

AN APPRAISAL OF HUMAN RIGHT TO LIFE UNDER ISLAMIC LAW: AN EASTERN PERSPECTIVE

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Abstract

Human right abuses and violations are rampant everywhere in the world. Globally, there are laws, conventions, instruments, and institutions. All are set to protect human rights at the national and international levels. However, all of them proved ineffective at the pre-rights time. The institutions seem to serve the interests of Western imperialism. When it comes to any violation of human rights against other oppressed people of the world, they seemingly remain silent. This appears to be a double standard. It is a serious problem in the protection and enforcement of human rights. Thus, it becomes imperative to find a solution to this problem. Reviewing the entire system of international human rights from another perspective is one of them. The Eastern perspective is another workable solution to the problem. Instead of concentrating on individualism and capitalism for the protection of human rights, the Eastern perspective provides a way out based on religion and cultures. Thus, this paper was written to discuss the issue of human right to life under Islamic law. Priori research methodology was used. This study found that misconceptions on the provisions of Shariah related to the human right to life constitute a challenge

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to the protection and enforcement of human rights in many muslim communities. Thus, it is recommended that more public awareness programs on the true position of Islam and its laws on human rights be organized, among other recommendations.

Keywords: Challenges, prospects, Islamic law, rights to life

1.0 INTRODUCTION

When the phrase Human Rights from an Eastern Perspective is mentioned, the first thing that may come to mind is that it is a concept that is opposed to the legal basis, interpretation and enforcement of human rights as perceived in Western ideology. This may be right since the opposite of the east is the west.

The current interpretation of human rights indeed emanated from Western ideology. It is also true that the present International Human Rights Law has a lot of gaps of which, when filling it without recourse to the eastern perspective on human rights, is very difficult.

Human rights are often perceived through a Western lens, guided by Enlightenment thought and individualistic values. However, the Eastern perspective on human rights invites a broader view that incorporates religion, morality, culture, peaceful coexistence, communalism, harmony, and social responsibilities. Therefore, to discuss human rights from an Eastern perspective means to challenge the hegemony, power, and domination of the Western perspective. It is to seek to formulate a robust

and strong framework that is in tandem with the eastern cultures and background of the week and the oppressed people of the world.¹

Eastern human rights discourse often roots itself in various philosophical traditions, of which Islam and other religious teachings and principles are included. This approach emphasises harmony, social responsibility, and collective well-being. It advocates for rights that are often interwoven with duties, suggesting that individual rights should not supersede communal rights of communities and societies.

From the Eastern view, human rights must be interpreted in light of historical backgrounds and cultural contexts, rather than uniform global standards as advocated by human rights scholars from the west. Further, in the West, rights are interpreted as entitlements. However, the eastern perspective on human rights stresses not only on individual rights but also private and public responsibilities attached to the rights. It therefore emphasises on the significance of obligations towards family, community, and society.²

Although this angle or perspective is described as eastern, it does not mean that it is demarcated on a particular location or part of the world. It is rather an ideology that can be found anywhere in the world.

Islam as a religion and a practical aspect of shariah is also part of the legal system that looks at human rights differently from the Western

¹ Ravi Prakash Vyas & Rachit Murarka Understanding Human Rights from an Eastern Perspective: A Discourse.

<https://www.researchgate.net/publication/348617910_Understanding_Human_Rights_from_an_Eastern_Perspective_A_Discourse > accessed 10 March 2026

² *Ibid.*

perspective. In the context of Islam, human rights constitute a vital area of discourse that presents unique challenges and opportunities. This article aims to elucidate the concept of Islamic human rights, emphasising the right to life under Islamic law. Challenges faced in the implementation of those rights, particularly in Nigeria, as the giant of Africa is cited as a sample to other territories colonized by the West. Further, prospects for a more harmonized approach to human rights in Islamic contexts and from an Eastern perspective are discussed.

2.0 CONCEPTUAL CLARIFICATIONS

To clearly understand the topic under discussion, there is a need of clarifying some concepts related to it. These inter alia include *Islam*, Islamic Law, *Shari'ah*, *Fiqh* and *Fatwah*.³

2.1 *Islam, Islamic Law, Shari'a, Fiqh and Fatwah*

Islam is an Arabic word that denotes submission, surrender, and obedience. The word is originated from another Arabic word of *salam* which is literally translated as peace.⁴ It is used to indicate the divine religion that prophet Muhammad (SAW) and other prophets sent by Almighty Allah to advocate among the human being for peaceful life in the world and the world to come hereafter. Technically, it is defined as total and complete submission and obedience to the will of Allah. It can be extracted from this that real physical and spiritual peace at individual and collective, national and international levels can be attained through submission and obedience to Allah. In other words, total submission to

³ Abu Amina Elias, Sharia, Fiqh, and Islamic law explained <<https://www.abuaminaelias.com/shariah-fiqh-qanun/>> accessed 20 February, 2026.

⁴ Islam: The Meaning of Submission and Peace. <<https://www.whyislam.org/what-is-submission/>> accessed 30 February 2026.

Almighty Allah leads to the life of peace among the members of families, communities and societies at large.

In the same vein, the phrase Islamic law is used to mean the law of Islam. It is seen as the expression of the wills of Allah through His commands for the guidance of Muslims and humanity. In application, it constitutes a system of duties that are incumbent upon all Muslims by virtue of their religious belief. It is a divine legal system that guides Muslims towards a practical interpretation of Islamic faith and divine direction on how to achieve eternal mercy and blessing hereafter. If Islamic law is the law of Islam that must be adopted by Muslims throughout their life then, the religion of Islam that is defined as total submission to the will of Almighty Allah as explained in the divine book (i.e. the Holy Qur'an) revealed to the Holy prophet (SAW) and elaborated in the Sunnah is nothing but the application of Islamic law. Islam is the practical aspect of Islamic law. Thus, the relationship between the term Islam and the phrase Islamic law is not separable. It is like a currency note with two faces.⁵

Islamic law, *Shari'a*, *Fiqh* and *Fatwah* are sometimes translated the same. All of them are taken by many translators as Islamic law. However, each of them is having a different meaning and scope of application even though they are inter-related. Therefore, there is a need to conceptualise each of them. Accordingly, there are several Arabic words translated as Islamic Law. For instance, the Arabic word of Sharia is translated in English as Islamic law. The term *fiqh* is also translated as Islamic law. Fatwa is equally translated as Islamic law. Consequently, people often

⁵ Introduction to Shari'ah. <
<https://nou.edu.ng/coursewarecontent/ISL231%20Introduction%20to%20Shari%27ah.pdf>
> accessed 23 March 2026.

confuse them. They mix up between the clear provisions of the *Qur'an* or authentic Sunnah provisions and the principles of a particular school of law or the legal opinion or verdict of a particular jurist. For example, *Qur'an* provides for the duration of iddah (awaiting period) of a divorcee as three *Qurou'*. But jurist from various schools differed on the meaning of the term. Some opine that it refers to the time of her menstrual period. While others are of the view that it refers to the purity periods. Some people consider both the qur'anic provision and the jurisprudential theories of different school of thought as Islamic law. Books of *fiqh* such as Mukhtasar al-Khalil, the book of Iziyyah by Al-azhary, Summary of Rulings by Ayatullah Makarim Shirazy, are all tagged as Islamic law. The books contain fatwahs (legal opinion) of a particular Islamic scholar or rulings of an Islamic jurist are also translated as Islamic law.

Literally, the Arabic word of Sharia is derived from shara'a which means to commence or to legislate. Shariah is also translated as law, charter or declaration.⁶ It is true that Islamic law is the laws of Islam. It is equally true that the laws of Islam are the rules and regulations that govern the affairs of Muslims as directed in the religion of Islam. However, these rules and regulations are having two limbs, divine and human aspect. The divine aspect is the total collection of the rules and regulation revealed by Almighty Allah to His prophet (SAW) either in the *Qur'an* or in an authentic *sunnah* as a guide to believers. This is called Shariah. On the other hand, there is a human aspect of the law. These are rules and regulations deduced from the provisions of the *Qur'an* and *Sunnah* or understood by an individual jurist or his view in response to any matter or

⁶Maktab Dirasat wal Buhouth, The Dictionary, Arabic – English (Dar Al-Kotob Al-Ilmiyyah, Beirut, 2005) 519

question raised to him. A collective opinion of a group of jurists may be called *fiqh*. An individual opinion of a jurist may be called a fatwa.

The word *fiqh* is an Arabic term meaning "deep understanding" or "full comprehension". Technically, it refers to the body of Islamic law extracted from detailed Islamic sources (which are studied in the principles of Islamic jurisprudence) and the process of gaining knowledge of Islam through jurisprudence. It is described as the human understanding and practices of the Sharia. It is a human understanding of the divine Islamic law as revealed in the Quran and Sunnah.⁷

It should be noted that *fiqh* expands and develops Shariah through the interpretation (ijtihad) of the *Quran* and *Sunnah* by Islamic jurists. It is implemented by the rulings (fatwa) of jurists on questions presented to them. Consequently, sharia is considered immutable and infallible while *fiqh* is considered fallible and changeable. To shed more light on the term *fiqh*, there is a need to understand that the studies of *fiqh*, are traditionally divided into *usul al-fiqh* and *furu' al-fiqh*. *Uṣūl al-fiqh* which is literally translated as roots of *fiqh*. It is technically defined as the principles of Islamic jurisprudence. It is used to refer to the methods of legal interpretation and analysis. *Furu' al-fiqh* is literally translated as the branches of *fiqh*. It is technically defined as the elaboration of rulings on the basis of these principles of Islamic law or jurisprudence. It is a product of the application of *uṣūl al-fiqh* and the total product of human efforts at understanding the divine will. In other words, *fiqh* is a huge collection of juridical opinions that were given by various jurist from multiple schools

⁷ Wikipedia < <https://en.wikipedia.org/wiki/Fiqh#:~:text=8%20External%20links-.Etymology,knowledge%20of%20Islam%20through%20jurisprudence.> > accessed 27 February 2026.

of thought, regarding the application of *Shar'iah* to their real-life situations after the death of the Prophet (SAW). *Fiqh* is the human understanding of Sharia and is implemented by the rulings (fatwa) of jurists. What this essentially means is that, whereas sharia is considered immutable and infallible, *fiqh* and fatwa are considered fallible and changeable. This is one of the reasons that led to having so many different opinions in schools of Islamic law.

The Arabic word *fatwa* can mean “explanation” or “clarification.” It refers, in simple terms, to an edict or ruling by a recognized religious authority on a point of Islamic law. It is a formal ruling or interpretation on a point of Islamic law given by a qualified legal scholar. It is a legal ruling on a point of Islamic law (sharia) given by a qualified Faqih (Islamic jurist) in response to a question posed by a private individual, judge or government. Thus, the process of issuing a fatwa usually begins when a Muslim is confronted with a problem of life. It is therefore issued in response to questions from groups of people or individual persons. In other words, before a fatwa is issued, there must be an inquirer who must formulate a question. The scholar giving the fatwa must consider four elements in his ruling. These are the time, place, people, and prevailing conditions.⁸

It should be noted that fatwa is generally not treated as a binding judgment. A person may seek another fatwa from another jurist if he is not convinced. To sum up, the difference between Sharia and *fiqh* and

⁸ What is a fatwa? A religious studies professor explains (The Conversation, August 17, 2022) <<https://theconversation.com/what-is-a-fatwa-a-religious-studies-professor-explains-188866#:~:text=The%20Arabic%20word%20fatwa%20can,is%20unsure%20what%20to%20do.>> accessed 27 February 2026.

fatwah are Shariah is broad and general, while *fiqh* focuses on narrow and specific issues. *Shariah* cannot be changed. But *fiqh* can change based on new information. *Shariah* comes from the Quran and Sunnah. *Fiqh* comes from the *Shariah*.

A question may be posed in Nigeria is whether Islamic law is the same as customary law. In the case of *Alkamawa v. Bello & Another*,⁹ it was held that “Islamic law is not the same as customary law. This is because Islamic law does not belong to any particular tribe. It is a complete system of universal law, more certain and permanent and more universal than the English Common Law. For instance, the principle of judicial precedents or *ratio decidendi* is applied in English common law. However, in Islamic law, scholars rejected the application of this doctrine in Islamic law matters as the court did in the case of *Karimatu Yakubu Paiko v. Yakubu Paiko*.¹⁰ The Court of Appeal Kaduna, relied on the decision of Niger State Sharia Court of Appeal in deciding on the right of father to *Ijbar* on his daughter after giving her option to choose a suitor. Jurisprudentially, this attitude of the Court of Appeal in relying on an earlier decision in reaching its own decision have been criticized by some erudite Professors¹¹ of Islamic law and Human Rights in Nigeria. this is because as they view, is a practice unknown to administration of justice under the *Sharia*.

It also noteworthy to state that basis from which Islamic law and its principles came also known in Arabic as *Masadir at-Tashree'* (Origin of *Shari'ah*) are tagged as Sources of Islamic Law. They are mainly

⁹ (1991) SC/ 293.

¹⁰ (1985) Suit No. CA/K/805/85

¹¹ A. H. Yadudu and M. T. Ladan

classified into primary and secondary sources. Primary sources are the Qur'an and the Sunnah while the secondary sources are Ijma' and 'Aql or Qiyas.

In the Quran, there are close to 350 legal verses most of which were revealed in response to problems that were encountered. Some were revealed to repeal objectionable customs such as infanticide, usury, gambling and unlimited polygamy. Additionally, there are 140 verses on devotional matters such as Salah, Zakah (legal alms), fasting, pilgrimage, jihad, charities and taking of oaths. Another 70 verses are devoted to marriage, divorce, 'iddah (the waiting period), raj'ah, dower, maintenance, custody of children, paternity, inheritance and bequest. About 70 verses on the rules related to *mu'amalat* (commercial transactions) which inter alia include sale, lease, loan and mortgage. Nearly, 10 verses provide on other economic matters that regulate relationship between the poor and the rich as well as the rights of workers. There are about 30 verses on crimes and penalties such as murder, *hirabah* (highway robbery), adultery and false accusation (*qadhf*). About 30 verses made adequate provisions on justice, equality, consultation and the fundamental rights and obligations of citizens.

Historically, the total submission to and adoption or application and practice of all the provisions of Sharia (Islamic law) is what is meant by the word Islam. Accordingly, all the prophets of Allah and men of Gods are of the same divine religion (i.e. Islam). This is the Qur'anic position. This is because all of them totally submitted to the will of Allah as regulated and revealed by the Almighty Allah. They all practiced these divine laws that were contained in the divine scriptures revealed in various places and periods. The laws are contained in Tourah, Zabour,

Injil and Suhuf (the Books) of Abraham and Moses. The final version of the law is contained in the holy Qur'an revealed to the holy prophet Muhammad (SAW). In other words, all the former scriptures that contained the laws were repealed. Shariah as contained in the Qur'an revealed to the last prophet Muhammad (SAW) is the extant law that regulates the activities of Muslims.

It should be noted that Islamic law initially came to make reforms in the then-existing system of life. It has not come to destroy the ancient civilisations. It is a reformative system. Thus, it forbade all forms of corruption and evil as the result of its harmful effects in the environment and affirmed all kinds of good practices that has positive impact on individuals and societies. Thus, it is declared in the Qur'an that-

It commands them to do righteousness and prohibits them from evil, and it makes allowable to them the good things and makes forbidden to them all filth.¹²

Accordingly, Shariah is a constructive, not a destructive system. This is because one of its main objectives is to reform human societies and make them free from injustice and oppression. It confirms any culture or tradition that is not harmful to society and condemns and fights against any norm or rule that jeopardises peaceful life and coexistence among the people of a society. Thus, whatever practice or tradition is confirmed by Shariah has automatically become an integral part of the law.

¹² Qur'an 7: verse 157.

3.0 ISLAMIC HUMAN RIGHTS

The concept of human rights emanates from the notion that there are some inalienable rights that all men possess irrespective of their color, creed, gender, biological, social, cultural, economic and political orientations. The words fundamental human rights are also used when they are recognized and provided for in the supreme law of any country, such as the Constitution. The 1999 Constitution of the Federal Republic of Nigeria (CFRN)¹³ as amended makes a comprehensive provision for all the fundamental human rights, civil and political as captured therein. To be specific, the entire chapter four of the constitution was devoted for fundamental human rights. Rights to life, right to dignity of human person, right to personal liberty, right to fair hearing, right to private and family life, right to freedom of thought, conscience and religion, right to freedom of expression and press, right to peaceful assembly and association, right to freedom of movement, right to freedom from discrimination and right to acquire and own moveable property anywhere are all enshrined in the constitution.¹⁴

Human right is defined as *the rights of man, that one has because he is human*.¹⁵ Article 4 of the African Charter on Human and People's Rights states that;

Human Rights are inviolable. Every Human being shall be entitled to respect for his life and the dignity of his person. No one shall be arbitrarily deprived of his life¹⁶

¹³ Constitution of the Federal Republic of Nigeria (CFRN), 1999

¹⁴ (n.6) Ss 33 – 43.

¹⁵ Jack Donnelly, *Universal Human Rights in Theory and Practice*, (3rd edn, Cornell University Press, New York, 3rd Edition. 2013) < <https://www.degruyter.com/document/doi/10.7591/9780801467493-003/html?lang=en> > accessed 5 March 2026.

According to the United Nations Organization;

Human Rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion or any other status. These rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education...and everyone is entitled to access to these without discrimination¹⁷

Human rights are defined as any right that is integral part of an inherent in human nature, the absence of which makes human life difficult or impossible.¹⁸ They are normally granted by legislators.

In Islamic law, human rights are derived from the Qur'an and the *Sunnah*. These rights are grounded in the belief that all human beings possess inherent dignity as creations of God. *Shari'ah* reinforces the notion of justice, equality, and the safeguarding of certain fundamental rights, including the right to life, education, freedom of belief, and the protection of property.

The phrase Islamic human right is used to mean any of the rights granted by Almighty Allah. Neither a King or anybody from legislative arm of a state provides for them. Thus, they are permanent and fundamental. Non can revoke or withdraw them from a person so long as he is a human.

¹⁶ African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Cap A9, Laws of the Federation of Nigeria, 2004.

¹⁷ United Nations definition of human rights, retrieved from <https://www.un.org/en/sections/issues-depth/human-rights/> accessed 5 January 2026.

¹⁸ < [http:// al-islam.org/organisation/ahlulbayt-tv-abty](http://al-islam.org/organisation/ahlulbayt-tv-abty) > accessed 23 January 2026.

They are divine. However, the rights granted by human lawmakers can be retrieved one day for one reason or another. An enacted law provides for citizens human rights may be repealed by the same house of assembly that moved the motion for the enactment. A right conferred by an order of a king may be revoked by the same king. A dictator ruler may confer and recognize the right of citizens when he pleases and withdraw it or violate it in a broad day light at his discretion and wish.

But since in Islam human rights have been conferred by Allah, no legislative assembly in the world, or any government on earth has the right or authority to make any amendment or change. No one has the right to abrogate or withdraw them. They are not rights conferred on paper for merely show and exhibition and denied in actual life when the show is over. They are not philosophical concepts that have no sanctions behind them.¹⁹ Charters, proclamations and resolutions of the United Nations cannot be compared with the rights sanctioned by Almighty Allah. This because the former are manmade and not sacred. They are also subject to discrepancies and inconsistencies. They may not satisfy the human rights need by the general public. The latter on the other hand is divine and sacred. It is from the creator of human being who is aware of the whole need of man. Thus, the law is applicable to all believers. This is part and parcel of the Islamic belief.

Every person or administrator who claims to be Muslim must accept, recognize and enforce the human rights as enshrined in *Shari'ah*. The provision of Qur'an unequivocally condemned the attitude of muslim

¹⁹ Abu al-'A'la Mawdudi. Human Rights in Islam. Al Tawhid Journal, Vol. IV No. 3 Rajab-Ramadhan 1407. <<https://www.iiu.edu.my/deed/articles/hr/hr.html>> accessed 25 February 2026.

executives, legislators or judicial officers and administrators who fail to enforce those human rights divinely granted and regarded them as unbelievers. Similarly, those who start denying the rights that have been guaranteed by Allah or make amendments and changes in them. The same condemnation was pronounced against those practically violate the rights while paying lip-service to them. The words of Quran for such persons are clear and unequivocal. Those who do not judge by what Allah has sent down are the dis Believers;²⁰ Those who do not judge by what Allah has sent down they are the wrong-doers;²¹ Those who do not judge by what Allah has sent down they are the evil-doers.²² In other words this means that if the muslim authorities regard their own words and decisions to be right and those given by God as wrong they are unbelievers. If on the other hand they regard God's commands as right but wittingly reject them and enforce their own decisions against God's, then they are the mischief-makers and the wrong-doers. *Fasiq*, the law-breaker is the one who disregards the bond of allegiance, and *zalim* is he who works against the truth. Thus, all those temporal authorities who claim to be Muslims and yet violate the rights sanctioned by God belong to one of these two categories, either they are the disbelievers or are the wrong- doers and mischief-makers. The rights which have been sanctioned by Allah are permanent, perpetual and eternal. They are not subject to any alterations or modifications, and there is no scope for any change or abrogation.²³

²⁰Qur'an Surah 5: verse 44

²¹ Qur'an Surah 5 : verses 45.

²² Qur'an Surah 5: Verse 47)

²³ (n.10)

3.1 Basic Shariah Provisions on Human Rights

The first thing that we find in Islam in this connection is that it lays down some rights for man as a human being. In other words, it means that every man whether he belongs to this country or that, whether he is a believer or unbeliever, whether he lives in some forest or is found in some desert, whatever be the case, he has some basic human rights simply because he is a human being, which should be recognized by every Muslim. In fact, it will be his duty to fulfil these obligations. These inter alia include right to life, right to dignity, right to liberty, right to freedom of religion, right to freedom of expression, right to peaceful assembly, right to freedom of movement, right to freedom from discrimination and right to own property.

3.1.2 The Right to Life

On December 10, 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights (UDHR). Right to life is part of them. Thus, the UDHR provides that Everyone has the right to life, liberty, and the security of a person.²⁴ In the same vein, the right is enshrined in the International Covenant on Civil and Political Rights (ICCPR). Thus, it provides that every human being has the inherent right to life, and this right shall be protected by law. No one shall be arbitrarily deprived of his life.²⁵

Right to life means that nobody, including the Government, can try to end your life. It also means the Government should take appropriate measures to safeguard life by making laws to protect you and, in some

²⁴ UDHR, article 3.

²⁵ ICCPR, article 6.

circumstances, by taking steps to protect you if your life is at risk.²⁶ The right to life is the belief that a human has the right to live and, in particular, should not be killed by another entity.²⁷

The first and foremost basic right is the right to life and dignity. The Holy Quran blatantly provides that whosoever kills a human being without any reason of man slaughter or culpable homicide or corruption on earth, it is as if he had killed all mankind.²⁸

As far as the question of taking life in retaliation for murder or the question of punishment for spreading corruption on this earth is concerned, it can be decided only by a proper and competent court of law. No human being has any right by himself to take human life in retaliation or for causing mischief on this earth. Therefore, it is incumbent on every human being that under no circumstances should he be guilty of taking a human life. If anyone has murdered a human being, it is as if he has slain the entire human race. These instructions have been repeated in another place in the Quran that also provides - Do not kill a soul which Allah has made sacred except through the due process of law.²⁹

Here also homicide has been distinguished from the destruction of life carried out in pursuit of justice. Only a proper and competent court will be

²⁶ Equality and Human Rights Commission < <https://www.equalityhumanrights.com/human-rights/human-rights-act/article-2-right-life#:~:text=This%20means%20that%20nobody%2C%20including,your%20life%20is%20at%20risk.> > accessed 27 February 2026.

²⁷ Right to life. Wikipedia. < https://en.wikipedia.org/wiki/Right_to_life > accessed 27 January 2026.

²⁸ Qur'an Surah 5: verse 32.

²⁹ Qur'an Surah 6: verse 151

able to decide whether or not an individual has forfeited his right to life by disregarding the right to life and peace of other human beings. The Prophet (SAW) has declared homicide as the greatest sin only next to polytheism. The Tradition of the Prophet reads: "The greatest sins are to associate something with Allah and to kill human beings." In all these verses of the Quran and the Traditions of the Prophet the word 'soul' (nafs) has been used in general terms without any distinction or particularization which might have lent itself to the elucidation that the persons belonging to one's nation, the citizens of one's country, the people of a particular race or religion should not be killed. The injunction applies to all human beings and the destruction of human life in itself has been prohibited.³⁰

The Right to Life for the entire humanity is only provided in Islamic law. It can be observed that the people who talk about human rights if they have ever mentioned them in their Constitutions or Declarations, then it is clearly implied in them that these rights are applicable only to their citizens or they have been framed for the white race alone. This can clearly be gleaned by the fact that human beings were hunted down like animals in Australia and the land was cleared of the aborigines for the white man. Similarly, the aboriginal population of America was systematically destroyed and the Red Indians who somehow survived this genocide were confined to specified areas called Reservations. They also penetrated Africa and hunted down human beings like wild animals. All these instances go to prove that they have no respect for human life as such, and if they have, it is only based on their nationality, colour or race. Contrary to this, Shariah recognizes this right for all human beings. If a

³⁰ (no.10)

man belongs to a primitive or savage tribe, even then, Islamic law regards him as a human being.

Massacre is another form of denying people the right to life. It is a form of killing human beings. A massacre is another type of criminal offence in Shari'ah. It can be defined as an event of killing people who are not engaged in hostilities or are defenseless. The word, is generally used to describe a targeted killing of civilians en masse by an armed group or person. It is an act or an instance of killing a number of usually helpless or unresisting human beings under circumstances of atrocity or cruelty.

Genocide is another means through which human right to life is being deliberately deprived. It is one of the most heinous international crimes. This is because the perpetrators aim to confiscate the right to life of a group of people.³¹ The word, genocide is defined as a deliberate killing of a large number of people from a particular nation or ethnic group with the aim of destroying that nation or group.³² It is the crime of intentionally destroying part or all of a national, ethnic, racial, or religious group, by killing people or by other methods.³³ It is a deliberate and systematic destruction of a group of people because of their ethnicity, nationality, religion, or race.³⁴ It is prohibited under international law by the Convention on the Prevention and Punishment of the Crime of Genocide

³¹ Kai Ambos, 'What Does "Intent to Destroy" in Genocide Mean?' (2009) 91 *International Review of the Red Cross* Volume 91 Number 876, 833. Ambos states that 'genocide is a crime with a double mental element'.

³² Ibid.

³³ Meaning of Genocide, Cambridge Dictionary Online < <https://dictionary.cambridge.org/dictionary/english/genocide>> accessed 27 January 2026.

³⁴ Genocide, Britannica, < <https://www.britannica.com/topic/genocide> > accessed 27 January 2026.

1948.³⁵ The Genocide Convention was introduced by the international community not just for member states but for all states because prevention is an integral part of customary international law.³⁶ Genocide was described at the International Criminal Tribunal for Rwanda (ICTR) as the ‘crime of crimes’.³⁷

It is pertinent to understand that immediately after the verse of the Holy Quran which has been mentioned in connection with the right to life, God has said: "And whoever saves a life it is as though he had saved the lives of all mankind".³⁸ There can be several forms of saving a man from death. A man may be ill or wounded, irrespective of his nationality, race or colour. If you know that he is in need of your help, then it is your duty that you should arrange for his treatment for disease or wound. If he is dying of starvation, then it is your duty to feed him so that he can ward off death. If he is drowning or his life is at stake, then it is your duty to save him. We regard it as our duty to save every human life, because it is thus that we have been enjoined in the Holy Quran.³⁹

Shari’ah advocates the right to life of every human being. With regard to when taking of a life is justified, it is mandated that even when someone is guilty of murder or spreading corruption on the earth, such can only be

³⁵ BRILL, The Crime of Genocide < <https://brill.com/display/book/9789004711730/BP000016.xml>> accessed 27 January 2025.

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ Qur’an Surah 5: Verse 32

³⁹ Ravi Prakash Vyas* and Rachit Murarka. Understanding Human Rights from an Eastern Perspective: A Discourse. < [Understanding Human Rights from an Eastern Perspective: A Discourse in: Asian Yearbook of International Law, Volume 24 \(2018\)](#) > accessed 24 February 2026.

decided only by a proper and competent court of law. Even when there is any war with any country, only by the decision of a properly established government can a life be taken away. In fact, no human being has the right by himself to take a human life without any reason, and even when such retaliation is justified, due process must be followed. If anyone, however, murders a human being, it would be as if he has slain the entire human race. The Holy Qur'an also distinguished homicide from that of destruction of life for justified reasons by ordering the Muslims not to kill any human being (herein referred as soul) without following due process of law, because Allah has made all human life sacred.⁴⁰ Prophet Mohammad has also referred to murder as the greatest sin besides associating something with God. All these instances strengthen the fact of how strongly Islam strives to respect the right to life of every human being.

Immediately after mentioning the right to life, the Holy Qur'an addresses the right to the safety of life of human beings. The Holy Qur'an lays down that whenever someone saves the life of another human being, it would be deemed as if she had saved the entire humankind. This saving can be interpreted to mean diverse situations. If someone is ill or wounded and in need of help, it is the duty of everyone to help that man irrespective of his race, gender, skin colour, nationality or belief. If someone is dying of starvation, every Muslim is obligated to feed him. Therefore, Islam strives to ensure the safety of the life of every human being on earth without any discrimination.⁴¹

⁴⁰ Qur'an Surah 6: Verse 151

⁴¹ (n.) 14.

4.0 CHALLENGES TO THE APPLICATION AND ENFORCEMENT OF THE HUMAN RIGHT TO LIFE IN SHARI'AH

Several challenges to the application and enforcement of Human Rights in general and the right to life in particular under Islamic law have currently been identified. These inter alia include cultural interpretation and misconceptions, political context, and gender equality.

4.1 Cultural Interpretations and Misconceptions

The application of Islamic human rights and right to life in particular varies greatly across different cultures and muslim societies. This leads to different interpretations that can either uphold or violate individual rights. Cultural practices sometimes overshadow religious teachings, complicating the implementation of genuine human rights protections. Sometimes, misconceptions about the difference between the sacred limb of Islamic law, which is divine and the human limbs of the law that is based on ijtiḥad may also lead to some groups of Muslims, knowingly or unknowingly regards a fatwah a sacred law that cannot be changed. Fatwah is an output of ijtiḥad that is used on the process of application of a sacred rule of shariah clearly stated in its primary sources to a new situation not described in the sources. Fatwah can be rights or wrong for being characterized by human nature. Further, it can be made by a jurist just for the application in a temporary situation. More so, non-qualified person may engage in making wrong fatwah contrary to the basic principle and spirit of Shari'ah. This may lead to the violation of human right under Islamic law. Many people are deprived from their right to life as the result of mob action triggered by provoked speech and fatwah not founded on the principles of shariah. For instance, the attack and killing of a Shiite cleric in Egypt.

4.2 Governments' Involvement in the Violation of Human Rights

One of the primary duties of any government in the world is to provide security services to the public. It is the duty of the government to protect the lives and properties of people. However, in some countries, it is the government itself that engages in killing the innocent citizens without any legal or shari'ah justification. A mere opposition to the government policies that may negatively affect the common people of a state may render the life of a person in danger without considering his right to freedom of expression as provided in Shari'ah under the principle of *amr bil ma'rouf and nahy anil munkar* (enjoining what is right and warning against wrong). It is even provided under the constitution of the state.

In December 2015, about 1000 people were killed in Nigeria within 48 hours by the government security agency.⁴² It was the government army with their uniformed in broad daylight that attacked the Shiite adherents under the leadership of Sheikh Zakzaky without any provocation. It on the 1st day of Rabiul Auwal of the Islamic calendar, preparing to commence celebration of the Maulud (the birthday of the prophet of Islam – SAW-) which is celebrated not only in Nigeria but in muslim world. This is a massacre and a violation of their right to life as provided in Shariah and even enshrined in the Constitution of the Federal Republic of Nigeria 1999 (as amended).⁴³ It is even a genocide since the purpose of the massacre was to eliminate Shiites and their lawful activities as confessed by some of those engaged in the attacked after the shooting the cleric

⁴² Amnesty International. < <https://www.amnesty.org/en/latest/press-release/2017/12/nigeria-families-of-hundreds-of-shia-muslims-killed-in-zaria-still-await-justice/> > accessed 27 January 2026.

⁴³ CFRN, Section 33.

leader Sheikh Zakzaky in local language : *Daga yau ba Shia ba kayanta* (meaning as from today there would not be Shia or its religious activities any more).⁴⁴ Till date there is no any positive statement of apology from the government. Instead, the violation of their right to life on the ground of their religion continues. In October 2018, about 45 shites were killed by the Nigerian army and police during a peaceful arbaeen symbolic procession in Abuja.⁴⁵ On 5th April, 2024 the annual Quds day was conducted peacefully in different places not only in Nigeria but also in USA, UK and many countries. It was only in Kaduna, Nigeria that the police attacked it and killed five followers of Sheikh Zakzaky.⁴⁶ This year Quds Day Procession of 2025 was also attacked by the Nigerian army and killed more than 20 people in the peaceful procession on 28 March 2025.⁴⁷ These are few incidents that occurred in violation of human rights against the Shiite in Nigeria.

5.0 PROSPECTS FOR ISLAMIC HUMAN RIGHTS

Some challenges on human rights matters in general and human right to life as enshrined both in Islamic law and the CFRN as amended are perceived from Islamic law perspective. Hence, there is a need to look at

⁴⁴ Wikipedia < https://en.wikipedia.org/wiki/2015_Zaria_massacre > accessed 29 January 2026.

⁴⁵ Amnesty International, <<https://www.amnesty.org/en/latest/press-release/2018/10/nigeria-security-forces-must-be-held-accountable-for-killing-of-at-least-45-peaceful-shia-protesters/> > accessed 27 April 2025.

⁴⁶ The Punch. < <https://punchng.com/police-imm-trade-words-over-alleged-shiites-killing-in-kaduna/> > accessed 20 February, 2026; < <https://www.vanguardngr.com/2024/04/police-shiites-clash-in-kaduna-over-quds-day-procession/> > accessed 20 February, 2026.

⁴⁷ Sahara Reporters. < <https://saharareporters.com/2025/04/08/shiite-group-accuses-nigerian-forces-killing-26-free-palestine-protesters-withholding> > accessed 25 April 2025; <<https://punchng.com/shiites-soldiers-clash-in-abuja/> > accessed 25 April 2025.

some prospects that may subsequently bring some changes in the attitude of Muslims and government toward right to life not only from the constitutional angle but also from eastern perspective of which Islamic law is part. This to find a final solution of protecting the rights of the entire people from violations. Therefore, these may inter alia include:

5.1 Quick Spread of True Conceptual Interpretations Through Modern Media Channels

Spreading the use of modern media channels presently may assist in combatting wrong interpretations and misconception on human right to life. It is true that wrong information spread faster than the true one. However, the impact of modern media particularly social media cannot be overemphasised. Qualify and prominent scholars now use social media such as face book, WhatsApp, Instant gram, Telegram, Imo, Tik Tok and many others to spread their teaching. If these media can be used to debunk any wrong notion and fake news on attacking the life of others will definitely correct the thinking many parsons. Scholars should try as much as possible in using this opportunity reduce the negative impact of the wrong views of other Muslims on the matter of human right to life under Islamic law. There is therefore an increase need within the Muslim community to revisit and reform certain interpretations of fatwas and personal opinion on the human right to life under Islamic law. This can lead to a change in approach on how to protect the right to life of people in muslim societies.

5.2 Coming up of Muslims Human Rights Organisations

Emergence of many muslim organisations in Nigeria and other countries in the world is another indication of a bright prospect for the protection of human right to life. Existence of organisations such as Muslims Right

Concern (MURIC) in Nigeria, Islamic Human Right Commission (IHRC) UK and Muslims for Human Rights (MUHURU) in Kenya is a good development to counter wrong notions on right to life under Islamic law. This is because civil society organizations or Non-Governmental Organisations (NGOs) across the Muslim world are pivotal in advocating for human rights within Islamic frameworks. These organizations strive to raise awareness, provide education, and mobilize public opinion in support of human rights causes under Islamic law.

6.0 CONCLUSION

Human rights in general and the right to life under Islamic law have a lot of problems and challenges. These inter alia include misconceptions on the provision of Shariah related to the human right to life. Further, involvement of governments in violation of the rights of its muslim citizens is another serious problem. Thus, it is recommended that more programs for public awareness on the true position of Islam and its laws on human rights must be embarked by NGOs to avoid falling in a wrong dimension. Governments should equally change their attitude of double standard by discriminating against people on the grounds of their religion or tribe, or region. They should treat the matter of human rights with urgency and sincerity.