

## Between Two Worlds: Analyzing The Convergence of Secular and Islamic Law In Nigeria's Justice System-A Study of Sunday Jackson's Case (2015-2025)

Aristotle Isaac Jacobs<sup>1</sup>, Bubarayi G. Ibani<sup>2</sup>  
<sup>1</sup>Ignatius Ajuru University of Education, Nigeria  
<sup>2</sup>Niger Delta University, Nigeria



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### ABSTRACT

**Objective:** This study explores the synthesis between secular and sharia law in Nigeria's justice system: A study of Sunday Jackson's trial of (2015-2025), it further explores how these legal traditions interact and sometimes conflict in practice. Using Jackson's case as a focal point, it examines tensions between constitutional guarantees of human rights and religiously grounded principles, highlighting issues of jurisdictions, fairness, and legal certainty. **Method:** The theoretical framework for the study was discussed in an eclectic form namely: Demand-side Theory (DST), Supply-side Theory (SST) and, Legal pluralism Theory (LPT), but we adopted the later. This research employs a doctrinal and case study perspective to assess the historical development of legal pluralism, its constitutional basis, and its practical challenges. **Results:** It further evaluates how courts balance secular and Islamic law, especially in criminal matters, and the implications for justice delivery and human rights protection. Study findings also show that while pluralism promotes cultural and religious inclusivity, it also creates inconsistencies and risks of right violations. **Novelty:** Nigeria's legal system operates at the intersection of secular, customary and sharia law, creating a pluralistic framework that reflects its religious and cultural diversity. Therefore, the study recommends constitutional reforms, clearer jurisdictional boundaries, and judicial training to harmonize Nigeria's legal systems with international human rights standards.

## INTRODUCTION

Over the past two decades, the Nigeria justice system is characterized by a complex interplay between secular and Islamic law, reflecting the country's diverse cultural and religious landscape. The 1999 constitution as amended establishes Nigeria as a secular state, while Sharia is applied in twelve northern states for Islamic personal law and criminal matters. This dual legal system often leads to tension and conflicts, particularly in cases involving different religious or cultural configurations. Thus, the case of Sunday Jackson, a Christian farmer from Adamawa State sentenced to death for killing a Fulani herdsman in self-defense, highlights these complexities. Jackson's case, which lasted for a decade (2015-2025) from the trial, appeals, and eventual pardon by his State Governor (H. E. Alhaji Ahmadu Umaru Fintiri) after international intervention, raises questions about Nigeria's justice system, the role of Sharia law, and citizens' rights [1].

Maichiki and Akwe maintained that secularism is more complex than the conventional definition. They further questioned whether secularism entails the elimination of religion, is merely a separation of state and religion, or if a human being

could be secular, completely denying the existence of God [2]. Even if one denies the existence of religion, could they live a life completely detached from judgments shaped by religion? In another development, Sharia and Islam constitute key indices in popular and modern notions of democracy. Nigeria, as a case study, faces problems applying Sharia in mixed populations, such as Kaduna State. On one side are mainly non-Muslims, who believe that applying Islamic criminal laws beyond the Constitution would conflict with democratic principles and the multi-religious nature of Nigeria. On the other side are mainly pious Muslims, for whom secularism is purely Western and unrelated to Islamic practice [3].

For a long time, it is believed that Muslims, predominant in the North, have sought to introduce full Sharia legal systems into all corners of the country. Conversely, non-Muslims, especially Christians in the South, follow their religious beliefs and would not accept governance or laws based on Islamic law. These differing positions have often resulted in violence, destruction, and death [4].

Nigeria, as a multi-religious nation, cannot have a state that is 100% Muslim or Christian. Some Muslims perceive they are incomplete without Sharia, while non-Muslims see Sharia as violating their rights [2]. Several studies have examined the Nigerian government's position regarding secular and Sharia law, reviewing government activities on religion and culture to determine the current constitutional and democratic stance [4]. Although these studies have made progress, Islamic law still seeks to extend its reach beyond the northern states' jurisdiction granted by the 1999 Constitution. As a result, most states have adopted aspects of northern Nigeria's legal regime, sometimes challenging the secular principles that should guide national affairs. The relationship between Islam and democracy is complex because the Muslim world is not ideologically monolithic, and different groups exhibit varied attitudes toward government and the justice system [4].

The Islamic law, grounded in Sharia, offers a religiously guided ethical and legal system derived from the Quran and Hadith. It emphasizes moral and spiritual dimensions, integrating religious principles into all aspects of life, including legal matters. Secular law, in contrast, advocates for the separation of religion from state affairs, emphasizing legal frameworks independent of religious doctrines [5][6][7][8][9][10].

Islamic jurisprudence integrates divine guidance with human reasoning to formulate legal rulings, whereas secular law relies on human-made laws grounded in reason, democratic processes, and empirical evidence. Approaches to individual rights differ: Islamic law emphasizes community and moral obligations within a religious context, while secular law prioritizes individual autonomy and equality. This comparative analysis shows how human rights, gender equality, and democracy are interpreted differently in Islamic and secular frameworks. Notably, Islamic law approaches gender roles and family law through a religious lens, which can differ from secular interpretations emphasizing gender equality and personal freedom [11]. This

paper seeks to examine the convergence of secular and Islamic law in Nigeria's justice system, using the lens of Sunday Jackson case, exploring implications for the country's legal framework and human rights.

### **Statement of the Problem**

The thesis statement of this study is that the dual legal system in Nigeria, where secular and Islamic law coexist, creates tension and inconsistencies in the justice system. The case of Sunday Jackson highlights concerns about the conflicts between the secular and Sharia law, potential biases in the application of justice, inadequate protections for citizens' rights (state victimization), and uncertainty in the Nigeria's legal framework.

The 1999 Constitution of Nigeria embodies the dichotomy between Islamic law and secular law in several sections. For instance, Section 1(1): Establishes Nigeria as a secular state, implying separation of religion and state. Section 10: Prohibits the adoption of any religion as a state religion, reinforcing secularism. Similarly, in Section 38: The constitution guarantees freedom of religion and the right to practice one's faith. However, in Sections 275–279, the Constitution allows for the establishment of Sharia Courts of Appeal in states that adopt Sharia law, creating a parallel judicial system in the country [1]. Furthermore, the 1999 Constitution of the Federal Republic of Nigeria mentions Islamic-related words as follows: Sharia – 73 times, Islam – 28 times, Grand Kadi – 54 times, and Muslim(s) – 10 times. These mentions are embedded in various sections of the Constitution, including provisions establishing Sharia Courts of Appeal and defining their jurisdiction (Sections 260–264 and 275–279). In the same vein, Section 288(1) gives Sharia courts the status of superior courts of record, equal in standing to secular courts. Thus, in the 12 northern states, the religious police known as “Hisbah” enforces Islamic codes on dress, alcohol consumption, gender relations, and even religious conversion. In many cases, non-Muslims and liberal Muslims are tried and punished under religious laws they do not subscribe to, which is unconstitutional, unjust, and deeply dangerous to national unity [1].

The Constitution's omission of Christianity while referencing Islam in Sharia court provisions has sparked debate over the decades. Some argue for a neutral stance, while others see it as favoring Islam, suggesting the Constitution was written by adherents of one religion without involving the other. This omission creates religious tensions, legal pluralism, and identity politics [12][13][14][15].

Moreover, scholars like Olorok [1], Maichiki and Akwe [2], Musalhi [11], Raiz [16], Jalal [17], Siddiqi [18], Ahmed [19], Saberu [13], Hallaq [20], An-Naim [10], Nwabueze [21], Mahmood [6], Abikan [22], and Yadudu [23] believe that when a country operates two conflicting legal systems – secular law for some and Islamic law for others – it fosters division along religious lines, injustice for minorities, discriminatory laws based on faith, suppression of freedom of belief and thought, and legal persecution of converts and women, as witnessed in Islamic countries such as Iran, Turkey, Egypt, Pakistan, Afghanistan, and others that call themselves republics yet operate under strict Islamic law.

Specifically, Jalal [17] argues that the coexistence of secular and Islamic laws can lead to conflicts, especially in areas like personal law, criminal law, and rights interpretation. Ahmed [19] contends that blending Islamic identity with statehood can create tension and inconsistencies in the justice system. Riaz [16] highlights the erosion of secular principles in Bangladesh's Constitution and the subsequent rise of Islamic law, leading to conflicts. Siddiqi [18] criticizes the application of Islamic personal law for reinforcing gender disparities, particularly in marriage, divorce, and inheritance laws. Hallaq [20] argues that efforts to incorporate Islamic jurisprudence into modern state institutions are contradictory and impossible, given that Islamic legal traditions developed outside the modern state context. An-Naim [10] examines the relationship between Islam and secularism, highlighting the need for a nuanced approach to reconciling these two systems. Mahmood [6] acknowledges the complex challenges of secularism in Islamic contexts, emphasizing the importance of understanding the interplay between religion and the state. In Nigeria, for instance, an article titled "Examining Nigeria as a secular or multi-religious state within the microscope of its right to religion" by Garba and Magaji [24] posits that:

Nigeria, as a nation of over 370 ethnic nationalities and two major religions (Islam and Christianity), has generated discussions on whether it is a secular or multi-religious state. The Nigerian Constitution guarantees religious freedom and forbids discrimination based on religion, yet some states are allowed to implement Sharia law .... This conflict stance and sudden empowerment of one religion over the other has led to unending tension in the countries legal framework (p. 109).

This study is targeted to answer the following questions: How did the interplay between secular law and Islamic law influence the trial and appeal process in Sunday Jackson's case? What implications does the case have for Nigeria's justice system, particularly in relation to citizens' rights and the role of Sharia law? And, how can Nigeria's legal framework be reformed to better navigate conflicts between secular and Islamic law?

### **Study Objectives**

The major objective of this study is to analyze the convergence of secular and Islamic law in Nigeria's justice system, leveraging on Sunday Jackson case as a lens, and identify implications for the country's legal framework and potential reforms.

### **The study aim is to achieve the following:**

Examine the interplay between secular and Islamic law in Sunday Jackson's trial and appeal,

Identify tensions and challenges arising from the dual legal system in Nigeria,

Explore potential reforms to promote greater coherence and fairness in Nigeria's legal framework.

## RESEARCH METHOD

The study embraced the qualitative designed approach as it focused on analyzing secondary data sourced from articles, journals, documents and relevant texts. The data collected is analysed using descriptive and content analysis to draw inferences.

### Literature Review

Nigeria as a country in West Africa, is well known for having a population that is diverse in terms of religion, ethnicity, and cultural inclination. The country is home to more than 375 different ethnic groups and practices Christianity and Islam as its two main religions [24]-[26]. Furthermore, available literature reveals the Nigerian judiciary's involvement in interpreting and upholding religious rights. Studies have explored key court cases pertaining to religious rights, judicial interpretation of religious freedom legislation, and the function of the Nigerian judiciary in defending religious rights and resolving religious conflicts. The integration of religious law, specifically Sharia law, within Nigeria's legal framework has garnered considerable scholarly attention [27], [28].

The convergence of Islamic jurisprudence and secular law presents a profound exploration of how law, governance, and individual rights are conceptualized and implemented in different sociopolitical contexts. Islamic jurisprudence, derived from Sharia law, takes its principles from the Quran and Hadith, providing a comprehensive framework that integrates religious, moral, and legal dimensions into daily life [11]. In contrast, secularism advocates for the separation of religion from state affairs, promoting governance based on rationality, empirical evidence, and democratic principles rather than religious doctrines. Islamic jurisprudence encompasses a broad range of legal and ethical guidelines governing personal and public life, aiming to align human behavior with spiritual and moral ideals, reflecting a worldview where religion and law are intertwined [11].

The application of Sharia law addresses not only legal issues but also moral and spiritual concerns, guiding individuals in their interactions and decisions within a religious framework. Secular jurisprudence emphasizes a clear demarcation between religion and state functions to ensure that laws and policies are based on universal principles of reason, fairness, and equality, free from religious influence. By prioritizing rational and empirical methods in governance, secularism aims to create a legal system accommodating diverse beliefs and practices within a pluralistic society. The contrast between Islamic jurisprudence and secularism is particularly evident when examining approaches to human rights, gender equality, and democratic governance. Islamic jurisprudence often interprets these concepts through a religious lens, resulting in unique perspectives on gender roles, family law, and individual freedoms, whereas secularism emphasizes universal human rights and individual autonomy [10], [11], [29].

Conceptually, secularism is an orientation to life that places paramount importance on the matters of 'this world' and considers observation and reason as the best means to understand and improve worldly affairs. While rooted in response to religious belief, it is not necessarily a form of religion. Secularism aims to manage

religious and metaphysical diversity fairly and democratically by setting limits on religiously motivated public action, and similarly on non- or anti-religious philosophies [30].

Secular law is the constitutional principle separating political and religious institutions into different realms, with political authority neutral toward all religions and faiths as well as non-religion, justifying state policies and laws on secular reasons rather than religious doctrines [31]. Secular law thus refers to laws enacted and enforced by a government, independent from religious institutions.

Sharia, on the other hand, is “an Arabic word that literally means a drinking place or a path leading to a watering hole” [2], [32], [33]. Since water is regarded as a source of life, Muslims claim that Sharia is the fountain of both earthly and eternal life. Farlex [34] defines Sharia as a “code of law derived from the Koran and from the teachings and examples of Mohammed.” Similarly, Johnson [35] expands the meaning of Sharia as “inspired not only by Islam and the Koran but also by Arabic traditions and early Islamic scholars.”

Oraegbunam [4] views Sharia as constituting rules of conduct derived from Islamic sources and codified into law by legislatures, enforced through state mechanisms. It is also understood as the body of Islamic law interpreted by the Maliki School of jurisprudence, the only accepted version in Nigerian Islam [4].

Furthermore, questions arise regarding how non-Muslims can equally enjoy fundamental human rights as guaranteed in the 1999 Constitution, Sections 41(1) and 42—such as the right to earn a livelihood and to be treated equally by the state. Any enforcement of Sharia criminal law violating these rights could effectively expel non-Muslim citizens who cannot live under Quranic injunctions. This raises the question: how can Nigeria have such laws in its Constitution while allowing states to adopt a state religion? Sharia is seen as the total way of life for Muslims, a religious guide ensuring both worldly and spiritual completeness [4], [34], [22], [32]. Contextually, Nigeria practices the direct opposite of what is posited in the Constitution, concerning the secular nature of the country (section 10), for instance:

1. In 1986, Nigeria was registered and admitted into the Organization of Islamic Countries (OIC) [36].
2. Sani Abacha registered Nigeria as a member of D-8 (Developing-8), an organization for development cooperation among Bangladesh, Egypt, Indonesia, Iran, Malaysia, Nigeria, Pakistan, and Turkey [36].
3. Nigeria is a major shareholder of the Islamic Development Bank (Organization of Islamic Cooperation) [36].
4. The introduction of Islamic banking into the Nigerian banking system [36].
5. Promotion and sponsoring of Pilgrimage by both Federal and State Government [36].
6. The introduction of Sharia Law by some of the Northern State governors [36].

7. The sentencing of Sunday Jackson, a Christian in the fusion of secular and Islamic jurisprudence [1].
8. The Supreme Court rulings over Nnamdi Kanu's case attempted on several grounds to sentence IPOB activists using Sharia law in 2024–2025 [36].

Aside from these, the Federal Government observes very few Christian religious holidays, reflecting the secular nature of Nigeria as described in the Constitution. Over the years, some states adopted Sharia law. From 1999 to the present, there has been a dramatic turn in enforcing Islamic law in Nigeria. Following a new interpretation of the Constitution of the Federal Republic of Nigeria (C.F.R.N 1999), most northern states, led by Zamfara, enacted, repealed, and amended certain laws to establish Sharia courts with civil and criminal jurisdiction. Zamfara State, for instance, enacted five laws: (a) Sharia Court (Administration of Justice and Certain Consequential Changes) Law No. 5, 1999; (b) Sharia Court of Appeal (Amendment) Law No. 6, 2000; (c) Area Courts (Repeal) Law No. 13, 2000; (d) Sharia Penal Code Law 1999; and (e) Sharia Criminal Procedure Code Law No. 18, 2000 [4].

Africans in general, and Nigerians in particular, are religious beings by nature. Religion is part and parcel of Nigerian culture, with belief in a supernatural being being fundamental. The introduction of Islam and Christianity has further heightened religious consciousness. Islam sees religion and state as two sides of the same coin, implying they cannot be separated, whereas Christianity allows religion and state to function independently [2].

The important aspect of secularism is its separation of religion from state power, essential for democratic function. Almost all countries have more than one religious group. When a majority religious group gains state power, it can discriminate against or persecute minority religions, potentially violating democratic rights. This potential tyranny of the majority is one reason separating state and religion is vital [2].

Phillips [37] outlines the importance of secularism: (a) ensuring no officially recognized state religion, preventing persecution of religious minorities; (b) promoting equality before the law, preventing discrimination in employment, education, and public services; (c) establishing one law for all, ending parallel laws; (d) protecting freedom of belief; (e) promoting fairness for all groups, ensuring equitable access to government influence and resources; and (f) fostering social cohesion by educating children together rather than segregating religiously [37].

Abdullah [38] outlines specific importance of Islamic Sharia to society: (a) eradicating poverty and enabling full employment through infrastructure and planning; (b) promoting stability in life's values; (c) maintaining law and order, social security, and economic justice; (d) fostering equitable income distribution; and (e) wealth creation.

Michiki and Akwe [2] in "Secularism and Sharia Law: Nigerian Government Position" argue that Nigeria cannot practice true democracy without secularism, as democracy entails freedom of expression and practice by individuals. Given Nigeria's religious and ethnic diversity, governance requires impartiality, avoiding sentimentality,

tribalism, or religious bias. A middle ground is necessary, encouraging citizens to follow religion in ways that promote unity and coexistence without government interference. Muslims, in particular, should acknowledge that other religions exist and practice Islam without infringing on others' rights [2].

In Nigeria, secular law coexists with Sharia law (for Muslims) and customary law (for various ethnic groups). The Constitution establishes Nigeria as a secular state (Section 10), meaning no religion is officially endorsed [1].

### **Theoretical Underpinning**

The theoretical framework in the study shall be discussed in an eclectic form namely: (a) Demand-side Theory, (b) Supply-side Theory, and (c) Legal Pluralism Theory. Demand-side theory of secularism focuses on how societal demand for secularism or Islamic law shapes its development and implementation. It is believed that this theory is driven by religious diversity, modernization, urbanization, and citizens' preferences. This theory is propounded by scholars such as Jose Casanova and Pippa Norris and Ronald Inglehart, who argued that secularization happens when people demand it—especially in diverse, modern, and democratic societies [39].

Similarly, Pippa and Ronald, as cited in Ademowo [40], write that there are two traditional theories of secularization: demand-side theories and supply-side theory. According to them, demand-side theory focuses 'bottom-up' on the mass public, suggesting that as societies industrialize, religious habits gradually erode, and the public becomes indifferent to spiritual appeals. The supply-side theory, on the other hand, focuses 'top-down' on religious organizations, emphasizing that "public demand for religion is constant and any cross-national variations in the vitality of spiritual life are the product of its supply in the religious market." Therefore, the supply-side theory suggests that the more churches, mosques, or other religious centers are established, the more people will become attracted to religion [40].

From the above theories, the second theory, "supply-side theory," explains the Nigerian situation. Based on observation, Nigeria has more churches and mosques than schools, and "...more people will become attracted to religion." It is evident that Nigerians tend to be highly religious due to the greater number of places of worship than schools, but even so, the lifestyle of the people in terms of morality does not always align, raising the question: is Nigeria following a path of "Secularism" (when some people think it means absence of religion) or a "Religious" path [40]?

For legal pluralism theory, the focus is on the coexistence of multiple legal systems within a single state or society, as is the case in Nigeria. Here, overlapping jurisdictions and complex interactions exist. Proponents of this theory include John Griffiths, Sally Engle Merry, Bonaventura de Sousa Santos, Gordon Woodman, and Fraz von Benda Beckmann. Key features of this theory include multiple legal orders, jurisdictional complexity, and power dynamics. The implications of this theory include legal uncertainty, forum shopping—where parties strategically choose forums—and the

potential to either empower marginalized groups or exacerbate inequalities in access to justice [4], [41], [44].

In this article, "Legal Pluralism" is adopted for several reasons: First, the coexistence of multiple legal systems helps explain how these systems interact, overlap, and sometimes clash within one nation, such as Nigeria. Second, jurisdictional tension: Sunday Jackson's trial (2015–2025) highlights friction between Sharia courts (which claim jurisdiction over religious offenses) and secular courts (which protect constitutional rights to self-defense). Third, power dynamics and legitimacy: the theory shows how state law and religious law compete for dominance, and how power shifts depending on the region (Sharia in northern states) despite Jackson being a Christian. Fourth, the theory highlights how plural systems can either protect vulnerable groups or marginalize them, as in Jackson's case regarding fairness, religious freedom, and equal protection under the law. Fifth, analytical depth: using this study, one can move beyond mere description to critically assess how Nigeria's dual legal systems shape outcomes, public opinion, and legal reforms [4], [41], [42], [43], [44].

## RESULT AND DISCUSSION

The Convergence between Secular and Islamic Law in Sunday Jackson's Trial, Appeal and Pardon Based on International Interventions (2015-2025)

The Sunday Jackson case of 2015 -2025 shows how Nigeria's secular criminal code and Sharia -inspired state law can collide and then be reshaped by international pressure. **Trial (2015-2025)**

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## CONCLUSION

**Fundamental Finding:** The study on the convergence of secular and Islamic law in Nigeria's justice system, using the lens to x-ray Sunday Jackson's trial and appeal (2015-2025). The study reveals the complex interplay of Nigeria's pluralistic legal framework. While the coexistence of these systems reflects Nigeria's cultural and religious diversity, it also generates tension, particularly around jurisdiction, human rights, and fairness in justice delivery. The case highlights how legal pluralism can both enrich and challenge national unity, especially when religious identity intersects with criminal law. **Implication:** Ultimately, a balanced approach that respected Nigeria's legal diversity while upholding constitutional principles and international human rights norms is critical for building a more inclusive and just legal system. Nigeria's legal

system, characterized by the coexistence of secular, sharia and customary laws, presents unique challenges to coherence and fairness. To achieve greater coherence and fairness, reforms are essential by harmonizing laws, clarifying jurisdictional boundaries, integrating human rights standards, and strengthening judicial capacity. **Limitation:** Clear jurisdictional boundaries – legislation should clearly delineate the jurisdiction of secular, customary, and Sharia courts to minimize forum shopping and legal uncertainty. Public awareness and legal literacy – citizens should be empowered on legal rights and processes across different legal systems to navigate the framework effectively and demand fairness. **Future Research:** Harmonization of laws – concerted efforts should be channeled to harmonize conflicting provisions of secular, customary, and Sharia laws, especially in areas related to human rights, gender equity, and criminal justice. Human rights integration – all laws, whether Sharia, customary, or secular, must conform to fundamental human rights standards as enshrined in the 1999 Constitution and international treaties. Judicial training and capacity building – judges should be trained in pluralistic legal systems to enhance their understanding and balance different legal traditions fairly and competently. Strengthen Alternative Dispute Resolution (ADR) – encouraging ADR mechanisms that respect cultural and religious contexts can reduce court congestion and provide more accessible justice. Institutional reforms – oversight responsibilities should be strengthened to monitor and ensure compliance with constitutional and human rights norms across all legal systems to ensure accountability.

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\* Aristotle Isaac Jacobs (Corresponding Author)

Ignatius Ajuru University of Education, Nigeria

Email: [jacobsaristotle@gmail.com](mailto:jacobsaristotle@gmail.com)

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**Bubarayi G. Imani**

Niger Delta University, Nigeria

Email: [meetbgibani@gmail.com](mailto:meetbgibani@gmail.com)

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