

INTERROGATING THE NEXUS BETWEEN ISLAMIC LAW AND THE DIGNITY OF THE HUMAN PERSON

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ABSTRACT

The concept of human dignity is a fundamental and crucial aspect of every human being. This assertion holds way in the sense that, as humans, there are certain rights and dignity they ought to enjoy by being human. In addition, these fundamental rights are inherent in humans, as outlined in the Nigerian Constitution. They help protect the sanctity of life, property, and individuals from degrading treatment, irrespective of gender, status, or religious beliefs. Against this background, this paper examines the concept of human dignity in-depth, discussing its significance through the lens of Islamic legal rulings. As part of its findings, this research revealed the existence of misconceptions about Islamic Law, which suggests that human rights are not accorded and treated fairly as they are in contemporary legal frameworks. It also revealed that Muslims, especially women, are susceptible to ill-treatment, as demonstrated by some set of customs. By adopting a doctrinal approach, the paper employs the use of primary sources of Islamic Law, that is, the Qur'an and (Hadith) Sunnah, to erase misconceptions about the position of Islamic Law on human dignity. By extension, the paper examines other secondary sources of Islamic Law, like the Universal Islamic Declaration of Human Rights, as well as other relevant literature, considering the importance and challenges encountered while attempting to uphold the principle of human dignity. Importantly, this

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paper highlights actionable recommendations that can be effectively adopted in projecting Islamic Law as a tool for protecting the dignity of human persons, irrespective of their gender, status, or social conditions.

Keywords: Discrimination, Human Dignity, Human Rights, Islamic Law, Personhood

1.0. Introduction

Islamic Law is an integral code of conduct that governs all aspects of Muslims' day-to-day activities. Commonly referred to as *Shariah*, Islamic Law governs interpersonal conduct and regulates the ritual practices of Muslims. In some countries, it is also the governing Law, while other countries apply Islamic Law to specific areas, such as personal status or finance.¹ This implies that it is a code of conduct that serves as a path or footprint for those who have subjected themselves to the Law, that is, the Muslims. In simpler terms, it is the Law that regulates the affairs of its adherents. Historically, Islamic Law is closely linked to the divine call of the Prophet Muhammad (SAW) to prophethood and the subsequent emergence of Islam as a religious faith in Arabia in the 7th century.² The significance of Islamic Law is in various areas, as it governs the code of conduct for Muslims. It sets standards of behaviour in matters such as consummation and dissolution of marriage, custody of children, rights of heirs in cases of inheritance,³ political system and administration, jurisprudence and other conscientious matters, fundamental human rights especially the dignity of the human person, slavery, and servitude, amongst others.

In putting the discourse into proper perspective, it is worth noting that human dignity is regarded as the recognition that human beings possess an exceptional value intrinsic to their humanity and, as such, are worthy

¹Judiciaries Worldwide, 'Islamic Law', A Resource on Comparative Judicial Practice, Retrieved <<https://judiciariesworldwide.fjc.gov/islamic-law>> accessed March 3, 2025.

² Oxford Academic, Mashood A. Baderin, 'Islamic Law: A Very Short Introduction', (2021) Retrieved <<https://academic.oup.com/book/31829/chapter-abstract/266967071?redirectedFrom=fulltext>> accessed March 3, 2025.

³ Ibid.

of respect simply because they are human.⁴ The concept of human dignity has long been deemed in Islam as the right of every person, regardless of their creed, sex, religion, and tribe, as ‘being’, a person deserves to be respected, dignified to be given certain rights.⁵ Additionally, the concept is well established in Chapter Four of the Constitution of the Federal Republic of Nigeria, 1999, as amended. Section 34 of the Constitution provides that every individual is entitled to respect for the dignity of his person, and accordingly:⁶

- (a) No person shall be subject to torture or inhuman or degrading treatment;
- (b) No person shall be held in slavery or servitude; and
- (c) No person shall be required to perform forced or compulsory labour.

The above provision has been further amplified by several international instruments to serve as a regulatory framework that governs respect for human dignity. For instance, Article 1 of the Universal Declaration of Human Rights 1948 (UDHR) provides that all humans are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in the spirit of brotherhood. Article 8 of the International Covenant on Civil and Political Rights prohibits slave trade, servitude, or forced labour, provided such labour is unlawful. However, it is essential to note that such an international treaty must have been ratified and domesticated in Nigeria for it to be enforceable under Section 12 of the CFRN 1999, as amended.⁷

It is also pertinent to note that where a punishment meted out on a person is not commensurate with the crime, the principle of the dignity of the human person could come into play. In the case of *Mogaji v Board of Customs Excise*,⁸ market women were harassed with teargas and beaten by law enforcement officers for selling their goods on the

⁴ Ustaz Ahmad Ubaidillah, ‘Concept of Human Dignity in Islam’, (2020) Retrieved <<https://muslim.sg/articles/concept-of-human-dignity-in-islam>> accessed March 3 2025.

⁵ *Ibid.*

⁶ 1999 CFRN (As Amended).

⁷ *Ibid.*

⁸ (1982) 3. S.C, 552.

side of the road. Also, the case of *Amakiri v Iworari*⁹ where the plaintiff, a journalist, was beaten by soldiers and his hair shaved with broken bottles because he had published something offensive about the defendant. In both cases, the court held that no one should be subjected to inhuman treatment and torture as such use of excessive force is in contravention of the constitutional right to dignity. The position of Law is settled that every person is entitled to be treated with dignity and respect and that they should not be subject to inhuman and degrading treatment or intimidation, as well as compulsory labour.

The concept of the dignity of the human person has a divine link with Islamic jurisprudence. In this sense, the Qur'an and Hadith (Sunnah) are the primary focal points of call as far as Islamic Law is concerned. The Qur'an comprises the words of Allah, of which the first five verses of *Al-Alaq* (Q96) were revealed in the cave of Hira in the month of Ramadan. It serves as guidance for Muslims. The Hadith, on the other hand, is a collection of traditions that contain the sayings of the Prophet Muhammad, which, along with accounts of his daily practices (the Sunnah and Hadith), constitute the primary source of guidance for Muslims.¹⁰ Specifically, Qur'an 17 verse 70 demonstrates the concept of human dignity by providing as follows:

And We have certainly honoured the children of Adam and carried them on the land and sea and provided for them of the good things and preferred them over much of what We have created, with [definite] preference.

According to Quran researchers, the verse above is considered the most important explicit verse from which they derive the concept of human dignity in the context of human rights. This verse eloquently shows the dignity of human beings without allocating it to Adam (A.S.), the Prophet, or a special group of individuals.¹¹

⁹ (1974) 1 RSLR.

¹⁰ Oxford English Dictionary.

¹¹ Sayyid Mohammad Hasan Lavasani, Seyed Mohammad Kalantarkousheh, 'The Roots of Human Dignity according to Quranic Verses' 7 (10), *Australian Journal of Basic and Applied Sciences*. Retrieved <<https://www.ajbasweb.com/old/ajbas/2013/August/393-397.pdf>> accessed March 5th, 2025,

Corruption stands as a direct threat to the protection of human dignity under Islamic law, because although Islamic Law firmly forbids corruption in every form, those who thrive on it rarely wish to abandon it, and continue to indulge in acts that undermine morality, fairness and accountability. They disregard the principle that all individuals are equal before the law and ignore the fundamental rights guaranteed to every citizen, even though Islamic law expressly preserves those rights. When Islamic Law is genuinely implemented, justice becomes accessible to all and oppression has no room to survive, which is why corrupt leaders often resist the application of true Islamic standards, because such standards eliminate preferential treatment and place everyone on the same scale before the law. Therefore, this paper seeks to address these concerns by examining human dignity from an Islamic legal perspective, using a doctrinal method grounded in the Qur'an and Sunnah as primary legal sources. In addition, relevant secondary Islamic materials, scholarly literature and authoritative declarations, such as the Universal Islamic Declaration of Human Rights, are analysed to demonstrate that Islamic Law not only recognises human dignity but places strong and enforceable emphasis on its preservation. The aim is to clarify and correct misinterpretations, highlight principles that promote equality and justice, and ultimately present Islamic Law as a viable, rights-based legal framework capable of protecting all individuals irrespective of status, gender or social standing.

For proper interrogation of this discuss, the paper is structured into five sections. The first section introduces the topic to the reader by serving as a background to the study. The second part addresses the human dignity and its coverage under Islamic law. In the third part, discussion on the responsibilities imposed by Islamic law to protect human dignity is revealed. Moving forward, the fourth part discusses the challenges of applying Islamic law principles to foster dignity of human person. Importantly, the final part of the paper proffers actionable recommendations on how Islamic law could be better apply to foster dignity of human person.

2.0 Human Dignity and its Coverage under Islamic Law

Islamic Law recognises human dignity and advocates for a society where human rights thrive regardless of gender, political or social status, or background. The Universal Islamic Declaration of Human Rights is a document created by the Islamic Councils in Paris and London.¹² It restates basic human rights using the language of Islamic jurisprudence. It is the second fundamental document proclaimed by the Islamic Council to mark the beginning of the 15th century of the Islamic era, the first being the Universal Islamic Declaration announced at the International Conference on the Prophet Muhammad (SAW), which was held in London from 12 to April 15 1980.¹³ The Universal Islamic Declaration of Human Rights is based on the Quran and Sunnah and has been compiled by Muslim scholars, jurists, and representatives of Islamic movements and thoughts.¹⁴ Respect for human beings is one of the fundamental principles in Islam, covering respect for life, the dignity of the human person, and many other aspects. This is a divine right from Allah. The Quran emphasises the honour given to man by God, stating that man was created and given a soul, reason, and the power of speech and was favoured above other creatures.¹⁵ This demonstrates that the Quran not only safeguards human dignity but also addresses various aspects related to it. This section will address some of the areas pertaining to human dignity that are covered by Islamic Law.

2.1 Right to Life and Protection of Human Person

The concept of the sanctity of human life is a cornerstone of any legal system and ethical frameworks worldwide, including Islamic rulings, known as Sharia. The right to life is the bedrock of all rights. All humans must enjoy their right to life irrespective of their social conditions. This is a right that everyone must enjoy, based on the principles of sanctity and quality of life. The right to life is enshrined in Section 33 of the Constitution of the Federal Republic of Nigeria,

¹² Salem Azzam, 'Universal Islamic Declaration of Human Rights' (1998) 2(3) *The International Journal of Human Rights* 102 – 112.

¹³ University of Minnesota Human Rights Library, Retrieved <https://hrlibrary.umn.edu/instree/islamic_declaration_HR.html> accessed June 23 2025.

¹⁴ *Ibid.*

¹⁵ Quran 17 verse 30 (Surah Al- Isra).

1999, as amended. The section states that the right to life is a fundamental right protected under the Law, and this right is universal, regardless of sex, ethnicity, or religion. The equivalent of this section can be found in section 1 of the Universal Islamic Declaration of Human Rights which states that human life is sacred and inviolable and as such every effort shall be made to protect it.

This regime derived its legal protection from international legal frameworks. At times, the religion (Islam) has been criticised on the ground that violations of human rights have been justified on the pretext that these norms of human rights contradict divine judgement. Still, it is also an admitted fact that the world's religions have called for equality, love, peace, and harmony, which goes beyond the mere concept of protecting human rights.¹⁶ The position is the same in Islamic law parlance, as Islam upholds the sanctity of life as sacrosanct, and everyone must not be subjected to harm. This position is apparent in different verses of the Qur'an where Allah said, "It is He who gives you life, that will cause you to die and will again provide you with life"¹⁷ Thus, it is apparent that the right to life is from God, and on the other hand, man must respect and protect that life. Islamic Law not only frowns at the killing of fellow humans without just cause but also prohibits a person from taking their own life. In the Quran, Allah stated, "Do not kill yourselves, nor kill one another; Allah is, without a doubt, most merciful."¹⁸ Conversely, Islamic Law prohibits the intentional killing of oneself as well as another. The expatriates of the Qur'an 4 verse 92 expatiate on the Islamic law position on the sanctity of life as follows:

It is not lawful for a believer to kill another except by mistake. And whoever kills a believer unintentionally must free a believing slave and pay blood money to the victim's family—unless they waive it charitably. But if the victim is a believer from a hostile people, then a believing slave must be freed. And if the victim is from a people bound with you in a treaty, then blood money must be paid to the family along with freeing a believing slave. Those who are

¹⁶ Mahmud Sohail Saqib Jawad, 'Protection of the Right to Life Under Modern International Law and Prophetic Law: A Comparative Study' Retrieved <<https://dx.doi.org/10.2139/ssrn.3529844>> accessed June 20 2025.

¹⁷ Al Quran, Surah Hajj Chapter 22 verse 66.

¹⁸ Surah Al Nisa, Chapter 4 verse 29.

unable, let them fast for two consecutive months as a means of repentance to Allah. And Allah is All-Knowing, All-Wise.

The above verse attests to the fact that Islamic Law values the right to life of everyone, even if the victim is a slave, a hostile person or an alien and ensures that it must be safeguarded by all means and in all circumstances. Under Islamic Law, there is the protection of life during war and armed conflicts as well as during hostilities. The Quran frowns against mutilation, killing of prisoners of war, torture, and inhuman and degrading treatment.¹⁹ To further establish the right to life, animals and trees have been granted rights, which are enshrined in the Quran and the Sunnah of the Prophet Muhammad (SAW). For instance, when Abu Bakir Al Siddique (RA) was appointed as the first caliph, he instructed the Muslim army thus "I advise you ten things: Do not kill women or children or an aged, infirm person. Do not cut down fruit-bearing trees. Do not destroy an inhabited place. Do not slaughter sheep or camels except for food. Do not burn bees and do not scatter them. Do not steal from the booty, and do not be cowardly."²⁰

Concerning the right to be protected from harm, Islamic Law takes a positive stance, seeking to ensure that every life is secured and protected from internal and external aggression. This position also requires that the appropriate authority must exercise due diligence in implementing measures to safeguard the lives and properties of its citizens. These rights are more extensive than the general human rights. These rights have been specifically echoed in the farewell address that the Prophet Mohammed (SAW) delivered on the occasion of the Farewell Hajj, thereby constituting another evident portrayal to the effect as follows:

Your lives and properties are forbidden to one another till you meet your Lord on the Day of Resurrection." Allah has also laid down in the Holy Quran that "Anyone who kills a believer deliberately will receive as his reward (a sentence) to live in Hell forever. God will be angry with him and curse him, and prepare dreadful torment for him."

¹⁹ Surah Al Isra Chapter 17 verse 31.

²⁰ Malik ibn Anas, Al-Muwatta', Kitab al-Jihad, Hadith no 987. Retrieved <https://www.iium.edu.my/deed/hadith/malik/021_mmt.html > accessed November 10 2025.

Another hadith of the Prophet also said, "One who kills a man under covenant will not even smell the fragrance of Paradise (Bukhari and Muslim)." Islam prohibits homicide but allows only one exception, that the killing is done in the due process of Law.²¹

The above message shows clearly that a man can only be killed when the Law demands it. Implicit from the foregoing is that only a court of Law can decide whether the execution is being carried out with justice or without justification.

Worthy of mention is that there is the dignity of the dead in Islam, which can be seen in funeral protocols, which show a crucial way of retaining the individual's dignity even after death. This regard for the right of the dead is contained in section 1(a) of the Universal Islamic Declaration of Human Rights which states that "*so also after death, the sanctity of a person's body shall be inviolable. It is the obligation of believers to see that a deceased person's body is handled with due solemnity*". Islam ensures that the rights of people are protected even at the point of death; it prohibits the carrying of a coffin on an animal irrespective of the person's status. Al Kasani, a prominent scholar, sees it as a betrayal of human dignity to have human bodies borne on animal backs like objects, even if they are dead, even if it is a child, the coffin must necessarily be carried on the shoulder, and if there is a need to carry it on an animal, people should sit on the animal and hold the coffin on their shoulder.²² This typically shows how Islam protects and respects individuals even when they can no longer enjoy their rights as living persons.

2.2 Right to Freedom and Protection from Slavery

Freedom from slavery is a fundamental and a non-negotiable human right recognized under binding international human rights law. Article 8 of the International Covenant on Civil and Political Rights absolutely prohibits slavery and servitude in every form.²³ The right to freedom from slavery prohibits people from being held in conditions in which

²¹ Sahih al-Bukhari, Hadith 1741 (Book of Hajj). Available at: <https://sunnah.com/bukhari:1741>

²² Shaykh Nasiruddin al-Albani, *The Funeral Rites*,

²³ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, art 8.

the powers attaching to the right of ownership are exercised.²⁴ This is in tandem with the right to freedom from forced labour that requires a person to be free from work or service that is compelled under the threat of penalty and which the person has not offered to perform voluntarily.

Slavery is defined in the International Convention to suppress the Slave Trade and Slavery of 1926 to mean 'the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.'²⁵ Section 34 (a) and (b) of the Universal Declaration of Human Rights provide that no person shall be held in slavery or servitude, and no person shall be required to perform forced or compulsory labour.²⁶

Islam is a religion that holds respect, dignity, and tolerance in high esteem, and the rights and responsibilities inherent in Islam are a declaration of human rights. More than 1400 years ago, Islam tackled the issue of slavery.²⁷ From the time immemorial, slaves were acquired through warfare, debt, kidnapping, and poverty.²⁸ Islam has clearly and categorically forbidden the primitive practice of capturing a free man to enslave him or to sell him into slavery. The clear and unequivocal words of the Prophet regarding this practice are as follows:

"There are three categories of people against whom I shall myself be a plaintiff on the Day of Judgement. Of these three, one is he who enslaves a free man, then sells him and eats this money" (al-Bukhari and Ibn Majjah).²⁹

The Qur'an does not explicitly condemn slavery or attempt to abolish it. Nonetheless, it does provide several regulations designed to

²⁴ Australian Government, Attorney -General's Department, 'Right to Freedom from Slavery and Forced Labour', Retrieved <<https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/human-rights-scrutiny/public-sector-guidance-sheets/right-freedom-slavery-and-forced-labour>> accessed March 5, 2025.

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ Aisha Stacey, 'Human Rights in Islam (Part 3 of 3): Slavery and Torture', (2009) Retrieved <<https://www.islamreligion.com/articles/2610/human-rights-in-islam-part-3>> accessed June 21 2025.

²⁸ *Ibid.*

²⁹ Sahih al-Bukhari, Hadith 2227 (Kitab al-Buyu'). Retrieved <https://sunnah.com/bukhari:2227> accessed 10 November 2025

ameliorate the situation of slaves. It recommends freeing slaves, especially "believing" slaves as established in Qur'an 2 verse 177. In addition, manumission of a slave is required as expiation for certain misdeeds like killing by mistake, a broken oath, and a sinful divorce, as exemplified in Qur'an 4 verse 92, Qur'an 5 verse 89, and Qur'an 58 verse 3 respectively. Qur'an 24 verse 33 is not an exception, as it sheds light on how masters should allow slaves to purchase their freedom, which ultimately grants the slave freedom to live his life on his own.

Apart from the Quran, it is evident in the Sunnah of the Prophet Muhammad (SAW) that Islam encourages and gives opportunities towards the freedom of slaves. The Prophet encourages Muslims to visit the ill, feed the hungry, and release the slaves (Sahih Al Bukhari).³⁰ The Prophet did not only encourage the freedom of slaves, he also liberated some slaves. The Prophet (SAW) liberated as many as 63 slaves, Aisha, the wife of the Prophet liberated 67 slaves, Abbas liberated 70, Abd Allah ibn Umar liberated one thousand, and Abd al-Rahman purchased thirty thousand and set them free.³¹

In addition, other companions of the Prophet liberated a large number of slaves; details can also be found in other books of record.³² This shows that since time immemorial, Islam has protected the fundamental rights of humans and ensured that there was equality as well as fair treatment between slaves and the freeborn. The end goal of freedom and protection from slavery is to ensure that humans live their best life, as created by Allah, without fear of subjugation and intimidation from any source. It is also necessary to note that such living must be regulated in accordance with the principles of Islamic Law. However, over 200 years, western culture has slowly abolished slavery, but the trade of human beings has not abated.³³ Modern slavery includes child trafficking, forced labour, domestic violence, drug prostitution, human trafficking, and many more. This paper opine that slavery will not be successfully abolished until humankind recognises that God's laws are true embodiments of human rights and should be strictly adhered to.

³⁰Supra n.24.

³¹ supra n.26.

³² Sahih Bukhari, "The Book of Manumission (of Slaves)", 1, Ch. 50.

³³ supra n.24.

2.3 Right to Justice and Fair Treatment

Justice and fair treatment are integral aspects of Islamic Law. Justice is simply conceptualised as the quality of being just. It also means righteousness, equitableness, or moral rightness: to uphold the justice of a cause. Section 14 (1) of the Nigerian Constitution provides that *the Federal Republic of Nigeria shall be a State based on the principles of democracy and social justice*. This provision emphasises that justice is the bedrock of the Nigerian government and that all citizens of Nigeria will have access to justice in all situations, regardless of their origin or social status. Consequently, justice and fair treatment are central pillars of human dignity in international human rights law. Every individual is entitled to equality before courts and tribunals without discrimination under Article 14 of the International Covenant on Civil and Political Rights.³⁴ In addition, Article 7 of the African Charter on Human and People's Rights equally guarantees the rights to have one's case heard. This includes the right to be presumed innocent, the right to defence, and the right to an impartial tribunal.³⁵

The principle of justice is termed *al-adalah* in Islamic Law. This word finds its origin in the name of Allah, “Al-Adl” which means “The Just”. The principle emphasises the principles of balance, equality, and respect for individual rights regardless of one's social status, gender, or ethnic background. The Quran emphasises the importance of social justice through the command to act justly even when faced with situations that challenge the individual or family, as stated in Quran 4 verse 135. The verses remind Muslims that the implementation of justice must include honesty in actions and avoid discrimination and preconceptions.³⁶ It is necessary to emphasise that everyone must be treated equally, no matter their status. For instance, where a misunderstanding arises between a common man and the governor of a particular state, the principle of justice in Islamic Law stipulates that the two parties should be treated equally without bias or prejudice towards either party. There should not be a tendency for the governor

³⁴ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, art 14.

³⁵ African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) 1520 UNTS 217, art 7.

³⁶ ‘Understanding The Concept of Justice in the Qur’an and Its Implementation in Islamic Law’, (2024) 1(6) *International Journal of Social and Education*. Retrieved <<https://btqur.com/index.php/injosedu/article/view/315>> accessed March 6, 2025.

to be favoured over the commoner. Consequently, Quran Chapter 4 : 58 provides that “Allah does command you ... when you judge between man and man, that ye judge with justice”. This brings to limelight the responsibility placed on people in power to act justly and the right of those who are not in such positions, the right to justice.

2.4 Right to Privacy and Protection from Defamation

Protecting people's privacy ensures their safety, dignity, and other fundamental rights and freedoms, such as freedom of thought and expression. People's privacy needs to be respected. Part of the fundamental rights enshrined in the Nigerian Constitution is the right to private and family life, as provided for in Section 37. It provides that the privacy of citizens, their homes, correspondence, telephone conversations, and telegraphic communications is hereby guaranteed and protected. This constitutional right has been extended by the provisions of Nigeria Data Protection Act as well as the Investment and Securities Act following the increase in technological innovation and the rate of information online. As far as Islamic Law is concerned, the privacy of individuals is adequately guaranteed, as exemplified in the holy Qur'an. This is illustrated in Qur'an 24 verse 7, which depicts that one should not enter a Muslim's house except with their authorised consent. The verse goes thus “O believers! Do not enter any house other than your own until you have asked for permission and greeted its occupants. This is best for you, so perhaps you will be mindful.” An important lesson drawn from the verse is that individual private life is sacrosanct and should be respected at all times. Also, in Q24 V58, the verse goes thus *“O believers! Let those ‘bondspeople’ in your possession and those of you who are still under age ask for your permission ‘to come in’ at three times: before dawn prayer, when you take off your ‘outer’ clothes at noon, and after the late evening prayer. ‘These are’ three times of privacy for you. Other than these times, there is no blame on you or them to move freely, attending to one another. This is how Allah makes the revelations clear to you, for Allah is All-Knowing, All-Wise.”*

With respect to protection from defamation, the court has regarded it as a civil wrong³⁷ as well as a criminal offence.³⁸ Constitutionally, it

³⁷ *Abalaka v Akinsete* [2023] 13 NWLR (Pt. 2003) 343

³⁸ s 373 and 375 of the Criminal Code.

may be linked to the right to freedom of expression as provided in Section 39 of the Constitution and limited by section 45 in order to allow for the respect for other individuals. The right to be protected from defamation is inherent in Islamic Law, as Muslims are enjoined to stay away from suspicion and backbiting, which could lead to tarnishing the image of others in society. In Chapter 104 of the Quran, Muslims are enjoined to desist from the act of defamation. In that Chapter, Allah expresses His discontent with slanderers, backbiters and transducers and makes the act unlawful. They are also to refrain from spying on one another, as evident in Qur'an 49:12.

Another cogent area that must be noted with the right to be protected from defamation is allegations of adultery. Where a person alleges that another person commits adultery or fornication, the person must convincingly prove that such allegation is true. Where it is found out that the accusation is false, the person will be punished according to the stipulation of Law. This position is not farfetched as Allah authoritatively warns against such an act that could lower the esteem of another woman in Q24 v4-9:

“Those who accuse chaste women ‘of adultery’ and fail to produce four witnesses, give them eighty lashes ‘each’. And do not ever accept any testimony from them—for they are indeed rebellious. except those who repent afterwards and mend their ways, then surely Allah is All-Forgiving, Most Merciful, And those who accuse their wives of adultery but have no witness except themselves, the accuser must testify, swearing four times by Allah that he is telling the truth, and a fifth oath that Allah may condemn him if he is lying. For her to be spared the punishment, she must swear four times by Allah that he is telling a lie, and a fifth oath that Allah may be displeased with her if he is telling the truth.”

2.5. Freedom from Discrimination in Islam

Discrimination is an unfair treatment of people based on their religion, race, colour, gender, sexual orientation, which involves treating some individuals more favourably than others. Islam is a religion of peace and sees everyone as equal and should be treated as such. According to Quran 4:32, it states that men will receive a reward for what they have

earned, and women will receive a reward for what they have earned. Also, Quran 3:195 states that *'never will I suffer the work of you to be lost, whether it be male or female'*. The Qur'an not only treats women equally in the workplace but also commands employers not to discriminate in wages and salaries.³⁹ Apart from the evidence in the holy Quran, history has shown that Islam does not discriminate by gender, and both men and women are allowed to work and acquire wealth and property. It was stated in the Sunnah that Khadijah, the wife of the Prophet, was a trader who hired others, and engaged the Prophet(SAW) for her trade caravan to Syria on a Modaraba contract.⁴⁰ Other notable women include Asha, the second wife of the Prophet, who was well-versed in the Islamic teachings, Shifa, a skilled public administrator, and the first woman teacher in the early Islamic era, etc.⁴¹ Additionally, during the farewell sermon of the Prophet, He admonished his companions and followers thus, *"All mankind is from Adam and Eve, an Arab has no superiority over a non-Arab nor a non-Arab has any superiority over an Arab; also a White has no superiority over a Black nor a Black has any superiority over a White except by piety and good action. Learn that every Muslim is a brother to every Muslim and that the Muslims constitute one brotherhood."*⁴² This evidently affirms that Islamic law stands against discrimination across all fronts of humanity.

3.0 Responsibilities Imposed by Islamic Law to Protect Human Dignity

Since it has been affirmed that the rights discussed above are crucial rights that people must enjoy, it is pertinent that Islamic Law be utilised as an instrument of protection to safeguard these rights. Consequently, reference must be made to the Qur'an and the Hadith to understand and ensure that they are protected in an appropriate manner. The responsibilities include but are not restricted to, the obligation to treat

³⁹ Qur'an 24 verse 4

⁴⁰ Islamic Labour Code & Centre for Labour Research, 'Equality and Discrimination'. Retrieved <<https://islamiclabourcode.org/equality-and-nondiscrimination/>> accessed June 23 2025.

⁴¹ *Ibid.*

⁴² International Islamic University Malaysia, "The Last Sermon of the Prophet Muhammad". Retrieved <<https://www.iiu.edu.my/deed/articles/thelastsermon.html>> accessed November 19 2025

others with kindness and respect; prohibit oppression, discrimination and injustice; encourage charity and generosity; protect the privacy and honour of individuals; encourage women's rights and empowerment, gender equality, equal access to education, upholding human honour in death; and promote communal and common brotherhood amongst others.

At its core, the Islamic model of rights operates through a framework of duties. There is a legal and moral obligation upon every individual within the community, making the protection of others' rights an integral part of obedience to Allah. The responsibility to treat others with kindness and respect emerges from this paradigm. The Qur'an stipulates:

"O mankind, surely We have created you from a male and a female, and made you tribes and families that you may know each other. Surely, the noblest of you with Allah is the most dutiful of you. Surely Allah is Knowing, Aware."⁴³

In this way, the recognition of human diversity is linked to an obligation to treat every person with compassion, regardless of their race, status, or beliefs. This point is further articulated in a Hadith which states, "*The best of you is those who are best to people*"⁴⁴ and "*None of you truly believes until he loves for his brother what he loves for himself.*"⁴⁵

In this light, the obligation to forbid oppression, discrimination, and injustice becomes an active means of safeguarding the rights granted to all. The Qur'an declares,

"O believers! Stand firm for justice as witnesses for Allah even if it is against yourselves, your parents, or close relatives. Be they rich or poor, Allah is best to ensure their interests. So, do not let your desires lead you astray from what is just. If you distort the testimony or refuse to give it,

⁴³ Al Quran, Chapter 49 verse 13.

⁴⁴ Al-Tabarani, Mu'jam al-Awsat, Hadith no. 5787. See also Al-Albani, Silsilat al-Ahadith as-Sahihah, Hadith no. 426.

⁴⁵ Sunan Ibn Majah, Hadith no. 66.

then know that Allah is certainly All-Aware of what you do."⁴⁶

By the above resolution, it is clear that any distortion of the right to justice must be met with an uncompromising sense of responsibility. The Prophet Muhammad (SAW) instructed, "*Help your brother, whether he is an oppressor or is oppressed.*" When asked how one can help an oppressor, he responded, "*By restraining him from committing injustice.*"⁴⁷ The responsibility to oppose injustice applies both to the protection of the oppressed and the moral restraint of the oppressor.

A central tenet of Islam is its insistence upon charity and generosity as binding responsibilities. The Qur'an states, "*And in their wealth was a right for the beggar and the deprived*"⁴⁸ evidence that supporting the vulnerable is not a matter of individual discretion but a communal obligation upon those endowed with resources. Significantly, this verse was revealed during the Makkan period, when Muslims were a minority surrounded by those of differing convictions, which indicates that the right of the destitute upon a believer's resources is not confined to communal or sectarian boundaries. The Prophet (SAW) is similarly reported to have asserted, "*The believer is not the one who eats to his fill while his neighbour goes hungry.*"⁴⁹ In this way, Islam enshrines the right of the needy as a divinely mandated obligation upon the wealthy that every believer must respect and honour as a matter of obedience to Allah and a cornerstone of social justice.⁵⁰

Imposed upon believers is the duty to protect the privacy and honour of every person. The Qur'an explicitly prohibits believers from ridiculing, defaming, or using offensive nicknames for one another.⁵¹ It further reinforces that no person may intrude upon another's private space, "*Do not enter houses other than your own unless you have their*

⁴⁶ Al Quran, Chapter 4, verse 135.

⁴⁷ Sahih al-Bukhari, Hadith no. 2444.

⁴⁸ Al Quran, Chapter 51, verse 19.

⁴⁹ Al-Adab Al-Mufrad Book 6, Hadith 112 <<https://sunnah.com/adab:112>> accessed June 15, 2025

⁵⁰ Allamah Abu al-'A'la, 'Human Rights in Islam' 4 (3) (Rajab-Ramadhan 1407) *Mawdudi Al Tawhid Journal*, Retrieved <<https://www.iium.edu.my/deed/articles/hr/hr.html#:~:text=Individual's%20Right%20to%20Freedom,to%20sell%20him%20into%20slavery>> Accessed March 5, 2025.

⁵¹ Al-Quran Chapter 49 verse 11.

occupants' consent."⁵² The Prophet (SAW) himself modelled this in practice by seeking permission before entering a home, setting forth a norm wherein the privacy and dignity of every individual must be preserved and respected.⁵³ In this way, the protection of another person's dignity is an essential marker of obedience to Allah and a cornerstone of a just and respectful society.

The communal nature of these responsibilities was emphasised by the Prophet when he clasping his hands with the fingers interlaced, stated, "A believer to another believer is like a building whose different parts enforce each other," describing the faithful as akin to a single structure wherein every part supports the other.⁵⁴ This command to foster communal and common brotherhood encapsulates the heart of Islam's approach to rights and responsibilities, a holistic approach wherein every right is paired with a binding responsibility so that the faithful are not merely recipients of Allah's mercy but active agents charged with ensuring its equitable distribution across humanity.

4.0 Challenges in Applying Islamic Law Principles to Foster Dignity of the Human Person

As much as it is necessary to advocate for the introduction of Islamic Law to foster the dignity of the human person, it is equally important to note that specific challenges could hinder the application, especially in Nigeria. This section primarily identifies the challenges that may arise when applying Islamic Law to promote the dignity of the human person.

4.1 Ignorance

There is no doubt that human dignity and fundamental rights of people will thrive where Islamic Law is applied; however, ignorance constitutes a major setback in its celebration and acknowledgement. This is because a large number of people are not acquainted with the provisions of Islamic Law that promote human dignity. This has also generated controversy and misinterpretation among those who lack a thorough understanding of Islamic Law, making it appear as though Islamic Law does not support their views. However, seeking

⁵² Al-Quran Chapter 24 verse 27.

⁵³ Sunan Abu Dawud, Hadith no. 5187.

⁵⁴ Sahih al-Bukhari, Hadith no. 2446.

knowledge and clarification about matters is highly encouraged, as the first message preached by the Qur'an is the commandment to read. It is paramount to note that this misconception or ignorance usually occurs among non-Muslims who have little or no knowledge about Islamic Law. There are a lot of misconceptions that cut across violence and oppression of women, amongst others. Islam does not support terrorism. Aameena Jandali from the Islamic Networks Group views that there is no proof of violence in Islamic texts.⁵⁵ In addition, research shows that 69% of Muslim Americans strongly identify with the U.S., depicting their commitment to peace and national values.⁵⁶

Another common misconception that has generated popular opinion is that of oppression and discrimination against women. Islamic Law gives women rights and empowers them. They can own businesses and inherit property. The problems women face in some Muslim countries originated from cultural traditions, not Islamic Law.⁵⁷ The kind treatment of women is one of the core messages conveyed by the Prophet during the Farewell Pilgrimage as he admonished Muslims to be just and that they should be kind to women.

4.2 Different interpretations of Law

The fact that there are divergent scholarly opinions on some matters sometimes compounds issues. Secondary sources of Law include *ijma*, *qiyas*, *ijtihad*, and so on. *Ijma* is the agreement of the *mujtahids* (jurists) from among the community of Muhammad (peace be upon him) after his death in a specific period upon a rule of Islamic Law. Its literal meaning is 'resolution' or 'agreement' upon something.⁵⁸ *Qiyas* is the process of analogical reasoning used by Islamic scholars when a new or unprecedented situation arises for which they are unable to provide a definitive answer from the primary sources of the Qur'an and the Sunnah.⁵⁹ Sometimes, there exist divergent opinions of scholars

⁵⁵ Aameena Jandali in Tazkiyah, 'Common Misunderstandings About Islamic Law', October 26, 2024, 2025, Retrieved <https://kharchoufa.com/en/5-common-misunderstandings-about-islamic-law/> Accessed March 10.

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

⁵⁸ 'Ijma' (Consensus of Legal Opinion)', Retrieved <https://islamicbankers.files.wordpress.com/2015/08/ijma_-61.pdf> accessed March 10, 2025.

⁵⁹ LexisNexis, 'Qiyas Definition' (2025) Retrieved <<https://www.lexisnexis.co.uk/legal/glossary/qiyas>> accessed March 10, 2025.

(secondary sources) on matters especially the novel and contemporary ones. As a result of the differences in opinions, there may be misinterpretation by many as opposed to the verdicts in Qur'an and Hadith that are explicitly stated.

The divergent opinions of Islamic jurists make it difficult for people, especially those who do not adhere to Islamic doctrine, to properly understand the matters, particularly those related to human rights. In situations where the people in question cannot obtain an appropriate and valid understanding of those contentious matters, they tend to hold incorrect opinions about Islamic Law. Sharia can also be viewed as problematic, depending on who interprets it. Many observers view Sharia as a rigid legal system that cannot evolve to reflect modern Western values.⁶⁰

4.3 Social Cultural Factor

The culture of some sets of people largely influences the behaviour and disposition they exhibit in society. People display deep-rooted belief in their culture and customs, and consequently tend not to apply Islamic Law in their affairs even if they are Muslims. This is prominent among the three major ethnic groups in Nigeria: Hausa, Igbo, and Yoruba. They have their culture and traditions that distinguish them from others. Some of these cultures do not align with Islamic Law, and because they are adherent believers in their traditions and beliefs; they tend to stick with it and negate anything that contradicts their way of life.

Another cultural element is a system of values, which are culturally defined standards for what is good or desirable. Members of the culture use the shared system of values to decide what is good and what is bad.⁶¹ The fact that these people are identified with their cultural norms

⁶⁰ Council on Foreign Relations, Kali Robinson, 'Understanding Sharia: The Intersection of Islam and the Law', (2021). Retrieved <<https://www.cfr.org/backgrounder/understanding-sharia-intersection-islam-and-law#:~:text=and%20social%20equality,-.Introduction,and%20the%20lives%20of%20individuals>> accessed March 12, 2025.

⁶¹ Austin Valenzuela, Erin Long-Crowell, Grace Pisano, 'Elements of Culture| Definition, Aspects & Components', (2023) Retrieved <<https://study.com/academy/lesson/elements-of-culture-definitions-and-ideal-real-culture.html>> accessed March 12, 2025.

and beliefs, which have become part of their lives, makes it difficult for them to consider the provisions of Islamic Law, even when, in fact, it would bring about positive reformation, especially enhancing their human dignity and respect. For instance, some rural communities in Northern Nigeria, parts of Sudan, and pockets of Afghanistan and Pakistan have customary practices where rape or serious sexual violations are handled internally through family based settlement, cultural reconciliation, forced marriage to the offender, or payment of compensation, instead of submitting the matter to a formal judicial process in line with Islamic criminal procedure and standards. In those settings, culture sometimes overpowers the actual shariah requirement, even though Islamic Law itself gives far stronger protection, dignity and justice to victims than custom does.

4.4 Pluralistic Nature of Nigerian Legal System

Legal pluralism is prevalent, where more than one legal system operates in a country. The Nigerian legal system consists of more than one legal system governing a range of matters.⁶² Nigeria is governed by various laws, being a former British colony. Sources of Nigerian Law include the received English Law, which encompasses common Law, the Doctrine of Equity, and Statutes of General Application. Customary Law and Islamic Law are also not exempt from the Nigerian legal system. This suggests that there is no single law that governs Nigeria as a State due to the country's diversity and its complex cultural and religious landscape.

This multiplication of Law across different jurisdictions could hinder the application of Islamic Law to promote the dignity of the human person. This is because Nigeria is a multi ethnic group with different people governed by different customary laws. The fact that the provision is foregrounded in the Constitution, which is regarded as the grundnorm, could serve as an inhibition for Islamic Law to thrive in this instance and Nigeria not being an Islamic state where Shariah is practiced.

⁶² Olayinka Lewis, 'Legal Pluralism and Land Ownership in Nigeria: A Tale of Two Unworkable Systems ', (2023) Social Science Research Network, Retrieved <[141](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4335865#:~:text=Legal%20pluralism%20is%20prevalent%20where,(January%2024%2C%202023)> accessed March 14, 2025.</p></div><div data-bbox=)

4.5 Political Influence and Corruption

There is no doubt that one of the major challenges Nigeria has faced from time immemorial is corruption, which is endemic in her polity and often accompanied by political interference. Corruption has been entrenched in all facets of public governance and the country. In effect, corruption has become pervasive and intractable in the sphere of political governance in Nigeria. It has manifested in the fashion of kleptocracy, authoritarianism, and patronage syndrome, amongst others.⁶³ Corruption stands as a direct threat to the protection of human dignity under Islamic law, because although Islamic Law firmly forbids corruption in every form, those who thrive on it rarely wish to abandon it, and continue to indulge in acts that undermine morality, fairness and accountability. They disregard the principle that all individuals are equal before the law and ignore the fundamental rights guaranteed to every citizen, even though Islamic law expressly preserves those rights. When Islamic Law is genuinely implemented, justice becomes accessible to all and oppression has no room to survive, which is why corrupt leaders often resist the application of true Islamic standards, because such standards eliminate preferential treatment and place everyone on the same scale before the law.

5.0 Recommendations

Having examined some of the challenges that may pose a problem to the application of Islamic Law, suggestions will be made as to the best course of action on how Islamic Law can be better applied to foster human dignity and debunk the misconceptions as well as stereotypes about Islamic Law regarding human rights and the dignity of the human person. Some of the ways to enhance the applicability of Islamic Law will be discussed, as positive actions must be taken to achieve better outcomes.

⁶³ Atelhe, George Atelhe, Joy U. Egwu, 'Corruption and Political Governance in Nigeria: Implication for National Development ', 6(1), *African Journal of Politics and Administrative Studies*, Retrieved <<https://www.ajol.info/index.php/ajpas/article/view/246886/233538>> accessed March 16, 2025.

5.1 Education and Awareness

To stem the tide of ignorance and lack of awareness about the position and tenets of Islamic Law concerning the dignity of the human person, the integration of Islamic Law and human rights should be highly encouraged. This includes courses and modules that explore the intersection of Islamic Law and human rights and emphasise the dignity and worth of every human being.

By these modules, they can serve as a tool that will enable students to respect and appreciate the dignity and worth of all individuals, regardless of their background, culture, or faith. The organisation of workshops and seminars is not an exception; this will help raise awareness about the extent to which human dignity is germane in Islamic Law parlance. This also includes the utilisation of media and technology, which cuts across leveraging social media and other online platforms to disseminate information and promote awareness about Islamic Law and human dignity.

5.2 Proper Interpretation of Islamic Law

Proper interpretation of Islamic Law is crucial in understanding its nexus with the dignity of the human person. Islamic Law is often misunderstood or misinterpreted, which leads to misconceptions about its teachings and principles. To address this misconception, it is essential to emphasise the importance of proper interpretation, which involves considering the historical, cultural, and social context in which the Law was revealed. An appropriate interpretation of Islamic Law requires a deep understanding of the Quran and the Hadith, and other secondary sources of Islamic Law. By consulting the primary sources of sharia as earlier mentioned and as clearly relied upon in this paper as these sources, Quran and Hadith, are from Allah and the Prophet Muhammad respectively, the divergence and confusion is avoided. While this is in no way disproving the secondary materials, it is simply restating the nature of secondary materials to supplement the primary materials and as a principle of law, where the secondary sources conflict with the provisions of the primary sources, recourse should be made to the latter.

This is possible by considering the overall objectives of Shariah, which include the protection of life, dignity, and property. It also involves

recognising the dynamic nature of Islamic Law, which allows for adaptation and evolution in response to changing circumstances. This should focus on recognising that Islamic Law is not just a set of rules and regulations but a comprehensive code of conduct for living a virtuous and dignified life.

Furthermore, the development of contextualised Islamic Law is crucial in understanding the nexus between Islamic Law and the dignity of the human person. Islamic Law is often misunderstood as being rigid and inflexible. However, Islamic Law is a dynamic and evolving legal framework that takes into account the changing circumstances and contexts of different societies. Contextualised Islamic Law recognises that the application of Islamic Law must be tailored to the specific cultural, social, and historical context in which it is applied. To attain this development, Islamic scholars and jurists can engage in a comprehensive exegesis of the scriptures by taking into account the historical and cultural context in which they were revealed. This approach recognises that the Qur'an and the Hadith are not static texts but rather dynamic and living sources of guidance that must be interpreted and applied in light of changing circumstances.

In addition, contextualised Islamic Law promotes a more inclusive and equitable application of Islamic Law. By taking into account the specific context and circumstances of different individuals and communities, Islamic Law can be applied in a way that is more just and compassionate. For example, contextualised Islamic Law can recognise the rights and dignity of marginalised communities, such as women, children, and minorities, and ensure that they are protected and promoted.

5.3 Promotion of Interfaith Dialogue

Promoting interfaith dialogue is essential in understanding the nexus between Islamic Law and the dignity of the human person. Interfaith dialogue offers a platform for people of different faiths to come together, share their perspectives, and learn from one another. Through such dialogue, Muslims and non-Muslims can engage in meaningful discussions about the principles of Islamic Law and their implications for human dignity. This can help debunk misconceptions and stereotypes about Islamic Law and promote greater understanding and respect for the dignity of all individuals. Furthermore, sharing of

perspectives help participants to gain a deeper understanding of the commonalities and differences between Islamic Law and other faith traditions, as well as how these differences can be respected and appreciated.

6.0 Conclusion

This paper has extensively examined the relationship between Islamic Law and the dignity of the human person by analysing the meaning and sources of Islamic Law. It has also described how human dignity is conceptualised and the extent to which it could be protected in line with Islamic Law. This research also debunked the myth that Islamic Law promotes violence, ill-treatment of women, and disregard for human dignity and respect. This paper opined that there are certain challenges that hinder the application of Islamic Law to thrive in society and ultimately highlighted practicable recommendations that could be implemented to ensure that Islamic Law is used as a practical tool to promote human dignity and respect in society. These far-reaching practical recommendations will no doubt enhance the applicability of Islamic Law to achieve the desired outcomes.