

COMPARATIVE ANALYSIS OF THE ISLAMIC LAW AND COMMON LAW IN NIGERIA: CASE STUDY OF ADULTERY AND THEFT

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ABSTRACT

The colonial rulers pursued a policy, which aimed at curtailing the application of Islamic law. The legal and judicial system they enshrined and the institution they established were governed by rules, which were structured to achieve the said objectives. The legislature of the country as well as the courts ensured that English Law was promoted at the expense of Islamic and Customary laws. Despite the achievement of Independence in 1960, the trends have not being changed. This paper highlights the objectives of Shari'ah and also attempts a comparative analysis of the Islamic legal system and the English Law within the Nigerian context especially as its relate to the punishment of adultery and theft and it implication. The paper proffers some useful suggestions for the purpose of peaceful co-existence and national understanding and co-operation.

KEYWORDS: Shari'ah, Adultery, Fornication, Stealing, Theft, Legal System