

Islamization in Nigeria and Malaysia: Processes and Impacts on Human Rights

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How to cite this paper: Kolawole, T. A. (2024). Islamization in Nigeria and Malaysia: Processes and Impacts on Human Rights. *Open Journal of Social Sciences*, 12, 344-363.

<https://doi.org/10.4236/jss.2024.125021>

Received: March 24, 2024

Accepted: May 25, 2024

Published: May 28, 2024

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Abstract

It is noteworthy that Malaysia and Nigeria are federal states by nature of their government, governance, and constitutions. In both countries, the federal constitutions are the supreme law of the land. However, there are efforts in both countries for full implementation of Islamic law including its criminal code also referred to as Hudud. Consequently, this study intends to find out who are these actors and agitators, and what are their reasons and motives despite the secular nature of the two countries and the negative impacts of already implemented parts of Islamic law. This study also intends to carry out a comparative study of Malaysia and Nigeria in the context of Islamic law implementation and how it affects human rights in existing literature. Scilicet is a comparative study on the Implementation of Islamic law in Malaysia and Nigeria, and its impact from the perspective of human rights violations broadly reviewed.

Keywords

Hudud, Islamization, Political Islam, Human Rights, Sharia

1. Introduction

The global population of Muslims is about 1.5 billion; out of every five people, one person is seen to profess the Islamic faith (Kamali, 2000). The acceptance and enforcement of Islamic laws as the legal system in some Islamic nation-states is seen by a few individuals as adversely affecting both Muslim and non-Muslim citizens when examined by international standards (Sanusi, 2005). Islamic law which is commonly known as Sharia law can be referred to as the teachings, set of rules, regulations, and values that govern the lives of Muslims (Rauf, 2015). Sharia includes all aspects of the Muslims' way of life such as so-

cial, economic, political as well as other spheres.

Malaysia and Nigeria are examples of federal states by the virtues of their respective constitutions, meaning the federal constitution in both countries is the supreme law of the land (Rasyika & Faridah, 2018; Lateef, 1963). However, Sharia law is acceptable among Muslims in Malaysia and Nigeria. Crimes and punishments in Islam are categorized into discretionary and fixed. Hadd (plural hudud) and qisas are crimes in which the punishment is ascribed by Allah and is thus, unchangeable. Hudud crime consists of rebellion (baqhy), apostasy (ridda), Zina (unlawful intercourse), qadhif (false accusation of zina), drinking intoxicants (shurb al-khamr), theft (sariqa), and robbery (hiraba) (Ashgar Ali, 2012). In 2003, the European Court of Human Rights ruled that Sharia law is incompatible with the fundamental principles of democracy. And a large part of the principles of democracy is constitutionally enshrined Human Rights.

2. Research Method

This study uses a quantitative approach to collecting data that focus on “Political Islam” or “Islamism” is defined by many scholars as the instrumentalization of Islam as a political ideology (Roy, 1994; Ayoob, 2004; Fauzi & Hamid, 2017). In Muslim-majority countries as well as countries where there is a large presence of Muslim population, there have always been agitation and clamour for Islamic governance. This is the case in Malaysia and Northern Nigeria. These various clamours and agitation is termed “Political Islam” or “Islamism”. “Political Islam” or “Islamism”. Ayoob (2004) explained that Islamists conceive Political Islam as the panacea to all societal challenges with an imagined future where everything is done in accordance with Islamic concepts and precepts. The agitation for this Islamic ideology seems to have been effective in both countries as the government adopts the contents of such agitations into policy and implemented them. However, when this ideology is translated into Islamization and the policies are implemented, the manifestations are different and problematic which in the cases of Malaysia and Nigeria has resulted in the violations of the rights of the citizenry.

3. Results and Discussions

3.1. Non-State Social Actors, Their Roles, and Influence on the Islamization Process in Malaysia and Nigeria

Islam has become the main philosophy and ideology of disagreement in many Muslim nations including Malaysia and Nigeria (Zainah, 1987). Explaining further, Zainah (1987) maintained that the Islamists no longer see Western ways as solutions to social vices. It is a new structure of principles that now forms the foundation of their way of life. Among these beliefs are: Islam forms every aspect of life; Islam is inseparable to politics, law, state, and society; The failure of Muslim society is a result of departure from Islam and welcoming of Western ideologies and values; Persistent calls for Islamic revolution with regards to the Quran and the Prophet Muhammad; To restore God’s rule by replacing Western

civil law with Islamic law; Damnation of modernization, science, and technology except it is relegated as subordinate to Islam to guard against the penetration of Western values.

Society has a structure of various classes of people that include the government. The operation of the state regarding policies and other matters is carried out by the constituted government. Therefore, the role of government in society is very crucial to the development and growth of the society. The government determines the kind of legal system that should be in place for the state as it is the one saddled with the responsibility of making laws for the citizenry. So, the Islamic laws as adopted by many nations are backed by their governments. Besides the government declaring the adoption of the law, there are other organizations and individuals that influence the adoption such as opposition political parties, civil societies as well as religious groups. The presence of non-state actors such as Islamic student movements, Islamist activists, and Muslim Non-Governmental organizations provide the stimulus and catalyst for political Islam and the Islamization process in both Malaysia and Nigeria, especially when these groups and influential individuals canvas for the supremacy of Islamic laws and Islamic way of life in the public domain.

3.2. Factors That prompt the Islamization Patterns and Process in Nigeria and Malaysia

Islam has become the major ideology of dissent in many Muslim countries (Zainah, 1987), Malaysia and Nigeria included. Zainah (1987) remarked that the Islamists no longer seek Western models as solutions to societal ills; a new framework of principles forms the foundation of their ideologies and way of life. These beliefs include; Islam as encompassing every aspect of life; Religion Islam is intrinsic to politics, law, state and society; The failure and decadence of Muslim society is due to departing from Islam and embracing Western ideologies and values; Continuous calls for Islamic revolution with inspirations drawn from the Quran and the Prophet Muhammad; To re-install God's rule by replacing Western civil law with Islamic law (Sharia); Condemnation of Westernization and modernization, science and technology though accept must be relegated as subordinate to Islam to guard against the penetration of Western values. This clamour for Islamization in Nigeria and Malaysia were prompted by three major factors as outlined below.

3.2.1. Islamic Resurgence/Iranian Revolution

Religious movements and groups in post-colonial Nigeria emerged as a result of the outcry against social contradictions arising from economic and socio-political crises in the country. Since the late 1970s, the northern region of Nigeria has seen a resurgence of Islamic religious movements, during this period internal problems as well as foreign events had started influencing the development and proliferation of Islamic reform activities which has culminated in Nigeria becoming a member of the OIC and the introduction and implementation of the

Sharia law and its penal code in 12 Northern Nigerian states since late 1999 (Gwarzo, 2003). Internally, political turbulence between the period of 1978 and 1983 brought about wide-spread political thuggery and corruption among elites, and at the same time these development and conditions were generating economic emasculation and social acrimony among the masses that are socially excluded. Just as the political and economic crises continued deepen in the country, the Iranian Revolution ushered in a fundamental external inspiration on issues related to Islamic reform activities nature and organizational structure. The success of the Islamic revolution in Iran facilitated some ideological divisions among leaders of the emerging religious groups (Gwarzo, 2003). Consequently, these Islamic groups displayed their newly found preoccupation in political activities by claiming that societal governance of the country should not entrusted in the control of irreligious and morally bankrupt politicians who has destroyed it due to corruption and bad governance; these groups also made secularism as an attack point which they say it is essentially the “satanic” character of the State (Gwarzo, 2003).

The awakening of Muslim religiosity in Malaysia was a trend shared with other Muslim-dominated countries which can be traced to both local and global factors (Jomo & Cheek, 1988). As a result of the events in the Middle East, Muslims globally identified with the various plight faced by their co-religionists (Abbott & Gregorios-Pippas, 2010). Notably, the 1979 Iranian Revolution is pinpointed as a watershed that resonated at a high level of Islamic ideology with many Muslims under repressive and corrupt secular governments (Farish, 2003; Chong, 2006). Though, it may be a little difficult to pinpoint the unique aspect that resulted to Islamic resurgence in Malaysia, however, the global Islamic resurgence did play a pivotal role in affecting the religious revivalism of the Malays combined with some specific determinants such as the Dakwah Movement which was established by the State in the 1960s (Mohd Azizuddin, 2015). As earlier stated, the 1970s global Islamic revivalism contributed to an extent to the extensive Islamization process in Malaysia. Zainah (1987) in her introduction on Islamic Revivalism in Malaysia argues that the opposition party raucous calls for Islamic law (Sharia) to take the place of British-based legal system of the federation of Malaysia as well as for the Quran and the *Sunnah* to take the place of the man-made constitution made by infidels, was one of the major reasons why the UMNO-led government started its own programme of Islamization to tackle the new challenge. The global Islamic revivalism led to the flourishing of student activism in Malaysian universities such as University of Malaya (UM) and Universiti Kebangsaan Malaysia (UKM National University of Malaysia) (Garza, 2011)

3.2.2. Predominant Muslim Population

Nigeria is multi-religious country with a Muslims constituting half of the population. According to Ladan (2005), Nigeria has the largest population in Africa; an estimated 200 million people. According to Pew Research Center (2019) “*Nigeria, which has the sixth-largest Christian population in the world (87 million),*

also has the world's fifth-largest Muslim population (90 million)”, about 80% of Nigerian Muslims reside predominantly in the north ([United States Commission on International Religious Freedom, 2016](#)); with the rest of the population leaning towards African traditional religions.

Similar to Nigeria, Malaysia is a secular multi-religious country with a Muslim majority. It has an estimated 32 million people of which, over 60% are Muslims, 20% are Buddhists, 9.2% are Christians, and finally 6.3% are Hindus. Malaysian citizens consist of various ethnic groups, ethnic Malays constitute nearly 68.8%, Chinese make up 23.2%, Indians has a share of 7% while other foreigners constitute 1% ([Department of Statistics Malaysia \[DOSM\], 2017](#)).

Consequently, the large population of Muslims in Nigeria and the predominant Muslim population in Malaysia served as a significant factor in the push for Islamization. Despite the multiplicity of both countries, the large population of Muslims in Nigeria and the predominant Muslim population in Malaysia served as a significant factor in the push for Islamization.

3.2.3. Constitutional Provisions

Nigeria is a secular state with no state religion. In all the five drafted Constitutions of the Federal Republic of Nigeria, Section 10 of the constitution states: “The Government of the Federation or of a State shall not adopt any religion as State Religion.” However, section 275 of the [Constitution of the Federal Republic of Nigeria \(1999\)](#) allows for the creation of state Sharia Court of Appeals. While in Nigeria, the Federal Constitution forbids the adoption of any religion, Islamists in twelve Northern Nigeria have seized on the 1999 constitutional provision of Section 275 to adopt as the religion of the states and also expand Sharia law into criminal jurisdiction.

The discourse about whether Malaysia is a Secular or an Islamic State has generated a lot of controversial discourses over the year especially when it comes to the position of Islam in the constitution of the Federation of Malaysia on which many proponent of the expansion of Islamic law implementation and the exponents of an Islamic state anchor their arguments. Islam status as stated in Article 3(1) of the Malaysian constitution that Islam shall be the religion of the Federation, but other religions maybe practiced in peace and harmony in the country. Article 11 of the Constitution of the federation of Malaysia provides for freedom of religion: “Every person has the right to profess and practice his religion and, subject to Clause (4), to propagate it”. Clause 4 empowers the State legislatures to enact anti-propagation laws to regulate the propagation of other religions amongst the Muslims.

These constitutional loopholes in both the Nigerian and Malaysian were exploited by the proponents of Islamization to advance the realization of their causes.

3.3. Islamization Patterns and Process in Nigeria

Since Independence in 1960, Muslim-predominated Northern Nigeria has al-

ways clamoured for Islamic law. In response to the mounting pressures from Islamic activism, various attempts have been made by northern elites and politicians to expand and strengthen the power of Shariah law. These various attempts are exemplified when the Sharia Court of Appeal was first created on September 30th, 1959, the day before Nigeria's independence by the colonial powers just as they were about granting Nigeria's Independence. This Sharia Court of Appeal replaced the traditional Muslims Court of Appeal in the midst of so much controversy and this has been a problem in the making of the 1979, 1989, and 1999 constitutions. However, due to various military coups and overthrow of democratic civilian governments since 1966, Nigeria did not enjoy the free flow of successive 18 civilian rules and Islamization in Nigeria unlike in Malaysia was not gradual and uninterrupted. Notwithstanding, Islamization policies were implemented during some of the military juntas. For instance, Islamization policy was embarked on under the military regime of General Badamosi Babangida when Nigeria joined and became the 46th member of the Organisation of Islamic Cooperation (OIC); the instant adverse result of Nigeria becoming a full member of the OIC was that it led to deep division the country along ethnic and religious lines (Faseke, 2019).

Apart from joining the IOC, it is important to know that education in Nigeria has been great influenced by Islamization. Even though Islamic education have been present in northern Nigeria since pre-colonial times, it was however limited to the basics. Post-independent Nigeria has witnessed creation of numerous colleges and universities amongst which Islamic courses are offered in the highest degrees of tertiary education (Adeyemi, 2016) but as a result of colonization, Western system of education become more prevalent even after independence. It is important to know that at the end of the Nigeria civil war, some Muslim scholars such Professor Babs Fafunwa proposed some Islamization policies to the Gowon-led military administration to take over schools from Christian missionaries. Ele (2018) stated that, this was done easily with the fallacious and deceptive ideology to make "secular and citizenship-oriented Nigerians" however, that was a disquieting plan to end the Christian evangelization enterprise through the schools in the north. Names of Christian schools were changed to Muslim ones: St. John's College, Kaduna (Catholic) became Rimi College, Kaduna; Baptist Teacher's College, Minna became Ahmadu Bahago College (named after the Emir of Bida); Queen of Apostles' College, Kaduna became Queen Amina College (named after the 16th Century Queen of Zaria who was a Muslim (Onotu, 1988)). Students who are Christian found it hard to practice their religion in these Islam and Muslims denominated and oriented academic environments. These Islamic manoeuvres that were put in place were to shut down Christian evangelism and they were effective and successful. As Christian were denied lands for the purpose of building churches and schools while Muslims commenced wide-range training of religious scholars and missionaries as well as establishing Islamic and Quranic schools, building mosques in strategic places hence expand-

ing the policy of Islamization (Ele, 2018). Despite these moves, in recent decades, it has been difficult for Islamic education to thrive in Northern Nigeria and in the country as a whole as there multifarious factors hindering its full development but these hindrances are mostly artificial and therefore not insurmountable. At the organizational level, there are issues such as lack of unified syllabus; inadequacy of qualified teachers; unavailability of suitable textbooks; lackadaisical attitudes of the students; and uncared attitudes of the government (Adeyemi, 2016).

The return of Nigeria to civilian government in 1999 provided the most current events and occurrences which marked a turning point or watershed of Islamizing politics not only in the north but with the whole of Nigeria. Despite the secular nature of the nation's constitution, by January in the year 2000, Ahmed Yerima, the then governor of Zamfara state one of the northern states in Nigeria adopted Sharia law including its penal code, and eleven other northern states followed suit. The legislatures of these eleven states passed new laws adopting Sharia that would Islamize the society and states followed by swift implementations of Islamization policies in the bureaucracies of the states as well as the judiciary (Harnischfeger, 2006). The implementation of Islamization policies in Nigeria in the year 2000 first led to the 12 states' establishment of three-tiered Sharia courts for the purpose of the application of Islamic law to Muslims, Area Courts (civil courts) were converted to Sharia courts, existing Islamic departments were restructured and Sharia police (Hisbah) was established in each of the twelve states for comprehensive enforcement of Sharia law, the 12 states established Councils of Ulama with extensive instructions to frame, expound, oversee, and supervise the implementation of Sharia law, imposition of zakat taxes on Muslims, prohibition of the sale and consumption of alcohol for Muslims and non-Muslims alike, collaborative endeavour to end gambling and prostitution in the 12 states, segregating women in public transportation and in schools, and the establishment of censorship boards to check (Ostien, 2007). As a result of the implementation of Shariah law and its penal code in the 12 northern states, stiffer punishments were imposed on offenders. According to (Zalanga, 2000) "These punishments include death, forfeiture and destruction of property, imprisonment, detention in a reformatory, fine, caning (flogging), amputation, retaliation, blood money, restitution, reprimand, public disclosure, boycott, exhortation, compensation, closure of premises, warning, among others". Though the implementation of Sharia law is confined to the northern region, its effect reverberates across the country.

In summary, in Nigeria today, some of features of Islamization are mostly visible in the northern part of the country and some of these include civil courts which were converted to Sharia courts in twelve northern states of Nigeria (Ostien et al., 2017). Also is the visible presence of Islamic educational centres which are most visible but not limited to the northern part of the country. Even though there is no uniform Islamic department cum ministry in each of the

twelve northern states as it is in Malaysia, Anyia (2017) posited that the Islamization process in Nigeria was highly successful for several reasons and one of such is the placing of religious group members in influential position to have direct access to decision-making in government, instances include; the appointment of religious group leaders such as the Ulama as commissioners, advisers and special assistants to the governor of the state. In a nutshell, Islamists constitute the core of decision-making body in those states.

3.4. Islamization Patterns and Process in Malaysia

In the governance and politics of Malaysia right from independence until 1981, Islam was fundamentally ceremonial and symbolic even though the introduction of Dakwah (Islamic activities) gave birth to other Islamic organizations before the reign of Mahathir and Islamization was not a state policy. In 1981, this scenario however changed when Dr. Mahathir Mohamad took over power as Malaysian Prime Minister under the United Malay National Organization (UMNO).

Upon assuming office in 1981, Premier Mahathir declared his intent to embark on Islamization and proclaimed that the core of his Islamization policy was to make Malays more responsible and curb corruption in governance and civil service, instil integrity, and make governance to be more conformed to Islamic norms and values. The implementation of this policy led to the Islamization of the bureaucracy in Malaysia. Some of the most significant examples of the implementation of the Islamization policy include the creation of the Institute of Islamic Understanding Malaysia (Institut Kefahaman Islam Malaysia IKIM) which was established on February 18, 1992, under the Companies Act 1965 and saddled with the responsibility of providing accurate Islamic understanding through various programs and activities such as research, seminars, workshops, forums, consultations, training and publications. IKIM was officially launched on July 3, 1992 by the then Prime Minister of Malaysia, Mahathir Mohamad. Furthermore, in 1997 when Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam Malaysia (Malaysia National Council for Islamic Affairs) which was established in 1968 by the Council of Rulers or Majlis Raja-Raja which the National Council secretariat was put under the Prime Minister's Department was later renamed as Jabatan Kemajuan Islam Malaysia (JAKIM) or Department of Islamic Development Malaysia and was upgraded to a full government Ministry when the Mahathir administration determined to reveal that the implementation and administration of Islamization policies was to be prioritized by the federal government (Mohd Azizuddin, 2015). The government's vigorous attempts to inculcate Islamic values into the bureaucracy of the nations were allotted to JAKIM at the federal level while the Council for Islamic Religious Affairs and Malay Customs were in charge at the state level.

Significantly, JAKIM was assigned the onus for the furtherance of developing more Islamic institutions and strengthening the administration of Islamic law as

well as the duty to regulate Islamic legislation. Prime Minister Mahathir also created the Islamic Development Foundation to aid the Islamization of government parastatals. Also, in 1998 the Malaysian government also set up a Department of Sharia Judiciary of Malaysia (Jabatan Kehakiman Syariah Malaysia, JKSM) to help in the smooth-running of administration of the Sharia courts in all the states; JKSM is saddled with the onus of restructuring and coordinating unfettered administration of Islamic law and to upgrade Sharia infrastructure, procedure and quality of service (Ting, 2016). At the level of the federal government, the Department of Sharia Judiciary has an observatory and directing authority that it uses to promote coordination, conformity, and uniformity in the implementation and administration of Islamic law nationally. During the twenty-two years reign of Mahathir as Malaysian Prime Minister, Islamic bureaucracy expanded at an unparalleled rate. Malaysian security services especially the police and the military were infused with Islamic values. Education was not spared in the Islamization process. As part of the Islamization policy, more state Islamic institutions such as the International Islamic University Malaysia were created, and primary and secondary schools' academic curricula were revised to comprise of more materials on Islam and its civilization (Mohd Azizuddin, 2015).

In order to meet the needed workforce of public sector for the smooth implementation of its Islamization policy, the provision of Islamic education and studies has enlarged remarkably. In Malaysia, there are two major types of Islamic education i.e. the traditional and the modern. Traditional Islamic education is provided by Pondok and some madrasah religious schools (Buang et al., 2008), while modern education can be found in public schools and tertiary institutions and universities of Islamic studies (Kayadibi & Buang, 2011). Mohd Azizuddin (2015) posited that in order to ensure that the state implements its Islamization agenda, there is need in the increment in the numbers of programmes as well as academic institutions especially tertiary institutions to produce more numbers of graduates in Islamic studies and educations. This led to the allocation of funds to facilitate the in-depth implementation of Islamization policy in many Malaysia Universities. Islamic courses which include religious, legal, administrative, procedural as well as criminal are being studied in various Malaysian higher institutions such as Universiti Malaya (UM) Universiti Kebangsaan Malaysia (UKM), International Islamic University Malaysia (IIUM) among others, where faculties of Islamic studies have been established and well-funded by the government. The graduates produced by these different universities in turn join the manpower of Islamization through their chosen professions such as Islamic teachers, lawyers and judges, administrative officers et al. (Moustafa, 2014).

However, it was in the domain of law, legal establishments, and institutions that the most significant innovations were made (Moustafa, 2014). Many parts of Islamic law were institutionalized, and the Sharia court was upgraded and ex-

tended to a three-tier legal system with the aim of making its judges were made to be at the same level as those of civil courts. The Shariah Courts jurisdiction pertaining to criminal matters was amended in 1984 the Federal constitution was amended to expand the powers of the Sharia administration and its legal authorities, as well as to promote coordination and uniformity between states in Islamic jurisdiction enabling sweeping Islamic legislation to be passed (Thaib, 2013). Furthermore, the constitutional amendment inserting article 121 (1A) in 1988, subsequently erodes the role of civil courts as the ultimate adjudicator of inter-religious litigations. As a result, the provision of the *Federal Constitution of Malaysia (1957)* which stipulates that all matters pertaining to Islamic law are within the state government's legislative power, statutes, and Sharia courts in the Ninth Schedule, List II - State List, was activated for Islamization policy through the Administration Islamic Law Act of 1993 which provide for three dominant authorities with three different functions; the Islamic Council), the Mufti, and the Sharia courts, in which all are answerable to the ruler of each state (Zin, 2012).

Though the Islamic judiciary structure in Malaysia has been earlier established in all states nationwide including the Federal Territories, the government carried out major restructuring from the 1980s to the 1990s. Islamic law legal jurisdiction and judiciary legislation were passed in all states of the country including the federal territories. This ultimately led to the creation of a three-tiered Sharia court system in every state making it equal to the country's civil courts namely; Sharia Subordinate Court (at the lowest helm) which is under a single judge called Sharia Subordinate court judge, and it serves as first instance for most matters (Zin, 2012). Since 2001, state parliaments have started making express legislative provisions in the various state enactments that a Sharia high court shall in its jurisdiction hear and determine all actions and proceedings in which all parties are Muslims and which relate to a declaration that a person is no longer Muslim or a deceased person was a Muslims or otherwise at the time of death (Kuek, 2008). These various parliamentary legislations led to the Criminalization of Apostasy; Ban on inter-religious marriage; Law categorizing other Muslim sects as deviants; Ban on proselytization of Muslims among others. The rulings and verdicts of these expanded Sharia courts and their judges on matters of Muslim private and social life, particularly in the aspect of marriage/divorce, inheritance, and on religious tradition, crimes, and offenses are final and are implemented in accordance with the administrative laws and official procedures of the country, in spite of the considerably small jurisdiction granted to them by the constitution on matters relating to a Muslim family and religious matters.

Consequently, today in Malaysia, there are several features that can be attributed to Islamization; these include the presence of Islamic Religious Department which has become a government ministry in each state of the country including the Federal Capital Territory (Funston, 2006; Mohd Azizuddin, 2015). Another visible feature of Islamization in Malaysia is the Shariah Court in every state of

the federation. Even though Shariah is a prerogative of state government, the Shariah court and its judges have been upgraded to be on par with civil courts. Islamic educational institutions are also visible features of Islamization in Malaysia (Hamayotsu, 2018; Zin, 2012; Shuaib, 2012).

4. Impact of Islamization

Today, in both Malaysia and Nigeria, Islamization as government policy is rife and has come to stay. It is important to note that Islamization is not inherently laden with negative consequences. In fact, the policy implementations of Islamization in Nigeria and Malaysia have yielded positive outcomes economically. In both countries, Islamization has had significant impact on the economy in the areas of Islamic finance which is a financial tool ingrained in the principles and structures of Islam. It is transaction structure designed for Muslims that prohibits payment of interest, speculation and gambling and it has become mainstream financial intermediaries system (Muhammad & Suleiman Alhaji, 2018; Balarabe et al., 2023). In Malaysia, one of the countries that pioneered it, Islamic finance has gained visibility and popularity in sectors such as banking and finance, securities and Takaful (Mohd Zakhiri et al., 2016; Balarabe et al., 2023), while in Nigeria, Islamic finance consists of services such like Islamic banking, Islamic bond (Sukuk) and Islamic insurance (Takaful) (Muhammad & Suleiman Alhaji, 2018). Islamization has also has significant impact on the hospitality industry where there are Sharia compliant hotels as well as halal hotels, it has also increased the demand for other Halal goods and services (Ahmed, 2023; Che Ahmat et al., 2015; Md Salleh et al., 2014). Similarly in Nigeria, Islamization has aided growth in various sectors of the economy such as Sharia tourism, hospitality, transportation service providers, souvenirs and handicraft, travel agencies/ticket sales and culinary (Trimulato et al., 2023). Sharia economy has contributed significantly to the economic growth in both Nigeria and Malaysia by providing employment and infrastructure; it has helped in the sustainable development goals, reduced poverty, aid food security and foster global partnership among Muslim countries (Trimulato et al., 2023). However, this study focuses on the politics of Islamization in both countries, and its visible repercussions on some of the Human Rights of the citizenry of both Nigeria and Malaysia, respectively. Some of these impacts are analysed below with cogent examples.

4.1. Impact of Islamization on Human Rights in (Northern) Nigeria

4.1.1. Death Sentence, Amputation, Public Degradation/Humiliation, and Lack of Legal Representation

Human Rights Watch (2002) reported the hanging of a 21-year-old man, Sani Yakubu in 2002 was sentenced to death by hanging for murder by a local Islamic court. In its report, Human Right Watch stated that “Sani YakubuRodi did not have legal representation at any stage of his trial; he apparently told the court that he would defend himself. In the initial hearing on 5 July, he pleaded not

guilty. However, in a subsequent hearing on 4 September, he changed to a guilty plea. The court sentenced him to death on 5 November. He did not take up the opportunity to appeal, and his death sentence was subsequently confirmed and his execution authorized by the Governor of Katsina State". Sharia judicial corporal punishment such as amputation and flogging for various offenses in the Sharia penal code is categorized as inhuman, degrading punishment, torture, or cruel treatment under Article 7 of the International Covenant on Civil and Political Rights (ICCPR) which Nigeria is a part of (Zarifis, 2002).

For instance, the Zamfara state government chopped off Lawal Buzu's hand, he was sentenced to such heinous punishment for being a bicycle thief (United States Commission on International Religious Freedom, 2001b); while in January 2001, Zamfara State Sharia official flogged Bariya Magazu, a 14-year-old girl (considered a minor and a rape victim), for committing fornication when the authority found out that she gave birth to a child without being married. Similarly, in September 2004, in Bauchi state, Daso Adamu who was nursing a child, was convicted of adultery and to die by stoning when she assented to have had sexual intercourse with a man who was her former husband because her current husband fled, the former husband whom she had sex with was set free because there was inadequate proof, also, in the October of the same year and in the same state of Bauchi, Hajara Ibrahim was also found guilty of adultery and to be stoned to death because she got pregnant out of wedlock (United States Commission on International Religious Freedom, 2005b). Human rights activists and groups confirmed that most poor people found guilty of various Sharia crimes affirmed that they had no knowledge they had the right to be legally represented. In one case for instance, Saleh Dabo, an 18-year-old man, claimed he was told by the police to admit (guilty plea) to rape, then in turn would be set free; rather, a Sharia court handed the man a sentence to stone to death for crime of adultery, despite the fact that he was a bachelor (United States Commission on International Religious Freedom, 2005b).

4.1.2. Moral Policing

The establishment of Islamic law enforcers such as Hisbah (Sharia Police) has led to the moral policing of both Muslims and non-Muslims alike. There is a stringent implementation of Sharia on gender segregation in some of the twelve states where males and females are not allowed to use the same public transportation. In spite of the fact that Sharia laws extension in Northern Nigeria are technically not applicable to non-Muslims, the Christian minority in the region particularly in Zamfara state were affected by many of the social provisions of Sharia law such as the ban on the sale and consumption of alcohol as well as gender separation in public transportation vehicles; as consequently, Christian groups had to provide private transportation services for its female members (United States Commission on International Religious Freedom, 2001b). As recently as March 1, 2024, the issue of human rights violations was raised by the Kano state governor Abba Kabir Yusuf about the conducts of Islamic police

known (Hisbah) in the state. In his word, the governor said *“I saw a disturbing video of a raid on a place and when the offenders are in the process of running away, sticks are used to hit them, and when caught, they are treated like animals and are thrown into a Hilux vehicle.”* He further expressed his displeasure saying *“This act is unacceptable and a big mistake. In the unfortunate event where someone is hit at the back, his spinal cord can be damaged”* (The Cable, 2021). The Governor advised against abuse of the fundamental rights of individuals such mistreatment by insisting that appropriate measures be put in place in the handling of situations related to these (AriseTV, 2024). In swift response to the governor’s criticism of Hisbah conduct, the Commander-General of the Hisbah Board Sheikh Daurawa tendered public apology and resigned from his position.

4.1.3. Persecution of Minority Religious Group

Since Nigeria’s return to democratic rule in 1999 and the re-introduction of Islamic law by 12 northern states in the country, the predominantly Sunni Muslim states have subjected religious minorities such as the Shia and Darul Islam groups to constant persecution until date. These religious minorities are persecuted for un-Islamic practices even when, unlike Malaysia, there is no law designating them as “deviants”. Religious clerics (Imams) with opposing doctrine to that of the state of Sunni Islam are not spared in these persecutions.

4.1.4. Freedom of Choice of Religion (Forceful Rehabilitation)

In Northern Nigeria Muslims who chose to renounce Islam are ostracized and sentenced to forceful religious rehabilitation. According to the British Broadcasting Corporation “In 2014 a Nigerian Muslim man, Mubarak Bala was forcibly committed to a psychiatric institution in Kano for eighteen days by his family with the help of Islamic law enforcers, where he was forcibly drugged after stating that he was an atheist. The International Humanist and Ethical Union took up the case, stating that Bala’s human rights were violated” (The Associated Press, 2014). Additionally, numerous media outlets around the world have reported in 2019 the various raids carried out on several Islamic Rehabilitation centres in Nigeria which have resulted in the setting free of more than one thousand people who were allegedly detained for rehabilitation because they have one way or the other involved in un-Islamic practices.

4.2. Impact of Islamization on Human Rights in Malaysia

4.2.1. Ban on Inter-Religious Marriages between Muslims and Non-Muslims

Revathi Masoosai, 29 years of age, though born a Muslim to Indian parents in Malaysia, was raised as a Hindu by her grandmother. Her parents gave her a Muslim name, Siti Fatimah, which she changed in 2001. Be that as it may, her official papers still say she is Muslim. In January 2007, the Islamic Religious Department in the state of Malacca detained Revathi after authorities found that she had married a man who practices Hinduism. For perpetrating such offensive wrongdoing, Revathi was sent to a rehabilitation centre for “religious counsel-

ling”. Revathi says that authorities at the centre attempted to compel her to pray as a Muslim, eat beef and wear a head scarf. As a Hindu, eating beef is forbidden. After she was discharged she told correspondents: “In light of their conduct at the rehabilitation centre, I hate Islam significantly more at this point. They say it’s a school, yet it’s really a jail.” This case is one of many clashes between religious freedom and state policies that support Islam in Malaysia. And these battles are said to have “stressed” ethnic relations in this multicultural country (*The Star*, 2007; *United States Commission on International Religious Freedom*, 2007, 2008, 2009).

4.2.2. Conversion out of Islam and Criminalization of Apostasy

Another notable case is that of Lina Joy. In April 2001, Lina Joy, a Malay woman applied that Islam to be removed from her identity card as she has converted to Christianity, but the High Court rejected her application. The judge ruled that an ethnic Malay is defined by the federal Constitution as “a person who professes the religion of Islam.” The judge, in reaffirmation of the High Court ruling in March 1999, concluded that the woman’s supposed renunciation of Islam and conversion to Christianity is within the jurisdiction of an Islamic court only. The court decision makes it practically impossible for Muslims to convert out of Islam through Shari’a courts routinely denied such conversion requests made by applicants (*United States Commission on International Religious Freedom*, 2001a). Also, Shia, Ahmadiyya, Islamailiah, Baha’i, among other minority groups, are considered as “Islamic deviant sect” and their activities monitored and their members are arrested from time to time. Some, are jailed, and some are sent to religious rehabilitation centers while some escape with fines on the ground of repentance and to report to Islamic authorities for a period of three months to ascertain their repentance (*United States Commission on International Religious Freedom*, 2001a, 2005a, 2008, 2009).

4.2.3. Persecution of Islamic Religious Minorities

Shia, Ahmadiyya, Islamailiah, and Baha’i, among other minority groups, are considered “Islamic deviant sects” and their activities are monitored and their members are arrested from time to time. Some, are jailed, some are sent to religious rehabilitation centers while some escape with fines on the ground of repentance and to report to Islamic authorities for a period of three months to ascertain their repentance (*United States Commission on International Religious Freedom*, 2001a, 2005a, 2008, 2009). In the case of Ayah Pin the founder of a religious group known as the Sky Kingdom, the Malaysian government arrested and detained many of its members, charged in Sharia court for deviationist doctrine, and sentenced to various prison terms and fines as well as lengthy rehabilitation periods.

4.2.4. Bias Proselytization Law

Article 74 (2) of the Federal Constitution allows states to enact Islamic laws re-

lating to offenses by Muslims against the precepts of Islam. More importantly, Article 11 (4) of the Federal Constitution clearly states that federal or state laws may be enacted to “control or restrict the propagation of any religious doctrine or belief” among Muslims. These provisions are biased toward the religious freedom of non-Muslims as there is no law proscribing Muslims from proselytizing adherents of other religions. In fact, it is encouraged that a Muslim to convert a non-Muslim to Islam if they intend to get married.

4.2.5. Spousal Conversion: Unilateral Conversion of Children and Child Custody

In April 2004, the Kuala Lumpur High Court ruled that only the Islamic court had jurisdiction over a suit by Indirah Ghandi, a non-Muslim mother to nullify the conversion of her two children to Islam without her consent by the estranged husband who had converted to Islam and in order to have custody of the children, he also converted the underage. The MCCBCHST in a statement addressing the High Court ruling, stated that the decision “tramples over the rights of non-Muslim parents.” The mother filed an appeal and subsequently fled the country with her children ([United States Commission on International Religious Freedom, 2005a](#)). As a result of the civil court ceding power to Sharia court on any case related to Islam, non-Muslim family members, including spouses and children, continued to lose all rights to inheritances in Sharia court in cases of conversion by one spouse to Islam ([United States Commission on International Religious Freedom, 2012](#)).

A landmark case of conversion of minors in Malaysia was the story of how an eight-year-old, Banggarma Subramaniam was placed in a children’s home and was raised as Siti Hasnah Vanggarama Abdullah after an officer from the Islamic Religious Affairs Department converted her to Islam. She rediscovered her Hindu identity as a teenager and later in her adulthood went on to marry a Hindu man. She could not register her marriage and could not name her partner as the father to her children because they were officially of two different religions. In 2010, the High Court decided that the civil court has no jurisdiction over her case and it should be heard in Syariah Court ([news.com.au, 2015](#)). The case is still unresolved.

4.2.6. Impact of Moral Policing Enforcement

In Malaysia, there are reported and recorded cases of non-Muslims being harassed and humiliated due to their way of dressing, arrested, and raided by Islamic police for close proximity (Khalwat) for instance, In 2003, a Sharia enforcement officer of Ipoh City Council. Booked young Chinese couples for “indecent behaviour” in a public park ([Mohd Darbi, 2006](#)). In 2015, concerns about growing conservatism made headlines when security guards at some government buildings went overboard in trying to enforce dress codes even on non-Muslim women. Homosexuals and transgender are also victims of moral policing in Malaysia as a result of the Islamic Law Penal Code.

5. Conclusion

The call by Muslims in countries with Islam as the state religion, Muslim majority, or large minority Muslim population to implement the Islamic law known as Sharia law has reverberated around the world. The argument of the proponents of this agitation is that Islamic law is confined to only persons who profess Islam, therefore inapplicable to non-Muslims living in Sharia-governing societies. It is true that Islam is not binding on non-Muslims in theory as a matter of fact the realities on grounds where Islamic law has been implemented suggest that both Muslims and non-Muslims are impacted in many ways, especially in the aspect of the violations of human rights. Notably, the implementation of Islamization policies is no panacea to all societal problems as agitators and protagonists of Political Islam have valorized the concept.

Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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