

BULLETIN

OF "CAROL I" NATIONAL DEFENCE UNIVERSITY

<https://buletinul.unap.ro/index.php/en/>

Shariah Law and Religious Rights in a Multi-religious Society: examining its Introduction for Muslims in Western Nigeria

Mahmud A. OSHO, PhD*

*Department of Political Science and Public Administration, Faculty of Humanities and Social Sciences, Al-Hikmah University, Adewole, Ilorin, Kwara State
e-mail: maosho@alhikmah.edu.ng

Abstract

The introduction of Shariah law in Western Nigeria is primarily aimed at protecting the religious rights of Muslims, ensuring their ability to practice Islamic legal principles within a secular framework. This study explores the socio-political implications of Shariah in a multi-religious society, emphasizing that its application is exclusively for Muslims and does not infringe on the rights of non-Muslims. The research examines the historical evolution of Shariah in Nigeria, the constitutional provisions for religious freedom, and the legal pluralism that allows for multiple judicial systems to coexist. While the adoption of Shariah law strengthens the identity and religious autonomy of Muslims, it also raises concerns about political interpretations and interfaith relations. Using qualitative methods, including case studies and a questionnaire, the study assesses how Shariah law functions within a diverse society, ensuring that it remains a voluntary legal system for Muslims. The findings highlight the importance of upholding religious rights while maintaining national unity and peaceful coexistence. The study concludes with recommendations for policy frameworks that balance religious freedom, legal inclusivity, and social harmony in Western Nigeria.

Keywords:

Shariah Law; Religious Rights; Western Nigeria; Legal Pluralism; Peaceful Coexistence.

Article info

Received: 14 April 2025; Revised: 12 May 2025; Accepted: 16 May 2025; Available online: 27 June 2025

Citation: Osho, M.A. 2025. "Shariah Law and Religious Rights in a Multi-religious Society: examining its Introduction for Muslims in Western Nigeria" *Bulletin of "Carol I" National Defence University*, 14(2): 128-153. <https://doi.org/10.53477/2284-9378-25-20>



© „Carol I” National Defence University Publishing House

This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY-NC-SA)

The introduction of Shariah law in Western Nigeria, particularly since the early 2000s, has generated substantial socio-political debate. Although Shariah has been a longstanding component of the legal system in Northern Nigeria, its gradual adoption and recognition in parts of the Western region, especially in states with significant Muslim populations such as Osun, Oyo, and Lagos, marks a notable development in Nigeria's religious and legal landscape.

This shift has raised questions about the potential security implications of Shariah law's adoption in a historically multi-religious and politically diverse region. Specifically, there is a concern that the socio-political effects could evolve into a security problem, particularly for non-Muslim communities, secular activists, and political actors who perceive the move as a step towards religious domination. The fear is that it may lead to sectarian polarization, erosion of trust in state institutions, and violent confrontations, especially if perceived as undermining Nigeria's secular constitution.

The broader discourse is often framed within the narrative of Islamization, wherein the legal recognition of Shariah is seen by some as a strategy to impose Islamic norms on a pluralistic society. This narrative has fueled inter-religious suspicion and political rivalry, making the matter not only a legal or religious issue but a potential threat to social cohesion and national security.

Nevertheless, advocates for Shariah law in Western Nigeria argue that its adoption is constitutionally legitimate and confined to personal and civil matters involving Muslims alone. They highlight that Nigeria practices legal pluralism, recognizing customary and religious laws alongside secular statutes. In this view, the implementation of Shariah law does not contravene the Nigerian Constitution but enhances the right of Muslims to live in accordance with their religious beliefs.

This study critically assesses the social and political ramifications of Shariah law's emergence in Western Nigeria. It evaluates its implications for religious rights, interfaith harmony, and the stability of democratic governance, while also interrogating the fears surrounding national unity and the perceived erosion of secularism. Through this analysis, the study aims to clarify whether the Shariah system promotes peaceful coexistence or inadvertently lays the groundwork for sectarian division and conflict.

Research Objectives

The primary objective of this study is to examine the socio-political implications of the introduction of Shariah law in Western Nigeria, particularly in the context of a multi-religious society. Specifically, the study aims to:

1. Analyze the rationale behind the introduction of Shariah law in Western Nigeria and its role in protecting the religious rights of Muslims.
2. Examine the constitutional and legal framework that supports the coexistence of Shariah law within Nigeria's secular legal system.
3. Investigate public perceptions and reactions to the introduction of Shariah law, particularly in relation to concerns about the Islamization of Nigeria.
4. Assess the impact of Shariah law on interfaith relations, governance, and social cohesion in Western Nigeria.
5. Provide policy recommendations for ensuring religious harmony, legal pluralism, and peaceful coexistence in the region.

Scope of the Study

This study focuses on the socio-political implications of the introduction of Shariah law in Western Nigeria, particularly in the context of a multi-religious society. The research examines the historical background, legal framework, and contemporary debates surrounding the implementation of Shariah law in the region. While Shariah has been practiced in Northern Nigeria for decades, its recent introduction in parts of Western Nigeria has generated discussions on religious rights, legal pluralism, and national unity.

The study is limited to Western Nigeria, covering selected states where discussions or efforts toward implementing Shariah law have gained attention. It investigates the perspectives of various stakeholders, including religious scholars, legal practitioners, policymakers, and members of both Muslim and non-Muslim communities. The study does not focus on the theological intricacies of Islamic jurisprudence, but rather on the socio-political dimensions of its application.

Furthermore, the research assesses the constitutional provisions that permit the coexistence of multiple legal systems in Nigeria and how Shariah law operates within this framework. The study also explores public perceptions, addressing concerns about whether its introduction signals an attempt at Islamization or simply the exercise of religious rights by Muslims. The findings will contribute to policy recommendations aimed at promoting peaceful coexistence, legal inclusivity, and religious tolerance in Nigeria.

Literature Review

The implementation of Shariah law in Nigeria has been a subject of scholarly discourse, particularly regarding its socio-political implications in a multi-religious society. While much of the existing literature focuses on Shariah law in Northern Nigeria, the introduction of Islamic legal principles in Western Nigeria has sparked

debates on religious rights, legal pluralism, and national unity. This literature review explores historical perspectives on Shariah in Nigeria, its constitutional basis, its socio-political implications, and public perceptions surrounding its introduction in Western Nigeria.

Historical Background of Shariah Law in Nigeria

Shariah law has deep historical roots in Nigeria, dating back to the pre-colonial era when Islamic legal systems governed many parts of the northern region. According to [Uthman \(2019\)](#), Islamic jurisprudence was introduced in present-day Nigeria through trade, migration, and Islamic scholars who played a key role in shaping governance structures in various emirates. The Sokoto Caliphate, established in the 19th century, institutionalized Shariah law, making it the dominant legal system in Northern Nigeria ([Last 1967](#)).

With the advent of British colonial rule, Shariah law was significantly restricted, and the introduction of a common law system led to its relegation primarily to matters of personal status, such as marriage, inheritance, and family law ([Ostien 2007](#)). However, the reintroduction of full Shariah law in some northern states in 1999 reignited debates on its role within Nigeria's pluralistic legal system. This historical background is crucial in understanding contemporary discussions about its extension to Western Nigeria.

Constitutional and Legal Framework for Shariah Law in Nigeria

Nigeria operates a legal system that accommodates three major sources of law: statutory law, customary law, and Islamic law. The 1999 Constitution of the Federal Republic of Nigeria recognizes Shariah law as part of the country's legal framework, particularly in the adjudication of personal matters for Muslims ([Constitution of Nigeria 1999](#), Section 277). However, scholars such as [Nwauche \(2010\)](#) argue that while Shariah law is constitutionally recognized, its extension beyond personal matters remains a contentious issue in multi-religious regions.

The constitution guarantees freedom of religion under Section 38, allowing individuals and religious groups to practice their faith freely. This provision serves as the legal basis for the introduction of Shariah law in Western Nigeria, as proponents argue that it merely provides Muslims with the option to resolve personal and civil disputes through Islamic legal principles. However, critics warn that such developments could create legal fragmentation, leading to conflicts over jurisdiction between Shariah and secular courts ([Ezeilo 2011](#)).

Socio-Political Implications of Shariah Law in Western Nigeria

The introduction of Shariah law in Western Nigeria has raised significant socio-political concerns, particularly regarding interfaith relations and national cohesion. According to [Abikan \(2013\)](#), Shariah law is designed to serve only Muslims and does

not interfere with the rights of non-Muslims. However, some scholars argue that its implementation could deepen religious divisions in an already polarized society. [Ojo \(2016\)](#) contends that the fear of Islamization is largely driven by misinformation and political rhetoric rather than the actual practice of Shariah law.

One major concern is the potential impact on governance and political processes. Scholars such as [Falola \(2018\)](#) suggest that the introduction of Shariah law in Western Nigeria could influence electoral politics, as religious identity may become a more significant factor in political alignments. Additionally, it could affect interfaith relations, as non-Muslims may perceive the move as an attempt to expand Islamic influence beyond its traditional strongholds. However, empirical studies indicate that where Shariah is properly implemented, it has contributed to social order and justice within Muslim communities ([Peters 2003](#)).

Public Perceptions and Debates on Shariah in Western Nigeria

Public reactions to the introduction of Shariah law in Western Nigeria have been mixed. While many Muslims welcome the initiative as a means of upholding their religious rights, others, particularly non-Muslims, view it with suspicion. According to a survey conducted by [Yusuf \(2021\)](#), 65% of Muslims in Western Nigeria support Shariah law for personal and civil matters, while 30% of non-Muslims express concerns about its broader implications for the region's secular legal framework.

Religious leaders and civil society organizations have played a crucial role in shaping public discourse on the issue. While Islamic scholars emphasize that Shariah law is a voluntary system meant only for Muslims, some Christian organizations argue that it could create a precedent for religious legal systems that may later extend to non-Muslims ([Adegbite 2020](#)). Despite these concerns, legal experts highlight that Shariah law remains an optional legal system, and its introduction in Western Nigeria aligns with constitutional provisions on religious freedom ([Ostien 2007](#)).

The reviewed literature highlights the complex legal, historical, and socio-political dimensions of Shariah law in Nigeria. While its introduction in Western Nigeria is intended to protect the religious rights of Muslims, it has also sparked debates on national unity, legal pluralism, and interfaith relations. Existing studies emphasize the need for clear legal frameworks, public awareness, and interfaith dialogue to ensure that Shariah law functions as an inclusive and non-divisive legal system. While previous studies have focused on the legal debates surrounding Shariah, few have empirically assessed public opinion in Western Nigeria regarding its implementation. This study addresses that gap through a questionnaire designed to capture diverse views on the socio-political and legal implications of Shariah law. Further empirical research is needed to assess its long-term impact on governance and social cohesion in Western Nigeria.

Theoretical Framework

The introduction of Shariah law in Western Nigeria can be analyzed through various theoretical lenses that explain the interplay between law, religion, and society in a multi-religious state. This study adopts the Legal Pluralism Theory, Social Contract Theory, and Religious Rights Theory to provide a comprehensive understanding of the socio-political implications of Shariah law in Western Nigeria. These theories help explain the coexistence of multiple legal systems, the protection of religious freedoms, and the balance between religious autonomy and national unity.

Legal Pluralism Theory

Legal pluralism is a theoretical framework that recognizes the existence of multiple legal systems within a single political entity. According to [Griffiths \(1986\)](#), legal pluralism exists when two or more legal systems operate simultaneously within a given society. Nigeria, as a multi-religious and multi-ethnic state, exhibits legal pluralism by allowing statutory law, customary law, and Islamic law to function alongside one another.

The introduction of Shariah law in Western Nigeria fits within this theoretical framework, as it reflects the constitutional recognition of multiple legal traditions. Legal scholars such as [Merry \(1988\)](#) argue that legal pluralism allows for the accommodation of diverse cultural and religious identities, ensuring that different communities have access to justice systems that align with their values. In Nigeria, Section 277 of the 1999 Constitution permits the establishment of Shariah courts for Muslims, reinforcing the idea that legal pluralism is a constitutional reality rather than an attempt to impose a singular legal structure.

However, critics argue that legal pluralism can lead to legal fragmentation, jurisdictional conflicts, and tensions between religious and secular legal principles ([Benda-Beckmann 2002](#)). While Shariah law is intended only for Muslims, concerns about its implications for governance, social cohesion, and interfaith relations must be addressed within the broader context of Nigeria's legal pluralism.

Social Contract Theory

The Social Contract Theory, as developed by scholars such as [Hobbes \(1651\)](#), [Locke \(1689\)](#), and [Rousseau \(1762\)](#), provides a framework for understanding the balance between individual freedoms and state authority. This theory posits that individuals consent to be governed by a political and legal system in exchange for the protection of their rights and freedoms.

In the context of Nigeria, the introduction of Shariah law for Muslims can be seen as an extension of the social contract, where Muslims exercise their constitutional rights to religious freedom and legal self-determination. According to [Rawls \(1971\)](#), a just society must accommodate the diverse interests of its citizens while ensuring

fairness and equality under the law. By allowing Muslims to resolve personal and civil matters through Shariah law, the Nigerian legal system upholds the principle of religious freedom without necessarily infringing on the rights of non-Muslims.

However, the application of Social Contract Theory also raises questions about national unity and equal citizenship. If different legal systems apply to different religious groups, some scholars argue that it could lead to social divisions and legal inequalities ([Kymlicka 1995](#)). Thus, while the introduction of Shariah law is consistent with the social contract principle of religious autonomy, it also requires careful management to ensure it does not undermine national cohesion.

Religious Rights Theory

Religious Rights Theory focuses on the protection of individuals' rights to practice their religion freely within a legal and political framework. This theory is rooted in international human rights instruments such as Article 18 of the Universal Declaration of Human Rights ([United Nations 1948](#)) and Article 8 of the African Charter on Human and Peoples' Rights ([Organization of African Unity 1981](#)), both of which recognize freedom of religion as a fundamental human right.

Nigeria's constitutional framework aligns with this theory by guaranteeing religious freedom under Section 38 of the 1999 Constitution, which allows individuals to practice and propagate their religion without interference. The introduction of Shariah law in Western Nigeria is, therefore, justified under this theory as a means of protecting the religious rights of Muslims, ensuring that they have access to a legal system that aligns with their faith.

According to [An-Na'im \(2008\)](#), religious rights must be understood within the broader context of human rights and legal pluralism. He argues that the implementation of religious laws, such as Shariah, should not be seen as a violation of secular principles but rather as an affirmation of the right to religious self-determination. However, he also cautions that religious legal systems must be implemented in a way that ensures they do not infringe on the rights of others or create divisions within society.

The theoretical frameworks of Legal Pluralism, Social Contract, and Religious Rights provide a multidimensional understanding of the introduction of Shariah law in Western Nigeria. Legal Pluralism explains how multiple legal systems coexist within the Nigerian legal framework. Social Contract Theory highlights the balance between religious autonomy and national unity, while Religious Rights Theory underscores the constitutional and human rights basis for the application of Shariah law. These theories collectively demonstrate that while Shariah law serves as a means of protecting Muslim religious rights, its implementation must be managed carefully to maintain national cohesion and interfaith harmony.

Methodology

This study adopts a primarily quantitative research approach, supported by qualitative contextual insights, to examine the socio-political implications of Shariah law in Western Nigeria. The focus is on understanding how the implementation of Shariah affects religious rights, interfaith relations, and legal pluralism. The methodology section outlines the research design, population, sample, sampling techniques, data collection instruments, and methods of analysis. The research is structured to provide empirical evidence grounded in primary data, complemented by legal and doctrinal analysis to ensure a robust interpretation of the findings.

Research Design

The study employs a dominant quantitative design, using a structured questionnaire to collect measurable data on public perceptions and experiences related to the introduction of Shariah law in Western Nigeria. This is complemented by qualitative content analysis of legal and policy documents, which serves primarily to provide contextual background and frame the empirical results within relevant constitutional and political discourses.

Unlike earlier versions of the study that placed more emphasis on qualitative methods, this revised design prioritizes the use of structured questionnaires to generate statistically analyzable data. This approach allows for clearer differentiation among respondent categories and provides a basis for cross-tabulation using variables such as religious affiliation, professional status, income level, and educational background.

Population of the Study

The study targets five key sub-groups within the Western Nigerian context:

- Legal experts (scholars and practitioners familiar with Islamic and constitutional law)
- Religious leaders (Muslim and Christian clerics)
- Policymakers (government officials in legal and judicial sectors)
- Political scientists and academic analysts
- General residents, drawn from religiously and ethnically diverse communities in states where debates about Shariah law have gained traction (e.g., Lagos, Oyo, Osun)

The selection of this population is based on their relevance to the legal, religious, and civic discourse surrounding Shariah law. Unlike a general population survey, this study strategically engages those with direct stakes or informed perspectives on the issue, while still incorporating a broad spectrum of public opinion through lay respondents.

Sampling Technique and Sample Size

To achieve a representative and analytically useful dataset, the study employs a multi-stage sampling strategy:

- Purposive sampling was used to select legal experts, policymakers, and religious leaders based on their roles and expertise.
- Stratified random sampling was applied to select general respondents, ensuring proportional representation across key demographic categories (religion, gender, socio-economic status, and location).

A total of 300 respondents participated in the study, distributed as follows:

- 50 legal experts
- 50 religious leaders
- 50 government officials and policymakers
- 150 members of the general public

This stratification allowed the researcher to perform comparative analysis across different occupational and social strata. Future analysis includes exploring differences in perception based on income levels, professional status, and religious affiliation, which are key variables captured in the survey instrument.

Rationale for Instrument Selection

Although interviews—especially with religious leaders and legal scholars—would provide richer narrative insight, the decision to use a structured questionnaire was based on three considerations:

1. Comparability and scalability: Questionnaires allow for the aggregation of responses from a relatively large and diverse sample, enabling generalizations about trends and public attitudes.
2. Time and resource constraints: Given the geographic scope and diversity of the target population, administering interviews at scale would have been less feasible.
3. Quantitative analysis priority: The study's emphasis on measuring and comparing perceptions across demographic categories necessitates a standardized data collection tool.

That being said, insights drawn from legal documents, official statements, and academic commentary have been employed to contextualize the statistical data, forming the qualitative background to the study.

Data Collection Methods

1. Primary Data

- Structured Questionnaire: Administered both in print and digitally, the questionnaire contained closed-ended questions using a Likert scale to assess attitudes toward Shariah law, perceptions of religious marginalization, and support for legal pluralism. It also included demographic items (religion, profession, income bracket, education) for subgroup analysis.

2. Secondary Data

- Legal and Constitutional Documents: Including the 1999 Constitution of the Federal Republic of Nigeria, relevant Shariah court rulings, and international

human rights instruments.

- Academic Literature: Scholarly texts and journal articles on legal pluralism, Islamic law, and Nigerian federalism.
- Media Sources and Policy Reports: Statements by religious leaders, government responses, and civil society commentaries.

Data Analysis Techniques

Quantitative Data Analysis

- Descriptive statistics (frequencies, percentages, bar charts, pie charts) are used to illustrate the overall distribution of responses.
- Cross-tabulations and comparative analysis are employed to explore relationships between variables such as profession, income level, and support for Shariah law.

Qualitative Data Analysis

- Content analysis of legal and policy texts was conducted to understand the constitutional legitimacy, political framing, and interfaith concerns surrounding Shariah law.
- Rather than serving as a stand-alone qualitative study, these findings serve to complement and enrich the interpretation of survey data.

Ethical Considerations

- Informed Consent: Participants were briefed on the objectives of the study and signed informed consent forms.
- Anonymity and Confidentiality: All responses were anonymized; data were stored securely.
- Objectivity and Neutrality: The researcher maintained neutrality and refrained from influencing responses or leading participants.

By focusing primarily on quantitative primary data and embedding qualitative insights in supporting roles, this study responds to critical feedback by offering a more empirical and comparative account of the socio-political effects of Shariah law in Western Nigeria. The decision to structure the study in this manner enhances both the validity and policy relevance of the findings.

Questionnaire Data Presentation and Analysis

This section presents and analyzes the data collected from respondents on the topic "Shariah Law and Religious Rights in a Multi-Religious Society: Examining Its Introduction for Muslims in Western Nigeria." The total number of respondents was 300. The data were collected using structured questionnaires and analyzed quantitatively.

1. Demographic Profile of Respondents

Age Distribution:

The majority of the respondents fall within the age bracket of 31–45 years (39.67%), followed by those aged 18–30 years (29.33%). About 24.33% are between 46–60 years, while a small percentage are above 60 years (4.00%) or below 18 years (2.67%).

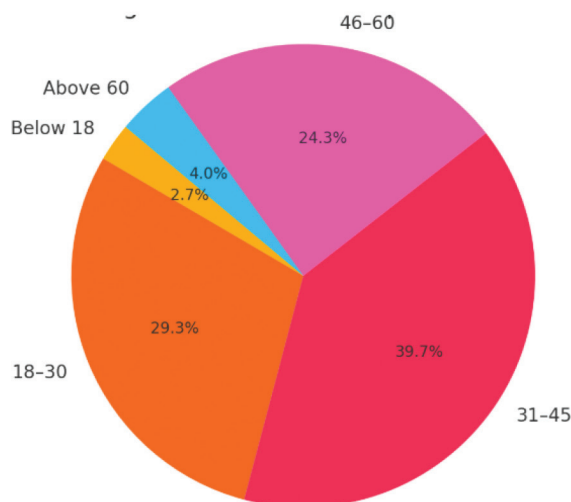


Figure 1 Age Distribution of Respondents

Gender:

A significant portion of the respondents were male (70.33%), while females constituted 29.67%. This gender distribution reflects broader male participation in religious and legal discourse within the studied population.

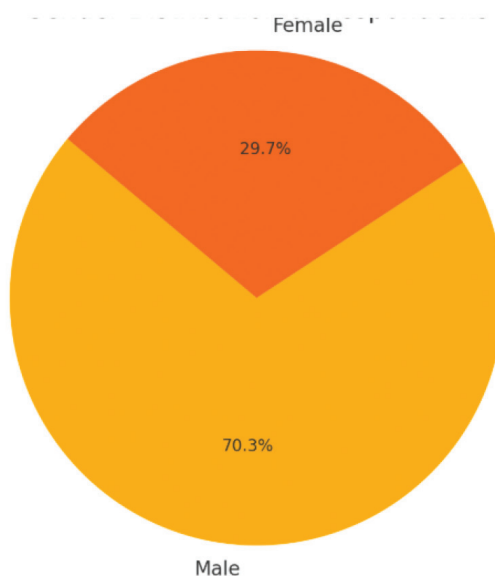


Figure 2 Gender Distribution of Respondents

Religious Affiliation:

The respondents are predominantly Muslims (85.67%), with Christians accounting for 14.33%. This skewed distribution is consistent with the focus of the study on Muslim perspectives.

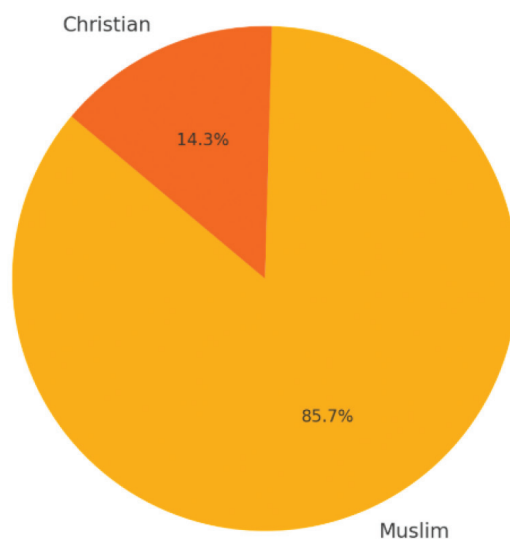


Figure 3 Religious Affiliation of Respondents

2. Respondents' Knowledge and Perceptions of Shariah Law

Understanding of Shariah Law:

An overwhelming majority (89.67%) affirmed they have a basic understanding of Shariah law, indicating that most participants are informed on the subject matter.

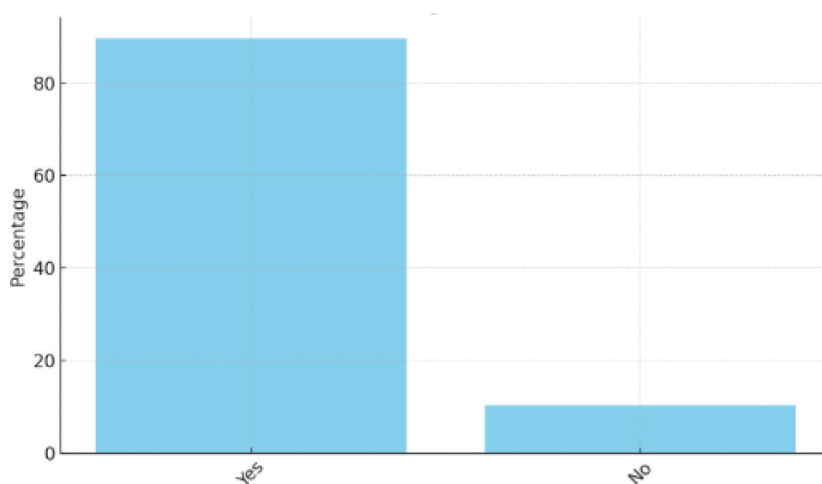


Figure 4 Understanding of Shariah Law

Necessity of Shariah Law in Western Nigeria:

71.67% of respondents believe that Shariah law is necessary in Western Nigeria. Meanwhile, 23.33% disagreed, and 5% remained undecided. This shows strong support among Muslims for the institutionalization of Shariah in the region.

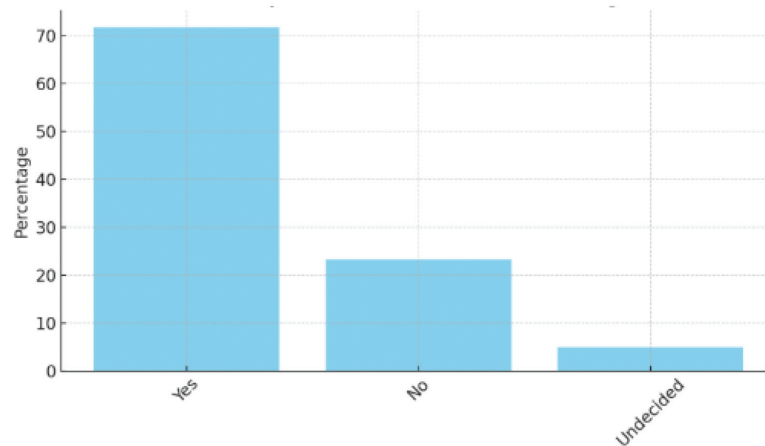


Figure 5 Necessity of Shariah Law in Western Nigeria

Applicability of Shariah Law:

Most respondents (71.33%) believe that Shariah law should apply only to Muslims, with 16% suggesting it can apply to both Muslims and non-Muslims, and 12.67% arguing it should apply to all Nigerian citizens. This reflects the perception that Shariah law is a religious legal system meant for adherents of Islam.

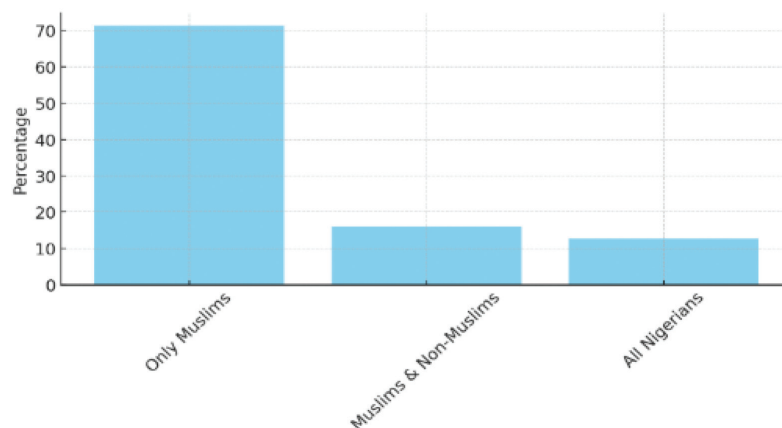


Figure 6 Applicability of Shariah Law

3. Perceived Impacts of Shariah Law

Promotion of Religious Harmony:

66.33% believe that the introduction of Shariah law in Western Nigeria will promote religious harmony. However, 23% disagreed, and 10.67% were unsure. The majority view reflects confidence in Shariah law as a tool for peace among its proponents.

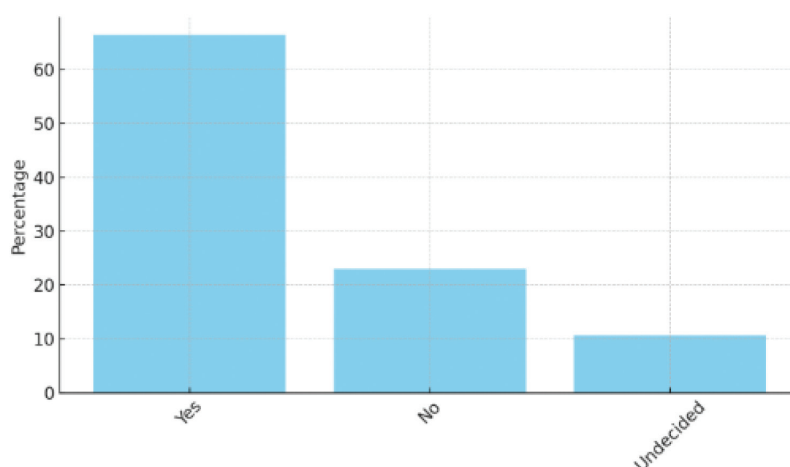


Figure 7 Shariah Promote Religious Harmony?

Shariah Law as a Tool for Islamization:

When asked whether Shariah law is a tool for Islamizing Nigeria, 43.67% strongly disagreed and 21.67% disagreed. However, 17.67% agreed, and 10% strongly agreed, with 7% choosing a neutral stance. This indicates that while a majority reject the claim, a considerable minority entertain suspicions of political motives behind its introduction.

The findings reveal a strong awareness and favorable perception of Shariah law among Muslims in Western Nigeria. The data suggest that a significant portion of the Muslim population views Shariah law not only as a religious necessity but also as a mechanism for promoting moral discipline and social order. However, concerns about the broader implications for national unity and religious harmony persist, especially among non-Muslim minorities.

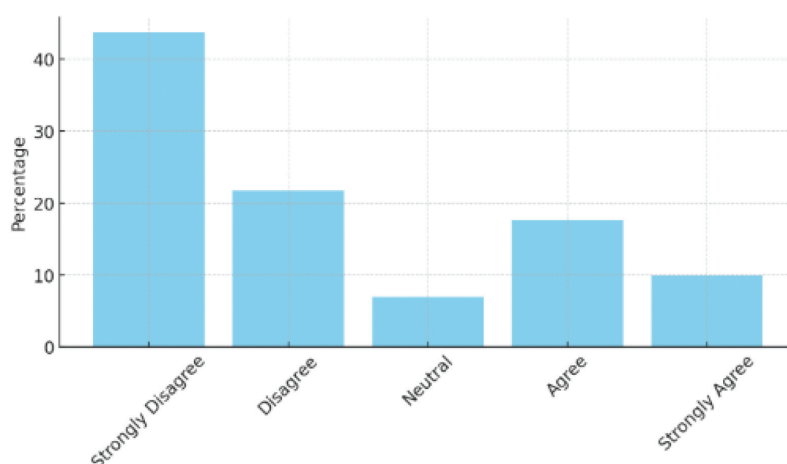


Figure 8 Is Shariah a Tool for Islamization?

4. Legal and Human Rights Considerations

Constitutional Support:

According to the respondents, 60.87% believe the Nigerian Constitution supports the implementation of Shariah law in Western Nigeria. However, 24.64% were unsure, and 14.49% explicitly stated that the Constitution does not support it. This divergence highlights the need for clearer legal interpretation and education on constitutional provisions relating to religious law.

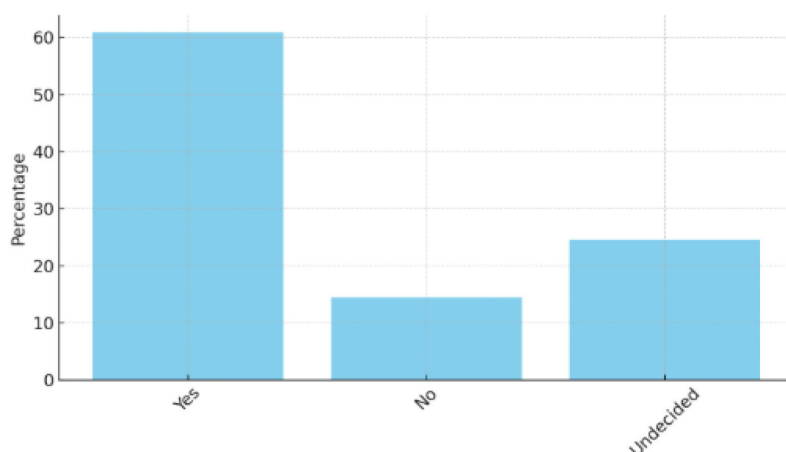


Figure 9 Constitutional Support for Shariah Law

Alignment with International Human Rights Standards:

A similar pattern emerged with regard to human rights. 59.42% of respondents believe Shariah law aligns with international human rights standards, while 21.74% disagreed and 18.84% were unsure. While the majority accept compatibility, a sizable minority express concerns that warrant further engagement and legal clarification.

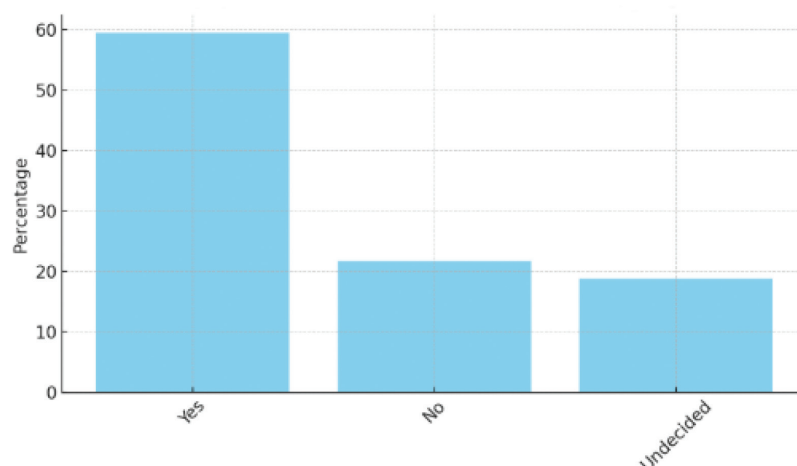


Figure 10 Shariah Law & International Human Rights

Protection of Non-Muslim Rights:

Respondents suggested several strategies to ensure that the rights of non-Muslims are not infringed upon. These include:

- *"By defining its application in the law and proper enforcement."*
- *"Muslims in public service to act honourably."*
- *"By going through appropriate channels."*

These perspectives underline the importance of ethical governance, legal safeguards, and responsible implementation.

Suggested Reforms:

To balance religious rights and national unity, participants recommended reforms such as:

- *"Education and enlightenment."*
- *"Recognition of Shariah panels and establishment of Shariah Courts of Appeal."*
- *"National orientation agencies should sensitize the public."*

These focus on civic education, institutional reform, and national sensitization to foster religious inclusivity.

Peaceful Coexistence:

Recommendations for promoting peaceful coexistence between Muslims and non-Muslims included:

- *"Promote religious harmony."*
- *"Encourage mutual understanding."*
- *"Continue interfaith education."*

This reflects a shared desire for mutual respect and sustained dialogue in a pluralistic society.

Additional Insights:

Some respondents raised critical reflections, with comments such as:

- *"No need for the implementation in Western Nigeria."*
- *"Training of Arabic and Islamic teachers in Western Nigeria."*

These reflect both skepticism and constructive suggestions for inclusive religious education.

Overall, while support for Shariah law remains strong among respondents, the data indicates a thoughtful awareness of the legal and human rights implications. There is also a proactive call for frameworks that uphold both religious and civic values within a democratic setting.

The Rationale Behind the Introduction of Shariah Law in Western Nigeria and Its Role in Protecting the Religious Rights of Muslims

Nigeria's legal system accommodates customary, statutory, and Islamic laws. While Shariah law is well-established in the North, its growing relevance in Western

Nigeria—a religiously diverse region—merits analysis. This essay explores the rationale behind its introduction and its role in protecting Muslim religious rights within Nigeria's constitutional and socio-religious context.

Historical and Religious Rationale

Shariah predates colonialism in Nigeria, particularly in the North and parts of the Yoruba West like Ilorin ([Na'Allah 2009](#)). Colonial rule introduced English law but did not completely displace Islamic personal law. Post-1999 democratic reforms revived Muslim demands for Shariah, viewed not just as law but a comprehensive way of life based on the Qur'an and Sunnah ([Oba 2002](#)). Its reintroduction supports religious identity amid increasing secularism.

Constitutional and Legal Justification

Though Nigeria's 1999 Constitution is secular, it guarantees freedom of religion (Section 38) and allows states to establish Shariah Courts of Appeal (Sections 275–279) ([FRN 1999](#)). Shariah in Western Nigeria is voluntary and limited to Muslims, reflecting legal pluralism and protecting the rights of all citizens ([Ostien 2007](#)).

Cultural Identity and Religious Rights

Shariah law helps preserve Muslim cultural and religious identity by governing personal matters like marriage, inheritance, and custody ([Lenta 2005](#)). It ensures Muslims can resolve such issues in line with their faith, aligning with the constitutional guarantee of religious freedom ([Eze 1984](#)).

Democratic Expression and Legal Pluralism

Advocacy for Shariah has emerged through democratic channels, showing it is both a religious and political demand for legal inclusion ([Ostien 2007](#)). Nigeria's legal pluralism—statutory, customary, and Islamic—supports Shariah's legitimacy in the West ([Oba 2011](#)).

Challenges and Caution

Despite its benefits, Shariah's expansion can raise concerns about inter-religious conflict and politicization ([Yadudu 2000](#)). To avoid this, its application must remain voluntary and focused on personal matters, respecting Nigeria's religious diversity. The introduction of Shariah in Western Nigeria stems from historical, religious, constitutional, and cultural imperatives. It affirms Muslims' right to practice their faith within Nigeria's plural legal framework. However, careful and inclusive implementation is essential to maintain religious harmony and uphold constitutional principles.

The Constitutional and Legal Framework Supporting the Coexistence of Shariah Law within Nigeria's Secular Legal System

Nigeria operates a plural legal system, accommodating customary, Islamic (Shariah), and statutory laws within a single framework. Though constitutionally secular,

Nigeria also recognizes the religious and cultural diversity of its people. This has enabled Shariah law to function alongside secular law, particularly in civil matters involving Muslims. This essay outlines the constitutional and legal basis for Shariah's coexistence within Nigeria's secular structure.

Secularism and Religious Freedom

Section 10 of the 1999 Constitution states that no government in Nigeria shall adopt a state religion ([FRN 1999](#)). Despite this, Section 38 guarantees freedom of thought, conscience, and religion, including the right to manifest and propagate one's faith. This balance allows religious laws like Shariah to exist within a secular legal framework.

Recognition of Shariah Law

Sections 275–279 permit states to establish Shariah Courts of Appeal with jurisdiction limited to civil matters involving Muslims—such as marriage, inheritance, and guardianship. These courts operate only with the voluntary consent of Muslim parties and do not affect non-Muslims, thereby upholding religious pluralism and legal coexistence.

Legal Pluralism and Customary Law

Alongside Shariah law, customary law is also recognized and applied in personal and communal matters. Like Shariah, customary courts are limited in scope and must comply with constitutional standards ([Oba 2002](#)). This reflects Nigeria's pragmatic embrace of legal pluralism, respecting cultural diversity within a unified legal order.

Judicial Precedents

The judiciary has upheld the constitutionality of Shariah law where it applies only to Muslims and does not violate federal law or the rights of others. In *Kano State Government v. Federation* ([Supreme Court of Nigeria 2006](#)), the Supreme Court confirmed the legitimacy of Shariah courts in civil cases involving Muslims, provided non-Muslims are not affected.

Checks and Human Rights Protections

Chapter IV of the Constitution guarantees fundamental rights such as fair hearing (Section 36), equality (Section 42), and protection from discrimination. Any perceived infringement under Shariah law can be challenged in the regular courts, including the Court of Appeal and the Supreme Court.

Federalism and State Autonomy

Nigeria's federal structure allows states to establish courts and legal systems responsive to local needs. States like Kwara, Oyo, and Kano have used this autonomy to implement Shariah courts for Muslim communities. However, these efforts must conform to the national constitution and respect federal laws.

The coexistence of Shariah law with Nigeria's secular legal system reflects the country's commitment to legal pluralism, federalism, and religious freedom. The Constitution enables Shariah law in civil matters among Muslims while protecting the rights of all citizens. This balance sustains unity in diversity and ensures that religious laws function within constitutional boundaries.

Public Perceptions and Reactions to the Introduction of Shariah Law in Nigeria: Concerns About Islamization

The reintroduction of Shariah law in several northern Nigerian states since 1999 has generated considerable debate and concern, particularly relating to the perceived Islamization of Nigeria. While proponents view it as a legitimate legal framework for Muslim personal and civil matters, critics—especially from southern and non-Muslim populations—have expressed apprehension about its implications for national unity, secularism, and human rights.

Shariah law was officially adopted in twelve northern states of Nigeria, starting with Zamfara State in 1999, under the leadership of Governor Ahmad Sani Yerima. This development followed the return to democratic governance and was portrayed as a move to enhance moral standards and justice for Muslims (Paden 2005). Supporters of Shariah law argue that it aligns with the religious identity and aspirations of the Muslim-majority northern population and operates within the constitutional provision for freedom of religion and legal pluralism (Ostien 2007). They contend that Shariah courts only have jurisdiction over civil and personal matters involving consenting Muslims, and therefore do not violate the rights of non-Muslims.

However, this legal development provoked strong reactions from various quarters. Many Christians and secular-minded Nigerians saw the adoption of Shariah law as a step toward the Islamization of Nigeria, a constitutionally secular state (Ibrahim 2004). These fears were fueled by reports of harsh punishments such as amputation and stoning, and concerns that such practices were incompatible with international human rights standards and Nigeria's constitution. The Christian Association of Nigeria (CAN), human rights organizations, and some southern politicians criticized the move, warning that it could deepen religious divisions and threaten national cohesion (Marshall 2002).

Furthermore, non-Muslims residing in Shariah-implementing states often felt marginalized, especially in cases where the application of certain moral codes, such as bans on alcohol or gender segregation in public transportation, affected the general population (Yusuf 2013). Even among Muslims, reactions were mixed. Some questioned the political motives behind the sudden reimplementation of Shariah, suspecting it was being used to gain political legitimacy or distract from economic and governance challenges (Kendhammer 2013).

Despite these controversies, federal authorities in Nigeria have largely allowed the implementation of Shariah to proceed, provided it does not infringe on constitutional

rights or extend beyond its prescribed jurisdiction. The Nigerian judiciary, in notable decisions, such as *Kano State Government v. Federation* ([Supreme Court of Nigeria 2006](#)), upheld the legality of Shariah civil jurisdiction for Muslims, reinforcing the principle of legal pluralism under Nigeria's constitution.

In conclusion, the introduction of Shariah law in northern Nigeria continues to elicit polarized responses, shaped by religious, political, and regional identities. While many Muslims see it as an expression of religious freedom and moral justice, others fear it signals a gradual erosion of secularism and inclusivity. These conflicting perceptions underscore the complex interplay between law, religion, and identity in Nigeria's pluralistic society, and they highlight the ongoing need for dialogue, legal clarity, and sensitivity to Nigeria's diverse population.

The Impact of Shariah Law on Interfaith Relations, Governance, and Social Cohesion in Western Nigeria

Western Nigeria, predominantly Yoruba, is noted for religious pluralism and interfaith harmony. While Shariah law is not fully implemented in the region as in Northern Nigeria, its advocacy by Muslim communities has sparked debate over its implications for interfaith relations, governance, and social cohesion.

Interfaith Relations

Shariah discourse has sometimes strained interfaith ties. Christian groups, notably the Christian Association of Nigeria (CAN), fear marginalization and the erosion of Nigeria's secular character ([Marshall 2002](#)). Conversely, Muslim advocates see the denial of Shariah courts as religious discrimination, especially since Christian ecclesiastical courts are recognized ([Yusuf 2013](#)). Despite these tensions, the Yoruba tradition of religious tolerance helps maintain peace.

Governance and Legal Pluralism

Western states like Lagos and Osun have avoided full Shariah implementation but accommodate aspects of Islamic law through customary courts in matters such as marriage and inheritance. Full implementation would require constitutional reforms and may provoke political resistance ([Kendhammer 2013](#)). As a result, governance in the region emphasizes caution, balance, and inclusivity.

Social Cohesion and Identity

Yoruba society's deep-rooted religious tolerance allows space for limited Shariah application among Muslims without undermining social harmony. For Muslims, Shariah represents an ethical and moral framework rather than a political tool. Its application in civil matters—on a voluntary basis—can coexist with Nigeria's secular legal system, in line with constitutional guarantees ([FRN 1999](#), Sections 38 and 275). Experiences from Northern states like Zamfara and Kano show that Shariah, with proper safeguards and inclusive dialogue, can promote justice and social order. In Western Nigeria, where Muslims are a significant demographic in states like Osun,

Oyo, Ogun, and Lagos, calls for limited Shariah reflect a legitimate demand for religious self-determination ([Ostien 2007](#)).

Rather than fragmenting society, legal pluralism can affirm identity and dignity across religious lines. [Paden \(2005\)](#) emphasizes that Nigeria's strength lies in managing, not erasing, its diversity.

The Shariah discourse in Western Nigeria highlights the need to balance religious freedom with social cohesion. With transparency, dialogue, and legal safeguards, Shariah can operate peacefully within Nigeria's secular framework. The goal should be justice for all—through respect, equity, and inclusion.

Contextual and Comparative Analysis: Shariah Law in Northern and Western Nigeria

Understanding the impact of Shariah law in Western Nigeria requires a comparison with Northern Nigeria, where its implementation is more entrenched. Both regions have sizable Muslim populations, but historical, legal, and societal contexts shape differing outcomes for governance, religious rights, and national unity.

Shariah Law in Northern Nigeria

Shariah has deep roots in Northern Nigeria, dating back to pre-colonial Islamic emirates and persisting through colonial and post-colonial periods ([Loimeier 2012](#)). Its reintroduction as state law began in 1999 with Zamfara and spread to 12 other northern states. There, Shariah covers civil and criminal matters and is administered through specialized courts ([Ostien 2007](#)).

Key features include:

- Institutionalization: Shariah courts fully integrated into the judicial system.
- Broad Jurisdiction: Includes criminal, civil, commercial, and family law.
- Popular Support: Minimal resistance due to religious homogeneity ([Paden 2005](#)).

However, concerns persist about human rights, gender equity, and constitutional compatibility ([Ibrahim and Igbuzor 2002](#)).

Shariah Law in Western Nigeria

In contrast, states like Lagos, Oyo, and Osun operate within a plural legal culture of customary, Islamic, and statutory law ([Olaniyan 2020](#)). Shariah applies only to civil matters among Muslims and lacks criminal jurisdiction.

Key characteristics include:

- Voluntary Use: Muslims may opt into Shariah courts for personal law.
- Restricted Scope: No authority over criminal cases, avoiding constitutional conflict ([Ostien 2007](#)).
- Religious Sensitivity: Given the religious diversity, its expansion is often contested ([Falola 2009](#)).

Shariah's discussion in the West has sparked fears of Islamization, political division, and communal tension ([Adebanwi 2004](#)).

Similarities and Differences

Commonalities include:

- Constitutional Legitimacy: Section 38 supports freedom of religion.
- Muslim-Specific Jurisdiction: Shariah applies only to Muslims ([Nmehielle 2004](#)).
- Political Symbolism: Used for identity and political mobilization.

Differences lie in institutional reach and social reception: Shariah is state law in the North, while in the West, it remains a civil legal option amid interfaith sensitivities.

Socio-Political Implications

In the North, Shariah is woven into the legal and religious system, albeit with some challenges. In the West, its implementation is more controversial, raising fears of marginalization and threatening secular principles. These tensions highlight the need for careful, region-specific approaches to legal pluralism, interfaith harmony, and national unity.

Policy Recommendations for Religious Harmony, Legal Pluralism, and Peaceful Coexistence in Western Nigeria

1. Strengthen Constitutional Guarantees and Legal Frameworks

- Affirm Religious Freedom: Reinforce constitutional protections under Section 38 (freedom of thought, conscience, and religion) to ensure that individuals can practice their faith without fear of discrimination or coercion.
- Recognize Legal Pluralism: Institutionalize mechanisms that recognize and respect the coexistence of statutory, customary, and religious legal systems—especially in matters of personal law (e.g., marriage, inheritance, and family law).
- Safeguard Minority Rights: Ensure that Shariah or any other religious laws are implemented only for adherents of that faith, with clear legal boundaries protecting non-adherents from undue influence or imposition.

2. Promote Inclusive Governance and Representation

- Interfaith Advisory Councils: Establish state-level and local government interfaith advisory councils composed of leaders from Islamic, Christian, and traditional communities to deliberate on policies, mediate conflicts, and build consensus on sensitive issues.
- Diverse Representation in Public Institutions: Ensure that religious and ethnic groups are proportionately represented in state cabinets, civil service, judiciary, and law enforcement to build trust and reduce perceptions of bias.

3. Foster Interreligious Dialogue and Civic Education

- Community Dialogues and Peacebuilding Forums: Organize regular town hall meetings, interfaith seminars, and public discussions to dispel misconceptions about religious practices and legal traditions, including Shariah.
- Integrate Civic and Religious Education: Encourage schools and religious institutions to teach civic values such as tolerance, justice, mutual respect, and the importance of peaceful coexistence.

4. Create Legal Safeguards and Oversight Mechanisms

- Establish Religious Legal Monitoring Boards: These boards can ensure that the application of religious laws complies with constitutional provisions and does not infringe on fundamental human rights.

5. Build Media and Public Communication Strategy

- Peace Journalism and Responsible Media: Train journalists to report sensitively on religious issues, counter hate speech, and promote narratives of unity.
- Government Communication Units on Religious Affairs: State governments can set up public affairs units to handle religious queries, counter misinformation, and offer clarifications on controversial policies.

6. Invest in Justice Sector Reforms

- Equip Shariah and Customary Courts: Where religious courts exist, they should be properly staffed, trained, and regulated to uphold fairness and legal professionalism.
- Judicial Training on Plural Legal Systems: Organize seminars and workshops for judges and legal officers on how to navigate and reconcile overlapping jurisdictions between statutory, Shariah, and customary courts.

7. Encourage Faith-Based Development Initiatives

- Joint Projects by Religious Institutions: Encourage Muslim and Christian organizations to collaborate on development initiatives—such as healthcare, education, and poverty alleviation—to build social capital and shared community interest.
- Government Partnerships with Religious Bodies: Governments can engage faith-based groups in designing and implementing social welfare programs, which can also reinforce the message of unity through service.

Conclusion

This study set out to investigate the socio-political implications of the adoption of Shariah law in Western Nigeria, particularly in terms of its impact on religious rights, legal pluralism, and interfaith relations. Drawing primarily on quantitative data gathered through structured questionnaires, supplemented with legal and policy analysis, the findings reveal a complex and often contested landscape.

The analysis indicates that perceptions of Shariah law are strongly influenced by factors such as religious affiliation, professional background, and education level. Among Muslim respondents, especially legal scholars and religious leaders, Shariah is viewed as a legitimate exercise of religious freedom under the Nigerian constitution. Conversely, a significant proportion of Christian respondents and secular professionals expressed concerns over potential encroachments on Nigeria's secular legal identity, fearing that the implementation of Shariah law might lead to religious marginalization or political imbalance.

The study also finds that legal pluralism is generally accepted, but its implementation must be handled carefully to avoid conflict. Support for Shariah law was found to be higher among respondents with lower income levels and among those who perceive the secular judicial system as corrupt or inefficient, suggesting a potential correlation between socioeconomic dissatisfaction and support for alternative legal frameworks.

Furthermore, the findings indicate that knowledge gaps exist among the general population concerning the scope of Shariah law. Many non-Muslim respondents wrongly believed that Shariah law applies to all citizens, a misperception that fuels unnecessary anxiety and resistance. This underlines the need for public education and clearer communication from legal and governmental institutions.

References

- Abikan, A. I.** 2013. "The application of Shariah in a secular state: The Nigerian experience." *Journal of Islamic Law Studies* 14(2): 112-135.
- Adebanwi, W.** 2004. "The Shariah Debate and the Construction of a 'Muslim' Identity in Nigeria." *Journal of Modern African Studies* 42(1): 1-22.
- Adegbite, A.** 2020. "Religious pluralism and the Nigerian legal system: Challenges and prospects." *African Journal of Law and Society* 8(1): 45-67.
- An-Na'im, A. A.** 2008. *Islam and the secular state: Negotiating the future of Shariah*. Harvard University Press.
- Benda-Beckmann, F. von.** 2002. "Who's afraid of legal pluralism?" *Journal of Legal Pluralism and Unofficial Law* 34(47): 37-82. <https://doi.org/10.1080/07329113.2002.10756563>
- Constitution of the Federal Republic of Nigeria.** 1999. <https://nigeriarights.gov.ng/files/constitution.pdf>
- Eze, O. C.** 1984. *Human rights in Africa: Some selected problems*. Lagos: Nigerian Institute of International Affairs.
- Ezeilo, J.** 2011. "Women's rights, religion, and legal pluralism in Nigeria." *Journal of African Law* 55(1): 1-21.
- Falola, T.** 2009. *Colonialism and Violence in Nigeria*. Indiana University Press.

- _____. 2018. "Religious politics in Nigeria: A historical perspective." *African Studies Review* 61(2): 78-102.
- Federal Republic of Nigeria [FRN].** 1999. *Constitution of the Federal Republic of Nigeria*. Abuja: Government Press.
- Griffiths, J.** 1986. "What is legal pluralism?" *Journal of Legal Pluralism* 18(24): 1-55. <https://doi.org/10.1080/07329113.1986.10756387>
- Hobbes, T.** 1651. *Leviathan*. Oxford University Press.
- Ibrahim, J.** 2004. *The transformation of ethno-religious identities in Nigeria*. In A. B. Zack-Williams, D. Frost, & A. Thomson (Eds.), *Africa in crisis: New challenges and possibilities* (pp. 182-196). Pluto Press.
- Ibrahim, J., and O. Igbuzor.** 2002. "Memorandum to the Presidential Committee on the Review of the 1999 Constitution." Centre for Democracy and Development (CDD).
- Kendhammer, B.** 2013. "The Sharia controversy in Northern Nigeria and the politics of Islamic law in new and uncertain democracies." *Comparative Politics* 45(3): 291-311.
- Kymlicka, W.** 1995. *Multicultural citizenship: A liberal theory of minority rights*. Oxford University Press.
- Last, M.** 1967. *The Sokoto Caliphate*. Oxford University Press.
- Lenta, P.** 2005. "Taking diversity seriously: Religious courts and the constitution of South Africa." *Journal for Juridical Science* 30(1): 58-73.
- Locke, J.** 1689. *Two treatises of government*. Cambridge University Press.
- Loimeier, R.** 2012. *Islamic Reform and Political Change in Northern Nigeria*. Northwestern University Press.
- Marshall, P.** 2002. *Shariah law and the challenge of religious freedom*. In P. Marshall (Ed.), *Radical Islam's rules: The worldwide spread of extreme Shariah law* (pp. 7-20). Rowman & Littlefield.
- Merry, S. E.** 1988. "Legal pluralism." *Law & Society Review* 22(5): 869-896. <https://doi.org/10.2307/3053638>
- Na'Allah, A. R.** 2009. *Ilorin: The journey so far*. Ilorin: Majab Publishers.
- Nmehielle, V. O.** 2004. "Sharia Law in the Northern States of Nigeria: To Implement or Not to Implement, the Constitutionality is the Question." *Human Rights Quarterly* 26(3): 730-759.
- Nwauche, E. S.** 2010. "Shariah law and the Nigerian constitution: An analysis of conflicts and harmonization strategies". *Journal of Comparative Law in Africa* 2(1): 23-41.
- Oba, A. A.** 2002. "Islamic law as customary law: The changing perspective in Nigeria." *International and Comparative Law Quarterly* 51(4): 817-850.
- _____. 2011. "The Sharia Court of Appeal in Northern Nigeria: The continuing crisis of jurisdiction." *Journal of Islamic Law and Culture* 13(1): 29-53.

- Ojo, M.** 2016. "Islam and religious diversity in Nigeria: Debating the introduction of Shariah law in Western Nigeria." *Religious Studies Journal* 19(3): 201-218.
- Olaniyan, A.** 2020. "Shariah Law in Southern Nigeria: A Reappraisal of Constitutionalism and Religious Freedom." *Journal of Law and Religion* 35(2): 275-290.
- Organization of African Unity.** 1981. "African Charter on Human and Peoples' Rights." <https://www.achpr.org/legalinstruments/detail?id=49>
- Ostien, P.** 2007. *Sharia Implementation in Northern Nigeria 1999-2006: A Sourcebook* (Vol. I-III). Spectrum Books.
- Paden, J. N.** 2005. *Muslim civic cultures and conflict resolution: The challenge of democratic federalism in Nigeria*. Brookings Institution Press.
- Peters, R.** 2003. "Islamic criminal law in Nigeria: Application and debates." *African Affairs* 102(406): 571-590.
- Rawls, J.** 1971. *A theory of justice*. Harvard University Press.
- Rousseau, J. J.** 1762. *The social contract*. Penguin Classics.
- Supreme Court of Nigeria.** 2006. Kano State Government v. Federation 6 NWLR (Pt. 1005) 581 (Nigeria).
- United Nations.** 1948. "Universal Declaration of Human Rights." <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
- Uthman, I. O.** 2019. "Islamic law in Nigeria: Historical perspectives and contemporary issues." *Nigerian Journal of Islamic Studies* 11(4): 89-102.
- Yadudu, A. H.** 2000. *Colonialism and the transformation of Islamic law in Northern Nigeria*. Ibadan: University Press.
- Yusuf, A.** 2021. "Public perceptions of Shariah law in Nigeria: A survey analysis." *Journal of African Political Studies* 15(1): 55-79.
- Yusuf, H. O.** 2013. "Colonialism and the judiciary in Nigeria: Unpacking legal history." *African Journal of Legal Studies* 6(2-3): 245-274.