daily Trust*, July 23, 2025, <https://dailystatus.com/kenyan-freed-after-1m-blood-money-settlement-in-saudi/>

<sup>46</sup>"Qatar Murder/Homicide Rate," accessed September 30, 2025, <https://www.macrotrends.net/global-metrics/countries/qat/qatar/murder-homicide-rate>

<sup>47</sup>Trading Economics, "Saudi Arabia - Intentional Homicides (per 100,000 People)," accessed September 28, 2025, <https://tradingeconomics.com/saudi-arabia/intentional-homicides-per-100-000-people-wb-data.html#:~:text>

<sup>48</sup>Macro Trends, "Nigeria Crime Rate & Statistics," accessed September 30, 2025, <https://www.macrotrends.net/global-metrics/countries/nga/nigeria/crime-rate-statistics#:~:text>

<sup>49</sup>Mustapha, Shittu, and Adeleke, "Diyyah under the Shariah," 25.

farmers killed in 2020 might still be alive, contributing to Nigeria's rice production.<sup>50</sup> Regardless, the implementation of *qisas* and *diyyah* implies that people are highly conscious of the economic consequences of killing, whether deliberate or accidental. This awareness would likely help save lives, preserve productivity, and contribute to the country's economic growth and stability.

### 2.1.3. Protection of Lineage/Honour

The purpose of *Shari'ah* also extends to the protection of lineage/family and human honor. Therefore, a significant portion of the Qur'ān and *Aḥādīth* is devoted to issues surrounding marriage. *Shari'ah* legitimizes marriage and prohibits illegal sexual engagements to protect family and human honor. In various verses of the Qur'ān – 24:32, 17:31-32, and 24:2 – these legislations are clearly spelled out. These legislations have economic benefits for individuals, the government, and society. On the one hand, marriage leads to procreation, which promotes human capital growth, productivity, economic growth, and military power, which protects a country's economic resources. In Qur'ān 17:31, Allāh states:

وَلَا تَقْتُلُوا أَوْلَادَكُمْ حَشْيَةً إِمْلَقٌ نَّحْنُ نَرْزُقُهُمْ وَإِيَّاكُمْ إِنْ قَتَلْتُمُوهُمْ كَانَ خَطْأًا كَبِيرًا

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*"And do not kill your children for fear of poverty. We provide them for you. Indeed, their killing is ever a great sin."*

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This verse indicates the importance of the human population and its importance for societal benefits.

On the other hand, Qur'ān 17:32 states:

وَلَا تَقْرِبُوا الْزِنَى إِنَّهُ كَانَ فُحْشَةً وَسَاءَ سَبِيلًا

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*"And do not approach unlawful sexual intercourse. Indeed, it is ever an immorality and is evil as a way."*

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This verse strongly prohibits *zīnā* (fornication and adultery) because it often leads to various health, economic, spiritual, and social issues. As Adegoke argued, *Sadd Adh-Dharā'i'* (means of preventing evil) is instituted under *Shari'ah* to curb

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<sup>50</sup>Al-Jazeera, "More than 100 Killed in 'Gruesome' Nigeria Massacre," December 1, 2020, <https://www.aljazeera.com/video/newsfeed/2020/12/1/scores-killed-in-gruesome-nigeria-massacre>

sexual-related offenses and immorality.<sup>51</sup> These preventive measures include the prohibition of lustful looks and public displays of adornment (*tabarruj*), and enjoining marriage is also emphasized.

In Nigeria, however, public nudity, sexual displays, and other sexual engagements akin to *zinā* often go unregulated, contributing to a culture of sexual seduction and victimisation. In other words, despite the provisions of Section 223-225 of the Nigerian Criminal Code Act against pimping, brothel ownership, and underage prostitution, enforcement remains lax. Even in Lagos State, where the Criminal Law under Section 142(1a, b, and d) explicitly criminalizes prostitution, the law's impact remains limited. The streets remain saturated with commercial sex workers. For example, a 2012 survey revealed that approximately 13,680 prostitutes operated at night in Lagos State, particularly around brothels, hotels, and nightclubs.<sup>52</sup> Similarly, Sanni recorded 112 to 148 prostitutes loitering around hotels and nightclubs on Akowonjo Road daily in 2023.<sup>53</sup> As Aderinto observed: "Whenever the police raid brothels and arrest streetwalkers (while letting their male customers go), it is mostly because prostitutes and brothel operators refuse to pay the "protection" money that guarantees legal toleration."<sup>54</sup> Indeed, unlike states like Kano State in Nigeria, with strict laws and enforcement, partly in line with the *Shari'ah*, Nigeria's more permissive environment makes illicit sexual activities appealing.

The meat of the matter is that illegal sexual engagement not only has the potential to complicate and destroy lineage/family and dishonour human dignity, but also has several adverse effects that are economic in nature. Illegal sexual intercourse can lead to several incurable, terminal, and acute diseases. These diseases include syphilis, gonorrhea, herpes, chlamydia, genital warts, vaginitis, viral hepatitis, HIV, and AIDS, which are costly to manage and challenging to cure.<sup>55</sup> In Nigeria, available records show that the Federal Executive Council (FEC) approved ₦4.8 billion for procuring 150,000 HIV treatment packs under the 2024/2025 HIV Program Alignment.<sup>56</sup> Between 2019 and 2021, over \$600 million was spent on HIV/AIDS

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<sup>51</sup>Adegoke, "Sadd Adh-Dhara'i!", 158.

<sup>52</sup>M. M. Yahaya, "Circadian Rhythms: The Many Layers of Lagos," in *Ten cities: clubbing in Nairobi, Cairo, Kyiv, Johannesburg, Naples, Berlin, Luanda, Lagos, Bristol Lisbon, 1960 – March 2020*, ed. J. H. Etyang, J. Nyairo, and F. Sievers (Leipzig: Spector Books, 2020), 419.

<sup>53</sup>Sanni, "Hotels in Akowonjo," 71.

<sup>54</sup>Saheed Aderinto, *When Sex Threatened the State: Illicit Sexuality, Nationalism, and Politics in Colonial Nigeria, 1900-1958* (Chicago: University of Illinois Press, 2015), 170.

<sup>55</sup>Aderinto, *Illicit Sexuality*, 179-180.

<sup>56</sup>UNAIDS, "Impact of US Funding cuts on HIV Programmes in Nigeria," accessed March 27, 2025,

[https://www.unaids.org/en/resources/presscentre/featurestories/2025/march/20250327\\_Nigeria\\_fs](https://www.unaids.org/en/resources/presscentre/featurestories/2025/march/20250327_Nigeria_fs)

treatment in Nigeria.<sup>57</sup> Additionally, one of the evils of *zinā* is the irrational expenditure of resources by those involved. For instance, during a field investigation conducted by the author in the Akowonjo area of Lagos State, it was found that prostitutes' clients typically spend varying amounts of money to satisfy their sexual desires. Prostitutes charge fees ranging from ₦1,000 to ₦20,000 for a single encounter. Clients who retain a sex worker – particularly younger women – for the entire night typically pay between ₦25,000 and ₦50,000.<sup>58</sup> The income of sex workers is often spent on various aspects of their lives, including substance use and management of their appearance, which is a means of constructing their identity.

Furthermore, the author has witnessed several cases where married individuals have publicly confronted their spouses over allegations of spending money on extramarital partners while neglecting their financial responsibilities at home. In extreme cases, illicit sexual engagement has severe consequences, including imprisonment or even death. A notable example is the case of Chidinma Ojukwu, a 21-year-old undergraduate who allegedly murdered her client, Usifo Ataga (a married man), on June 15, 2021.<sup>59</sup> Driven by a desire for alcohol consumption and sexual gratification, an apprehended member of an armed robbery gang disclosed that the proceeds from their criminal activities were often expended on alcoholic beverages and sex workers in night clubs.<sup>60</sup> Recently, a new trend has emerged in the form of 'yahoo yahoo plus,' a type of internet fraud that incorporates spiritual elements into the scam. This has led to young ladies involved in 'hookups' and other forms of prostitution becoming increasingly vulnerable to exploitation by Internet fraudsters, who often kill or bewitch them for ritual purposes.<sup>61</sup>

Indeed, the failure to implement *Maqāṣid* principles that protect lineage/family and honor has exacerbated Nigeria's paternity crisis. In Nigeria, particularly in the southern part of the country, paternity tests revealed exclusion rates of 27% in 2024 and 25% in 2025, with firstborn sons disproportionately affected at 64%.<sup>62</sup> Exclusion

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<sup>57</sup>National Agency for the Control of Aids (NACA), National Aids Spending Assessment in Nigeria Period of Assessment: 2019-2021," accessed April 20, 2025, <https://naca.gov.ng/wp-content/uploads/2024/08/NASA-2022-1.pdf>

<sup>58</sup>Oyindamola, Tope, and Bose (sex workers), interview by the researcher, September 12 – October 2, 2024, De-Dems and Westend Nightclub, Akowonjo-Egbeda, Lagos, Nigeria.

<sup>59</sup>K. Oyero, "Super TV CEO: How Police ICT Unit Tracked 21-year-old Alleged Killer," *Punch*, June 26, 2021, <https://punchng.com/super-tv-ceo-how-police-ict-unit-tracked-21-year-old-alleged-killer-ppro/>

<sup>60</sup>Crime Fighters, "Meet Dare Devil Armed Robbers Who Rob in Front of Police Stations in Lagos," *YouTube*, 11:38 – 14:51, July 17, 2023, <https://www.youtube.com/watch?v=Xyma1dcjH2Y>

<sup>61</sup>Tade, "'Yahoo Plus' Phenomenon," 68-90.

<sup>62</sup>SmartDNA Nigeria, "Smart DNA Nigeria Annual Report 2025: Key Insights into Paternity Testing Trends," accessed October 1, 2025, <https://smartdna.com.ng/smart-dna-nigeria-annual-report-2025-key-insights-into-paternity-testing-trends>

rates have implications for family structures and inheritance claims, potentially leading to disputes and complexities. Furthermore, it imposes a significant financial burden, especially on men, who often initiate testing,<sup>63</sup> with test costs ranging from approximately ₦250,000 to ₦400,000. In fact, in cases where paternity is wrongly established or unknown, children who are half-siblings may unknowingly marry, potentially leading to family complications.

Nevertheless, countries such as Saudi Arabia, Qatar, and Kuwait, which implement strict laws based on *Maqāṣid* principles, tend to have lower rates of illegal sexual engagement. Human trafficking to these countries, often for the purpose of sexual exploitation, is subject to strict enforcement and severe penalties, including substantial fines and deportation. For example, in July 2025, authorities in Saudi Arabia arrested 12 expatriates (five men and seven women) for participating in prostitution in the country's Najran area.<sup>64</sup> In January 2025, a Kuwaiti court sentenced a Kuwaiti man to seven years in prison and a KD 7,000 (\$22,682) fine, while 12 expatriates received five-year jail terms and deportation for human trafficking and prostitution offences.<sup>65</sup> In fact, in Kano State, various individuals and enterprises have lost their economic livelihood due to the activities of *Hisbah* (moral police) on allegations of engaging in or promoting sexual and immoral activities.<sup>66</sup>

The economic implications are twofold: offenders lose resources as a punitive measure to deter future crimes, whereas the government generates revenue from fines that can be invested in crime prevention initiatives. It is evident from the foregoing that engaging in illicit sexual activities can lead to further crimes and problems, potentially consuming one's resources and life and increasing government expenses in combating the associated problems. This points to the fact that the protection of lineage and honor, as contained in the objectives of *Shari'ah*, has significant economic implications. It aims to safeguard not only human dignity but also resources from being wasted or used for nefarious purposes.

#### **2.1.4. Protection of Intellect/Mind**

A healthy and stable state of mind is crucial not only for observing religious activities in Islam but also for the productivity and stability of individuals and society.

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<sup>63</sup>SmartDNA Nigeria, "Smart DNA Nigeria."

<sup>64</sup>Khaleej Times, "Saudi Arrests 12 Expats Involved in Prostitution in Residential Building," *Khaleej Times*, July 15, 2025, <https://www.khaleejtimes.com/world/gulf/saudi-12-expats-arrested-prostitution>

<sup>65</sup>Ramadan Al-Sherbini, "Kuwait: 13 Jailed over Human Trafficking," *Gulf News*, January 16, 2025, <https://gulfnews.com/world/gulf/kuwait/kuwait-13-jailed-over-human-trafficking-1.500017404>

<sup>66</sup>Musa Ibrahim, "Sharia Reforms, Hisbah, and the Economy of Moral Policing in Nigeria," *Journal for the Study of Religion* 35, no. 2 (2022): 7-16, DOI: 10.17159/2413-3027/2022/v35n2a2

Gambling and intoxicant consumption are major acts that can destabilize and harm the human mind and, consequently, society. For these reasons, Islam prohibits them to protect human intellect and mind and ensure stability in society. Allāh declares in Qur'ān 5:90-91 that:

يَأَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَرْزُلُ رِجْسٌ مِّنْ عَمَلِ الشَّيْطَنِ  
فَلْجُنَاحُتُبُوهُ لِعَلَّكُمْ تُفَلُّهُونَ ٩٠ إِنَّمَا يُرِيدُ الشَّيْطَنُ أَنْ يُوْقَعَ بَيْنَكُمُ الْعُدُوَّةَ وَالْبَعْضَاءَ فِي الْخَمْرِ  
وَالْمَيْسِرِ وَيَصُدُّكُمْ عَنْ ذِكْرِ اللَّهِ وَعَنِ الصَّلَاةِ فَهُنَّ أَنْتُمْ مُنْتَهُونَ ٩١

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*O you who have believed, indeed, intoxicants, gambling, stone alters [to other than Allah], and divining arrows are but defilement from the work of Satan, so avoid it that you may be successful. Satan only wants to cause animosity and hatred between you through intoxicants and gambling and to avert you from the remembrance of Allah and from prayer. So will you not desist?*

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Prophet Muḥammad ﷺ also said: "Intoxicants are the root of all evils," "Every intoxicant is *khamr*, and every intoxicant is prohibited,"<sup>67</sup> hence, there is an Islamic juristic consensus that the sale, consumption, and abuse of psychotropic substances including alcohol, marijuana, heroin, cocaine, amphetamines, and so on, are forbidden.<sup>68</sup> However, gambling and the consumption of intoxicants, including drug peddling and abuse, remain prevalent in Nigeria. For example, between 2021 and 2024, the NDLEA arrested 57,792 drug traffickers and counselled and rehabilitated 22,047 drug addicts.<sup>69</sup> As Sanni noted, the government's distinction between illegal and legal gambling has allowed the latter, such as lotteries and sports betting, to become widespread in Nigeria,<sup>70</sup> with approximately 60 million Nigerians gambling daily.<sup>71</sup> The permissibility of certain forms of gambling and intoxicants (alcoholic beverages) in Nigeria<sup>72</sup> contrasts with the *Maqāṣid* principle of protecting the mind

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<sup>67</sup>Imam Ibn Hajar, *Bulugh Al-Maram min Adillat Al-Ahkām*, ed. S. Cook, trans. by N. Eweiss (Cairo: Dar Al-Manarah, 2003), 468.

<sup>68</sup>Yusuf Al-Qaradawi, *The Lawful and the Prohibited in Islam (Al-Hala Wal Haram Fil Islam)*, trans. K. El-Helbawy, M. M. Siddiqui, and S. Shukry (Indiana: American Trust Publications, 1994), 69-75.

<sup>69</sup>Enozie Egole, "9.9 Million kg Illicit Drugs Seized, 57,792 Suspects Arrested – NDLEA," *Punch*, February 25, 2025, [https://punchng.com/9-9-million-kg-illicit-drugs-seized-57792-suspects-arrested-ndlea/#google\\_vignette](https://punchng.com/9-9-million-kg-illicit-drugs-seized-57792-suspects-arrested-ndlea/#google_vignette)

<sup>70</sup>Sanni, "Gambling in Nigeria," 98-99.

<sup>71</sup>Juliet Akoje, "Nigeria Rakes in \$2bn from Gambling Yearly, Say Ubani," *This Day*, October 7, 2024, <https://www.thisdaylive.com/2024/10/07/nigeria-rakes-in-2bn-from-gambling-yearly-say-ubani/#>

<sup>72</sup>For example, the Nigerian government, in 2018, gave a five-year window to alcoholic beverages manufacturers to produce alcoholic drinks in sachets and pet bottles. This has led to a wave of abuse of alcoholic drinks among young people in Nigeria, and when the government moved against it, it was heavily resisted by the manufacturers and some civil societies.

and intellect. Meanwhile, illegal gambling, such as backgammon and dice games, has attracted little legal enforcement. Using the example of Lagos State, where gambling is common, between 2012 and 2023, the police recorded 925 cases of illegal gambling, resulting in 106 convictions.<sup>73</sup> In addition, many Nigerians periodically fall prey to Ponzi schemes, a form of investment akin to gambling.<sup>74</sup>

At this point, it is vital to emphasize that the prohibition of gambling and the consumption of intoxicants stems from their multifaceted adverse effects, encompassing religious, mental, social, and economic harm. For example, in February 2017, a 37-year-old man ingested a powerful insecticide after losing ₦750,000 to the MMM Ponzi scheme, and he eventually died.<sup>75</sup> In 2016, millions of Nigerians allegedly lost ₦18 billion to the MMM Ponzi scheme.<sup>76</sup> In 2025, approximately 600,000 Nigerians allegedly lost ₦1.3 trillion in the Crypto Bullion Exchange (CBEX) Ponzi scheme.<sup>77</sup> Additionally, in various Nigerian newspapers, one reads headlines like: "Lagos Worker Arraigned for Betting with Employer's Money,"<sup>78</sup> "Student Commits Suicide after Losing Tuition Fee to Gambling,"<sup>79</sup> and "Man Dies by Suicide after losing ₦2.5 million to Betting."<sup>80</sup> According to a student who had lost about 60% of the money he earned for tutoring to online sports betting, "I had to gather the money from my part-time teaching salary and got some loans to play the game in August. My gambling history has been poor over the past few months. I've been losing for the past few months, playing often and losing steadily."<sup>81</sup> One online gambler also stated:

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<sup>73</sup>Police Annual Reports, Lagos State Command, Ikeja, 2012-2023.

<sup>74</sup>Islamically, Ponzi schemes amount to gambling because they are associated with its uncertainties, risks, and lack of productive economic activity.

<sup>75</sup>Isaac Dachen, "Man who Drank Insecticide over Ponzi Scheme Finally Dies," *Pulse*, February 21, 2017, <https://www.pulse.ng/articles/mmm-nigeria-man-who-drank-insecticide-over-ponzi-scheme-finally-dies-2024080219344523241>

<sup>76</sup>AbdulQudus Ogundapo, "Senate Probes Ponzi Schemes in Nigeria, Loss of N1.3trn by Nigerians to CBEX," *Premium Times*, July 9, 2025, <https://www.premiumtimesng.com/business/business-news/806149-senate-probes-ponzi-schemes-in-nigeria-loss-of-n1-3trn-by-nigerians-to-cbex.html>

<sup>77</sup>Ogundapo, "Senate Probes Ponzi Schemes."

<sup>78</sup>Naomi Chima, "Lagos Worker Arraigned for Betting with Employer's Money," *Punch*, December 15, 2023, <https://punchng.com/lagos-worker-arraigned-for-betting-with-employers-money/>

<sup>79</sup>Olasunkanmi Akinlotan, "Student Commits Suicide after Losing Tuition Fee to Gambling," *Premium Times*, May 25, 2023, <https://www.premiumtimesng.com/news/more-news/600407-student-commits-suicide-after-losing-tuition-fee-to-gambling.html>

<sup>80</sup>Itunnu Azeez Karrem, "Man Dies by Suicide after Losing ₦2.5 million to Betting," *The Guardian*, December 13, 2023, <https://guardian.ng/life/man-dies-by-suicide-after-losing-2-5m-to-betting/>

<sup>81</sup>Ope Adetayo, "Influencers are getting young Nigerians hooked on Online Gambling," *Rest of World*, December 6, 2023, <https://restofworld.org/2023/online-gambling-influencers-nigeria/>

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*I have been betting since 2010. In a week, I usually spend ₦10,000, and between ₦1,500 and ₦2,000, daily. Losing is certain. You cannot be so sure of winning the game. If you win, the game will take the money back again. If you win today, by tomorrow, everything will have been taken back. I once sold my phone because of betting. Betting has ruined my life to this extent. Some people have been jailed for betting.<sup>82</sup>*

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Similarly, a drug addict, when asked about her experience, exclaimed, "Ahh! It's what damaged my intestine."<sup>83</sup> Another addict said, "My mother fought me to stop smoking Colos (Colorado), but I refused and even sold all her belongings to buy and smoke it."<sup>84</sup> One addict advised drug addicts that, "They should leave it (drug use). If you have ₦1 million or ₦10 million, it will be spent on drugs without even buying good food."<sup>85</sup> According to Ayomide, a female addict, "Diazepam is a 'mad person' substance. It turned me into a street fighter and ruined my life."<sup>86</sup> According to Opeyemi, another female addict, codeine led her to spend two years in prison:<sup>87</sup>



Fig. 1. Drug users in a state of mental disorder along Akowojo Road in Lagos State. Source: Author.

From the foregoing, it is evident that the Islamic prohibition of gambling and the consumption of intoxicants is based on their severe consequences, such as imprisonment, illness, mental health issues, and even death. Additionally, they can result in financial bankruptcy, hindering individuals' economic productivity and growth and ultimately impacting the country's overall development. However, in Nigeria, the permissibility of some forms of gambling and the consumption of intoxicants have resulted in enormous losses of lives, human productivity, and financial resources. As noted by Sanni, "The fact that the Nigerian Criminal Act

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<sup>82</sup>Ayo Adams, "Sports Betting in Nigeria - The Players Experience," October 22, 20223, 00:03 - 13:17 <https://www.youtube.com/watch?v=k77T2Wt4uBU>

<sup>83</sup>Shayonex, YouTube channel, November 8, 2024, <https://www.youtube.com/@Shayonex>

<sup>84</sup>Shayonex, YouTube channel, November 8, 2024, <https://www.youtube.com/@Shayonex>

<sup>85</sup>Shayonex, YouTube channel, November 8, 2024, <https://www.youtube.com/@Shayonex>

<sup>86</sup>Shayonex, YouTube channel, November 8, 2024, <https://www.youtube.com/@Shayonex>

<sup>87</sup>Shayonex, YouTube channel, November 8, 2024, <https://www.youtube.com/@Shayonex>

(Sections 236-241) criminalises some forms of gambling is an indication of their adverse effects. Conversely, the same Criminal Act legalises other forms of gambling, with the claim of regulation and recreational purposes.<sup>88</sup> This dichotomy raises concerns, as it is evident that these forms of gambling are legalized primarily because of the revenue they generate for the government.<sup>89</sup> For example, Nigeria's betting market was worth more than \$ 2 billion in 2024.<sup>90</sup>

However, the Nigerian government has failed to recognize the multiplier and significant losses resulting from alcohol consumption and gambling. These losses far outweigh the benefits of legalizing these activities. In fact, the revenue generated by alcohol companies and gambling institutions cannot compensate for the adverse effects, such as the loss of productive age groups and the subsequent strain on the economy. In line with the *Maqāṣid* principle, these are among the major reasons why countries like Saudi Arabia, Iran, Malaysia, and Qatar strongly prohibit all forms of gambling, as well as alcohol and drug peddling and consumption. Although these acts are not entirely absent in these countries,<sup>91</sup> strong enforcement drives them underground, making them highly secretive and minimal. The point of argument is that implementing the *Maqāṣid* principles of protecting the intellect and mind through strict laws against gambling and the consumption of intoxicants would yield significant benefits.

### 2.1.5. Protection of Property/Wealth

The protection of property is clearly an economic characteristic of the *Maqāṣid al-Shari'ah*. In various ways, *Shari'ah* aims to protect the property of individuals and society. Allāh, in Qur'ān 4:29, says

يَا أَيُّهَا الَّذِينَ ءامَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَطْلِ ، إِلَّا أَن تَكُونَ تِجْرَةً عَنْ تَرَاضٍ مُّنْكَرٌ وَلَا تَقْتُلُوا أَنفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَّحِيمًا

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*"O you who have believed, do not consume one another's wealth unjustly but only [in lawful] business by mutual consent. And do not kill yourselves [or one another]. Indeed, Allāh is to you ever Merciful."*

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In Qur'ān 5:38, He also says:

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<sup>88</sup>Sanni, "Gambling in Nigeria," 112.

<sup>89</sup>Sanni, "Gambling in Nigeria," 112.

<sup>90</sup>Akoje, "\$2bn from Gambling."

<sup>91</sup>See Taghreed Alhaidan et al., "Reported Cases of Alcohol Consumption and Poisoning for the Years 2015 to 2022 in Hail, Saudi Arabia," *International Journal of Environmental Research and Public Health* 19, no. 22 (2022): 1-2.

وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطِعُوْا أَيْدِيهِمَا جَزَاءً عِلَّمَ مَنْ أَلَّهُ وَاللَّهُ عَزِيزٌ حَكِيمٌ

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*"[As for] the thief, the male and the female, amputate their hands in recompense for what they committed as a deterrent [punishment] from Allāh. And Allāh is Exalted in Might and Wise."*

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This implies that the *Shari'ah* strongly prohibits all material and economic crimes, such as kidnapping, armed robbery, theft, fraud, and banditry. These crimes attract stern punishment, serving as a deterrent to prevent people from criminally acquiring others' property.

The protection of property is also recognized in the Nigerian Criminal Code Act. For theft, Section 390 (1-4) of the Criminal Code Act provides for punishments ranging from payment of a fine to several years of imprisonment or life imprisonment, depending on the nature of the offence. Similarly, Section 402 (1-2) prescribes punishments ranging from 21 years' imprisonment to the death sentence for armed robbery. Kidnapping also attracts punishments ranging from imprisonment to the death sentence, depending on the nature of the offence. The Nigerian government has also established the Economic and Financial Crimes Commission (EFCC) to combat financial crimes, including advance fee fraud (419) and online financial fraud (OFC). Section 1, sub-sections 1-3 of the Advance Fee Fraud and Other Fraud Related Offences Act 2006 stipulates that: "...any person who, by any false pretence and with intent to defraud, obtains from any other person... or obtains any property... by false pretence, commits an offence under this Act and is liable on conviction to imprisonment for a term of not more than 20 years and not less than 7 years, without the option of a fine."

However, despite these legal provisions, economic crime is prevalent in Nigeria. According to the National Bureau of Statistics (NBS), Nigeria recorded 68,579 reported cases of offences against property in 2017.<sup>92</sup> Between 2012 and 2023, Lagos State alone recorded 93,204, 2,214, and 19,060 cases of theft, armed robbery, and burglary, respectively.<sup>93</sup> Between January and September 2023, the EFCC secured the conviction of 1,688 internet fraudsters.<sup>94</sup> Additionally, between 2021 and 2023, the Nigerian police recorded 5,101 kidnappings.<sup>95</sup> According to the NBS, between May

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<sup>92</sup>NBS, "Crime Statistics: Reported Offences by Type and State (2017)," <https://www.nigerianstat.gov.ng/elibrary/read/786#:~:text=Crime%20Statistics%20on%20reported>

<sup>93</sup>Police annual reports, Lagos State Command, Ikeja, 2012 to 2023.

<sup>94</sup>Ayomikunle Daramola, "EFCC secured 1,688 convictions between January and Sept, says acting chairman," The Cable, September 29, 2023, <https://www.thecable.ng/efcc-secured-1688-convictions-between-january-and-sept-says-acting-chairman/?nonamp=1/>

<sup>95</sup>Ministry of Police Affairs, "Crime Statistics, 2021-2023."

2023 and April 2024, Nigerians allegedly paid approximately 2.2 trillion as ransom.<sup>96</sup> While the NBS survey appears starkly exaggerated and unsubstantiated, a new report by SBM intelligence says Nigerians paid ₦2.56 billion in ransom between July 2024 and June 2025.<sup>97</sup> For example, in 2017, Chukwudumeme Onwuamadike (aka Evans) collected a ransom of € 233, 000 from one of his victims, Chief Donatus Dunu.<sup>98</sup>

Unlike the provisions of the Nigerian Criminal Code Act, the legislation of *Shari'ah* is very comprehensive and goes beyond punishment. For example, in the case of theft, there is a minimum rate (*nisab*) to determine the commission of the crime and whether the thief is liable to amputation of the hand. The *nisab* for theft is three dirhams or a quarter of a *dīnār* (about 1.5 grams of gold or goods or currency of its worth).<sup>99</sup> If the value of the stolen goods does not reach the *nisab*, the offender may only be liable to discretionary punishment by the judge, and if the theft was committed out of necessity, the offender may even be rewarded.<sup>100</sup> In cases of established violent crimes such as armed robbery, kidnapping, and banditry, *Shari'ah* prescribes severe punishments, which may include execution or exile from the land, depending on the nature and circumstances of the offence, as stated in Qur'ān 5:33.

It is worth noting that the enforcement of punishment serves multiple purposes. These include deterring potential criminals, punishing culprits, securing society, and saving government resources for combating crime and administering criminal justice. Indeed, the lack of meaningful application of *Maqāṣid* principles, including commensurate punishment, justice, and welfare provision, has contributed to the prevalence of property crimes in Nigeria. Although Nigeria's status as a multi-religious state has made the implementation of Islamic criminal law challenging, the victim of its application emphasizes its importance. According to Lawal Isa, whose wrist was amputated in 2001 for stealing a bicycle in Kano:

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<sup>96</sup>TVC News Nigeria, "Kidnapped Victims Paid ₦2.2 Trillion in Ransom In One Year – NBS," *YouTube*, December 19, 2024, <https://www.youtube.com/watch?v=IO9-brpVJwk>

<sup>97</sup>Taofeek Oyedokun, "Kidnap-for-ransom Industry Costs Nigeria N2.56bn in One Year," *Business Day*, August 26, 2025, <https://businessday.ng/news/article/kidnap-for-ransom-industry-costs-nigeria-n2-56bn-in-one-year-report/>

<sup>98</sup>Wale Igbintade, "Court Orders Kidnap Kingpin, Evans to Refund €233,000 Ransom to Victim," *This Day*, February 16, 2023, <https://www.thisdaylive.com/2023/02/16/court-orders-kidnap-kingpin-evans-to-refund-e233000-ransom-to-victim/>

<sup>99</sup>Ibn Hajar, *Bulugh Al-Maram*, 461.

<sup>100</sup>The second Caliph in Islam, ʻUmar bn al-Khaṭṭāb, applied a moratorium on the Islamic punishment for theft during a famine at Madinah. In another episode, he penalised an employer, whose failure to pay his employees as at when due, led them to steal a she-camel. The employer was ordered to double the payment of the she-camel. See M. I. Siddiqi, *The Penal Law of Islam* (New Delhi: International Islamic Publishers, 1994), 28-29.

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*I was ashamed of the publicity my case generated. Therefore, I was not happy with the situation I had put my family in. I think the law is acceptable if properly executed. If people know that their hands will be amputated if they are caught stealing, many people will not steal for fear of losing their hands. However, if someone is arrested for stealing and given a jail term, they will finish the term and return to their unlawful business. As soon as people see you with an amputated wrist, they know who you are.*

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Nevertheless, as noted by Sanni, the punishment for the commission of some crimes cannot be justified under Islamic law because of socio-economic factors such as hunger, poverty, and unemployment that precipitated them.<sup>101</sup> In countries like Qatar, the United Arab Emirates (UAE), and Saudi Arabia, the welfare of the people is extensively catered to, and strict punishment in line with *Shari'ah* is meted out to those guilty of economic crimes. Consequently, the rates of crimes such as armed robbery, theft, fraud, and kidnapping are remarkably low, suggesting that the governments of these countries spend less on combating such crimes. According to Numbeo's 2024 crime and safety indices, Qatar scores 16.0 on the Crime Index and 84.0 on the Safety Index; the United Arab Emirates scores 15.6 and 84.4, and Saudi Arabia scores 26.9 and 73.1, respectively. Unlike these countries with relatively low crime rates, Nigeria has a Crime Index score of 66.2 and a Safety Index score of 33.8, pointing to Nigeria's need to spend more on combating crime.<sup>102</sup>

Essentially, the argument is that implementing *Maqāṣid* principles prevents economic crimes, thus reducing the losses of potential victims and government spending to combat them. The savings from this can then be redirected towards promoting preventive measures, such as education, empowerment, job creation, and other productive economic initiatives. For example, the ₦21 billion injected into the security architecture in Lagos State through the Lagos State Security Trust Fund (LSSTF) between 2007 and 2017 would have been better utilised to create more employment and job opportunities.<sup>103</sup> Additionally, the 15 billion yearly need projected by the LSSTF for arms, ammunition, and other security facilities to ensure the State's optimal security could be redirected towards more productive purposes.<sup>104</sup> Although the LSSTF has undoubtedly contributed to combating crime in Lagos State since 2007, countries such as Saudi Arabia, Qatar, and the UAE offer alternative

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<sup>101</sup>Sanni, "Prescribed Punishment," 204.

<sup>102</sup>World Population Review, "Crime Rate by Country 2025," accessed October 2, 2025, <https://worldpopulationreview.com/country-rankings/crime-rate-by-country>

<sup>103</sup>BusinessDay, "LSSTF Injects N21bn into Security in 10 years," *Business Day*, December 13, 2017, <https://businessday.ng/uncategorized/article/lsstf-injects-n21bn-security-10-years/>

<sup>104</sup>Seyi John Salau, "Lagos Requires N15bn Yearly for Effective Security - LSSTF," *Business Day*, December 7, 2023, <https://businessday.ng/news/article/lagos-requires-n15bn-yearly-for-effective-security-lsstf/>

models. These countries have maintained security with minimal economic crime rates without militarizing their law enforcement, partly due to the effective application of *Maqāṣid* principles. These principles ensure that people's welfare is sufficiently met, and anyone found guilty of economic crimes due to greed rather than necessity is promptly and commensurately punished. See Tables 1 and 2 for detailed insights.

Table 1. Summary of the Analysis

Key Themes	<i>Maqāṣid</i> Objectives	Implications
Religious conflicts and intolerance (e.g. Boko Haram insurgency)	<i>Hifz al-Dīn</i> (Protection of Faith/Religion) - Qur'ān 2:256, 6:108.	Promote religious tolerance and coexistence and reduce economic losses due to religious conflicts (e.g. 2023 ₦1.248 trillion security budget allocation).
Murder, manslaughter, Boko Haram attacks, kidnappings; 196,737 lives lost in 40,725 incidents of violence and crime (2006-2023), 5,191 cases of murder recorded by the Nigerian police (2021-2023); Economic cost of maintaining unexecuted murders (e.g., ₦1.569 billion annually); Reduction of population and productivity	<i>Hifz al-Nafs</i> (Protection of human life) - Qur'ān 5:32-33, 17:33.	Prevent of Unjust Killings; Reduce murder and manslaughter rates; Save government resources on prisoner maintenance; Enhance productivity and economic growth
Illicit sexual activities and their consequences (e.g., HIV/ AIDS, financial burden); Paternity disputes (27% exclusion rate in paternity tests (2024), 25% exclusion rate in paternity tests (2025). Substance abuse and mental health; 57,792 drug traffickers arrested (2021-2024), 22,047 drug addicts counseled and rehabilitated (2021-2024); Economic losses due to gambling (e.g., ₦1.3 trillion Crypto Bullion Exchange Ponzi scheme)	<i>Hifz al-Nasl</i> (Protection of Lineage/Honour) - Qur'ān 24:32, 17:31-32	Reduce illicit sexual activities and their consequences; Promote family stability and societal cohesion; Reduce economic burden of paternity disputes and related issues
	<i>Hifz al-'Aql</i> (Protection of Intellect/Mind) - Qur'ān 5:90-91	Reduce substance abuse and mental health issues; Minimize economic losses due to gambling and substance abuse; Enhance productivity and societal stability

Armed robbery, theft, kidnapping for ransom, and fraud; ₦2.56 billion paid in ransom (July 2024-June 2025), 93,204 cases of theft recorded in Lagos State (2012-2023).	<i>Hifz al-Māl</i> (Protection of Property/Wealth); Qur'ān 4:29, 5:38.	Reduce economic crimes and related losses; Promote investment and economic growth; Secure economic resources; Enhance societal stability and security
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Table 2. *Maqāṣid* Principles and Realisation Mechanisms/Policies

<i>Maqāṣid</i> Principles	Realisation Mechanisms/Policies
<i>Hifz al-Dīn</i> (Protection of Faith/Religion)	Implementing conflict resolution program, mediation, and arbitration services can help resolve disputes peacefully and reduce the likelihood of violent religious conflicts. Also, implementing policies that promote education and critical thinking can help to reduce the influence of extremist ideologies. For example, the Nigeria Inter-Religious Council (NIREC) and the Kukah Centre have been established to promote and ensure religious harmony in Nigeria's multi-religious context.
<i>Hifz al-Nafs</i> (Protection of human life)	Ensuring effective law enforcement and strict punishments for crimes that harm human life, such as murder and assault. Implementing <i>qisāṣ</i> and <i>diyyah</i> , which has proven effective in some countries. Stricter laws and enforcement against illicit sexual activities.
<i>Hifz al-Nasl</i> (Protection of Lineage/Honour)	Encouraging early marriage and arrangement for divorcees through various social program. For example, Jordan's Marriage Support Program provides financial assistance and support to young couples who get married. Also, Malaysia's Marriage Preparation Program provides pre-marital counselling and education to couples who are getting married, with the aim of reducing divorce rates and promoting stable marriages. In Nigeria, some <i>Islamic</i> organizations such as the Federation of Muslim Women's Associations in Nigeria (FOMWAN) and the Nasrul-Lahi-il-Fatih Society of Nigeria (NASFAT) are also engaging in similar activities of pre-marital counselling. In an interview conducted with the Lead Counselor of FOMWAN, Lagos State Chapter: "The Association, through its clients, have taken into custody thirty commercial sex workers, out of which twenty were reformed and successfully learnt various skills." <sup>105</sup> Additionally, in line with the <i>Maqāṣid</i> principle of protecting family and lineage, FOMWAN has a Counselling Centre has been pre-marital, single mother, and marriage counselling in a bid to curb social menaces associated with sexual and marital life. Strong institutional (government) prohibition or regulation of all forms of gambling and intoxicants (except for regulated medical purposes). <i>Islamic</i> institutions and individuals have been doing this. For example, among numerous other organizations, according to the Deputy <i>Imām</i> of the University of Lagos, <i>Hiyadullahi Foundation</i> in
<i>Hifz al-'Aql</i> (Protection of Intellect/Mind)	

<sup>105</sup>G. O. Ayomaya (Financial Secretary/Lead Counsellor, FOMAN Lagos State Chapter), interview with the researcher, June 10, 2024.

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*Hifz al-Māl* (Protection of Property/Wealth)

February 2023 to organise and take Islamic lectures to the area boys (criminal minded individuals) in selected areas where they thrive.<sup>106</sup> Promotion and implementation of *Zakāt* (obligatory charity), *Sadaqah* (voluntary charity), and *Waqf* (endowment), which can help redistribute wealth, alleviate poverty, and promote social cohesion. For example, Pakistan has a formal *Zakāt* system, where Muslims can pay their *Zakāt* through banks or mosques, which are then distributed to the poor and needy. Similarly, Saudi Arabia collects *Zakāt* through its Ministry of Finance, which then distributes it to various charitable causes, including poverty alleviation. Although largely limited in terms of coverage, there are also numerous *Zakāt*/*Sadaqah*/*Waqf* foundations and organizations in Nigeria for wealth collection and redistribution. For example, Zakat and Sadaqat Foundation (ZSF), in its 25 years of existence, has disbursed over ₦5 billion to more than 100,000 direct Nigerians beneficiaries and over 600,000 indirectly beneficiaries.<sup>107</sup> Other poverty reduction initiatives and financial inclusion program such as job creation, vocational training, and interest-free loans can help reduce poverty and inequality, thereby decreasing the likelihood of economic crimes. Also, effective implementation of *Shari'ah* principles, including commensurate punishment and justice.

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## 2.2. *Maqāṣid* Insights into the Economics of Crime Management

From the foregoing, the highlighted points could be deduced as how the *Maqāṣid* analysis provides insights into the economics of crime management

1. *The maqāṣid* principles consider the well-being of individuals and society as a whole, encompassing spiritual, moral, and material aspects. This approach highlights the importance of addressing the root causes of crime, such as poverty, unemployment, and social inequality, rather than focusing on punishment and retribution.
2. *The maqāṣid* principles emphasize prevention and deterrence rather than punishment. By promoting social welfare, education, and job creation, *Maqāṣid*-based policies can help reduce crime rates and alleviate the economic burden of crime.
3. By prioritizing prevention and rehabilitation, *Maqāṣid*-based policies can help redirect resources from punitive measures to more productive and beneficial uses, such as education, healthcare, and social welfare.

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<sup>106</sup>B. 'Abdur-Rahīm (Deputy Chief Imān, University of Lagos, and Senior Lecturer Department of Religions, University of Lagos), interview with the researcher, May 9, 2024.

<sup>107</sup>Tajudeen Adebanjo, "Foundation Disburses N5b to 100,000 Beneficiaries," *The Nation*, September 16, 2025, <https://thenationonlineng.net/foundation-disburses-n5b-to-100000-beneficiaries/>

4. *The maqāṣid* principles prioritize long-term sustainability over short-term gains. By addressing the root causes of crime and promoting social cohesion, *Maqāṣid*-based policies can help create a more stable and prosperous society in the long term.
5. *Maqāṣid* principles emphasise the importance of integrating moral and material development. By promoting moral values and social responsibility, *Maqāṣid*-based policies can help create a virtuous and productive society.

## CONCLUSION

In conclusion, this study establishes the extent to which the Nigerian legal system aligns with the objectives of *Shari'ah* in managing crime and its attendant economic implications, highlighting areas of convergence and divergence. As discussed and exemplified in this study, the implementation of *Maqāṣid* principles has the potential to foster a crime-free society and promote economic growth, stability, and development. Although the Nigerian legal system provides measures to manage crime, these measures are not holistic and do not effectively address the problem of crime prevalence and its economic implications. Therefore, notwithstanding the multi-religious nature of Nigerian society, policymakers in Nigeria should consider integrating *Maqāṣid al-Shari'ah* principles into policymaking to promote human welfare and justice. This is possible given that Prophet Muhammad implemented them in a multi-religious society without forcing non-Muslims into Islam. This integration could involve establishing *Shari'ah* governance structures that prioritize the protection of religion, life, property, dignity, and human intellect. In the banking and finance sectors, Nigeria has greatly achieved this. Thus, the integration of such structures could help prevent and combat crime and enhance economic productivity, growth, and development.

## DISCLOSURE

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