

APPRAISAL OF THE OFFENCE OF BLASPHEMY AND JUNGLE JUSTICE IN THE NIGERIAN LEGAL SYSTEM

Sikiru Akinpelu Adewale*

Ipoola Aderemi Binuyo**

Abstract

In May 2022, Deborah Samuel, a 200-level student of Shehu Shagari College of Education, Sokoto, was stoned, to death and set ablaze over an alleged offence of blasphemy. The killing raised questions about the legality of the actions in Nigerian legal system. This study examines several legal frameworks on the offence of blasphemy – sharia, Christianity, Nigerian, a few other jurisdictions and the international regime. The study employs the library-based research method using relevant primary and secondary sources of information which are updated by the internet facilities. The study finds out that the killing is illegal in all ramifications and concludes with positive recommendations with a view to avoiding such illegality in the future.

Keywords: Blasphemy, Jungle Justice, Sharia, Religion, Extra-judicial killing

1.0 INTRODUCTION

Deborah Samuel shared a voice note on her class's WhatsApp group in which she texted her classmates who were posting religious information there at the group meant for their academic programme information. She talked in Hausa as per a Twitter client who did the interpretation, Deborah was cited to have said;

* Ph.D., Department of Public Law, Faculty of Law, Adeleke University Ede, Osun State, Nigeria.

** Ph.D., Department of Public Law, Faculty of Law, Adeleke University, Ede, Osun State, Nigeria.

Holy Ghost Fire, nothing's going to happen to me, you should know what to be sending to this group, it's not that the group was created to be sending nonsense, the group was created for posting things like, test assignment etc. not the nonsense you are posting, no be only prophet, you are coming to play on me.¹

Her comments annoyed some of her classmates who, as a result, accused her of disrespecting Prophet Mohammed, and threatened to deal with her. When the tension was high, the school authorities took her to the security room to give her some protection. However, the enraged students overpowered the security officers, dragged Deborah out, stoned and beat her until she died before setting her corpse on fire.²

Deborah might not really, knowingly, and intentionally insult the Prophet. The viral audio indicated that she was reacting to the action of those who sent to the class's WhatsApp group several messages which she considered unnecessary and outside the objectives of the group. Her introductory words were, "*ba(bu) abunda zai faru da mu*" (meaning: nothing will happen to us). One could assume that Deborah was reacting to a threat of attack by a section of her colleagues. By sharing only her reactionary voice note without including what other members of the class sent previously which might cause her reactionary voice indicated that something was being hidden. There was possibility that Deborah was reacting an insult which had been passed on her. Deborah's reaction might, rather than being an insult to the Prophet, be a rebuff of rebuke, threats or insults that were sent to her prior to her reaction.

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<https://www.instagram.com/lindaikajiblogofficial/?utm_source=ig_embed&ig_rid=28ecfa25-c6a0-41bc-9c78-aa2408d74042&ig_mid=9916AB89-FF44-42A9-A01D-FA7E033F7BFD> accessed 7July 2026.

² Ibid.

Hoodlums vandalized at least two parishes presided over by the Bishop of the Catholic Diocese of Sokoto, Matthew Hassan-Kukah. Kukah was attacked because he described the gruesome murder of Deborah as ‘criminal’; and he called on the authorities to ensure that those who were guilty of the act were punished according to the laws of Nigeria. The police arrested a few of the assailants. Hundreds of placard-carrying Muslim youths staged a protest in Sokoto calling for the release of the arrested suspects. The protesters clashed with security operatives who fired shots to disperse the protesters. Governor Aminu Tambuwal of Sokoto State subsequently imposed a curfew on the state amid rising tension. And Kaduna State Governor, Nasir el-Rufai, banned religious protests in Kaduna³ in order to forestall its extension to Kaduna.

In reaction, the Christian Association of Nigeria called on all its members to make a peaceful protest nationwide to demand justice for the murdered Deborah. The protest was staged on Saturday, May 22, 2022 at 3:00 pm in every Secretariat of the Christian Association of Nigeria nationwide and not on the streets in order to avoid further loss of lives. Those without CAN’s secretariat were instructed to use any church with big premises. Nigerians in the diaspora were also urged to stage protests at Nigerian embassies worldwide. They were also urged to make use of the traditional media and the social media in order to give it wide coverage in order to sensitize the whole world.⁴

There were many Christians who have been killed on account of blasphemy and other religious "offences" in the North, some were reported to the police and some were not reported. Deborah’s matter

³ Bridget Edokwe ‘Blasphemy: Rioters Vandalize, Torch Kukah’s Parishes in Sokoto’ BarristerNG.com 14 May 2022.

⁴ Bridget Edokwe, Breaking: CAN Calls For national Protest over Deborah Samuel’ Barrister NG 14 May 2022.

was not the first in Nigeria. Gideon Akaluka, an Igbo trader who was killed in Kano in 1994; Christiana Oluwasesin, a class teacher, was stabbed to death on allegation of blasphemy in Gombe; Talle Kuwa was also killed for blasphemy in Bauch in 2021. Justice was not observed in respect of any them.⁵

There were cases of accused persons who were prosecuted for the offence of blasphemy in the north. In June 20015, a Kano Islamic Court sentenced eight men and one woman to death for saying Sheikh Ibrahim Naisse, founder of the Tijaniyyah order, was greater than Prophet Muhammad. In August 2020, a Kano Islamic Court found Yahaya Sharif-Aminu, an Islamic gospel musician, guilty of section 382 of the Sharia Penal Code, blasphemy, and sentenced him to death. In April 2021, Mubarak Bala, President of the Nigerian Humanist Association was sentenced to a 24-year imprisonment for blaspheming Islam.⁶

Not all Northern Muslims would take part in the lynching of Deborah yesterday even if all of them could be gathered in one place but it appears that those who would take part outnumber or were more forceful and violent than those who would not and that is why perpetrators may never be brought to justice. On Twitter, Atiku Abubakar, PDP's presidential candidate, condemned the killing and there were overwhelming threatening responses against his tweet. People stormed the comment sections threatening to withdraw their support for Atiku's 2023 presidential ambition. Those responses forced him to delete the tweet within minutes.⁷ Thus, the voices of

⁵ Gboyega Akinsanmi, Blasphemy and the Constitution. THISDAYLIVE 22 May 2022 <<https://www.thisdaylive.com/index.php/2022/05/22>> accessed on 7 July 2026.

⁶ Ibid.

⁷ Bridget Edokwe, Deborah: Shame on You – Fani-Kayode, Adeyanju Slam Atiku. BarristerNG.com 14 May 2022

dissenting Northern Muslims (that's if they dare raise their voices at all) are easily drowned by those of the violent majority.

In Deborah's case, the state government has started prosecuting two suspects, Bilyaminu Aliyu and Aminu Hukunci arrested in connection with her murder. Also, the police have declared four other suspects wanted. However, there is doubt that justice will eventually be served because no suspect of previous religious killing has been successfully prosecuted in Nigeria and some northern leaders did not condemn the mob killing or jungle justice on the pretext of fighting for Prophet Muhammad. The fact that a team of 34 lawyers, led by Prof. Mansur Ibrahim of Usmanu Dan Fodiyo University, appeared in defense of the two suspects is, rather than attesting to the conspiracy of the northern elite encouraging recurrence of religious killings,⁸ in conjunction with the suspects' rights to defense under the law.

2.0 CONCEPT OF BLASPHEMY

Blasphemy is the act of insulting or showing contempt or lack of reverence to a deity, or sacred objects, or toward something considered sacred or inviolable.⁹ Blasphemy is defaming a religion in word or deed. Etymologically, the word 'blasphemy' came from *blasfemen* (Middle English word), *blasfemer* (Old French word), *blasphemare* (Late Latin word): all meaning *injure, speech/ utterance/ talk*. The Greek word *blasphemia / blasphemein* means *speaking ill / evil of*.¹⁰

⁸ Gboyega Akinsanmi, 'Blasphemy and the Constitution' THISDAYLIVE 22 May 2022. <<https://www.thisdaylive.com/index.php/2022/05/22>> accessed on 7 July 2026.

⁹ Miriam Diez Bosch and Jordi Sanchez Torrents, *On Blaspheme* (Blanquerna Observatory on Media, Religion and Culture Barcelona 2015).

¹⁰ Online Etymology Dictionary – Blasphemy <[etymonline.com](https://www.etymonline.com)> accessed 7 July 2026.

Some religions regard blasphemy as a religious crime.¹¹ Islam, Christianity and Judaism consider blasphemy as an offence/sin, unlike Hinduism, Buddhism and Jainism who have no concept of blasphemy.¹² In the Bible, blasphemy is referred to as ‘speaking evil of God’¹³, or calumny or evil speaking or abuse¹⁴

Blasphemy laws include all laws which give redress to those insulted on account of their religion. In some countries, blasphemy law is to protect the religious beliefs of a majority, while in other countries, the laws are to protect the religious beliefs of minorities. In a number of states with a majority-Christian/Muslim population, blasphemy laws may criminalize abusive or scurrilous speech about Christianity, and often times, other religions and their adherents, as such offences have the tendency to lead to a breach of peace.¹⁵

Several countries have blasphemy laws but they were later repealed. Such countries include Australia, Canada, Denmark, France, Greece, Ireland, Italy, Norway, New Zealand, Malta, England and the United States. Romania and Sweden are among few countries that do not have blasphemy law at all. Blasphemy laws are intact in some countries such as Austria, Finland, Germany, Philippines, Russia, South Africa and, of course, Nigeria. In a number of countries where Islam is the state religion or where Muslims are a majority, Islamic values and attitudes make them criminalized blasphemy and attached to the offence heavy punishments, including death.

¹¹ ‘Blasphemy Divide: Insults to Religion Remain a Capital Crime in Muslim Lands’ *The Wall Street Journal* 8 January 2015.

¹² ‘Why Hinduism Never Developed a Concept of Blasphemy’ <rediff.com 4 February 2015> accessed 7 July 2026.

¹³ Psalm 74:18; Rom. 2:24; Revelation 13:1, 6; 16:9, 11, 21.

¹⁴ 1 Kings 21:10; Acts 13:45; 18: 6.

¹⁵ Hashemi, Kamran, *Religious Legal Tradition* (International Human Rights Law and Muslim States Brill Academy Publishers 2008) 45.

3.0 PREVALENCE OF JUNGLE JUSTICE IN NIGERIA

Jungle Justice or Mob Justice is a form of public extra-judicial killings where an alleged criminal is humiliated, beaten or summarily executed by a crowd, vigilantes, group of rebels or outlaw people. Jungle justice is taking the law into one's hands rather than going through the proper government agencies for appropriate dispensation of justice which lead to infringement of the victims' rights.¹⁶ The victims may die in the process due to excessive beating or they are set ablaze using old car tires and fuel, may be slaughtered with knives. People know the legal steps to take yet they prefer jungle justice.

Mob justice has been occurring in several parts of Nigeria on several occasions and yet the culprits have not been brought to justice. In May 2022, two alleged thieves of mobile phones were set ablaze and killed in Ijesha area of Lagos.¹⁷ In June 2022, two suspected armed robbers accused of stealing a motorcycle were set ablaze by angry mob in Ibadan.¹⁸ An angry mob lynched and killed a suspected thief for stealing from a girl and raping her on 2021 Christmas Day in Calabar, Cross River State.¹⁹ In 2020, a few police officers were burnt alive during the #EndSARS protests. In the den of book haram, civilians and army officers are being slaughtered or killed. At least 391 persons

¹⁶ Business Day, 'Jungle Justice and the Need for National Orientation (1)' (2001) <<https://businessday.ng/article>> accessed 7 July 2026.

¹⁷ Ayodele Oluwafemi, 'Mob Sets Ablaze Two Men Found with 18 Phones in Lagos' *The Cable* (2022) <<https://www.thecable.ng>> accessed 7 July 2026.

¹⁸ Ademola Adegbite, 'Angry Youths Set 2 Suspected Armed Robbers Ablaze for Allegedly Snatching Motorcycle in Ibadan' *Vanguard* 23 June 2022 <<https://www.vanguardngr.com>> accessed 7 July 2026.

¹⁹ Agosi Todo, 'Suspected Rapist Killed in Christmas-Day Jungle justice' *The Guardian* 25 December 2019. <<https://guardian.ng/tag>> accessed 7 July 2026.

have been killed by mobs across several states in Nigeria between 2019 and May 2022.²⁰

The 1999 Constitution provides:

Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.²¹

In law and an orderly society, suspected criminals (however grave their offences) are given fair trials and are punished or acquitted by the Court, rather than by the mob. What really causes incessant mob justice in Nigeria is that the Nigeria legal system does not have good track record as regards quick disposal of justice; frequent adjournments are rampant in the Courts; the Police frustrate the complainant with excessive delay, visiting the police stations severally with no positive result, at times the detained suspects are released to jump the bail; litigation is too expensive for majority of Nigerians.

Despite the aforementioned challenges facing the criminal justice administration in Nigeria, there is no acceptable justification for jungle justice on the grounds that jungle justice is too carelessly and hurriedly executed; the innocent may in the process be executed; in the world of jungle justice there is only one punishment – death - which may be far beyond the required penalty for the alleged offence; stoning, beating, slaughtering and burning people is illegal and dehumanization and degradation of the humanity; jungle justice is a disgrace to the rule of law and a risk to state of anarchy.

²⁰Ayodele Oluwafemi, 'Report: 391 Mob Killings Recorded in Nigeria in Four Years' *The Cable* 30 May 2022. <<https://www.thecable.ng>> accessed 7 July 2026.

²¹ Constitution of the Federal Republic of Nigeria 1999, As Amended s33(1).

4.0 SHARIA LAW ON BLASPHEMY

Islam is a religion of law and order and it is based on injunctions from both Qur'an and Sunnah (Hadith) and understanding of the pious predecessors. No matter how wise or educated a person is his opinion does not count, he or she must comply with the limits and confinements of the Sharia. Allah says:

*It is not for a believing man or a believing woman, when Allah and His Messenger have decided a matter, that they should [thereafter] have any choice about their affair. And whoever disobeys Allah and His Messenger has certainly strayed into clear error.*²²

The Treatise on Maliki Law, popularly known as 'Risala' provides that no one may be put to death for an offence unless he is convicted on any of the three grounds: adequate testimony, his own admission, or sworn indictment.²³ On the procedure and access to judgment, the Treatise provides that only Judges who observe the court procedure and whose actions or decisions are based on testimony or evidence, admission or oath have the powers to make decisions on the criminal cases.²⁴

Thus, the killers of Deborah, if charged to the court, whether sharia or the state's high court, will be held to have committed offences against Islam or the Penal Code Act, as the case may be, by their unjustified action which represents to the public that Sharia is an uncivilized and primitive system which allows the killing of people without complying with the due process of law. Allah says;

²² Quran 33: 36.

²³ Treatise on Maliki Law translated and annotated by Joseph Kenny Chapter 37.01.

²⁴ Treatise on Maliki Law translated and annotated by Joseph Kenny Chapter 38; see Athamarud Dani (Commentary on Risala) pages 604-707.

Because of that, we decreed upon the Children of Israel that whoever kills a soul unless for a soul or for corruption [done] in the land - it is as if he had slain mankind entirely. And whoever saves one - it is as if he had saved mankind entirely. And our messengers had certainly come to them with clear proofs. Then indeed many of them, [even] after that, throughout the land, were transgressors.²⁵

This means that Islam respects and values all living souls and so no soul should be killed except in the right manner Islam protects lives of Muslims or non-Muslims and their property. Giving rules on blasphemy, the Holy Quran provides

Indeed, the penalty for those who wage war (blasphemes, insults, curses) against Allah and His Messenger and strive upon earth [to cause] corruption is none but that they be killed or crucified or that their hands and feet be cut off from opposite sides or that they be exiled from the land. That is for them a disgrace in this world; and for them in the Hereafter is a great punishment (grievous chastisement).²⁶

This verse of the Holy Quran is interpreted to be general in meaning as it includes every person (Muslim, Christian, traditional religionist and anybody) who commit the types of crimes mentioned in the verse.²⁷ Specifically Allah decrees on blasphemy, ‘And those who abuse the Messenger of Allah - for them is a painful punishment.’²⁸

If someone speaks disrespectfully of the Messenger of God, he should be put to death without accepting his repentance.²⁹ This rule is

²⁵Quran 5:32.

²⁶Qur'an 5:33.

²⁷Tafsīr Ibn Kathīr.

²⁸Qur'an 9: 61.

²⁹ Treatise on Maliki Law translated and annotated by Joseph Kenny Chapter 37 parag37.19 173.

interpreted to mean that whoever intentionally abuses, curses and blasphemes the Prophet of God should be executed in this life and will be punished too hereafter. In addition, a few Hadith is in support of death sentence for blasphemy. It was related that “A Jewess used to abuse the Prophet and disparage him. A man strangled her till she died. The Apostle of Allah (Muhammad) declared that no recompense was payable for her blood.”³⁰

At the time when Muslims conquered Makkah, Ka'b ibn al Ashraf incited the Quraysh against the Prophet and urged them to seek revenge on Muslims. The Prophet ordered that Ka'b ibn al Ashraf be executed. Before the Battle of Ahzab, Abu Rafi' incited the war and also insulted the Prophet. He was ordered to be executed for the offence of blasphemy.³¹ However, the punishment against blasphemy is annulled if the person who committed the offence repent before the arrest. This is provided for in the Holy Quran: ‘Except for those who return [repenting] before you apprehend them. And know that Allah is Forgiving and Merciful.’³²

The Hanafis, the Malikis, the Hanbalis and the Shafi'is are the four most important schools of thought in Islam. According to the Hanafis and the Shafi'is, the repentance of the offender of blasphemy is acceptable if he is a Muslim and a man. He is to be asked to repent. It is only if he refuses to repent that the punishment is death. If the offender is a muslim woman, she is to be imprisoned and got beaten up until she repents. If the offender is a non-Muslim, he / she will be locked up and the punishment can be either death or caning depending

³⁰Sunan Abu Dawud quoted by Assoutudeen Abu Mubashir ‘Punishment for Blasphemy: An Islamic Point of Discourse (2022) <theprophetmedicine.com.ng> accessed 7 July 2026.

³¹the Tafsīr of Suuratul Al- Azhāb Qur'an 33: 57-61.

³²Qur'an 5:34.

on the discretion of the judge.³³ The Shafi'is opinion is a bit different. If the offender is a non-Muslim who wants to be exempted from punishment, he/she is to be converted to Islam, but if she/she refuses the conversion, the punishment is death.³⁴

According to the Malikis, blasphemy has no repentance. Death punishment shall be ordered if he is a muslim man. If the offender is a muslim woman, she will be arrested and get punished until she repents; if she refuses to repent, the punishment is life imprisonment. If he/she is a non-Muslim, he/she will be given death sentence or other severe punishment unless he/she converts to Islam, then he/she will be forgiven.³⁵ However, to the Hanbalis, no repentance will be accepted for blasphemy whether is a man, woman or non-muslim: the only punishment is death sentence.³⁶

The discretion is for the court, and not for the individuals, to decide on which of the schools of thought is to be complied with. Hadith must be interpreted according to the moral, legal, theological, and methodological principles of Islam. They cannot be acted upon according to one's own personal understanding.³⁷

Mercy and patience with blasphemy was the general rule applied by the Prophet (PBUH), while legal punishment was the exception only when it was compounded by high crimes of apostasy, treason, warfare,

³³Tobaqōtuli Hanafiyah as quoted by Assoutudeen Abu Mubashir (2022). Punishment for Blasphemy: An Islamic Point of Discourse. <theprophetmedicine.com.ng> accessed 7 July 2026.

³⁴Fiqhudīnālaa Modhābi Shafahiy as quoted by Assoutudeen(n33).

³⁵ Natruli Awālik and Sharh Muwatoh Imam Mālik as quoted by Assoutudeen(n33).

³⁶ Tobaqootul Hanābilah as quoted by Assoutudeen(n33).

³⁷ Murtadha Gusau, Friday Sermon: Deborah killing: Stop Taking the Law into Your Own Hands' *Premium Times* 13 May 2022 <<https://www.premiumtimesng.com/opinion/529527.html>> accessed 10 July 2026.

sedition, or incitement.³⁸ The general answer to blasphemy as commanded in the Qur'an is to respond with patience, beautiful preaching, and graceful avoidance as provided for by Allah in the following injunctions:

*Be patient over what they say and avoid them with gracious avoidance.*³⁹

*So be patient over what they say and exalt with the praises of your Lord before the rising of the sun and before its setting.*⁴⁰

*So be patient over what they say and exalt with the praises of your Lord before the rising of the sun and before its setting.*⁴¹

*We already know that your heart is constrained by what they say, so glorify the praises of your Lord and be among those who prostrate.*⁴²

You will surely be tested in your possessions and in yourselves, and you will surely hear from those who were given the Scripture before you and from those who associate others with Allah much abuse. But if you are patient and fear Allah, that is of the matters requiring resolve.⁴³

When you see those who engage in offensive discourse concerning Our verses, then turn away from them until they enter into another conversion.⁴⁴

³⁸ Ibid.

³⁹ Surah al-Muzzamil, 73:10.

⁴⁰ Surah Qaaf, 50:39.

⁴¹ Surah Ta Ha, 20:130.

⁴² Surah al-Hijr, 15:97-98.

⁴³ Surah Ali Imran, 3:186.

⁴⁴ Surah al-An 'am, 6:68.

It has already been revealed to you in the Book that when you hear the verses of Allah, they are denied and ridiculed. So do not sit with them until they enter into another conversation. Verily, you would then be like them.⁴⁵

Therefore, if the Prophet of Allah, Muhammad (PBUH) were alive on the day the blasphemy took place, he would not kill Deborah. He was such a magnificent man, who forgave many wrongs done to him in his lifetime. He was called so many wrong names to his face and he was stoned seriously and he never raised a finger against them until they initiated wars against him. Many converts during his lifetime embraced Islam because of his character towards them, were he to be killing them on their acts of blasphemy, he would not have seen anyone accepting the Islam he preached to them. There was no instance of where the Holy Prophet killed for being insulted in his life time. He was nicknamed ‘*al-ameen*’ (meaning: the trustworthy). Therefore, the killing of Deborah on blasphemy by the mob was ‘unislamic’ and was barbaric and should be condemned by all.

Sharia does not condone mob action against anyone. Human life is sacred and no individual has the right to take it unjustly. Allah says:

*We ordained for the Children of Israel that if any one slew a person – unless it be for murder or for spreading mischief in the land – it would be as if he slew the whole people: and if any one saved a life, it would be as if he saved the life of the whole people...*⁴⁶

Prophet Muhammad (PBUH) and all the great classical jurists (fuqaha) of all schools of Islamic jurisprudence, have categorically asked us to maintain and follow the rule of law, and respect for constituted legal authority. We cannot pray for peace, while simultaneously perpetuating a system that will most effectively destroy peace. Feeling

⁴⁵ Surah al-Nisa’, 4:140.

⁴⁶ Qur’an 5:32.

hurt by the words and actions of others against the Prophet (PBUH) and lack of trust in the criminal justice administration system of Nigeria cannot justify mob justice. One's love for Islam, Prophet Muhammad (PBUH) or any other of Allah's prophets and messengers - peace be upon them all – is not justification for taking the law into one's own hands, and contravening the Sharia.

There is a valid judicial system in Islam which hears and determines cases including the trial of criminal offences and anybody accused of committing an offence against the religion or against a fellow Muslim should be taken to the court (either a Sharia or common law court) for adjudication. It is only when a person is convicted and sentenced by a court of law that he will be liable to a punishment which will be carried out by the appropriate authority. The act of taking laws into one's hand or mob justice against a perpetrator of blasphemy is not Islamic.⁴⁷ Prophet Muhammad (PBUH) was the judge or Kadi of Muslims during his lifetime. All criminal offences were presented to him. No knowledgeable or rightly guided companion, no matter his knowledge of punishments of offences in Islam, would decide any matter individually or collectively without first reporting it to the legitimate authority. What scholars can do is to advise a judge.⁴⁸

The concept of extra-judicial killing motivated by tribalistic or religious motive has no basis in Islam.⁴⁹

5.0 NIGERIAN LEGAL FRAMEWORKS ON BLASPHEMY

Blasphemy is an offence under the Criminal Code Act, 2004, which classifies it as public insult while it is tagged as 'Insulting or exciting

⁴⁷ Assoutudeen Abu Mubashir (n33).

⁴⁸ Ibid.

⁴⁹ Murtadha Gusau(n37).

contempt of religious creed' in the Penal Code Act. The Criminal Code Act provides:

Any person who does an act which any class of persons consider as a public insult on their religion, with the intention that they should consider the act such an insult, and any person who does an unlawful act with the knowledge that any class of persons will consider it such an insult, is guilty of a misdemeanor, and is liable to imprisonment for two years.⁵⁰

The Penal Code Act provides:

*Whoever by any means publicly insults or seeks to incite contempt of any religion in such a manner as to be likely to lead to a breach of the peace, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.*⁵¹

According to both sections, a convict shall be liable to imprisonment for two years only, and not death sentence. Thus, all the sentences by the Islamic courts would be null and void if they were subjected to judicial interpretation under the Criminal Code Act.

The 1999 Constitution provides that the Government of the Federation or of a State "shall not adopt any religion as State Religion."⁵² and the Sharia Law, whose provisions are inconsistent with those of the constitution are null and void to the extent of its inconsistency. The Constitution provides that the provisions of the Constitution are supreme and its provisions shall have binding force on the authorities and persons throughout the Federal Republic of Nigeria.⁵³ The 1999

⁵⁰ Criminal code Act 2014 s204.

⁵¹ Penal Code Act 2014 s210

⁵² Constitution of the Federal Republic of Nigeria 1999, as amended, s10.

⁵³ Constitution of the Federal Republic of Nigeria 1999, as amended, s1(1)

Constitution, being the grundnorm, is superior to any legislation enacted whether by the federal legislature or by the state legislature.

The 1999 Constitution provides that if any other law is inconsistent with the provisions of this Constitution, this Constitution shall prevail, and that other law shall, to the extent of the inconsistency, be void.⁵⁴ This provision is to take care of any conflicts of law may arise during relations and interactions among the citizens.

In addition, the 1999 Constitution provides that every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance.⁵⁵ Thus, punishing suspects arbitrarily for blasphemy, whether by mob actions or by Islamic courts, is a violation of the 1999 Constitution's provisions which promote inter-religious tolerance and promoting religion freedom and foster a culture of peaceful coexistence among Nigerians.

In *Shalla v State*,⁵⁶ the Supreme Court of Nigeria held:

*The trite position of the law under Sharia is that any sane and adult Muslim who insults, defames or utters words or acts which are capable of bringing into disrepute, odium, contempt, the person of Holy Prophet Mohammed (SAW), such a person has committed a serious crime which is punishable by death. See: Alkhurshi, Commentary on Mukhtasar AI-Khalil. Vol. 8 page 70; Hashiyatul Adawi Vol. 2 page 290.*⁵⁷

⁵⁴ Constitution of the Federal Republic of Nigeria 1999, as amended, s1(2).

⁵⁵ Constitution of the Federal Republic of Nigeria 1999, as amended, s38.

⁵⁶ (2007) LPELR-3034(SC).

⁵⁷ Per Ibrahim Tanko Muhammad, JSC (Pp 65 - 66 Paras F - A).

The judgment of the Supreme Court in the above case supporting death penalty for blasphemy is contrary to the provisions of the Constitution which provided for right to life and how same can be lawfully taken.⁵⁸ In *Kaza v State*,⁵⁹ the same Court held:

Under Sharia, any sane and adult Muslim who insults, defames or utters words or does acts which are capable of bringing into disrepute, odium or contempt the person of the Holy Prophet Muhammad (SAW), such a person has committed a serious crime which is punishable by death. However, Islamic law has not left the killing open in the hands of private individuals. The offence alleged has to be established through evidence before a court of law. The court itself will have to implore its professional dexterity in treating the case by allowing fair hearing and excluding all the inadmissible evidence or those persons who may fall within the general exemption clause such as an infant, imbecile or those who suffer mental delusion. The law would have set a dangerous precedence if individuals were authorized to take the law into their hands as the appellant and others did in the instant case.⁶⁰

It is trite law that Islamic personal law is only applicable to those who adhere to Islam or who submit to the application of same on their own volition. On Whether Islamic criminal law permits jungle justice, the Supreme Court of Nigeria further held:

*Sharia is a stable jurisprudence built on the tenets of fair hearing. An accused person cannot, in principle, be convicted without being heard. And what is more, a hearing must be before a judicially recognized adjudicatory body, not a collective body of local persons out to do jungle justice, a kangaroo court.*⁶¹

⁵⁸ Constitution of the Federal Republic of Nigeria 1999, as amended, s33.

⁵⁹ (2008)7 NWLR (pt 1085) 125.

⁶⁰ *Kaza v State* (2008)7 NWLR (Pt1085) 125 199, paras A-D, H.

⁶¹ *Kaza v State* (2008)7 NWLR (PT.1085) 125 181, para-E.

Nigeria is not a jungle; this is a country under law and no one is allowed by the law to give themselves the luxury to constitute themselves into the law. No extra-judicial killing is allowed under the laws. An accused person is deemed innocent until he or she has been given fair hearing under the law and is found guilty and sentenced appropriately. Such an accused also has the right of appeal to superior courts of competent jurisdiction. It is trite that no one may be the accuser and the judge in his own cause. You cannot be the accuser, the prosecutor and the executor at one and the same time. If you think someone has run afoul of the law, the appropriate thing is to run the person through the whole gamut of the law- and not for you to take the law into your own hands.

6.0 BLASPHEMY LAWS IN OTHER JURISDICTIONS

Many African countries do not have blasphemy law, and where it exists, punishments range from fines to few months' imprisonment, e.g. Afghanistan, Yemen, Somalia and Mauritania. In Mauritania the offenders shall be given three days to repent after which he/she is condemned to death.⁶² Afghanistan, being an Islamic country, prohibits blasphemy as an offence under Sharia. Blasphemy can be punished by retaliatory penalties up to and including execution by hanging.⁶³ Algeria uses retaliatory legislation rather than Sharia to combat blasphemy against Islam. The penalty for blasphemy can be up to 10 years of imprisonment and a fine.⁶⁴ Bangladesh forbids blasphemy by a provision in its penal code that prohibits hurting religious sentiments.

⁶² Kelechi Deca, Advanced Campaign and strategies. Hub-Posts-Facebook (2022). <<https://m.facebook.com/Justacshrub/posts>> accessed 8 July 2026.

⁶³ 2008 Report on International Religious Freedom – Afghanistan. United States Department of State 19 September 2008.

⁶⁴ Algeria: Samia Smets Acquitted'. Women Living Under Muslim Laws. 30 October 2008.

In Egypt the penalty for blasphemy and similar crimes: Confinement for a period of not less than six months and not exceeding five years, or a fine of not less than five hundred pounds and not exceeding one thousand pounds shall be the penalty inflicted on whoever makes use of religion in propagating, either by words, in writing, or in any other means.⁶⁵ In the United States, no blasphemy laws exist at the federal level: ‘Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press.’⁶⁶

Concerning freedoms of opinion and expression, the International Covenant on Civil and Political Rights 1976 provides:

Prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant, except in the specific circumstances envisaged in article 20, paragraph 2, of the Covenant. Such prohibitions must also comply with the strict requirements of article 19, paragraph 3, as well as such articles as 2, 5, 17, 18 and 26. Thus, for instance, it would be impermissible for any such laws to discriminate in favor of or against one or certain religions or belief systems, or their adherents over another, or religious believers over non-believers. Nor would it be permissible for such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith.⁶⁷

The UN General Assembly International Covenant on Civil and Political Rights 1976 further provides that countries shall adopt

⁶⁵ Article 98(f) of the Egyptian Penal Code, as amended by Law 147/2006.

⁶⁶ The First Amendment to the United States Constitution (adopted in 1791).

⁶⁷ UNHRC's ‘General Comment 34 - Paragraph 48’ on the International Covenant on Civil and Political Rights (ICCPR) 1976.

legislative measures against ‘any advocacy of national racial or religious hatred that constitutes incitement to discrimination, hostility or violence.’^{68 69}

7.0 RECOMMENDATION AND CONCLUSION

The killers of Deborah were students of an institution of higher learning: thus, illiteracy is not the problem. Ethnicity is also not the problem: the killers and Deborah were members of the same ethnic group. It is not religion because Islam is not in support of mob-justice. Thus, the problems are multi-faceted and multi-dimensional.⁷⁰ Jungle justice is a serious threat to national security in Nigeria. In order to fight against jungle justice, all the challenges facing the criminal justice administration in Nigeria should be positively tackled so that people will have trust in the Nigerian legal system. Deborah’s murder over alleged blasphemy is condemnable. Let us blame the perpetrators, not Muslims and Northerners. There are good and bad people in every religion and region. What happened in Sokoto is a manifestation of ignorance on what the religion of Islam preaches. We should focus on improving the criminal justice administration system in Nigeria.

⁶⁸ International Covenant on Civil and Political Rights ar20; Hashemi, Kamran, *Religious Legal Tradition. International Human Rights Law and Muslim States* (Brill Academy Publishers 2008) 45.

⁶⁹ General comment No. 34, Article 19: Freedom of opinion and expression. General Remarks (PDF) <International-covenant-on-civil-and-political-rights-12-September-2011 \9pdf0> accessed 7 July 2026.

⁷⁰ Bolanle Bolawole, ‘Honour: Where Christians, Muslims Parted Ways’ (Global Patriot News 2022) <<https://globalpatriotnews.com>> accessed 7 July 2026.