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INSECURITY AND INSURGENCE IN NIGERIA: THE ISLAMIC LAW ANTIDOTE

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ABSTRACT

Insecurity and insurgency are of course negative features of any governance. Nigeria as a country is foxed with all forms of insecurity to wit banditry, kidnapping, insurgence etc. This ugly development has no doubt crippled socio-economic growth in the country thereby exposing Nigerians to untold privations. Indeed, governments at various levels with different approaches have tried to perpetually arrest this ugly situation in the country but it appears these are inadequate and ineffective. However, Islam through its perfect legal regime (Shari^{c}ah) has taken care of all facets of human endeavours, administration of good governance inclusive. The sophisticated arrangements provided by Islamic law makes it easy for any Islamic-oriented government to abate any form of insecurity. Combining analytical and doctrinal methods, this paper takes a look at the responses and bailouts offered by Islamic law to insecurity and insurgency, with a focus on both classical jurisprudential principles and contemporary interpretations. Drawing from the primary sources of Islamic law and juristic expositions, this paper highlights Islamic legal apparatuses aimed at ensuring peace and preventing all forms of violence in Nigeria.

Keywords: Insecurity, Insurgency, Nigeria, and Islamic Law Antidote

1. INTRODUCTION

Insecurity and insurgency come to limelight in many forms and this include but not limited to terrorism, kidnapping, social violence all prevalent in Nigeria. In Islam and indeed where Islamic law is in operation, the application of Islamic law has proved to be effective through numerous panaceas in fostering peace and social justice[1]. Interestingly, Islamic law religiously protects lives and properties which are part of the core objectives of Islamic law (*Maqāsid Shari'ah*)[2]. Therefore, Islamic law

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1 Qutb, S. *Social Justice in Islam* (Islamic Publications International, USA 2000)

2 In particular order, objectives of Islamic law are: preservation of religion, lives, intellect, lineage and properties. For details on Maqāsid Shari'ah, see Jaseer, A. *Maqāsid Al-Shari'ah: A Beginner's Guide* (The International Institute of Islamic Thought, London 2008)

provides several frameworks that address issues of insecurity rooted in Qur'an and Sunnah thereby offering moral, social, and legal principles aimed at establishing peace, justice, and security in society[3].

The 'Cambridge Advanced Learners' Dictionary (3rd Edition)' defines security to mean *inter alia* protection and confidence[4]. If this is the definition of security, it follows, therefore, that insecurity means lack of protection and confidence. Insecurity and insurgence have crippled political and socio-economic development of Nigerian state. On the other hand, the same dictionary explains insurgency to mean when a group of people attempt to take control of their country by force[5].

Nigeria which is one of the fifty-three countries in Africa[6] came to being in 1914 after the amalgamation of Southern and Northern protectorates by Fredrick Lugard[7]. Often referred to as 'The Giant of Africa', Nigeria is located in West Africa sharing borders with the Republic of Benin in the West, Chad and Cameroon in the East and Niger in the North[8]. The country has witnessed different types of governmental systems ranging from Federalism, Military, Republicanism, Cabinet system of Government and Presidential system of Government. For example, the major cause of the entire *coup d'état* in Nigeria revolved around injustice[9] and other negative features which include insurgency as well as insecurity.

Nigeria, the most populous country in Africa[10]and the sixth most populous country in the world, has experienced and is still experiencing constant and consistent insecurity and insurgency challenges. These challenges have escalated and remained unabated owing to multifarious reasons including injustice, bad leadership/governance, unregulated and unrestricted of possession of firearms among others. The rise of insurgent groups, particularly *Boko Haram*[11], ISWAP[12] and more

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3 Khaleed. H& Syaza., F.M 'The Role of Islamic Governance in Promoting National Peace and Security: The Case of Malaysia' <http://irep.iium.edu.my/100817/15/100817_The%20role%20of%20Islamic%20governance.pdf > accessed 3 November 2024

4 <https://dictionary.cambridge.org/dictionary.english.insecurity > accessed 7 July 2024

5 <https://dictionary.cambridge.org/dictionary.english.insecurity > accessed 7 July 2024

6 < https://www.worldatlas.com/maps/nigeria > accessed 3 November 2024

7 <https://www.cfr.org/blog/lord-lugard-created-nigeria-104-years-ago#:~:text=On%20January%201%2C%201914%2C%20Lord%20Frederick%20Lugard%2C%20the,thereby%20creating%20the%20Colony%20and%20Protectorate%20of%20Nigeria.> accessed 13 July 2021

8 < https://www.worldatlas.com/maps/nigeria> accessed 20 October 2024

9 Ismail Danjuma Yusuf, 'Islamic Law Approach to Justice: Lessons to the Nigerian Government' (Paper Presented at Maiden National Conference on As-Siratun-Nabawiyyah as Panacea for the Revival of the Nigerian Nation, Al-Hikmah University, Nigeria 2014)

10 <https://www.worldometers.info/world-population/population-by-country/> accessed 12 November 2024.

11 This sect is otherwise known as *Jama'atu Ahlu Sunnah Li-Daʿwah Wal-Jihād*. It is worthy of note that this group is not an Islamic group as their doctrines, principles and tenets are in total violation of the directives of Allah. For examples, killing of innocent souls and imposition of religion are contrary to Q17:33 and Q2:256 respectively.

12 Islamic State's West Africa Province also known as *Wilayat Garb Ifriqiyyah* is an extremist group in operation in the north-eastern Nigeria and the southern Lake Chad Basin. Read more on <https://www.nationalsecurity.gov.au/what-australia-is-doing/terrorist-organisations/listed-terrorist-organisations/islamic-state-west-africa-province>accessed 10 November 2024

recently the Lakurawa has led to widespread violence, displacement, and economic disruption. Insecurity, especially in the northern and north-eastern parts of the country, has posed a direct threat to the survival of the Nigerian state and has led to significant loss of life, widespread displacement, and the destruction of infrastructure[13].

Islamic Law as all-encompassing code spells out remedies to all sorts of maladies, insurgency and insecurity inclusive. It is imperative to note that protection of lives and properties is part of the gist of *Maqāsid Shariᶜah*. It places this onerous task on the people in authority to ensure that maximum protection is made available to all and sundry[14].

Premised on the foregoing, this paper considers the bane of insecurity in Nigeria and the havoc caused so far. Islamic law as an antidote to insecurity and insurgency is explained to be the best panacea to the ugly state of Nigeria.

2. INSURGENCE AND INSECURITY: THE NIGERIAN EXPERIENCE

Insecurity and insurgency are the major threats to Nigeria's national peace and stability thereby making social, political, and economic developments of the country a mirage. These issues, in Nigeria, have to come to fruition via a number of products of violence including terrorism, ethnic conflicts, and organised crime, undermining the state's ability and capacity to maintain law and order. However, the most prominent forms of insecurity in Nigeria have been insurgency, particularly in the north-eastern region, where *Boko Haram* and its brainchild, ISWAP, have operated and kidnapping which is nationwide just like banditry.

Boko Haram which was launched the early 2000s under the headship of one Mohammed Yusuf as a radical Islamic insurgent group with the goal of establishing a caliphate in northern Nigeria and wage war against all evil governmental practices[15]. The group first gained international attention in 2009 after violent clashes with the Nigerian military led to the killing of its leader, Yusuf. Since then, the group, under the leadership of Abubakar Shekau and later, Abu Musab al-Barnawi (the leader of ISWAP), has engaged in terrorist activities that include bombings, assassinations, abductions, and assaults on military and civilian targets.

Boko Haram's activities have resulted in tens of thousands of deaths and the displacement of millions of people, particularly in the Borno, Yobe, and Adamawa states. ISWAP, an offshoot of *Boko Haram*, has carried out a more strategic and sophisticated insurgency, focusing on territorial control and the establishment of an

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13 A new terror group which has been operating silently in 2018 in the regions of Sokoto and Kebbi States. See <https://www.theafricareport.com/368321/nigeria-who-are-the-lakurawa-terrorists-making-inroads-in-the-north-west/ > accessed 11 November 2024

14 Sachedina, A. *Islamic Approaches to Human Rights* (Oxford University Press, UK 2009)

15 Salisu, S. 'Historical Evolution of Boko Haram in Nigeria: Causes and Solution' Presented at International Conference on Empowering Islamic Civilization in the 21st Century held in University Sultan Zainal Abidin, Malaysia, 2015.

Islamic state, while also operating across borders in Niger, Chad, and Cameroon, as part of the broader Lake Chad Basin insurgency[16]. While government (although with an appreciable progress) is still battling *Boko Haram*, Lakurawa recently emerged as the new terrorist group[17].

In addition to insurgency, Nigeria has faced ongoing ethnic and communal violence, especially in the Middle Belt, southwest, and southeast regions. These conflicts often involve clashes between farmers and herders, religious communities, and ethnic groups. The Fulani herders, in particular, have been involved in violent disputes over grazing lands with local farmers, which has led to widespread violence and the displacement of rural populations. These conflicts, though not always classified as insurgency, share some similarities in terms of the use of violence to achieve political or territorial aims.

Banditry has also become a major security concern in Nigeria, especially in the northwest and north-central regions. Armed bandits engage in abductions for ransom, robbery, and violent assaults on rural communities. These criminal groups, often with ethnic and regional ties, exploit the weak state presence in rural areas and have caused widespread fear and economic hardship. The Nigerian government has struggled to effectively combat banditry, and while military operations have been launched, bandits continue to operate with impunity in many areas.

3. WHY INSECURITY AND INSURGENCY IN NIGERIA?

Some of the root causes of insecurity and insurgency in Nigeria which are multifaceted and stem from a combination of historical, political, economic, and social factors are hereunder discussed:

1. Governance and Corruption**:** A major contributor to insecurity in Nigeria is poor governance, marked by weak state institutions, corruption, and a lack of accountability. The Nigerian state has been unable to provide basic security and essential services in many parts of the country, particularly in the northern regions. Corruption among government officials and within the military has also hindered efforts to combat insurgent groups and criminal organizations[18]. The state's inability to enforce the rule of law and protect its citizens has allowed insurgent groups to flourish.
2. Poverty and Unemployment: High levels of poverty and youth unemployment are significant drivers of insurgency in Nigeria. Many young people, particularly in the north, join insurgent groups like Boko Haram and ISWAP

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[16] Amao, O. A decade of terror: revisiting Nigeria's interminable Boko Haram insurgency. *Secur J* 33, 357–375 (2020). https://doi.org/10.1057/s41284-020-00232-8

[17] < https://businessday.ng/life/article/lakurawa-how-much-of-a-threat-is-new-terror-group/ > accessed 25 November 2024

[18] Bureau of Democracy, Human Rights, and Labor, 2020 available at < https://www.state.gov/bureaus-offices/under-secretary-for-civilian-security- democracy-and-human-rights/bureau-of-democracy-human-rights-and-labor/ > accessed 26 November 2024

due to lack of opportunities, marginalisation, and the promise of financial rewards or a sense of belonging. The lack of economic opportunities, particularly for educated youth, fuels dissatisfaction with the government and makes insurgent ideologies more appealing.

3. Religious Extremism: Religious extremism is another factor contributing to the rise of insurgency in Nigeria, particularly in the northern region. The spread of radical Islamic ideologies, often propagated by leaders of groups like Boko Haram, has contributed to a climate of extremism and violence. The ideological goals of these groups are often framed within the context of establishing a religiously based government, which directly challenges the secular state[19].
4. Regional Instability: Nigeria's location in a volatile region, with porous borders and ongoing conflicts in neighbouring countries like Chad, Niger, and Cameroon, has exacerbated its insecurity. The proliferation of arms, particularly from conflicts in Libya and Mali, has armed insurgent groups operating in Nigeria and contributed to their resilience (UNODC, 2018). Cross-border insurgent networks have been able to sustain operations, making it difficult for Nigerian forces to contain the violence.

3.1 Effects of Insecurity and Insurgency

The consequences of insecurity and insurgency in Nigeria are wide-ranging, affecting nearly every facet of the country's life. They include:

1. Loss of Life and Displacement: The direct impact of insurgency and terrorism has been the loss of thousands of lives, with both civilians and security forces as primary victims. According to the Global Terrorism Index (2022), Nigeria is among the countries most affected by terrorism, with over 1,000 deaths recorded annually due to insurgent violence. Furthermore, insurgency has led to widespread displacement, with millions of Nigerians forced to flee their homes, creating one of the largest internally displaced persons (IDP) crises in Africa.
2. Economic Disruption: Insecurity has severely disrupted Nigeria's economy. Areas affected by insurgency often experience a decline in agricultural production, which is the livelihood of many rural Nigerians. The destruction of infrastructure, such as roads, schools, and hospitals, further hampers development in affected regions. In addition, frequent kidnappings for ransom and attacks on businesses have deterred investment and affected the country's economic growth.

[19] Terrorism Research Initiative, 2019 available at < https://www.preventionweb.net/organization/terrorism-research-initiative > accesses 25 November 2024

3. Social and Political Instability: The insecurity in Nigeria has led to social instability, undermining national unity and exacerbating ethnic and religious divisions. In some cases, insurgent groups exploit these divisions to gain support or recruit fighters. Politically, the Nigerian government has struggled to present a united front in dealing with the insurgency, with political elites sometimes using the security situation for electoral gain. The inability of the government to address the root causes of insurgency has also led to public dissatisfaction, with many Nigerians expressing a lack of confidence in the government's ability to protect them.

4. GOVERNMENTAL EFFORTS IN TACKLING INSECURITY AND INSURGENCY IN NIGERIA

The Nigerian government has adopted various strategies to combat insecurity and insurgency, but these efforts have often been criticised for their ineffectiveness and lack of coordination.

1. Military Operations: The Nigerian military has launched several large-scale operations, including Operation Lafiya Dole, to combat Boko Haram and ISWAP. These operations have had limited success, as insurgent groups have adapted and continued to launch attacks despite heavy military presence. While the Nigerian military has made some territorial gains, particularly in recapturing cities and towns from insurgent control, insurgents continue to operate in rural and remote areas
2. Humanitarian Assistance and Rehabilitation: In addition to military responses, Nigeria has provided humanitarian assistance to those affected by insurgency. International organisations, including the UN and the Red Cross, have been involved in providing aid to internally displaced persons (IDPs). Rehabilitation programs aimed at reintegrating former insurgents into society have also been introduced, though these efforts face significant challenges due to ongoing violence and a lack of trust between communities and the government.

5. INSECURITY AND THE ISLAMIC LAW SOLUTION

The Qur'an and Hadith emphasise peace and security as essential components of a stable society. For example, the Qur'an explicitly warns against spreading corruption or disorder in the land (*fasad*), which is often associated with violent insurgency and rebellion:

"And do not cause corruption on the earth after its reformation. That is better for you, if you are believers."[20]

[20] Suratul 'Araf verse 85

In this context, insecurity and insurgency are viewed as forms of corruption that destabilise society and hinder its development. Islamic law seeks to address these issues by emphasising social justice, ethical conduct, and the establishment of order through legitimate governance[21].

Shariᶜāh often translated as Islamic Law caters for the interest of all and sundry from birth till eternity[22]. Through the theory of *maqāsid al-shariᶜah* (objectives of Islamic Law), every being is entitled to live a fit and befitting life[23]. One of the major concerns of the principle is *rafᶜ al-ᶜaraj* (relegation of harm) which includes provision of security among other necessities in a bid to ensure easiness in human's life in its entirety[24]. In other words, lives and properties are so sacred under Islamic Law and of course some man-made laws and this suggests that the duo must be adequately safeguarded. While discussing the classification of *maqāsid al-shariᶜah*, Yusuf mentions that *darūr* (necessity) is a class of *maqāsid al-shariᶜah* that is dearly needed by human beings; he further stresses the need to have it in place in order for human beings to live in a better way. He emphatically quoted Al-Shātibi thus:

> ..*darūri* that which is inevitable for the attainment of benefits in this world and in the next; (something) which if lacked or forfeited, worldly benefits will not be in order, but shall be riddled by corruption, confusion and loss of life. And in the next life, there will be forfeiture of success and pleasure, as well as an evident disastrous consequence[25]

In furtherance of full implementation of *maqāsid al-shariᶜah* (Objectives of Islamic law) which include *Hifzu-An-nafs* (protection of lives and properties), implementation of *hadd* (penal punishment) is necessary[26]. Islamic law takes three phenomena into consideration: prevention of crime, curbing the widespread of criminal acts in the society and improving confidence of the victim (of an act of insecurity)[27]. Thus, penal punishment is imperative to maintain peace, security and stability in the society. Therefore, whatever ensures full implementation of *maqāsid al-shariᶜah* (Objectives

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21 Ibn Taymiyah. A. *Al-Siyasah al-Shariah fi Islah al-Ra'I wa al-Ra'iyyah* (Dar al-Ma'rifah, Cairo 1989)

22 Al-Qardawi, Y. *The Lawful and the Prohibited in Islam* (Islamic Book Trust, Jeddah 1999)

23 Hallaq, W.B The Origin and Evolution of Islamic Law (Cambridge University Press, United Kingdom 2005)

24 Ramadan, T. *Islam and Arab Awakening* (Oxford University Press, UK 2012)

25 Badmas, Y.A 'Maqāsid al-Shariᶜāh: A General Overview of the Objectives of Islamic Law'. Journal of Multidisciplinary Studies (2013) 1 (1)

26 Alaro, A.A 'Security of Life: A Touchstone of Sharia Equitable Protection of Fundamental Human Rights in Islam' Presented at 2nd National Conference, the Cultural Attache Office, Royal Embassy of Saudi Arabia, Abuja, Nigeria.

27 MA Ajetunmobi *The Efficacy of Islamic Penal Law in Crime Control in the Society* in O. Abdulrahmon (ed) Perspectives in Islamic Law and Jurisprudence (Nigeria Association of Muslim Law Student, University of Ibadan, 2001)

of Islamic Law) is desirable. Therefore, Justice and periodic sensitisation and admonition (*Daʿwah)* are necessary to address insecurity in Nigeria[28]. A number countries applying the Islamic penal law have drastic reduction in all forms of insecurities[29]. Be that as it may, the following Islamic law mechanisms will go a long way to arrest insecurity and insurgency in Nigeria:

1. Justice (Al-Adl): Justice is central to Islamic governance and social order. Sharia emphasises the fair and equal treatment of all individuals, regardless of status, and promotes the idea that injustice and oppression breed insecurity. Islamic law provides detailed guidelines for handling disputes, crime, and social welfare to maintain justice and social order. The Quran states:

> "Indeed, Allah commands justice, the doing of good, and liberality to kith and kin. He forbids all shameful deeds, injustice, and rebellion: instructs you, that you may receive admonition"[30].

2. Application of Islamic Penal Law (Hudud, Qisas, and Ta'zir): Islamic criminal law classifies crimes into categories that are dealt with accordingly:
Hudud crimes are serious offences (such as theft, adultery, and robbery) that have fixed punishments prescribed by the Quran or Hadith. These punishments, although severe, are applied with high evidentiary standards to deter crimes that threaten social stability. Qisas is a system of retributive justice, especially in cases like murder or physical harm, where the victim or their family has the right to seek equal retaliation or forgiveness with compensation (Diyya). Ta'zir refers to discretionary punishment for crimes that do not have fixed penalties. Judges can impose penalties based on the severity of the offence and the broader need to maintain order.

This system helps ensure that crimes are dealt with effectively, which can contribute to greater security.

3. Economic Justice (Zakat and Prohibition of Exploitation): Poverty is a significant driver of insecurity. Sharia addresses this through the obligation of Zakat (charitable giving), which is one of the Five Pillars of Islam. Wealth redistribution through Zakat helps reduce economic inequality, which can contribute to social stability. By mandating that wealthier members of society contribute a portion of their income to help the poor, Islamic law aims to prevent social unrest caused by extreme economic disparity. Additionally, Islamic law prohibits usury (Riba) and exploitative economic

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28 Eleshin, AMJ 'Tackling the Nigeria Security Challenges: The Islamic Panacea' European Scientific Journal (2013) 9 (8)

29 <https://www.numbeo.com/crime/ranking_by_countr_fsp > accessed 17 July 2024

30 Quran 16 verse 90

practices that lead to financial oppression. This economic fairness can prevent the economic grievances that often fuel conflict and insecurity.

4. Social Welfare and Community Responsibility: Islamic teachings emphasise the importance of brotherhood (Ukhuwwah) and community responsibility. A society where individuals feel responsible for each other's well-being promotes security. The Prophet Muhammad said:
"None of you truly believes until he loves for his brother what he loves for himself"[31].
This sense of social solidarity helps create a safe and secure environment, as individuals are encouraged to work together to prevent harm and support one another in times of difficulty.

5. Conflict Resolution and Reconciliation (*Sulh*): Islamic law places a strong emphasis on resolving conflicts through peaceful means. Sulh, or reconciliation, is encouraged in both personal and communal disputes. The Quran advocates for peace:
"And if they incline to peace, then incline to it [also] and rely upon Allah. Indeed, it is He who is the Hearing, the Knowing"[32] Mediation, arbitration, and reconciliation are preferred over prolonged conflict, which contributes to maintaining peace and security in society.

6. Promotion of Ethical Behaviour: Islamic law also emphasises personal responsibility and ethical behaviour and this may be brought to fruition through the institution of *hisbah*. By instilling values of honesty, truthfulness, respect for others, and patience, Islam seeks to create individuals who contribute to a peaceful society. Good behaviour is seen as not only a religious duty but a means of preserving security within the community.

8. Rule of Law and Governance: Sharia advocates for a governance system that is just, consultative, and based on the principles of Shura (consultation) and collective decision-making. Leaders are expected to maintain security, uphold justice, and protect the rights of citizens. The concept of Amana (trust) in leadership emphasises accountability, with rulers viewed as trustees responsible for maintaining social order and security.

6. RECOMMENDATIONS AND CONCLUSION

So far, this paper has delved into the contextual definition of insurgency and insecurity tracing its history in Nigeria. Islamic law provides a comprehensive framework for addressing insecurity and insurgency, emphasising the importance of justice, social order, and the sanctity of life. By fostering a sense of community

[31] Muslim, H. 'Sahih Muslim' (Dar al-Tiba'a al-'Amira, Istanbul 1982)
[32] Qur'an 8 verse 61

responsibility and promoting peaceful conflict resolution, Islamic law offers valuable insights into how states and societies can deal with insecurity. However, the interpretation and application of these principles can vary, and the challenge remains in reconciling classical Islamic jurisprudence with the complexities of modern political realities. In regions affected by insurgency, there is potential for greater engagement with Islamic legal principles to inform peace-building efforts and help resolve conflicts in ways that uphold the dignity and rights of all parties involved.

The causes of these two negative features were discussed albeit in brevity. It is against this backdrop that the following recommendations are drawn:

1. The government should adopt the gist of *maqāsid al-shariᶜah* by providing the basic needs for all and sundry for a peaceful mind will have no time to create unrest or contaminate the peace of the society. This is further achievable by full implementation of Islamic Penal System.
2. Periodic sensitisation and admonition (*Daᶜwah)* showcasing the beauties of securities and harms of insecurities. Through this channel, both the government and the governed be enjoined to fear Allah and remain conscious of the fact that everyone shall be made accountable of his deeds.
3. Justice in all ramifications be done to all and sundry. Where this sis done, there is a likelihood to abate many causes of insecurity.

It is submitted that Islām offers affordable succor to all problems, insecurity and insurgence inclusive. It is now left for us (Nigerians) particularly the leaders to jettison deceit and bravely accept the Islamic Law panacea to insecurity and insurgency in Nigeria.