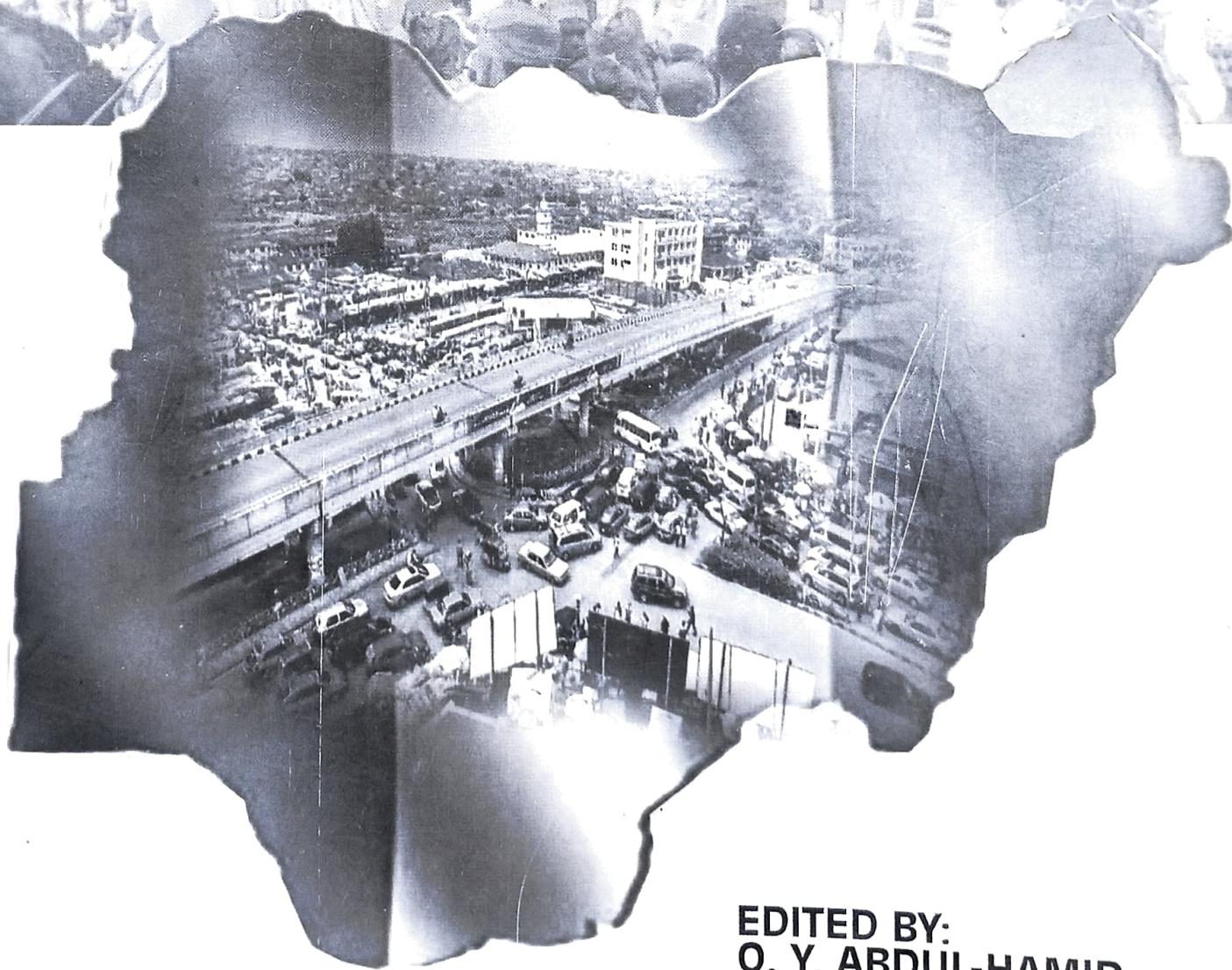




THE PLACE OF ILORIN EMIRATE IN THE DEVELOPMENT OF NIGERIA



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CHAPTER 21

UTILISING *MAQĀṢIDU'SH-SHARĪ'AH* (TENETS OF ISLAMIC LAW) AS A PANACEA FOR RITUAL KILLINGS IN ILORIN

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INTRODUCTION

Ilorin, the capital of Kwara State, is known for piety right from its inception. It used to be an ancient city populated by God fearing and contented Islamic scholars, who lived godly life with their highly submissive and religious wife(s) and their ever obedient children who cohabited together in a peaceful and harmonious environment since the formation of the city. Researchers affirm that Islam with its good moral values system spread to other parts of the country, particularly South-West and South-South via Ilorin except Northern Nigeria through which Islam got to Ilorin (Imam 2016:15).

However, things began to go awry few decades ago, following the incursion of money hungry youth into Ilorin, who believed strongly in accumulation of wealth through crude means without minding whose horse is gored. To them, rituals are the only methods through which affluence can be attained. This act has taken a central stage in the capital of the hitherto acclaimed State of Harmony and pervaded the social sphere of Ilorin where many innocent lives had been wasted through these ignoble activities. These strange killings in the guise of sourcing for blood money have now become things of great concern to inhabitants of the state, particularly the government, corporate bodies and private individuals.

What is believed to be a good potent solution to this social aberration is divine intervention. In other words, the untoward act can be nipped in the bud through the use of the template of *Maqāṣid Sharī'ah* (Tenets of *Sharī'ah*) as a panacea. Being a divine law that is propounded by the Creator it gives one a strong conviction that the power of *Sharī'ah* would put a permanent halt to the menace and provide everlasting solutions to the issues of ritual killings in Ilorin.

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Cases of Ritual Killings in Ilorin

More than a decade ago now, Ilorin has been witnessing multitudinous cases of ritual killings and kidnapping, a situation that has compelled residents to sleep without their two eyes closed. For the purpose of this research, a number of cases will be reviewed with a view to charting a way forward for the stoppage of this dangerous act.

On Monday, June 30th, 2014, a dungeon believed to be a hideout for people dealing in sale of human parts was discovered along Airport/ Eyenkorin road near NASFAT village, (a suburb of Ilorin) (*Western Post Newspaper*, June, 2014). Also, a youth corps member, Miss Yetunde Shukurat Idowu, who served with the state Broadcasting Corporation (Radio Kwara) visited the popular Shoprite Mall in Ilorin and did not return until her corpse was found in the following day at a spot inside the GRA, Ilorin (*Daily Post Nigeria*, June 17th, 2016).

A group of ritualists waylaid and murdered a pregnant woman, Akata Roheemat, at Gboroko village, near Alapa in Asa Local Government Area of the State and removed the victim's eight-month fetus. Roheemat and her neighbour's 12-year-old girl were murdered when they were going to the next village. (*The Punch Newspaper*, June 17, 2016). In 2016 also, a four-member ritual killers, Saidi Amadu, Idris Amadu, Quadri Ayodele and Ayodele Amadu, were arrested in connection with the gruesome killing of Fasilat Azeez and Rohimat Kehinde on the July 12, 2016. Another ritualists' den was discovered at Abata Suban, Ita Kudimoh area of Ilorin in 2017. (*National Pilot Newspaper*, Oct. 6th 2017).

Also, an Islamic cleric exhumed the corpse of his late friend for ritual purpose at Eleran Compound in Oloje area of Ilorin in August 2017. Some areas like Sabo-Oke, Niger, Okelele, Adewole, Agbooba have been the worst hit, with several people being the victims. In Sabo-Oke alone, no fewer than seven people were reportedly attacked in one month with three of them pronounced dead (www.kwaranews.com).

Also, two siblings, Aisha and Monsuru Mumini, were rescued from suspected ritualists in Okekere area of Ilorin. The children aged 6 and 3 were reportedly running errand for their mother when they were abducted. Roqibat Lukuman of Niger road, Ilorin, who has been missing since 29th of September, 2017 is yet to resurface. There is also a report of five suspects who were arrested by men of the state Police command for attempting to abduct a boy, Sheu Ajao of Ile Alagbede, Kuntu area of Ilorin, while defecating inside an uncompleted building (*National Pilot Newspaper*, 2017). Fresh in the memory was a case of 32 years old Sulaiman Ajenifuja who was arrested on the 26th of March 2018 by the Police for having possession of three skulls. Ajenifuja was arrested along Ogbomosho-Eyenkorin Express Way by patrol team of the State Police Command, who intercepted a commercial bus with seven passengers en-route Ilorin from Lagos (*The Herald Newspaper*, 2nd April, 2018).

Similarly, on 28th of March, 2018, officers of the Nigeria Security and Civil Defense Corps (NSCDC) uncovered a suspected ritual killers' den at the Aleyo settlement on Ojoku Road in Asa Local Government Area of the State. Mr. Kazeem Abdulsalam (540) of Omu-Aran, in the Irepodun LGA, and Mr. Adamu Hussein (360), of Marafa Oja, in the Ilorin East LGA, Kwara State, were apprehended at the scene (*Punch* Newspaper, March 27th, 2018). There are several yet to be substantiated tales of people who were said to have been kidnapped for ritual purposes. There are several cases of missing persons, whose fate no one can determine.

Consequences of Ritual Killings

The rising spate of kidnapping and ritual killings in Ilorin and its environs have created a lot of social problems and upheavals within the social space of Ilorin metropolis in particular and Kwara state in general. The act has eroded the peaceful coexistence in the state and everybody is walking around with trepidation. Aside the complete absence of trust in one another, the ugly scenario has equally sent some innocent likes to their early graves, thereby living some children to become orphans, women become widows while those their wives were victims become widowers.

Ilorin, which is generally regarded as the cradle of Islam in Nigeria and home of harmony has overnight turned to the den of ritualists, a development that is grossly denting the image of the city and that of the highly respected scholars therein as outsiders now address the people of the city on the basis of the immorality. This erroneous belief and stereotypical stigmatization towards Ilorin was a product of the incessant killings and several cases of money rituals that have become the order of the day in the city. To change the image and return to the initial admirable status Ilorin was known for, all hands must be on deck to embrace *Shari'ah* as a compass for religion, social and economic life.

Measures taken by the Government, Private Organizations and Individuals

The continuous cases of ritual killings and other related anti-social behaviours in Ilorin and Kwara as a whole have created a growing concern in the state. The act has become a subject of discussion among the government functionaries, corporate organizations and private individuals.

In response to the people's agitation, the Kwara State House of Assembly on the 6th of March, 2018 passed into law a Bill on Prohibition of Dealings in Human Parts in the State. The bill has been assented to by the Governor for effective take off of the law against sales of human parts in the State (*Tribune* Newspaper, March 6, 2018). Similarly, different community security agencies in Ilorin metropolis have been taking the bull by the horns to rinse out the culprits in their respective environments. Scholars like Prof. Abubakr Imam Ali-Agan and Dr. Abdulhamid Olohunoyin, the anchors of the popular Islamic radio programme known as

Madrasatu Muhammad at 103.5FM, have been championing the course of kicking against the danger of the ritual killings in Ilorin on the media.

However, all these preventive mechanisms are mapped out basically from social and legal points of view while religious perspective, which is divine and the most effective way out, is absolutely left out except by the two scholars. This apparently accounts for the serial failure of these efforts. It is against this background that this work is essential and relevant as it chronicles the roles of *Sharīah*, the Islamic law, in tackling the high rate of ritual killings and other related illicit behaviours in the society.

Concept of *Maqāṣidu'sh-Sharīah*

The term *maqāṣid* is a plural form of *maqṣid*, a verbal noun taken from the root *qaṣada*. *Al-Qaṣd*. However it has many connotative meanings, for instance, Ibn Jarīr (1408:83) posited that it is used in Q16:9 to imply straight path without any slant and used in Q9:42 to signify closeness. It is also used by lexicographers (Ibn Manzūr, Ibn Fāris and Abū Maṣṣūr) to denote justice, moderate, trust, reliance, turning into the texts with the purpose of inferring meanings, intent, purpose, objective and goal.

Etymologically, *Sharīah* is derived from the verb *sharraʿa* meaning to enter. The word also means a path that leads to where water is fetched. Al-Yūbī (1998:29) related that Islamic law is called *Sharīah* because human beings cannot survive without water. *Sharīah* also denotes ordinance as used in Q42:13.

It is gratifying to note here that the technical definition of *Sharīah* attracts attention of many jurists and philosophers because of its preeminence in serving as a compass that guides the activities of Muslims from the cradle to the grave. According to Ar-Rāzī (Mustapha), *Sharīah* can be defined as:

الأشياء التي أوجبها الله على المكلفين أن يشرعوا فيها

The Provisions which Allah has made obligatory upon *al-Mukallafin* (the people who have legal capacity) to adopt

Therefore, the ordinances enunciated by Allah, as affirmed by Ar-Rāzī in the above definition, are called *Sharīah* because they are sound and flawless. The combination of *maqāṣid* and *sharīah* reads tenets of *Sharīah*, objectives of *Sharīah*, purposes of *Sharīah* and goals of *Sharīah*.

It is apposite to state that *Maqāṣidu'sh-Sharīah*, as viewed by Az-Zuhaylī (1972), refers to the goals and objectives which Islamic law sets to accomplish in every period and place. In the words of Ash-Shāṭibī (1415: 19), *al-Maqāṣid* means:

الغايات التي وضعت الشريعة لأجل تحقيقها لمصلحة العباد

They are the ultimate goals in which Islamic law is drafted to achieve for the interest of human beings

From the above definitions, it can be argued safely that the Lawmaker, Allah, never set any lay down law except for the benefits and interests of human beings in this life and hereafter. *Maqāṣid* are therefore divine intents and moral concepts hinged upon Islamic law.

Traditionally, *maqāṣid* are divided into three which includes Necessities (*ḍarūrāt*), Needs (*hājiyāt*) and Luxuries (*tahsinīyāt*) (Ash-Shāṭibī: 2/88). The necessities, which form the thrust of this study, are further classified into the preservations of religion, soul, wealth, mind and offspring. However, our discourse will be centered on the first-two classifications of necessities in order to achieve the purpose of this study.

Preservation of Religion

One of the basic and cardinal objectives of Islamic law is the preservation of religion. This is because religion is the most sacrosanct asset that a man can possess to gain access to the world of eternity. Thus, religion is like a soul in the body. Just like a man cannot live without soul, anybody that lives without religion is considered dead in Islam. It is on this basis that Al-Yūbī (1998:194) aligned himself with the position of the Qur'ān (Q5:122) that the life of human prior to the belief in God was in darkness. Thus, Allah saddled Himself with the responsibility of protecting religion (Q15:9).

In addition, Ash-Shāṭibī (1997: 2/7) held that foundations of worships rest on the sacredness of religion. He argues further that different types of worships were legislated by Allah in order to strengthen religion in the minds of people. In fact, all *Makkan* chapters were revealed to unveil the necessity of preserving religion. Some of the verses in the Qur'ān that underscore the significance of this objective include Q30:30 and 43. More so, the Prophet explicated the messages entailed in those verses for the companions, so that they could hold religion as a force to be reckoned with in all their endeavours.

Muhammad al-Yūbī (1998:199) enumerated the following four measures to be taken to protect religion:

- Practice of Religion: This implies that religion was not founded except for practice. This, according to al-Yūbī, cannot be realized except through the practice of both individual and collective obligations in the religion.
- Passage of rule in consonance with the dictates of Religion: This indicates that considering superiority of religion over the man-made laws is another way of safeguarding the religion. It is, however, disheartening that Nigerian constitution which recognises Penal Code

for Northern parts of Nigeria limited its jurisdiction to personal law. Yet, anybody that fails to execute the ruling of Islamic law in his affairs is declared an infidel in Q4:65 and Q5:44.

- Invitation of people to the course of Religion: The core duty of every Messenger sent to various nations was to introduce them to their mission (Q5:67 and Q16:125). Their mission, which revolved around monotheism, was however bequeathed to the clerics and their disciples. The activities of *da'wah* therefore, entail teaching religion to people, commanding people to be upright and preaching to them to desist from the acts of indecency. It is unfortunate that *Da'wah* is now abused in this modern time.
- Struggle for the sake of Allah (*Jihād*): This implies defending religion against enmity and hatred which can take different dimensions. This is enjoined in Q22:40.

The relevance of this objective to Ilorin people is an indisputable fact because Islam was the religion of their predecessors and remains the system of the present generation. In order to preserve this way of life, there is need for the people and the lawmakers of the state to put the above measures in use while legislating against ritual killings in the city under review.

Preservation of Soul

One of the necessities of human life is the protection of soul. In order to guarantee this, Islamic law sees human life as sacred and a gift from Allah. It views elimination of a soul as the peak of evil that a man perpetrates against others (Muslim: Hadīth 143). It is on this background that Ibn Taymiyah (1421:461) submits:

أعظم فساد الدنيا قتل النفوس بغير الحق ولهذا كان أكبر الكبائر بعد أعظم فساد الدين الذي هو الكفر

The grievous mischief on the earth surface is killing of souls unjustly. Thus, it is the greatest sin after the degeneration of religion which is infidelity

The Qur'ān issues stern warning as well as capital and corporal punishments against those who perpetrate this evil (Q17:33 and Q4:92-93). In order to put an end to the menace of killing of human life unjustly, some other measures taken by Islam to sanctify it includes:

- Lawfulness of Marriage: The fundamental objective of Islam in marriage is procreation of offspring and it is one of the ways to

sustain the incoming generations. It is therefore made compulsory (Q4:3) with a view to preserving human life from extinction.

- Imposition of Security of Citizens on the country: As it is practised in the global world, the security of citizens under Islamic law is vested in the government who must beef up the community with trained and well equipped personnel in the security.
- Obligation of Conservation of the dignity of human beings: In other words, it prohibits false accusation, mockery and backbiting against human beings, as contained in Q33:58.
- Forbiddance of Killing of Human Beings: Prohibition of killing unjustly is one of the manners in which Islam espoused to halt illegality and Promote preservation of soul. The Qur'ān unequivocally interdicts this in Q4:29. Reacting to this, Prophet Muhammad held: Whosoever kills confederate (*mu'āad*) will not perceive fragrance of paradise.
- Prescription of retaliation for deliberate killing of Human Beings and blood compensation(*Diyah*) and atonement(*Kaffarah*) for unintentional killing as contained in Q2:178 and Q4:92 respectively.
- Declaration of *Jihād* for Protection of Soul: This is evident in Q4:75 among many other verses in the Qur'ān
- Legislation of Self Defense in any attempt of attack launched by enemy: The injunction on this can be found in Q2:191-192

It is noteworthy to state that all these measures taken by Islam to avert the illegal killings encapsulate what is known as ritual killings. The act of killing and selling of human parts, exhumation of corpses, among many other atrocities, in order to propitiate gods and become affluent, in their thought, are equally mauled in Islamic law. Illustrating this, the Prophet (S.A.W.) was reported to have said in the report of Ā'ishah: "Breaking the bone of dead person is like breaking the bone of a living person" (Imām Mālik: Hadīth 238). This tradition enjoins man to confer utmost respect to both decayed and not yet decayed bodies of dead and points out the heinous sin committed by those that exhume corpses unlawfully. To appreciate the necessity of honouring human body, the Qur'ān prescribed retaliation for commitment of crimes against human body and gave option to the victims to pardon the person or obtain compensation (*diyah*) especially in accidental cases for any part of the body that suffered for the crime (Q5:45). The Prophetic tradition explicated the *diyah* further by stipulating 100 camels as compensation for killing while the injured parts of the body are also guaranteed compensation.

Panacea from the Maqāṣidu'sh-Sharī'ah (Tenets of Islamic Law)

It is on record that various opinions have been submitted in respect of the link between religion and politics. For instance, Wole Soyinka viewed that religion has no connection with politics, rather they should be separated (Igbin 2010:139). The implication of this statement is that religion should not be used as a tool in building a society that is free of vices. The view of this renowned professor, in our opinion, needs to be reassessed because religion is divine while the power of reasoning is limited in many cases. Therefore, there is need to infer solutions to the daily problems from religion. Corroborating this, Ibn Taymiyyah affirmed (1421:522):

إن الشريعة التبعية لله بها محمدًا جامعة لمصالح الدنيا والآخرة ما خالف الشريعة منها فهو باطل
لوما وافق الشريعة منها فهو حق

Islamic Law, with which Allah sent Prophet Muhammad, is an embodiment of the mundane and eternal interests. Whatsoever is in disparity with Islamic law is adjudged falsehood and whatsoever is in conformity with it is adjudged truth.

The above statement does not contradict the freedom of religion enunciated in Q2:256 but only authenticates the genuineness of the message because of its universality in seeking solutions to every problem.

Consequently, the viable solution to the issue of ritual killing is the implementation of the measures taken by Islamic law in protecting religion and soul as elaborated above since they are primary objectives of Islamic law. Although some of these measures have been taken care of in the constitution but the failure to consider it all is a threat to the prevalence of ritual killing. This is because the Divine Law was prepared to serve as the reference where the rules are taken and it is suited for everybody.

More so, the bid of Kwara State House Assembly in the passage of Law that criminalizes the act of sale of human parts is very commendable but the fact remains that it cannot stop the menace if retaliation from the perpetrator is not conceived. The principle of retaliation in Islam reads: ولكم بالقصاص حياة meaning: "And there is (a saving of) life for you in the Law of Equality in the punishment..." (Q2:179). The principle is further explained in Q5:45 to mean life for life, eye for eye, nose for nose, ear for ear, tooth for tooth, and wound equal for equal. Glossing over Q2:179, Ibn Kathīr (1990:492) remarked:

وفنشر عالقصاص بكم - وهو قتال القاتل -

حكمة عظيمة لكم لأنهم إذا علموا القاتل أنه يقتل انكف عن صنيعه فكان نفذ لك الحياة النفوس

There is a great wisdom in the legislation of retaliation for you, which requires killing of the killer. This is because if the killer is aware that he will be killed, he will give up from his act and this will serve as a means of saving lives.

The above statement of the exegete per excellence is self-explanatory while the ruling is also intact to a certain extent in Nigerian constitution but the delay of justice in this country always leads to the denial of justice.

Yet, the Qur'ān 5:45 still takes care of atonement as punishment for the person. The *Diyah* specified for every injured part of the body in Islamic law is also capable of reducing the crime.

RECOMMENDATIONS

From the above analysis, the study recommends:

1. That the Kwara State House of Assembly has to pass a bill that allows implementation of the provisions of Islamic Law on retaliation in order to check the menace of ritual killings;
2. That the Executives of Kwara State have to ensure enforcement of the provisions of Islamic Law on retaliation if passed by Kwara State House of Assembly;
3. That the government should sponsor public awareness program on the media on the tactics of the evil perpetrators.
4. That the individuals have to support the government by taking precautionary measures and reporting the suspects of ritual killings.

CONCLUSION

The study has attempted to proffer suggestions to the rising waves of ritual killings in Ilorin metropolis, and Kwara state in general, using *Maqāṣidu'sh-Sharī'ah* as a panacea. This is because the relevance of *Maqāṣidu'sh-Sharī'ah* in nipping the vices in the bud cannot be overemphasized. Considering the fact that these tenets of *Sharī'ah* are divine, it is crystal clear that its law is a potent tool and strong weapon for the curtailment of activities like dealing and trading with human parts for ritual purposes in Ilorin and, by extension, all known human societies. It is therefore our candid submission in this paper that if all the measures as well as the prescribed punishments taken by Islamic Law in preserving the soul and the religion are not put into consideration in the enactment of the law that prohibits ritual killings, sales of human parts and other related crimes, it will be difficult, if not impossible to put a permanent stoppage to the menace of ritual killings.

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ABOUT THE BOOK



The Place of Ilorin Emirate in the Development of Nigeria is a rich collection of latest studies in the dynamics of politics, socioeconomics, history, education, religion, law and shariah, peaceful development, cultural and general affairs of Ilorin Emirate. Though the book thematises political and socioeconomic components of development, it offers refreshing perspectives in allied areas that would enrich the researcher and excite the perceptive reader. It provides a window for viewing the Ilorin Emirate as a raving phenomenon in the Nigerian polity from multidisciplinary lenses while providing pathways out of our contemporary challenges.

As a result of its gainful multidisciplinary approach, since a society is not always monolithic, this book certainly offers something beneficial to everyone at the broadest level while it is particularly nourishing to researchers and scholars in the Humanities and Social Sciences. Definitely, all those interested in the crosscurrents of history, culture and development of Ilorin Emirate both as ends in themselves and means to more ends will find the book an invaluable resource material.

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