



RELIGIOUS BLASPHEMY, JUNGLE JUSTICE, AND LEGAL PLURALISM IN NORTHERN NIGERIA: A COMPARATIVE ANALYSIS OF THE NIGERIAN 1999 CONSTITUTION AND SHARIA LAW

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ABSTRACT: *This study investigates the legal and social implications of the divergent frameworks of the Nigerian 1999 Constitution and Sharia law in Northern Nigeria, focusing on religious blasphemy and jungle justice. The problem stems from the coexistence of these two legal systems, resulting in significant conflicts and ambiguities that undermine the effective administration of justice and the protection of fundamental human rights. Accusations of religious blasphemy often lead to jungle justice, where mobs bypass formal legal procedures to mete out extrajudicial punishments, deepening communal divisions and eroding public trust in the judicial system. Guided by John Rawls's Theory of Justice, the study employs a descriptive research design to explore these issues in-depth. Data were collected in Kano and Sokoto states using purposive and stratified random sampling techniques. Key Informant Interviews (KIIs) and In-Depth Interviews (IDIs) with community leaders, religious leaders, legal practitioners, and civil society organizations were conducted, supplemented by secondary sources such as books, journal articles, and online publications. Content analysis was used to analyse the data. The findings reveal that the Nigerian Constitution, which guarantees freedoms of thought, conscience, religion, and expression, often clashes with Sharia law, which prescribes severe penalties for blasphemy. This divergence contributes to jungle justice as communities, frustrated with the formal legal system's inadequacies, resort to extrajudicial actions. Efforts to harmonize these frameworks face challenges, including conflicting legal philosophies, cultural and religious sensitivities, jurisdictional ambiguities, and human rights concerns. The study therefore recommends an urgent need for legislative reforms, judicial clarity, cultural sensitivity and strengthening legal institutions.*

KEYWORDS: Religious Blasphemy, Jungle Justice, 1999 Constitution and Sharia law.



INTRODUCTION

The interplay between religious beliefs, societal justice mechanisms, and legal frameworks forms a complex and often contentious landscape in many multicultural societies. Northern Nigeria is one of such societies where the juxtaposition of the Nigerian 1999 Constitution and Sharia law underpins significant legal and social challenges. This region, characterized by a predominantly Muslim population, experiences a dynamic tension between secular and religious legal principles, particularly concerning issues of religious blasphemy and jungle justice. Religious blasphemy, defined as acts or expressions deemed disrespectful towards religious beliefs or sacred entities, carries profound implications in Northern Nigeria. In this region, accusations of blasphemy often elicit intense emotional reactions, sometimes culminating in extrajudicial punishments commonly referred to as jungle justice. Such actions reflect a deep-seated adherence to traditional and religious norms, frequently bypassing formal judicial processes.

The Nigerian 1999 Constitution establishes a secular legal framework intended to govern a diverse and pluralistic society. This instrument enshrines fundamental human rights, including freedom of expression and protection from inhuman treatment. However, the implementation of Sharia law in several Northern states introduces a parallel legal system that emphasizes Islamic principles, including stringent penalties for blasphemy. This duality creates a legal pluralism where secular and religious laws coexist, often leading to conflicts and ambiguities in legal interpretations and enforcement. In Northern Nigeria, cases of religious blasphemy and jungle justice have garnered significant attention and highlight the profound challenges within the region's legal and social frameworks. Instances such as the 2002 Miss World riots, sparked by a newspaper article deemed blasphemous, and the 2016 lynching of Bridget Agbahime in Kano for alleged blasphemy against Islam, underscore the volatile nature of religious sensitivities. These events often escalate into mob violence, bypassing formal legal procedures and resulting in extrajudicial punishments. The effects of such actions are far-reaching, leading to loss of lives, destruction of property, and deepening communal divisions.

Incidents of religious blasphemy and jungle justice in Northern Nigeria are not only frequent but also have profound implications for social stability, human rights, and the rule of law. The phenomenon of jungle justice in Northern Nigeria reflects a broader mistrust in formal judicial processes and a preference for immediate, community-driven justice. This preference is rooted in historical, cultural, and socio-economic factors that shape the region's approach to justice and conflict resolution. Understanding these factors is crucial for developing effective legal reforms and policies that can harmonize the dual legal systems and ensure the protection of human rights.

Statement of the Problem

The coexistence of the Nigerian 1999 Constitution and Sharia law in Northern Nigeria presents a unique and challenging legal landscape, particularly in addressing issues of religious blasphemy and jungle justice. This dual legal framework results in significant conflicts and ambiguities, undermining the effective administration of justice and the protection of fundamental human rights. Accusations of religious blasphemy frequently lead to jungle justice, where extrajudicial punishments are meted out by mobs, bypassing formal legal procedures. Such incidents not only result in loss of life and property but also deepen communal divisions and erode public trust in the formal judicial system. The Nigerian 1999



Constitution, which guarantees freedom of expression and protection from inhuman treatment, often clashes with the stringent penalties prescribed by Sharia law for blasphemy, creating a dichotomy that complicates the enforcement of legal norms.

This problem is exacerbated by the socio-cultural dynamics of Northern Nigeria, where religious and communal identities are deeply intertwined with notions of justice and retribution. The formal legal system's inability to effectively address and harmonize these conflicting legal and cultural imperatives leads to repeated instances of jungle justice, highlighting systemic weaknesses in law enforcement and judicial processes. The core issue, therefore, is the lack of a cohesive legal framework that can reconcile the secular constitutional provisions with the religious dictates of Sharia law, particularly in cases of religious blasphemy. The study of religious blasphemy and jungle justice within the context of Northern Nigeria addresses a critical gap in scholarly literature. While much has been written about legal pluralism and human rights, there is a paucity of in-depth, comparative analyses focusing specifically on Northern Nigeria. It is on this backdrop that this study therefore aims to fill this gap, by providing a comprehensive examination of the subject matter and suggesting pathways for legal reforms and policy interventions aimed at harmonizing the dual legal systems, protecting human rights, and ensuring social justice.

In light of this problem, the study addresses the following research questions:

1. How do the Nigerian 1999 Constitution and Sharia law address religious blasphemy and the resultant phenomenon of jungle justice?
2. What have been the challenges of harmonizing these divergent legal frameworks to foster a more cohesive and just society in Northern Nigeria?
3. What are the Socio-political implications of this legal pluralism in Northern Nigeria?

Research Objectives:

1. To interrogate how the Nigerian 1999 Constitution and Sharia law address religious blasphemy and the resultant phenomena of jungle justice.
2. To examine the challenges of harmonizing these divergent legal frameworks to foster a more cohesive and just society in Northern Nigeria.
3. To explore the Socio-political implications of this legal pluralism in Northern Nigeria.



LITERATURE REVIEW

The Concept of Blasphemy

Blasphemy is defined and understood differently among religious traditions, reflecting each faith's own concerns and objectives. Blasphemy in Islam is largely concerned with preventing civil strife, also known as fitnah. Acts or expressions that are derogatory to Allah, the Prophet Muhammad, or Islamic teachings are perceived as dangers to the Muslim community's unity and stability. Preventing blasphemy in Islam is thus critical to sustaining social unity and religious order (Sherwood, 2021).

Blasphemy is associated with the concept of adharma in Hinduism and Buddhism, which refers to activities that violate dharma, the moral and ethical system that governs human behavior and societal norms. In these traditions, preventing adharma, or non-dharma, is critical for maintaining society and cosmic balance. Respect for holy practices and religious people is critical to maintaining this balance (Sherwood, 2021). Blasphemy is a significant sin in Christianity, sometimes referred to as a lèse-majesté crime, with the goal of protecting God's dignity and sanctity, as well as venerated religious personalities. Blasphemy is condemned in the Bible, and Christian cultures have historically used various punishments to maintain religious and social order. Blasphemy is not simply a theological violation but also a social and political concern in many religions, with prohibitions intended to maintain community cohesion and the sanctity of religious ideas and institutions (Sherwood, 2021).

Blasphemy comprises a variety of actions, including disrespect, defiance, or offense against God; profanation of religious offices, observances, or organizations; and vitriol and denunciation of beliefs or behaviors believed to be adverse to religion and morals.

Blasphemy is defined in secular democracies as a disparaging expression of God or other sacred objects inside a religious context. While some governments continue to prohibit blasphemous expression, the consequences are often less harsh than in theocracies (Garrido, 2019). Blasphemy laws frequently serve to repress free speech and expression. While they are sometimes considered as fair restrictions on free speech, they can also impede the development of a rational temper and impose one community's religious beliefs over others. Blasphemy laws are justified as a sort of hate speech legislation in some pluralistic cultures, with the goal of protecting religious sensibilities and maintaining social harmony (Raza and Abdin, 2020).

The Concept of Jungle Justice

The phenomenon of jungle justice, also referred to as extrajudicial punishment, is addressed across diverse contexts and geographies, each highlighting distinct implications and driving factors.

Davis (2023) explores jungle justice within the Calais refugee camps along the French-UK border. In this setting, the term encapsulates judicial violence and crises associated with migration concerns, significantly affecting legal supporters and the rights of migrants. This underscores a broader issue of how extrajudicial measures intersect with migration and human rights, shedding light on the critical humanitarian implications.

In the Nigerian context, jungle justice is predominantly understood as extrajudicial killings or punishment enacted without legal due process. This form of justice arises primarily due to



delays and inefficiencies within the formal justice system, leading to widespread injustices and human rights violations (Virginus, 2023). The manifestation of jungle justice in Nigeria is further elaborated by Ilori (2020), who notes that such acts, particularly lynchings, occur in response to local criminal activity, pervasive insecurity, and a profound lack of trust in the legal system, particularly within the Lagos metropolis.

Franck and Tiwa (2022) delve into the spontaneous nature of mob violence in Nigeria, driven by inexplicable crime rates. This form of jungle justice results in intra-community animosity, vigilante mobilization, and social control as communities respond to perceived injustices. This perspective highlights the social and communal dimensions of extrajudicial punishment, illustrating how it fosters social cohesion and control through violent means.

Somer (2007) extends the discourse to non-international armed conflicts, where armed opposition groups deliver sentences on individuals. This practice raises significant concerns regarding justice and adherence to legal standards under international humanitarian law. The involvement of armed groups in administering extrajudicial punishment emphasizes the complexities of justice in conflict zones and the challenges in upholding legal norms. In relation to this study, Jungle justice refers to extrajudicial punishment for perceived blasphemy, bypassing formal legal processes and resulting in significant human rights violations. Across the reviewed literature, several common themes emerge. Jungle justice, regardless of the context, is often a reaction to perceived inefficiencies or failures of formal judicial systems. Whether in refugee camps, metropolitan cities, or conflict zones, the resort to extrajudicial measures underscores a profound lack of trust in established legal frameworks and highlights systemic failures in addressing crime and delivering justice. Furthermore, the implications of jungle justice are universally detrimental, leading to human rights violations, social instability, and a cycle of violence that undermines legal and social order.

Theoretical Framework

This study is centred on John Rawls's Theory of Justice (1971). **John Rawls's Theory of Justice (1971)** centers on the concept of social justice, with a particular focus on the basic structure of society. This basic structure comprises the major social institutions that distribute fundamental rights and duties, and determine the division of advantages arising from social cooperation. These institutions include the political constitution, economic systems, and social arrangements, all of which play a pivotal role in defining individuals' rights and duties and shaping their life prospects.

According to Rawls, the basic structure is the primary subject of justice, and it is through this framework that principles of justice are applied to ensure fairness in society. Rawls articulates two key principles of justice:

1. **Equal Basic Liberty:** Every person is to have an equal right to basic liberties that are compatible with similar liberties for others. This principle emphasizes the importance of fundamental rights being equally accessible to all members of society.
2. **Fair Equality of Opportunity and Difference Principle:** Social and economic inequalities should be arranged so that they are:
 - Reasonably expected to be to everyone's advantage.



- Attached to positions and offices open to all under conditions of fair equality of opportunity.

Applying Rawls's theory to the context of religious blasphemy and jungle justice in Northern Nigeria, particularly in Kano and Sokoto states, provides a robust framework for analysing the justice issues at play. The coexistence of the Nigerian Constitution and Sharia law creates a complex legal pluralism that affects how justice is administered.

Rawls's principle of equal basic liberty underscores the need for fundamental human rights, including freedom of expression and protection from extrajudicial punishment. In the context of Northern Nigeria, the challenge is ensuring that these basic liberties are upheld equally for all individuals, irrespective of religious or social standing. This principle calls into question practices of jungle justice, where individuals accused of blasphemy are often denied due process and subjected to extrajudicial punishment.

The second principle of Rawls's theory highlights the importance of creating social and economic conditions that benefit the least advantaged members of society. In Northern Nigeria, this means addressing the root causes of jungle justice, such as mistrust in formal legal institutions, social inequality, and lack of access to justice. Ensuring that all individuals, including those from marginalized communities, have equal access to legal recourse and protection under the law is essential.

By utilizing Rawls's theory of justice, this study explored how the basic structure of society in Northern Nigeria, with its dual legal systems, impacts the distribution of justice and the protection of human rights. The principles outlined by Rawls provide a critical lens through which to evaluate the fairness and effectiveness of both formal and informal justice mechanisms in addressing issues of religious blasphemy and jungle justice.

RESEARCH METHODOLOGY

Research Design

This study adopts a descriptive research design to examine the phenomena of religious blasphemy, jungle justice, and legal pluralism in Northern Nigeria. The descriptive approach is selected to provide a detailed account of these issues, capturing the specific characteristics, contexts, and dynamics involved. This design is particularly suited to the subject matter as it allows for a thorough exploration of the social and legal landscapes without manipulating variables. The choice of a descriptive research design is justified by the need to document and understand the complex interplay between religious beliefs, informal justice mechanisms, and formal legal frameworks in Northern Nigeria.

Study Area

The study area for this study is Northern Nigeria. Northern Nigeria, a region comprising 19 states and the Federal Capital Territory, spans a vast and diverse area in the northernmost part of Nigeria. The states included in this region are: Adamawa, Bauchi, Benue, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Kogi, Kwara, Nasarawa, Niger, Plateau, Sokoto, Taraba, Yobe, Zamfara.

Northern Nigeria covers a considerable portion of Nigeria's total land area, contributing to its socio-economic and cultural complexity. This study focuses on Northern Nigeria due to its significant socio-political and economic role in the country. The region's large population, combined with its historical and contemporary issues related to governance and security, makes it a pertinent case for examining the phenomenon of jungle justice. The interplay between traditional customs and modern legal frameworks in Northern Nigeria provides a rich context for exploring how extrajudicial measures emerge and persist in response to perceived failures in formal judicial systems.

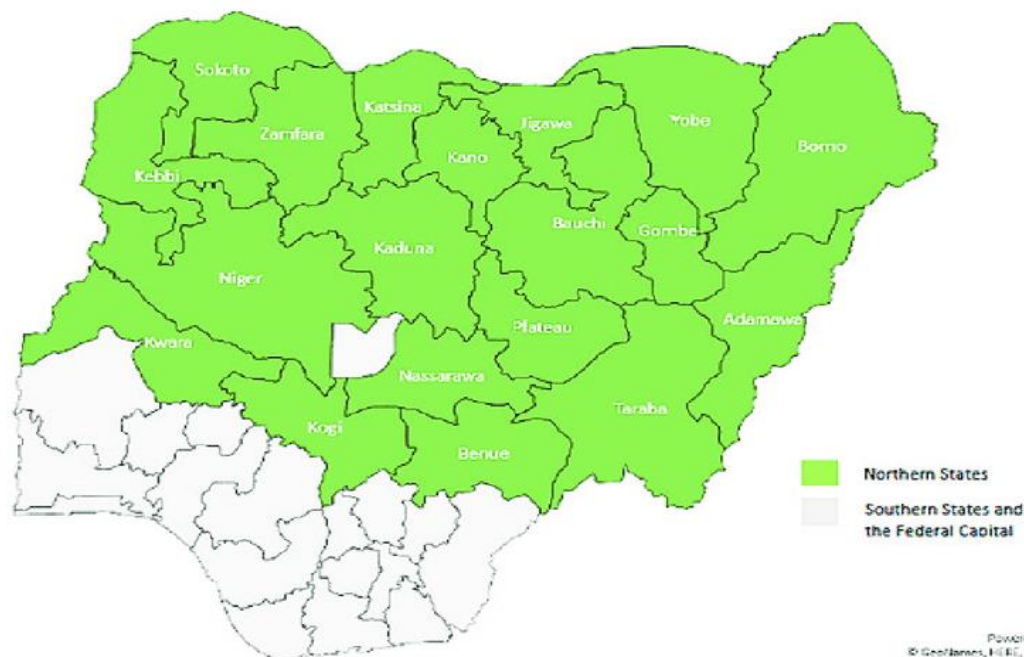


Fig 1: Study Area.

Source: https://www.researchgate.net/figure/Map-of-Nigeria-showing-the-19-Northern-states_fig1_337432764 [accessed 19 July 2024]

Study Population

The study population for this research encompasses various stakeholders directly and indirectly involved in or affected by jungle justice and blasphemy cases in Northern Nigeria. These stakeholders include Community members, Religious leaders, Legal practitioners and Civil Society Organizations (CSOs).

Sample Size and Sampling Technique

To address the objectives of this study, a combination of purposive and stratified random sampling techniques was employed, focusing on key respondent groups in Kano and Sokoto states. The two States were selected on the basis of the prevalence of religious blasphemy and jungle justice in the areas. Purposive sampling was used to select respondents who are central to understanding the issues of religious blasphemy and jungle justice across the two States. These include Community Leaders, Religious Leaders, Legal Practitioners and Civil Society



Organizations. Stratified random sampling was also applied to ensure representation across different areas within Kano and Sokoto, including urban and rural locations.

Method of Data Collection

This research utilized both primary and secondary sources of data. Primary data were gathered through Key Informant Interviews (KII) and In-Depth Interviews (IDI). Secondary materials included books, journal articles, research papers, unpublished works, and online publications. Ten IDIs were conducted, involving two individuals each from community leaders, religious leaders, legal practitioners, and civil society organizations across the two States (Kano and Sokoto). Four KIIs were conducted with leaders from each of the selected respondent categories: community leaders, religious leaders, legal practitioners, and civil society organizations. These interviews provided expert insights into the broader context and specific issues related to religious blasphemy and jungle justice. Secondary sources such as books, journal articles, research papers, unpublished works, and online publications were reviewed to gather contextual and supporting information. A comprehensive literature review was conducted to extract relevant data on the legal, social, and cultural aspects of religious blasphemy and jungle justice.

Method of Data Analysis

The study adopted the content analysis approach for analysing both the primary and secondary sources of data.

DATA PRESENTATION AND ANALYSIS

The section seeks to discuss the research findings from the field. This entails the use of in-depth and key informant interviews.

1. **Objective One:** To interrogate how the Nigerian 1999 Constitution and Sharia law address religious blasphemy and the resultant phenomena of jungle justice.

Findings from the field showed that the Nigerian 1999 Constitution and Sharia law approach religious blasphemy and the phenomenon of jungle justice in fundamentally different ways, leading to significant legal and social tensions.

The divergence between the 1999 Nigerian Constitution and Sharia law on issues of religious blasphemy creates significant legal and social challenges. The Constitution protects fundamental freedoms, while Sharia law imposes strict penalties for blasphemy, leading to conflicting legal standards, unclear jurisdictional boundaries, and potential for inconsistent judgments. This legal tension contributes to the prevalence of jungle justice, where communities, frustrated by the formal legal system, resort to extrajudicial actions.

While interrogating how the Nigerian 1999 Constitution and Sharia law address religious blasphemy and the resultant phenomena of jungle justice, a legal practitioner in the study area stated that:

The 1999 Nigerian Constitution and Sharia law address religious blasphemy and jungle justice in different ways, leading to tensions and conflicts. The 1999 Constitution of the Federal



Republic of Nigeria (as amended), guarantees freedom of thought, conscience, and religion (See Section 38 CFRN) it also protects the right to freedom of expression and information (See Section 39 CFRN) and it does not explicitly criminalize blasphemy. However, Sharia law which is implemented in some Northern states, criminalizes blasphemy against Islam e.g., Section 382 of the Sharia Penal Code in Kano State prescribes punishments like fines, imprisonment, or even death. The said section provides as follows: "any person whosoever found using any expression by means of words, gestures, abusing the Holy Prophet Muhammad shall be convicted to death."

This may conflict with the Constitution's protection of free speech and religion as this divergence creates challenges which include: - Conflicting legal standards for blasphemy, unclear jurisdictional boundaries between secular and Sharia courts, potential for conflicting judgments and punishments, tensions between upholding human rights and respecting religious sensitivities. This divergence contributes to the phenomenon of jungle justice, where mobs take the law into their own hands, often in response to perceived blasphemy. A notable example of the conflict between the Nigerian Constitution and Sharia law on blasphemy is the case of COP v. Yahaya Sharif-Aminu. Yahaya Sharif-Aminu, a young musician was accused of blaspheming against the Prophet Muhammad in a song he shared on WhatsApp in 2020. Kano State authorities arrested him and charged him under the Sharia Penal Code, which carries a death penalty for blasphemy. However, human rights groups and lawyers argued that the charge violated his constitutional right to freedom of expression (Section 39) and that the Sharia law conflicted with the Constitution. The case sparked a national debate on the balance between religious sensitivities and human rights, reflecting the challenges in harmonizing the two legal frameworks in Nigeria (KII/Male/Kano/June, 2024).

Another legal practitioner also stated that:

The 1999 Constitution of Nigeria is quite clear on this matter. Under Section 38, it guarantees every individual the right to freedom of thought, conscience, and religion. This essentially means that everyone in Nigeria has the right to practice their religion freely. Additionally, Nigeria is established as a secular state, which means no single religion can be adopted as the state religion. Now, Section 33 of the Constitution is crucial because it guarantees the right to life. It states that no one shall be deprived of life except in the execution of a court sentence. This explicitly means that jungle justice, which involves extrajudicial killings, is unconstitutional. The Constitution doesn't support taking the law into one's own hands. On the other hand, in some Northern states, Sharia law is implemented for Muslims. Blasphemy under Sharia law is treated very seriously and can result in severe punishments, including the death penalty in extreme cases. However, these punishments are not arbitrarily applied. They go through the legal processes of Sharia courts. It's important to understand that jungle justice, where mobs take the law into their own hands, is not a legal or sanctioned aspect of Sharia law either. Both Sharia law and the Nigerian Constitution theoretically stand against such extrajudicial actions. So, despite the differences between these two legal frameworks, both agree that taking the law into one's own hands, or jungle justice, is not acceptable (KII/Male/Sokoto/June, 2024).

In a similar view, a legal practitioner in the study area stated that:

From my own understanding, I would say that the Nigerian constitution and Sharia law both recognize and protect religious freedom, but they also impose limitations to maintain public



order. The constitution guarantees the right to practice any religion, while Sharia law also affirms that no one can be compelled to practice Islam. Non-Muslims, known as "dhimmi," are protected under Sharia law. However, Section 45 of the Nigerian constitution allows for restrictions on religious practices that may disrupt public peace. This section indirectly addresses blasphemy by limiting actions that could cause public disorder. Insulting or attacking religious figures cannot be justified as a religious practice. Jungle justice, where individuals take the law into their own hands to punish perceived blasphemy, is illegal under both the Nigerian constitution and Sharia law. The penal code prescribes severe penalties for unlawful killings, including the death penalty and life imprisonment. Sharia law also prohibits jungle justice, mandating that accusations of blasphemy be handled through legal proceedings in Sharia courts. If found guilty, the punishment for blasphemy against the Prophet Muhammad is death, but this must be determined by the courts, not individuals (KII/Male/Sokoto/June, 2024).

Objective Two: To examine the challenges of harmonizing these divergent legal frameworks to foster a more cohesive and just society in Northern Nigeria.

The findings from the study highlight the complex challenges of harmonizing the Nigerian Constitution and Sharia law. Some of these challenges include conflicting legal philosophies, differing punishments, cultural and religious sensitivities.

A respondent noted that:

The challenges of harmonizing the Nigerian Constitution with Sharia law are complex. Firstly, there is a conflict in legal philosophies: the Constitution is based on secular and liberal democratic principles promoting individual rights and freedoms, while Sharia law is rooted in Islamic jurisprudence with a different approach to justice and morality. Secondly, these legal systems prescribe differing punishments; Sharia law mandates harsher penalties such as amputation and death, whereas the Constitution emphasizes rehabilitation and restorative justice. This disparity poses a significant challenge in finding common ground. Thirdly, cultural and religious sensitivities are crucial. Sharia law is deeply ingrained in Northern Nigeria's culture, making reform efforts sensitive and potentially controversial. The local population may see these efforts as attacks on their cultural and religious identity, leading to resistance. Additionally, legislative and judicial challenges arise. Harmonization requires extensive legislative reforms and a committed judiciary, but often lacks the political will and institutional capacity to implement effective changes. Human rights concerns further complicate harmonization. Sharia law's criminalization of blasphemy raises issues of freedom of expression, religion, and opinion, potentially conflicting with international human rights standards. Balancing these concerns with the principles of Sharia law is delicate and contentious. A notable example is the case of Amina Lawal, sentenced to death by stoning for adultery under Sharia law in Katsina State in 2002. The international outcry and legal challenges highlighted the conflicts between Sharia law's severe punishments, the Constitution's human rights protections, and international human rights standards. Her acquittal in 2004 underscored the need for reform to ensure Nigeria's dual legal systems coexist while upholding human rights (KII/Male/Sokoto/June, 2024).



Another respondent stated that:

Legal pluralism in Nigeria, which involves the coexistence of civil, customary, and Sharia law, creates significant conflicts. These conflicts arise particularly when there are contradictions between secular and religious laws. Harmonizing these legal frameworks is quite challenging due to their fundamentally different bases, secular laws are rooted in liberal democratic principles, whereas Sharia law is grounded in religious jurisprudence. It is also important to note that jurisdictional conflicts present another major challenge. Determining which legal system has jurisdiction over certain offenses can be problematic, leading to inconsistencies in the application of justice. This often results in confusion and sometimes unfair outcomes, as different legal systems may prescribe different penalties for the same offense (KII/Male/Kano/June, 2024).

In a similar view, a respondent stated that:

Human rights concerns are also prominent. The application of Sharia law in certain areas often conflicts with international human rights standards and the rights enshrined in the Nigerian Constitution, particularly concerning freedom of religion and the rights of non-Muslims. For instance, the criminalization of blasphemy under Sharia law raises serious issues about freedom of expression and belief (KII/Male/Kano/June, 2024).

Put differently, a respondent noted that:

Public perception and trust in the legal system have been a major challenge of legal pluralism. Unfortunately, public confidence is frequently eroded by instances of jungle justice, perceived partiality, or when the legal frameworks appear to be in conflict. When people see these inconsistencies or feel that justice is not being applied fairly, it undermines their trust in the legal system as a whole. This lack of trust can lead to a reluctance to rely on formal legal processes, further exacerbating issues of justice and order in the society (IDI//Male/Kano/June, 2024).

3. Objective three: To explore the socio-political implications of this legal pluralism in Northern Nigeria.

A respondent in the study area stated that:

The socio-political implications of legal pluralism in Northern Nigeria are far-reaching and complex, affecting various aspects of society. One major implication is religious tensions. Legal pluralism can exacerbate tensions between Muslims and non-Muslims, as Sharia law is perceived to favor Muslims. Another critical issue is human rights concerns. Sharia law's criminalization of blasphemy and apostasy raises significant concerns about freedom of expression, religion, and opinion. Additionally, there is the matter of gender inequality. Sharia law's provisions on inheritance, marriage, and custody can perpetuate gender inequality, impacting women's rights and social status (KII/Male/Sokoto/June, 2024).

Another respondent stated that:

Legal pluralism in Northern Nigeria also creates conflicting loyalties among citizens, who may feel torn between allegiance to the state and loyalty to their religious or cultural communities. This situation can contribute to political instability, as different groups vie for power and



influence. Furthermore, legal pluralism can reinforce social segregation. Different communities may have separate legal systems and institutions, which can deepen divisions and hinder social cohesion (IDI//Male/Kano/June, 2024).

Similarly, a respondent noted that:

The challenges posed by legal pluralism extend to the rule of law and national integration. Legal pluralism can undermine the rule of law, as different legal systems may have conflicting norms and standards, making it difficult to enforce laws uniformly. This fragmentation poses obstacles to national integration, as different regions and communities may adhere to distinct legal systems and institutions. These implications highlight the need for careful management of legal pluralism to promote social justice, human rights, and national cohesion in Northern Nigeria (IDI//Male/Kano/June, 2024).

Another respondent stated that:

Governance challenges are a significant issue arising from legal pluralism in Northern Nigeria. Implementing and enforcing laws consistently becomes challenging for the government, leading to gaps in governance and law enforcement. This inconsistency undermines the effectiveness of the legal system and erodes public trust. Additionally, human rights issues are a major concern. The application of Sharia law, especially in its more severe forms, has raised significant human rights concerns. These concerns have attracted both national and international scrutiny and criticism, highlighting the tension between traditional practices and modern human rights standards (IDI//Female/Sokoto/June, 2024).

DISCUSSION OF FINDINGS

The findings from the field indicate a significant divergence between the Nigerian 1999 Constitution and Sharia law in their approach to addressing religious blasphemy and the resultant phenomena of jungle justice, creating considerable legal and social tensions in Northern Nigeria.

The Nigerian 1999 Constitution provides robust protections for fundamental freedoms, including freedom of thought, conscience, and religion (Section 38), and the right to freedom of expression and information (Section 39). These protections ensure that individuals can practice their religion and express their beliefs without fear of persecution. However, the Constitution does not explicitly criminalize blasphemy, leading to conflicts when blasphemous acts occur.

In contrast, Sharia law, implemented in some Northern states, explicitly criminalizes blasphemy against Islam. For example, Section 382 of the Sharia Penal Code in Kano State prescribes severe punishments, including the death penalty, for blasphemy against the Prophet Muhammad. This strict approach under Sharia law starkly contrasts with the freedoms enshrined in the Constitution, leading to conflicting legal standards and unclear jurisdictional boundaries between secular and Sharia courts.

The legal and social tensions between the 1999 Constitution and Sharia law contribute to the phenomenon of jungle justice. Communities, frustrated with the formal legal system's



perceived inability to adequately address blasphemy, often resort to extrajudicial actions. This is exacerbated by the conflicting legal standards, which create confusion and undermine the authority of the formal legal system. Despite theoretical prohibitions against jungle justice in both legal frameworks, the reality on the ground is different, as mobs frequently resort to jungle justice in response to perceived blasphemy, bypassing both legal systems. This finding aligns with Emmanuel et al.'s (2018) assertion that the 1999 Constitution's inadequacies and Sharia law's influence exacerbate jungle justice.

Legal practitioners in the study area emphasized that the Nigerian Constitution guarantees religious freedom and the right to life, making jungle justice unconstitutional. They noted that while Sharia law imposes severe penalties for blasphemy, it mandates that such cases be handled through legal proceedings in Sharia courts, not through mob actions. This indicates a disconnect between the theoretical legal frameworks and the actual practices of communities dealing with blasphemy.

From the above findings, it is evident that the divergent approaches of the Nigerian 1999 Constitution and Sharia law to religious blasphemy create significant legal and social challenges in Northern Nigeria. These challenges contribute to the prevalence of jungle justice, as communities, frustrated with the formal legal system's perceived inadequacies, take the law into their own hands. Despite theoretical prohibitions against jungle justice in both legal frameworks, conflicting standards and unclear jurisdictional boundaries undermine the effectiveness of these protections. This highlights the need for harmonizing the two legal frameworks to address blasphemy and jungle justice effectively and protect human rights in Northern Nigeria.

The second objective examined the challenges of harmonizing these divergent legal frameworks to foster a more cohesive and just society in Northern Nigeria. The study reveals substantial challenges in harmonizing the Nigerian Constitution and Sharia law due to conflicting legal philosophies, differing punishments, cultural and religious sensitivities, jurisdictional conflicts, and human rights concerns.

The Nigerian Constitution is grounded in secular and liberal democratic principles that emphasize individual rights and freedoms, while Sharia law is rooted in Islamic jurisprudence, which has a distinct approach to justice and morality. This fundamental conflict poses a significant barrier to harmonization. The Constitution promotes rehabilitation and restorative justice, whereas Sharia law mandates harsher penalties for certain offenses. This disparity complicates efforts to reconcile the two systems.

Furthermore, the divergent punishments prescribed by the Nigerian Constitution and Sharia law further complicate harmonization efforts. The Constitution's emphasis on rehabilitation contrasts sharply with the severe penalties under Sharia law. A notable example is the case of Amina Lawal, who was sentenced to death by stoning for adultery under Sharia law in Katsina State in 2002. Her eventual acquittal in 2004 highlighted the conflicts between Sharia law's severe punishments, the Constitution's human rights protections, and international human rights standards.

Cultural and religious sensitivities are crucial in the harmonization process. Sharia law is deeply ingrained in Northern Nigeria's culture, making reform efforts sensitive and potentially



controversial. Local populations may view attempts to harmonize the legal frameworks as attacks on their cultural and religious identity, leading to resistance.

Jurisdictional conflicts present another major challenge in harmonizing the Nigerian Constitution and Sharia law. Determining which legal system has jurisdiction over certain offenses can be problematic, leading to inconsistencies in the application of justice. These ambiguities undermine public trust in the legal system and exacerbate issues of justice and order in society.

Human rights concerns are prominent in the discussion of harmonizing these legal frameworks. The application of Sharia law often conflicts with international human rights standards and the rights enshrined in the Nigerian Constitution, particularly concerning freedom of religion and the rights of non-Muslims. Balancing these human rights concerns with the principles of Sharia law is a delicate and contentious task.

Public perception and trust in the legal system were also discovered to be critical issues in the context of legal pluralism. Instances of jungle justice, perceived partiality, and conflicting legal frameworks frequently erode public confidence in the legal system. This lack of trust leads to a reluctance to rely on formal legal systems, further exacerbating issues of justice and order in society. These findings corroborate Foluke et al.'s (2023) assertion that the clash between the Nigerian Constitution and Sharia law poses significant challenges due to conflicting legal principles, punishments, cultural norms, jurisdictional issues, and human rights violations.

The third objective explored the socio-political implications of legal pluralism in Northern Nigeria. The study reveals several far-reaching and complex issues, including religious tensions, human rights concerns, gender inequality, conflicting loyalties, social segregation, challenges to the rule of law and national integration, and governance issues.

Legal pluralism exacerbates religious tensions between Muslims and non-Muslims. The implementation of Sharia law in certain Northern states is perceived to favor Muslims, leading to a sense of marginalization among non-Muslims. This perception fuels inter-religious tensions and can contribute to conflict and social discord.

The application of Sharia law raises numerous human rights issues. Sharia law's provisions on blasphemy and apostasy conflict with internationally recognized human rights standards, particularly those concerning freedom of expression and religion. Additionally, gender inequality under Sharia law impacts women's rights and social status adversely, hindering progress toward gender equality and women's empowerment in Northern Nigeria.

Legal pluralism creates conflicting loyalties among citizens, who may feel torn between allegiance to the state and loyalty to their religious or cultural communities. This internal conflict can contribute to political instability, as different groups vie for power and influence within the region.

The existence of multiple legal systems within a single region reinforces social segregation. Communities adhering to different legal systems may develop separate institutions, further deepening divisions and hindering social cohesion. This segregation prevents the development of a unified social identity and exacerbates existing social cleavages. Legal pluralism also undermines the rule of law by creating conflicting norms and standards, making it difficult to enforce laws uniformly across the region. This fragmentation poses significant obstacles to



national integration, as different regions and communities adhere to distinct legal systems. Inconsistencies in law enforcement and legal standards challenge the notion of a cohesive national legal framework and hinder efforts toward national unity.

Governance challenges are significant issues arising from legal pluralism. The government's ability to implement and enforce laws consistently is compromised, leading to gaps in governance and law enforcement. These gaps undermine the effectiveness of the legal system and erode public trust. The resultant governance gaps further exacerbate issues of justice and order within society. These findings resonate with Mukaddam's (2023) assertion that legal pluralism in Northern Nigeria unveils socio-political challenges like religious tensions, human rights issues, gender disparities, conflicting loyalties, social segregation, and governance dilemmas.

This comprehensive analysis underscores the complex interplay between the Nigerian Constitution and Sharia law in Northern Nigeria and highlights the urgent need for harmonization to address legal, social, and human rights challenges effectively.

SUMMARY

This study explored the legal and social impacts of the divergent frameworks of the Nigerian 1999 Constitution and Sharia law in Northern Nigeria, especially regarding religious blasphemy and jungle justice. Significant differences between these systems lead to legal and social tensions. The Nigerian Constitution upholds freedoms like thought, conscience, religion, and expression but does not criminalize blasphemy. Sharia law, however, does criminalize blasphemy with severe penalties, including the death penalty, creating conflicting legal standards.

These differences contribute to jungle justice, where frustrated communities take extrajudicial actions. Efforts to harmonize these frameworks face challenges like conflicting legal philosophies, different punishments, cultural sensitivities, jurisdictional conflicts, and human rights concerns. Sharia law's deep cultural roots in Northern Nigeria complicate reform efforts, and inconsistencies in law enforcement further hinder harmonization. The socio-political implications of legal pluralism are extensive, affecting religious tensions, human rights, gender equality, loyalties, social segregation, rule of law, national integration, and governance. Legal pluralism intensifies religious tensions, perpetuates gender inequality, creates conflicting loyalties, reinforces social segregation, undermines the rule of law, and presents significant governance challenges.

CONCLUSION

The study reveals that the divergent approaches of the Nigerian 1999 Constitution and Sharia law to addressing religious blasphemy and jungle justice create significant legal and social challenges in Northern Nigeria. These challenges undermine the authority of the formal legal system, contribute to the prevalence of jungle justice, and exacerbate issues of justice and order in society. The findings underscore the need for harmonizing the two legal frameworks to address blasphemy and jungle justice effectively and protect human rights in Northern Nigeria.



Achieving this harmonization requires careful management of legal pluralism, extensive legislative reforms, and a committed judiciary to foster a more cohesive and just society.

RECOMMENDATIONS

The following recommendations are offered based on the study objectives and findings;

1. **Legislative Reforms:** There is a need for legislative reforms to harmonize the Nigerian Constitution and Sharia law, particularly in areas where their provisions conflict. These reforms should aim to create a unified legal framework that respects both secular and religious values while protecting human rights.
2. **Judicial Clarity:** Clear jurisdictional boundaries between secular and Sharia courts should be established to prevent inconsistencies in the application of justice. This includes delineating the specific types of cases each court can handle and ensuring that legal standards are uniformly applied.
3. **Human Rights Protections:** Efforts should be made to ensure that both legal frameworks uphold international human rights standards, particularly regarding freedom of expression, religion, and gender equality. This may involve reviewing and amending specific provisions of Sharia law that conflict with these standards.
4. **Cultural Sensitivity in Reforms:** Any reform efforts should be culturally sensitive and involve dialogue with community leaders and religious authorities to ensure that changes are accepted and understood by the local population. This approach can help mitigate resistance and foster community support for harmonization efforts.
5. **Strengthening Legal Institutions:** Building the capacity of legal institutions and ensuring they are adequately resourced and independent is crucial for the effective implementation and enforcement of laws. This includes training judges, lawyers, and law enforcement officers on both legal frameworks and their harmonization.

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