

THE POSITION OF ISLAM ON PROTEST AND DEMONSTRATION: A NIGERIA SITUATION

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ABSTRACT

The constitution of Federal Republic of Nigeria is very clear on the permissibility of citizen to demonstrate and protest without hindrance from any quarters. Section forty of the 1999 constitution provide thus: Every person shall be entitled to assemble freely and associate with other persons and in particular, he may form or belong to any political party, trade union or any other association for the protection of his interest. Equally chapter 8, article 10 of African charter on human and peoples right, the public order act as explained by appeal court provide that, citizen no longer require police permit before they can freely assemble. It is the intention of this writing to discuss a primer precinct of Islamic teaching and reflection on the permissibility and or other wise of protect and demonstration. Suggestions and recommendations are given on protest according to Islamic methodology of engagement.

Keywords: Islam, Protest, Demonstration, Nigeria.

1. Introduction

All over the world, particularly the democratic country and government citizens are legally allowed to express their feelings and send messages to government of the day through writings, dialogue, demonstrations and protests. To protest publicly and demand changes in government policies. Also to console one another and to raise voices on the actions and inactions of the established authority. Right from the colonial period in Nigeria, protest and demonstrations took place to demand for certain changes in policies of government that is detrimental to the needs and aspirations of the citizen. History bear witness to these protest, from Aba women's riot to date have played a crucial role in shaping Nigerian political landscape. Each wave of protest underscores the citizen's resilience and determination to hold their leaders accountable and address systematic issues.

The Concept of Protest

A protest or demonstration is a public act of objection, disapproval or dissent, against social, religious or political dissatisfactions exhibited by the generality of the public. The expression of disagreement with disapproval of, or opposition to something by complaining strongly and openly about it. There are many types of protest and actions against policies by established authorities such marches, demonstrations, boycotts, silent vigils, petitions

picketing etc (<https://www.nia.gov.au>). A movement of organized efforts by significant citizen of people can come together to promote social change through various forms of activism and resistance against injustices or oppressive system.

Protest in Islam

In the expression from the Quran, which is an established Muslim book of Law and the teaching from the Prophet, Islam have explicitly made protest lawful and in some cases encourage it, depending on the circumstances prevailing in a given situations.

For instance, Allah said in the Quran; Allah does not like evil talk in the public unless it is by someone who has been injured or wronged 4:148

In this Quranic verse, Allah gave permission to somebody who is wronged to express publicly or protest injustice done to him and hold the person who wronged him accountable.

Protest against injustice or aberration to the known norms in the society is not a new phenomenon in Islam. Prophet Ibrahim protested against the worshipping of idols done by his people as something abomination:

"When he said to his father and his people: what are these statues to which you are devoted: they said, we found our fathers worshippers of them. He said, you were certainly you and your

father, in manifest error Qr. 21: 52-54."

Prophet Ibrahim suffered the consequences of his protest. However because of his resilience and determination to correct the wrong of his people he went ahead to implement his actions. His people wanted to kill him in the burning fire but Allah saved him from them because of his clear and determined mind to effect change in his society.

The Prophet of Islam suffered the same fate of embarrassment and torture when he protest against the Arabs idols. He was beaten and expelled from Mecca, his natural place of birth to a remote village of Yathrib now Madina. The Quran mentioned the prophet's encountered with the idol worshippers that:

"So have you considered al-lat and al-uzza; and mariat, the third and the other one; is the male for you and female for Allah? That then is an unjust division. They are not but names you have invented, you and your forefathers – for which Allah has sent down no authority. They follow not except assumption and what their souls desire.... Quran 53: 19-23.

The Quran accused the Arabs for worshipping manmade idols, which they carved them with their own hands and then made them objects of their devotions. The prophet has drawn their attentions to the acts as foolishness. Thus, led to so many encountered that made the idol worshippers to place stringent measures against him. He had to migrate from Macca to Madina, a more secured place. Eventually, changes were affected which happened till date.

Enjoin Good and Forbid Evil

Protest is a form of enjoining good and forbidding evil. To speak against injustice is a fundamental principle of Islam. Participation in protests against oppression is required; it constitutes giving help to the oppressed in the society. Allah said:

The believing men and believing women are allies of one another, they enjoin what is right and forbid what is wrong Those Allah will have mercy upon them. Allah is exalted in power and wise. Qr 9:71.

This means that protesting if done with

faith and trusts in Allah, is a meritorious act regardless of whether it results in immediate benefit. If however, one knows with reasonable surety that such protest will deliver Islamic goods such as changing unpopular government policies; it is highly encouraged – Raji 40.

Maintain Islamic Etiquette and avoid Harm

The protest can be an opportunity to showcase Islam as witness the protesters do in many cases where during engagement Muslims are seen praying while non-Muslim circled them in the spirit of the unity of purpose.

On Ohio State University campus, for instance, the Muslim students were praying during protest for Palestinian liberation and the non-Muslim students surrounded the Muslims engaged in prayers to protect them from the police, chanting "let them pray" (<https://www.oas.org>protesta>).

Recognition of Right to Oppose Injustice

Among the right Islam has conferred on human being, is the right to protest against tyrannical authority and unpopular policies. Protest is a kind of sending a sincere advice to rulers. The prophet Muhammad said:

"Religion is sincere to Allah, His book, His messenger, the leaders and all" (Sahib mushui 35).

Protest therefore against bad leaders are helping them to realize their mistakes and make adjustment for them to succeed in this world and also in the hereafter Bilal Philip 208. The prophet Muhammad said: "No servant is given authority by Allah and he does not fulfill its duties sincerely except that he will never smell the fragrance of paradise" (Sahih Bukhari 6731).

In another hadith, the prophet said:

Verily, among the greatest acts of Jihad is a person to speak the truth to a tyrannical leader" Sunan al-Tirmidhi 2174.

In keeping with Islamic principles, one should speak to the unjust leader in private first, but if he did not respond to the truth, then, protest against him is necessary mandadi 179.

Trust Allah in all Actions

According to Islamic teaching, whenever people engage in protests and

demonstration, they should put their trust in Allah, who is the creator of those tyrants. Allah will keep you to achieve success. This is because injustice is what Allah hate. The prayers of oppressed are always answered by Allah. Islam is the religion of Justice; Muslim should therefore stand for justice and speak out against tyranny: Allah said:

"You who have believed, stand firm for Allah, witnesses in justice, and do not let the hatred of a people prevent you from being just. Be just, that is nearer to righteousness. And fear Allah, indeed, Allah is acquainted with what you do. Q.5: 8

Reflection of Protest and Demonstration by some Contemporary Scholars

The contemporary scholars of Islamic jurisprudence have reflected in the permissibility or otherwise of protest in Islam, particularly in the modern world.

Muhammad Saleh al-Ussaimi; He consider peaceful protests permissible in Islam as long as it satisfies the certain conditions such as:

*A just cause, which aimed at addressing injustice, corruption and oppression
Peaceful and non-violent means
Avoidance of harm to innocent
Respect for laws of engagements*

He therefore submitted that anything short of the above, protest is prohibited. He encourages dialogue, negotiation, petitions and written appeals where necessary in order to avoid streets protest.

Muhammad Nasiruddin al-Banni: He considers protest and demonstration in the modern sense is something prohibited in Islam. He said the Islamic principles of protest is accepted, however, engagement in this modern time is not free from chaos, disorder, disobedience to the law of engagements, potential violence and capable of creating division among Muslims. He considers and stressed the need for individual Muslims to focus on individual reform for spiritual growth. It should however be known that all the Islamic scholars, early and contemporary have accepted the rights of Muslims to protest injustice within the boundaries of the laws of engagement.

Protest in the Nigeria situation

The protection of the right to freedom of assembly is very fundamental in a democratic society. The government as well as the citizens have distinctive role to play in its protection. It is the primary responsibility of the state to put in place adequate mechanisms to ensure that the right to freedom of assembly is practically enjoyed and not hampered by undue restriction.

This responsibility of the government comes with the counter obligation on the part of the citizen to ensure that his or her right is exercised appropriately and in accordance with the law (action 4 Justice.org).

The issuance of police permit for rallies or any other assembly is not a requirement for the exercise of his right, so the police cannot rely on the act to demand people to apply for permits before organizing an assembly.

This was confirmed in the case of Inspector General of police verses All Nigeria People's Party (2008) 12 WIZN 65 by Nigeria Court of Appeal. The Public Order Act 1979 in section 1 of the Act empowers only the State Governor to prescribe the route and the time by which any procession may pass, for general public to be notified.

Notification of police is essential when the organisers of an assembly require police protection during the said assembly. It is illegal for the law enforcement agencies to violate peaceful protests in the manner as follows:

*Proposing laws that seek to restrict the right to free assembly
Use of force or firearms to disrupts a peaceful gathering
Imposing fines or penalties for conducting a peaceful protest
Causing physical harm to peaceful protesters
Preventing a peaceful protest for not having a permit
Arresting or detaining peaceful protesters*

There is however rampant violations of human right and citizen right both by the Government of the day and law enforcement agencies on the slightest pretense of public interest Act in Nigeria.

In Nigeria, it is irony to see that government officials from the president,

commander in Chief of the Nigerian Army, who at a given time benefited from the legal protests and processions turned away from the law enforcement agencies brutality against the innocent citizens protesting.

1. Recommendations

Any policy to be carried out by government that is capable of having direct consequences to the lives of the citizens should be done through memorandum.

The scholars should educate Muslims on their right to talk against the bad policies of their leaders.

The scholars should educate Muslims against violence protest which is not in line with the teaching of Islam.

The government must not do any policy that is detriment to the social, political and economic wellbeing of the citizen in order to avoid protest.

The law enforcement agencies should allow the citizen to exercise the right to protest without hindrance and they should be professional in their conduct during the protests.

Citizens should know the limit of their engagement within the ambit of the law. That they should not give the law enforcement agents slightest change for brutality.

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