

The Effect of Shari'ah Implementation towards Socio-Economic Development of Muslim Society in Katagum Local Government Of Bauchi State, Nigeria

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ABSTRACT

The study investigated and examined the effect of Shari'a implementation in Katagum Local Government Area on Socioeconomic Development of its people. The research aim finding the effect of Shari'a implementation of marriage activities, trade and commerce and some ill-vices like prostitutions, gambling and alcoholism among others. Four research questions were asked. The survey designed and a systematic sampling techniques were used to select a sample of 100 peoples both men and women from five towns contained in the local government. Questionnaire was used and method of data collected and distributed to the respondents the data was analyses using simple percentage. Only 92 respondents who duly completed, the findings shows that Shari'a implementation has positive effects on marriage activities where most of the marriage innovations were discarded, the mode of commercial transactions were sanitized and ill-vices shunt away. Moreover some night clubs that are in existence before Shari'a were transformed in to Islamic centers.

Key Words: Shari'a Implementation, Social, Economic and Muslim Society

INTRODUCTION

Shari'ah is the complete way of life to every Muslim guided by Qur'an, Sunnah of prophet Muhammad (S.A.W). The word "Shari'ah" is an Arabic word meaning the path to be followed. It is the path not only leading to Allah the most high, but the path believed by all Muslims shown by Allah (S.W.T) through His messenger prophet Muhammad (S.A.W). Sharia implementation mean execution, or carrying out Islamic order and re-introduction of policies that are recommended by Allah and his prophet (S.A.W) which is a blessing and merely from God Almighty for the Muslim Ummah of northern Nigeria to spearhead a struggle or actualization of their long waited dream, aspiration and ambition of re-introducing executing and carrying out of Sharia legal system in various state as enjoyed by Allah (S.W.A).

Consequently, the paper aimed at finding out the effect of Sharia implementation, on socio-economic development of Azare Muslims community, where the effect means consequences, result, events, issues or upshot causes to the Azare Muslim community, Bauchi State, Nigeria. For the broadest perspectives and better understanding of the topic, we can see that Nigeria has undergone several historical co-incidence judicially, for instance, it experience pre-Islamic period. After the introduction of Islam there was a time when Sheik Usman bn Fodio wage a jihad against the traditional rulers who were considered oppressors. He reformed not only his area, but includes Hausa states.

Eventually, European entered Nigeria and introduced a kind of colonial rule. As a result, civil constitutions were written which share the Islamic legal system, some of the Sharia recommendations were later reflected in the constitution in the name of final code.

It is indeed a blessing and mercy from Allah Almighty for Muslim Ummah that every aspect of their life was not left behind without being touched by Sharia. The socio-economic development of every nation is very vital for their well survival therefore, Islam talked on social interaction of Muslim and how they should behave themselves. Economic system in the other hand is the back bone of every society, people cannot survive without it. The term economy means of production, distribution or trade and consumption of limited goods and resources by different agents in a given geographical location there are numbers of Qur'anic injunctions which have encouraged Muslim to engage themselves in lawful and wide range of trade and commerce. The messenger of Allah himself engaged in trading on behalf of Nana Khadija and has encouraged business through his own practices.

Sharia is the law regulating the way of life leading towards Allah. (Femu, 1990) defined "Sharia" is a path to be followed. Sharia is the law and ways of life were revealed to man by Allah (S.W.T) through His prophet Muhammad (P.B.H.)

THE BROAD SCOPE OF SHARIA

Although sharia is commonly referred to as "Islamic law" it should be understood that it goes beyond what is the concern of the court in securing justice. It includes other aspects of commendable behavior such as returning well for evil, assisting people even if they have no legal claim on you, and doing yours moral duties as a good member of society. Similarly, it includes avoidance of doing things that one morally reprehensible or unkind, even though they not be offenses carrying punishment in a court of law. The Sharia looks beyond the limited scope and judgement of the courts of this world to the judgement of the hereafter.

"Then shall anyone who has done an atom's weight of good, will see it, and anyone who has done an atom's weight of evil, shall see it" (Q99:7-8).

The formative period of Fiqh stretches back to the time of early Muslim communities, in this period the jurist were concerned with pragmatic issues of authority and teaching them with theory progress in theory happened by the coming of the early Muslim jurist Muhammad bn Idris Ash-Shafi'i (747-820) who laid down the basic principles of Islamic jurisprudence as follows:

1. Qur'an
2. Sunnah
3. Ijma
4. Qiyas

(Immayad established the office of appointing Qadi (Islamic judges). The jurisdiction of the qadis extended only to Muslims, while non-Muslims population, retrained their own legal institution. During 19th century, the history of Islamic law took a sharp turn due to new challenges the Muslim have faced. The west had risen to a global power and colonized a large part of the world including Muslim territories. The Uthman empire and the rest of the Muslim would were in declined and call for reform become lauder.

In the Muslim countries codified state laws started replacing the role of scholarly legal provision. Western countries sometimes inspired, sometime pressured and some forced states to change this laws. Secularist movement pushed for laws deviating from opinions of the Islamic legal scholars. Islamic legal scholarship remained the sole authority for guidance in matters of rituals, worships and spiritual, while they lost authority to the state in other areas. The Muslims community becomes divided in groups reaching differently to the change.

There has been a growing religion revival in Islam beginning in the eighteenth century towards improving education.

There are two Primary Sources of Sharia Qur'an and Sunnah

The Qur'an viewed as the unalterable word of Allah (S.W.T) the holy Qur'an taught us to accept the oneness of God and how to worship Him and laid down for us rules of behaviors for our daily life regarding how to live with families, our neighbors and the public at large.

The Qur'an provided a code of conduct for every believer and is the commandments of Allah and a warrant for him. Its injections are manifest (mubin), sublime (Aali) and blessed (Mutarak). Much of the Qur'an contain legal presentations.

Sunnah as the second source of Islamic law it constitutes the life and example of the Islamic prophet Muhammad (S.A.W). The Sunnah importance as a source of Sharia is confirmed by several verses of the Qur'an example in Suratul Ahzab.

"Indeed in the messenger of Allah you have a good example to follow him who hopes in Allah and the last day and remembers Allah much" (Q33: 21).

Ibn Khasir said regarding this verse that this verse is an important principle to follow the messenger of Allah (S.A.W) in all his words and deeds. Sunnah of the prophet served as the hiding revelation (Wahayilkhafi) because prophet (S.A.W) never spoke from his own imagination but told only what Allah had revealed to him. The Qur'an hear witness to this fact Allah says:

"No does he say (out) of his own desire it is no less than inspiration sent down to him" (Q53:3).

(Doi. 1404 A.H) said "The above verse was revealed to counter the three wrong charges leveled by the Quraishiate of Makka against the prophet (S.A.W) those are;

1. That he was going astray either through the defect of intelligence or through carelessness.
2. That he was been misled or derived by evil spirits and was "Majnun".
3. That he was speaking out of his own impulse or from selfish desire to impress his own personality.

THE ROLE OF SHARIA ON TRADING AND COMMERCE

Allah made the next world the place of reward and punishment and this world is the place of efforts, troubles and earning. Imam Ghazali said "Earning is not the aim of human life but it is a means sustaining live in order to worship Allah (S.W.A) alone". According to Abdulmalik Bim said "Islam being a comprehensive way of life touches all aspect of human survival both in this world and hereafter. It aims at creating sound economic principal which if followed will lift the dignity of man"

Merits of earning livelihood in Qur'an Allah says" "I have created the day earning livelihood". (Qur'an 78:11). In his tafsir Ibn Kasir said "We made it radiant, lumino us and shining so that people should be able to move about in it by it they are able to come and go for their livelihood earning business dealing". In another verse Allah says:

"Then may Ye disperse through the land, and seek of the bounty of Allah (Qur'an: 62:10). Prophet (S.A.W) has mentioned many Ahadith in regard to merit earning livelihood among which are; the prophet said "There is such as in of which

there is no expiation except anxieties of earning livelihood". He said the truthful trade man will resurrect on the resurrection day with truthful and the martyrs" He said "He who refrains from begging making efforts for family members and being kind to the neighbors, searches livelihood lawfully and will meet with Allah with such a face which will be bright like the full moon".

The prophet (P.B.U.H) said "The best food one eat from livelihood (lawful) in his handmade, indeed Allah's apostle Dauda (A.S) actually earned from handcraft" (Bukhari, Riyadussalihin).

In Ihya –Ulumuddeen of Imam Ghazali said, four things are necessary in earning:

1. Lawful earning
2. Justice
3. Kindness and
4. Fear of Allah

Lawful earning can further divided in to six ways:

a. Bargaining in buy and sale: There are three subjects in it.

- a. Buyer and seller
- b. Commodities for sale and
- c. Contract for buy and sale

With regard to the first thing not transaction is valid with minor or blind except with the permission of his master), insane or blind man (except with the consent of his representative). It is lawful to have transaction with an unbeliever Muhammad bn Idris Al-Shafi'i (1993) Risala: Treatise on the foundation of Islamic Jurisprudence).

b. Commodities of Sale: There are five conditions in it,

- I. These must not be impure such as dog, pig, dung, stool, wine and carrion etc.
- II. Things for sale should beneficial and necessary. Things like snake, scorpions, rat are unlawful for transaction.
- III. Commodities for sale must be in possession of the seller.
- IV. These should be fit for transfer according to sharia. A fugitive slave fish in pond, birds in air, milk in udder cannot be sold.
- V. Things for sales must be known fixed and certain.

c. Contract for Buying and Selling: The contract for buy and sale must be expressed in clear and unambiguous terms. Intention plays an important part in it.

2. Transaction of Interest: On such evil means of acquiring wealth is described in the Holy Qu'an no uncertain a term is Al-Riba, (The usury). The question of interest (usury) arises in only two cases.

- d. In transaction of cash money, gold and silver and
- e. In transaction of food stuffs.

Imam Ghazali mentioned in Ihya-ulumuddeen that interest occurs in these two cases only under two conditions:

- a. If sale is held on credit and not in cash, i.e. not hand to hand transaction.
- b. If more in quantity is taken in lie of less quantity of the same kind of things (20).

3. Advance Payment: Some condition are to be observed in advance payment of money and things.

- f. The quantity and kind of a thing for which advanced payment is made should be fixed.
- g. In the place of contract, the principal things or money shall be paid in advance.
- h. The thing that is given in advance must be an exchangeable commodity such as foods stuffs, animals, minerals, cotton, milk etc.
- i. Time of the delivery of things should be fixed.
- j. Place in which the things is to deliver should be ascertained partnership (Shirakah).

This contract signifies “The conjunction of two or more persons to carry on a business to share the profits by joint investment”.

- a. Principle
- b. Profit and
- c. Kind of business

This principle is to be handed over to the managing agent it should be fixed and paid cash the profit should be settle beforehand. What share each one would get between the capitalist and the entrepreneur. If the profit is fixed and paid cash, the profit should be settle forehand. What share each one would get between the capitalist and entrepreneur. If the profit fixed for trade, it is not legal. No condition should be attached in partnership business of fixed commodities and fixed time. The businessman becomes the representatives or agent of business who can utilize the capital to his wish to the business.

BAUCHI STATE SHARIA IMPLEMENTATION

What is known as Bauchi State was until March 1976 before then it was a province in the northern – eastern state of Nigeria. The state was created in April, 1976 by former president of Nigeria General Murtala Ramat Muhammad administration. The creation of Bauchi state in 1976 comprises of Bauchi, Gombe, and Katagum divisions (Bauchi state Wikipedia). There were 16 local government areas, the number of the local governments increased to 20 and later 23 federal governments in 1996 when Gombe state was created and additional local government were created in the country. Bauchi state was left with 20 local governments. They include Alkaleri, Bauchi, Bogoro, Dambam, Dass, Darazo, Ganjuwa, Gamawa, Giade, Jama'are, Katagum, Kirfi, Shira, Ningi, Itas/Gadau, Toro, Tafawa Balewa, Warji, Zaki and Misau. (Bauchi state Wikipedia, free encyclopedia).

The restoration of sharia implementation found its way in Nigeria 1999 constitution only in number of provision related to sharia courts of appeals of federal capital territory and any state that request it section 277 (1) exercise such appellate and supervisory jurisdiction in civil proceedings involving questions of Islamic personal law which the court id competent to decide in accordance with provisions of the sections (History of Sharia in Nigeria Wikipedia).

Sharia implementation program in Zamfara state exhilarated Nigerians Muslims and produced tremendous pressure and agitation on the governments of other northern states to follow suit. But it aroused fear and extreme dislike among Christians who expected the worst.

Since the re-introduction of full sharia legal implementation system in 1999, northern Nigeria namely Bauchi, Bornon, Jigawa, Kano, Katsina, Kebbi, Niger, Sokoto, Yobe, and

Zamfara have chooses to return to the application of the sharia, the legacy of their fore fathers that had existed for several years even before the advents of the British imperialism. (Sharia in Nigeria Wikipedia).

Immediately, after Zamfara declaration of Sharia implementation on Wednesday 2th October, 1999 there was strong agitation for against the restoration of Sharia in the northern part of the country, on which Bauchi State is part of Muslim for and Christian against.

The agitation in most state made their governors to appoint sharia implementation committees charge among things to study what steps should be taken to consider constitutionally of the measures proposed Bauchi State also followed a similar steps.

On 26th June, 2000 a task force committee on Sharia implementation under the leadership of Khadi Abdullahi Yakubu Marafa state sharia court too was constitute appeal to work out the modalities for adoption and implementation of sharia by the state. The committee considered and examined all constitutional provision contained in 1999 constitution of the federal republic of Nigeria in order to see whether there is any legal impediment to the implementation of sharia in Bauchi state.

After considering the constitution provision there are no legal impediments to the full implementation of sharia in Bauchi state. Therefore, Justice Bala Umar committee was formed to give earlier report on Khadi Abdullahi Yakubu Marafa a further legal and administrative touch on which white paper was drafted to further scrutinize the report and gave government a comprehensive frame work on which to base decisions on sharia in the state. Bauchi state house of assembly acted on the provision of section 7 of 1999 constitution to enact the law establishes the sharia commission in the state CAP 183 to 6th June, 2001, established Bauchi state sharia commission and sharia consultative council. (Bauchi State Commission of Inquiry).

The sharia is being restored in the state the law establishing the two bodies indeed is in force. The citizens of Bauchi state were encouraged and ensured that have have observed religions legal and socio-economic instructions of the Holy Qur'an and Sunnah of the Holy prophet Muhammad (S.A.W).

The institutions established within sharia commission and sharia consultative council with important advisory and executive functions are;

1. Directorate of collection and distribution of zakat
2. Sharia hand enlightenment directorate
3. Hisbah and enforcement department

The principal law as however in 2008 amended for the purpose of composition of the members and the matters related thee, with a title Bauchi state sharia commission amendment law 2007. Initially according to the principal law, the commission has four departments thus;

1. Zakat and endowment department
2. Sharia and enlightenment department
3. Law and enforcement (Hisba) department
4. Administration and finance department

Immediately after the principal law was amended a committee was setup to restructure the above departments. The report accepted in resulting for the formation of the following departments.

- i. Planning research and documentation department
- ii. Sharia maters and enlightenment department
- iii. Da'awah and Islamic education department

- iv. Zakat collection and distribution department
- v. Hisba collection and distribution
- vi. Endowment administration affairs department

Commissioners were assigned to these departments with departmental schedules and responsibilities attached.

KATAGUM LOCAL GOVERNMENT AREA SHARIA IMPLEMENTATION

Katagum emirate in Bauchi state is the second largest emirate next to Bauchi emirate in terms of population and size as it is made up of six local government area out of the twenty that made up of Bauchi State. The people predominantly are Muslims. The people's culture in the emirate is influenced by Islam which placed premium on respect for the elders by the young ones. The marriages are conducted in accordance with Islamic instruction as well as other social and economic activities. Katagum was founded in 1807 by the family of Mal. Lawal who gave birth Mal. Zaki the famous student of Sheik Usman Fodio (Wikipedia).

Katagum local government was the first to implement the sharia system in July, 2000, before the implementation of sharia in Bauchi state. there bye laws were enacted as follows:

1. For the prohibition of prostitution
2. For the prohibition of manufacture, possession and sales of liquor.
3. For the prohibition of gambling

These bye-laws are duly passed by the local government legislative council asserted to by Alhaji Tasi'u Muhammad the executive Chairman of Katagum Local Government Area 31st July, 2000.

After full implementation of sharia legal system in Bauchi state in 6th June, 2001, followed by establishment of Bauchi State sharia commission and sharia consultative council. Katagum local government adopted the state sharia laws. In its annual activities report to Bauchi State sharia commission (2011), Katagum emirates council recorded the zakat collected as hundred and seventy thousand (387, 000, 00) naira only was realized collection of farm produces and animals were not realized within the period. The cash was distrusted to three hundred and eighty seven (387) people.

The Hisba commands also reports to registered seventy six (76) various cases transferred to upper sharia court while ten cases resolved by the concerned parties.

RECOMMENDATIONS

The following recommendations were made as follows:

1. People should fear Allah to follow the guidance of sharia (As it is a complete way of life) with or without the action of sharia implementation committee or its agencies like Hisba.
2. Hisba command should revisit markets for constant supervision of their transactions.
3. There is need for Islamic preachers to keep on admonishing people on other social activities like marketing to avoid civil vices etc.
4. Sharia implementation committee should investigate the rampant increase of football and Hausa films viewing centers in Katagum Local Government Area which is directly affecting the socio-economic development of the people.
5. The committee for collecting and distribution of zakat should preach and encourage wealthy people on the need of given out of zakat dues or enforce them to fulfill their obligation.

6. A committee for youth empowerment should be instituted to teach them on how to earn good way of living and avoid idleness and street begging.

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