

***SELECTED THEMES IN 'AL-NASIHATU AL-KUBRA' AND ITS RELEVANCE TO THE PRINCIPLE OF SADD AL-DHARI'A***

**TEMA TERPILIH DALAM 'AL-NASIHATU AL-KUBRA' DAN RELEVANSINYA DENGAN PRINSIP SADD AL-DHARI'A**

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**Abstract:**

*The introductory part of the theme started with a major jurisprudential ordinance of prohibition (al-Tahrim) of homicide. This indeed, has a direct bearing with the issue of ideological crises. The Islamic panel system is aimed at discouraging and protecting the entire society from criminal activities and crises that may occur and disrupt the peaceful coexistence of the people. In fact, this is why the Islamic panel system is universal system that suits all time and place. Therefore, this study is aimed at examining the potentialities of Principles of Fiqh in the selected themes as well as to determine the challenges of ideological calamities. The method used to gather the information was qualitative research method that involved desk research. The paper explored the potentialities of Fiqh Principles on the basis of the current Persisting Ideological Crises (P.I.C) that resulted to anarchy in Nigeria. This offered a great insight to the topical issues therein. It was also revealed that the themes were developed based on the principle of Sadd al-Dhari'a. The paper adopted desk review and secondary data for the research.*

**Keywords:** *Sadd al-Dhari'a, 'al-Nasihatu al-Kubra', Relevance and Principle*



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## Abstrak:

Bagian pendahuluan dari tema dimulai dengan ordonansi yurisprudensi utama tentang larangan (*al-Tahrim*) pembunuhan. Hal ini memang berkaitan langsung dengan persoalan krisis ideologi. Sistem panel Islam bertujuan untuk mencegah dan melindungi seluruh masyarakat dari kegiatan kriminal dan krisis yang mungkin terjadi dan mengganggu koeksistensi damai umat. Padahal, inilah mengapa sistem panel Islam merupakan sistem universal yang sesuai dengan segala waktu dan tempat. Oleh karena itu, penelitian ini bertujuan untuk mengkaji potensi Prinsip-prinsip Fiqh dalam tema-tema terpilih serta untuk menentukan tantangan bencana ideologis. Metode yang digunakan untuk mengumpulkan informasi adalah metode penelitian kualitatif yang melibatkan desk research. Makalah ini mengeksplorasi potensi Prinsip Fiqh berdasarkan Krisis Ideologi Persisting (P.I.C) saat ini yang mengakibatkan anarki di Nigeria. Ini menawarkan wawasan yang bagus untuk isu-isu topikal di dalamnya. Diungkapkan pula bahwa tema-tema tersebut dikembangkan berdasarkan prinsip *Sadd al-Dhari'a*. Makalah ini mengadopsi tinjauan meja dan data sekunder untuk penelitian.

**Kata Kunci:** *Sadd al-Dhari'a*, '*al-Nasihatu al-Kubra*', *Relevansi dan Prinsip*.

## A. Introduction

The themes under this study was developed by Sheikh Sheriff Ibrahim Saleh al-Husaini in his authored book named it as (*al-Nasihatu al-Kubraa*) translated as 'the eminent advice'. The book contains pieces of advice meant to the generality of the Muslims, particularly Nigerians. The selected themes serve as a precautionary message to the Muslim population in Nigeria.<sup>1</sup> Having examined the peculiarities of the happenings in Nigeria which are caused by different factors. This means, many parts Nigerian territory have experienced a type of affliction or calamity as a result of crises or else.

The themes of the book '*al-Nasihatu al-Kubra*' were formed based on the *Qa'idah* (Maxim) thus states "Religion is *Nasihah*." The aforementioned maxim is treated as universally accepted maxim that deals with many particulars of *Fiqh* because the maxim tries to describe the essence of Shari'ah. As it also tries to strengthen the relationship between servant and his creator<sup>2</sup> in the fulfillment of the obligations in the best way possible (*Ihsan*).<sup>3</sup> Not only this, but to fulfil obligations towards the humanity in order to observe love, affection, care, help and protection from

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<sup>1</sup> S. S Ibrahim, "al-Nasihatu al-Kubra", al-Siyaada publishers, Abuja Nigeria, Vol. 1, 2014, P, 4

<sup>2</sup> U. S. Fauzi, 'al-Qawa'id wa al-Dawabit al-Fiqhiyyah wa Tatbiqaatiha fi al-Siyasa al-Shar'iyah' Daru al-Asimah KSA, First Edition, 2011, p. 179

<sup>3</sup> A. B. Jamal, 'Commentary of Forty Hadiths of An-Nawawi' Forty Hadith.com This website hosted by the Kulliyah of ICT, IIUM 2002, p. 42.



upcoming harms that may occur.<sup>4</sup> Imam Abu Dawud may Allah the Exalted have mercy on him was reported to have said the themes and particulars of *Fiqh* revolve around the Prophetic tradition of '*al-Deen al-Nasiha*'.<sup>5</sup>

The term "*Nasiha*" in the above hadith cannot be perfectly translated into English for its broad nature and concept. Though, some translated it to mean "sincerity" but this is only part of the concept to either negate deception or to refute dishonest.<sup>6</sup> According to Al-khattabi, the word *Nasiha* is from the root word *Nus'h* (advice). He further expresses that the word *Nus'h* is all about giving words of advice for the sake of goodness. Therefore, giving the words of *Nasiha* is not limited to uttering of words of advice on lips, but the concept of *Nasiha* is more wide based on its concept and context as expressed in the aforementioned tradition of the Noble Prophet ﷺ. In this regard, *Nasiha* is delivered for the sake of facility (*Maslaha*).<sup>7</sup> Imam Ibnu al-Salah, upholds *Nasiha* as "truly seeking the best, in terms of intention and action, for the one whom he is delivering *Nasiha*".<sup>8</sup>

Furthermore, the analysis found that the title and the content of the book (*al-Nasihatu al-Kubraa*) imply the principle of *Sadd al-Dhara'I* (Blocking the means leading to evil). Ibn al-Qayyim maintained that, *Sadd al-Dhara'I* is one-fourth of the Shari'ah because it was established to protect Islamic Law.<sup>9</sup> In context, *sadd al-dhara'i* is a potential principle that made to be used in blocking means leading to certain public harm (*mafsadah*) or to open the gate way to secure a certain public benefit (*maslahah*).<sup>10</sup>

The principle of *Sadd al-Dhara'I* comprises of two separate terms i.e. *Sadd* and the other pair is *Dhari'ah*. Literally *Sadd* means to block and prevent. *Dhari'ah* means a leading way to a benefit or harm. The technical definition of the concept *Sadd al-Dhara'I* is blocking the means

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<sup>4</sup> Ibid, p. 179.

<sup>5</sup> U. S. Fauzi, 'al-Qawa'id wa al-Dawabit al-Fiqhiyyah wa Tatbiqaatiha fi al-Siyasa al-Shar'iyah' Daru al-Asimah KSA, First Edition, 2011, P, 181

<sup>6</sup> Jamal Ahmed Badi, Commentary *Op cit*, p. 42.

<sup>7</sup> U. S. Fauzi Usman Saleh, *Op cit*, p. 179.

<sup>8</sup> Jamal Ahmed Badi, Commentary, *Op cit*, p. 42

<sup>9</sup> J. Abdallah, P, 9 Adapting the Principle of *Sadd Zari'ah* by the Government in the Regulation of Product and Service Labelling Suraiya Osman, Abdullaah Jalil and Suhaimi Abd Rahman, International Seminar on Legal and Islamic Economy & Finance, Johor Malaysia, Nov 11-12, 2019, Conference Paper · February

<sup>10</sup> J, Abdullaah, and A, Suhaima, Adapting the Principle of *Sadd Zari'ah* by the Government in the Regulation of Product and Service Labelling, International Seminar on Legal and Islamic Economy & Finance, A Paper presented at a Conference in Johor, Malaysia, Nov 11-12, 2019, p. 9.



leading to an evil or a bad implication.<sup>11</sup> A clear example is the current ideological crises in Nigeria led by ill-fated way of propagating Islam. Basically, the propagation in Islam is mandatory (*wajib*).

With this, the author sees it imperative to partake his advice in form of literature, this is to combat ideological crises and other forms of calamities and social vices befalling the national interest based on the Principle of *Sadd al-Dhari'a*. *Sadd al-Dhara'I* (Blocking the ways) as a principle is not much different from the principle of *al-Masalih al-Mursalah* (unspecified public interest) ranging from Benefit, help, good, and many more.<sup>12</sup>

## B. Methods

A literature study approach was employed to write this paper. The study of literature is essentially the same as research in general, with the exception that the researcher' secondary data comes from the literature study method. Among the procedures the researcher will take to prepare this article are the following: first, the researcher looks for and gathers reference materials that are related to the research's subject matter. In order to fully understand the intersections of this article, various scientific publications that have been collected are analysed and elaborated in the second step. Third, as the final phase, the researcher draws a conclusion on selected themes in 'al-nasihatu al-kubra' and its relevance to the principle of *sadd al-dhari'a*

## C. Result and Discussion

### 1. Background Themes

The introduction of the book under this study sheds more lights on those groups that claimed to be among the *Salaf* or *Ahl al-Sunnah wa al-Jama'a* rather a self-acclaimed group. Moreover, the author added the conditions meriting one to be part and parcel of (*Ahl al-Sunnah wa al-Jama'a*).<sup>13</sup> The referred *Ahl al-Sunnah wa al-Jama'a* are those pledged their allegiance and affiliation to the Islamic School of thought followed by majority of the Muslims in unison (greatest mass of followers of Islam) as well as those exonerate themselves from other sects like Kharijites,

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<sup>11</sup> al-Zuhaili, W, *Usul al-Fiqh al-Islami*, Daar al-Fikr, Damascus, 1986, p. 872

<sup>12</sup> *Al-Qawa'id Al-Fiqhiyyah* (Legal Maxims of Islamic Jurisprudence) A Translated Compilation, Islamic University of North America, (Mishkah) Islamic Studies English Program, 2013, P, 146

<sup>13</sup> S. S. Ibrahim, "al-Nasihatu al-Kubra", *Op cit*, p. 4.



Shi'ites, Mutazilites and many more sects.<sup>14</sup> Therefore, according to the author those who be in the safer side are those Muslims saved from disagreement over fundamental issues of Islam. The author of *al-Nasihatu al-Kubra* was quoted to have stated; there was a time when Imam Sahl b. Abdillahi al-Tusturi was asked about when someone classifies himself to be within the fold of those who are unified for promoting Islamic affairs (*Jama'ah*). He replied, if he keeps himself within the fold of unified *Jama'ah* as well as abstains from abusive words against the companions of the Noble Prophet Muhammad (may the peace and blessings of Allah be upon him) and those who do not kill or opposed in taking arms against others. And perhaps the last are those who refrain to excommunicate and label others as infidels (*Kuffar*).<sup>15</sup>

Since the theme of this chapter revolves within the sphere of ideological crises. It is not surprising that the ideology of *takfirism* is a pressing issue and it has been circulating on the lips of some Muslims. Indeed, the issue of *takfir* has caused different calamities as it caused disunity among the Muslim population<sup>16</sup> particularly Nigeria.

## 2. Theme: Ideology of the New Brand of *Khawarij* Sect

The term Kharijites was derived from the Arabic word *Kharaja* (He went out). The group was nicknamed as *Khawarij* for their defection and isolation from the generality of the Muslims. They rebelled against the ruling powers of some of the companions of the Noble prophet in the early history of Islam. Similarly, their idea was opposed by the generality of the Muslims for the fact that they turned their face from the ideals of Islam. This sect was known for the perfect recitation of the Glorious Quran and outrageous performance of rituals. Nonetheless, they use to interpret the Glorious Quran to Suit their sectarian interest.<sup>17</sup> In the field of Islamic terminology *Khawarij* are those secedes Muslims who tilt from main stream Islam and declare other faithful Muslims as apostates.<sup>18</sup>

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<sup>14</sup> Cited in S, Fauzan, 'The School of Ahl al-Sunnah wa al-Jama'a and the attachment of Indonesian Muslims to its Doctrines', *Journal of Indonesian Islam*, Vol. 02, No, 1, 2008, p. 18

<sup>15</sup> S. S. Ibrahim, "al-Nasihatu al-Kubra", *Op Cit*, p. 5.

<sup>16</sup> M. J. Hamid, 'al-Qawa'id wa al-Fiqhiyyah al-Mu'alijah li Zaahirati al-Ghuluu fi al-Takfir' *Mujallat Jami'ati Ummi al-Quraa*, 1432 A.H, Issues 52, p. 185.

<sup>17</sup> S. S. Ibrahim, "al-Nasihatu al-Kubra", *Op cit*, p. 63.

<sup>18</sup> M. M. Sule, 'Boko Haram: New Brand of Khawarij and its Manifestation in Nigeria', *Saudi Journal of Humanities and Social Sciences (SJHSS)*. Vol. 3. Issue, 2. 2018, p. 170.



Therefore, phrase new brand of *Khawarij* started to be uttered recently by some group of *Ahl al-Sunnah wa al-jama'a*.<sup>19</sup> The mention of this phrase as a theme is connected to the persisting ideological crises in Nigeria. Like other movements across the globe terror group called Boko Haram is emerged in Nigeria. The group underwent a series of stages based on its activities and approaches. Significantly, there are different nomenclatures to describe their movement over the passage of time.<sup>20</sup> They bear the name Nigerian Taliban, *yusufiyyah* movement, *Boko haram*, *Jama'at Ahl al-Sunnah lil da'awati wa al-Jihad*.<sup>21</sup>

The author (Sheikh Sheriff Ibrahim Saleh) is of the view that care must be taken on the dangers attached to the new brand of *Khawarij*. This will serve as precautionary measure against their paradigm. They use to mislead the Muslims more particularly the youths with their pious practices and distorting the original meaning of the Glorious Qur'an to promote their ideological misconceptions. Recently, they were labelled by the contemporary Islamic Scholars as "*Takfiriyyina*" those labelling other Muslims as infidels. The author (Sheikh Sheriff Ibrahim Saleh) stated their attributes as demeaning of other Muslim groups and excommunicating them.<sup>22</sup> This gesture is supported when Kadivar states that the idea of *Takfir* is a dialectic and paradoxical term that used negatively to approach toward other Muslims that refute their ideology.<sup>23</sup>

The ideology of the new brand of *Khawarij* is against the government. Therefore, the nature of their ideology is absolutely goes against the military, police, members of the House of representative and the Senate. In regard to the discussion surrounding the ideology of the new brand of *Khawarij* is the issue of disassociating themselves from the generality of the Muslim population who are not party to their ideology. Perhaps, these altitudes made them excommunicate others that are not within their fold. Therefore, they deem it permissible to deal, kill and loot their properties irrespective of status.<sup>24</sup>

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<sup>19</sup> S. S. Ibrahim, "al-Nasihatu al-Kubra", *Op cit*, p. 61.

<sup>20</sup> A. Rasheed and A. A. Rabi, 'The nexus Between the Khawarij Theological Misconception of Faith (Iman) and Boko Haram Insurgency' *Journal of University Scholars in Religions, (JUSREL)*, Issue 7, 2017, p. 25

<sup>21</sup> *Ibid*, p. 26

<sup>22</sup> S. S. Ibrahim, "al-Nasihatu al-Kubra", *Op cit*, p. 61.

<sup>23</sup> K. Jamileh, " Exploring Takfir, its origin and Contemporary use: The case of Takfiri Approach in Daesh's Media' *Journal on contemporary Review of the Middle East* 2020 in Sage pub.com/journals-permissions, p. 2.

<sup>24</sup> S. S. Ibrahim, "al-Nasihatu al-Kubra", *Op cit*, p. 9.



### 3. Theme: killing of Innocent Souls

According to the author, the *Takfiri* groups are engaged in killing unarmed and innocent souls. They also kill security personnel, public servants and politicians and label them as infidel (*Kuffar*). However, the committing of this atrocity is totally unlawful (Haram). Anybody who commits such a grief act would be penalized according to Allah's injunction. Allah is against him with anger, curse and his torment.<sup>25</sup> Since the intent of Shari'ah revolves around protection of religion, life, human honor and dignity, finally, the protection of wealth and property,<sup>26</sup> instead they legalized the shedding of blood of the vast majority of people without a proof.<sup>27</sup> In addition, the group do not protect any of these *Daruriyyat* (necessities of life). In this regard, they tend to commit unlawful. This is demonstrated in the principle of unlawfulness, thus states; 'Anything that leads to unlawful is Haram'<sup>28</sup>

This is in line with the *Qa'idah* thus states, 'In Principle; Islamic law is meant to prioritize and supplement favor as it is meant to disrupt and minimize evil'.<sup>29</sup>

Meanwhile, the author expresses another source of ideological crises among the Muslims which requires a swift advice, by stating how some people engage in espionage and spy through unnecessary probing (*Tahassus*). Furthermore, if the probing happens in a manner of benefit relates to self-protection from evilness and trouble of aggression that may happen as a result of insecurity there is no harm in committing it. So also if it is for contempt and disdain.<sup>30</sup> This is so because the *Tajassus* is an act of spy for purposes taking vital information to someone be it in a state of peace or war. As such *Tahassus* is critical investigation and thorough searching of someone's secret for personal usage. This habit is grossly affecting the peaceful co-existence of the Muslims in Nigeria. Therefore, this act must be blocked by the available means.<sup>31</sup>

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<sup>25</sup> Ibid, S, S, Ibrahim "al-Nasihatu al-Kubra", al-Siyaada publishers p. 9.

<sup>26</sup> J. Abdallaah, and A. Suhaimi, 'Adapting the Principle of Sadd Zari'ah by the Government in the Regulation of Product and Service Labelling Suraiya Osman, Abdullaah Jalil and Suhaimi Ab Rahman, International Seminar on Legal and Islamic Economy & Finance, *Op cit*, p. 6.

<sup>27</sup> S. S. Ibrahim, "al-Nasihatu al-Kubra", *Op cit*, p. 10.

<sup>28</sup> Cited in Hamid bin Maddah al-Jad'aani 'al-Qawa'id wa al-Fiqhiyyah al-Mu'alijah li Zaahirati al-Ghululu fi al-Takfir' Mujallat Jami'ati Ummi al-Quraa, 1432 A.H, Issues 52 p. 195

<sup>29</sup> U. S. Fauzi, 'al-Qawa'id wa al-Dawabit al-Fiqhiyyah wa Tatbiqaatiha fi al-Siyasa al-Shar'iyah' Daru al-Asimah KSA, First Edition, 2011, p. 97

<sup>30</sup> S.S. Ibrahim, "al-Nasihatu al-Kubra", *Op cit*, p. 55.

<sup>31</sup> Ibid, p. 55.



#### 4. Theme: The Need for Sound Understanding of Shari'ah

This theme is epitome of all themes for being the central issue of the discourse about Islam. Therefore, the discussion about Shari'ah is discussion about the sources of the Shari'ah. The main source of Shari'ah is the Glorious Qur'an and followed by the Sunnah of the Noble Prophet Muhammad (may peace and blessings of Allah be upon him) as the second source of Islamic law. The Sunnah was also compiled into collections according to the narrators and referred to as Hadith.<sup>32</sup> So the two main sources are authoritative texts in various interpretative communities of Islam. How comes if the sources are not clearly comprehended.

These may be some of the wisdoms behind the need for holistic understanding of the Shari'ah as stated by the author. This is in line with the understanding the intent of Shari'ah. However, the holistic understanding of Islam has a distinctive characteristics which signify the ability to dive and look deeply the way leading to know the objectives and intents of the Shari'ah.<sup>33</sup> This shows how relevant is the principle of intent can fit the idea of comprehending the intent of Shari'ah. Thus the principle states;

‘Any intent opposed to the intent of Shari'ah is null and void’<sup>34</sup>

The above principle is inferred from the Hadith of the Noble Prophet ﷺ thus states, "Actions are judged by motives (*Niyyah*), and so each man will have what he intended."<sup>35</sup> Al-Imam al-Shafie said: This Hadith is one third of the knowledge of Islam; because it connects to about 70 particulars of Fiqh. The *hadiths* can be seen as a criteria to help Muslims evaluate and judge what they do and say "as an act of rituals in the daily life through evaluating and judging the concealed actions of the heart, evaluating and judging the external actions of the limbs as well as evaluating and judging the daily dealings "*mu'amalat*" (interaction between people).<sup>36</sup>

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<sup>32</sup> A. Al-Ramahi, "Sulh: A Crucial Part of Islamic Arbitration", LSE Law, Society and Economy Working Papers 2008 London School of Economics and Political Science Law Department, p. 7.

<sup>33</sup> Y, Qaradawee, 'Priorities in the light of Qur'an and Sunnah, part 1, P, 81

<sup>34</sup> M. M. Al-Zuhaili, 'Al-Qawa'id al-Fiqhiyya wa tatbiqatuha fil Madhahib al-Arba'a', vol. 1, 3<sup>rd</sup> Edition Damascus: Dar El-Fikr, 2006, p. 789.

<sup>35</sup> Ibid, p. 789.

<sup>36</sup> Jamal Ahmed Badi, Commentary, *Op cit*, p. 5.





In this regard, one must prioritize understanding of the intent of texts over superficial reading. Consequently, it is obligatory upon anyone who calls for Allah's sake to be sure of his knowledge. They should have answers on what are the realities and objectives of what they do? How would they actualize their targeted objectives?<sup>37</sup>

Moreover, the expanding consequences of the misconception of Shari'ah by some Muslims have a negative effect on all the Muslims and the Muslim Nations around the globe.<sup>38</sup> Similarly, the analysis focus on the true effort of the author in giving his advice to all the Muslims irrespective of time and place. For this fact a generic statement was used as a tool to show that conflict and misconceptions are major global phenomena that tear the unity of Muslims. The desired unity would be achieved if the principle of unity is put into cognizance.

In general, the whole theme is developed on the basis of the principle of *Sadd al-Dhari'a* (Blocking the means). Indeed, the principle is used by different Scholars in legislating the particulars of *Fiqh*, thus, to promote goodness and *Masalih* (public interest) as well as disrupt evilness or the way leading to damage and destruction.<sup>39</sup>

The author attempts to persuade some of the Islamic preachers into taking a precautionary step for the current ideological misconception that hitherto scattering the unity of the Muslims in Nigeria.

## **5. Theme: Taking Precautions (*Tahadhir*) against Falling into the Trap of Sedition, Innovations and Selfishness**

This theme focuses the attitudinal behaviour of some Muslims who are into the acts of sedition, innovations and selfishness by any available means. In this regard, the author advises the Muslims who are into this matter to take a precautionary measures. For this the author started the theme with some verses of the Glorious Qur'an; Allah the Exalted says

‘And fear the *Fitnah* (affliction and trial) which affects not in particular (only) those of you who do wrong, and know that Allah is severe in punishment.’<sup>40</sup>

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<sup>37</sup> Y. Qaradawee, *Op cit*, p. 74.

<sup>38</sup> S. S. Ibrahim, “al-Nasihatu al-Kubra”, *Op cit*, p. 113.

<sup>39</sup> W. al-Zuhaili, ‘al-Wajiz fi Usul al-Fiqh’ 1<sup>st</sup> Edition, Daar al-Fikr, Damascus, 1999, p. 108.

<sup>40</sup> Al-Quran, *Surah Anfaal*, 8:25.



Allah warns the believers of a *Fitnah*, trial and test, that includes the wicked and those around them. Therefore, such affliction will not be restricted to the sinners and evildoers, but it will reach the others if the sins are not stopped and prevented<sup>41</sup> The analysis revealed that, Islam instructs Muslims to remain distant from committing innovations as well as falling into the trap of sedition and selfishness. Because the rule is established based on rationale inspired by the Qur'anic injunctions and Prophetic traditions. Therefore, those faced such situations in their time should exercise perseverance and bring into their mind that people in the past had gotten their faith tested.

For this, the author vividly admonishes in strong term that a believer should stand in the face of such events, if it occurs in his time. He then prepares for them fully and stand for defense of his religion. For more detail, it was stated that the defense system of Islam is categorized into two; minor and major defense. Thus, the major involves self-purification while the minor involves a struggle for self-defense through pen, tongue or sword.<sup>42</sup>

At this point in time it is necessity to make sure that he does not follow the claims of the people of sedition who are full with hatred and ignorance. This action is required for putting a barrier between the Muslims and matters related to ideological conflicts. Based on the relevant principle of Jurisprudence thus states;

‘Taking precautionary measures against committing unlawful is obligatory’<sup>43</sup>

Therefore, committing innovations is unlawful as causing sedition is also unlawful. Taking precaution against the aforesaid actions is unlawful too.

## **6. Theme: Ruling Concerning the Selling and Buying of Weapons in a Period of Calamity**

The aforementioned theme is highly important in nature, particularly in the era of the current social unrest and ideological problems in Nigeria and the wider world. The issue of arms deal is worrisome to the extent of causing social unrest that hindered the national development. It is asserted that the proliferation of arms deal is a lucrative business in the West African Region.<sup>44</sup>

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<sup>41</sup> Ibn Kathir.

<sup>42</sup> N. A. Shah, ‘The use of Force under Islamic Law’ *The European Journal of International law*, Oxford University Press, Vol. 24, no. 1, 2013, p. 344.

<sup>43</sup> M. J. Hamid, ‘al-Qawa’id wa al-Fiqhiyyah al-Mu’alijah li Zaahirati al-Ghululu fi al-Takfir’ *Op cit*, p. 193.

<sup>44</sup> S. S. Olayiwola, ‘Proliferation of Arms and Security Challenges in Nigeria’ *International Journal of History and Cultural Studies (IJHCS)*, Vol.3, Issue. 3, 2017, P, 33



The view of the author proved of immense relevance to the above caption where he maintains that the amount of human suffering and fatalities implied as a result of arms deal is unimaginable.<sup>45</sup> To this end, Allah the Exalted gives a detail account on the issue of commerce on the following terms;

Those who consume, that is, those who take by way of, *Riba*, which is an excess levied in transactions of money or foodstuffs either on their value or on credit, shall not rise again, from their graves, except, rising, as one whom Satan has made prostrate, demented, from touch, through madness, this is semantically connected to the verb states *yaqumuna*, ‘they rise’); that, which befalls them, is because, of the fact that, they say, ‘Trade is the same *Riba*’, in terms of acceptability: indeed, the statement is a type of reversed expression used for intensity [‘usury is like trade’ is the expected word order]. Allah responds to them in a strong term that: Allah has permitted trade, and forbidden *Riba*. The Glorious Qur’an states;

Those who devour usury will not stand except as stand one whom the Evil one by his touch Hath driven to madness. That is because they say: "Trade is like usury," but Allah hath permitted trade and forbidden usury. Those who after receiving direction from their Lord, desist, shall be pardoned for the past; their case is for Allah (to judge); but those who repeat (The offence) are companions of the Fire: They will abide therein (forever).<sup>46</sup>

There seems, business transactions are lawful as they are built upon two things that are necessary and required to know. I.e. The commerce as a lawful institution and the usury as unlawful. These two extremes are incompatible nor come closely together. Therefore, commerce is praiseworthy provided it does not cause harm nor cause obstacle to the state of affairs.<sup>47</sup> But, the commerce attached to arms deal have impacted negatively on more than just individual well-being but typically pose a challenge to the national development.<sup>48</sup>

The principle confirming the illegality of arm deal in the current situation of devastating calamity that causes harm to the public is the Maxim thus states;

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<sup>45</sup> S. S. Ibrahim, “al-Nasihatu al-Kubra”, *Op cit*, p. 210.

<sup>46</sup> Qur’an, *Suratul Baqara*, 2:275.

<sup>47</sup> S. Fauzan, ‘Forbidden Business Transactions’ al-Mahaj E-Books, 2002, P, 7, published online by [www.al-manhaj.com](http://www.al-manhaj.com).

<sup>48</sup> S. S. Olayiwola, ‘Proliferation of Arms and Security challenges in Nigeria’ *Op cit*, p. 37.



‘To give succor for wrongdoing is tantamount of committing sin’<sup>49</sup>

The above juristic principle indicates, a wrong doer is liable to committing sin in committing his atrocities. Consequently, anyone who gives a succor to a wrong doer is tantamount to get sin reciprocally. This is the same as encouraging and promoting evilness. Interestingly, a wrong doer may desist from committing atrocities if at all he is not helped or assisted.<sup>50</sup> From the above caption, it is obvious that giving a helping hand to someone whom is known to an act of killing or committing robbery and kidnapping, the helper is tantamount to be sinned.<sup>51</sup>

Subsequently, the author lamented on the lackadaisical attitude towards the responsibility given to man as vicegerent on earth to preserve the existence of the society. In turn, the exceptional mental ability of some men tilted towards all the possible destructive agents. Enthusiastically, the author highlights on the issue of arms deal that they are meant for destruction. Thus, the issue has become more realistic because the likelihood is not *al-zann al-Ghalib* but it is a reality.

Indeed, this was asserted in daily trust newspaper that the worsening security situation in Nigeria proves that illicit arms are in circulation on the Nigerian soil where different calamities ranging from terror attacks, banditry, communal clashes, militancy and many atrocities have manifested. Thus, weapons are being trafficked by the Nigerians to actualize their atrocities. It was reported that in the year (2020) alone the security agencies arrested (4,338) persons in connection to arms deal. Although, this is like a drop of water in an Ocean when compared with the number of illegal weapons in circulation.<sup>52</sup>

In response to arm deal the author maintains that arms deal is totally *Haram* (unlawful) in the period of calamity and unrest. It is also unlawful to sell weapons to the promoters of violence ranging from thieves, bandits, armed robbers and terror groups who are perfectly known for hatred and bad interpretations be it for their ignorance or (*fisq*) act of debauchery.<sup>53</sup>

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<sup>49</sup> M. S. al-Buurnu, ‘Mausu’atu al-Qawa’id al-Fiqhiyyah’ Vol. 2, First Edition, Institute of al-Risalah, 2003, p. 211.

<sup>50</sup> Ibid.

<sup>51</sup> Ibid.

<sup>52</sup> Daily Trust Nigeria. [www.dailytrust.com](http://www.dailytrust.com) retrieved on 3/10/2021

<sup>53</sup> S, S, Ibrahim, “al-Nasihatu al-Kubra”, *Op cit*, p. 210.



Taking into cognizance the above theme, the analysis found that the author summed up the principles of *al-Deen al-Nasiha* and *Sadd al-Dhari'ah*. This is to minimize the effect of arms deal. Thus, al-Qarafi (d.684) considers *Dhara'I* as the means to evil is prohibited as the means to *Wajib* is obligatory. Therefore, the bases articulating the rulings on affairs are two sided. I.e. *Maqasid* (objectives) which contain the beneficence and evil each in itself while the other pair is *wasa'il* (means) which are the leading ways to each of the above.<sup>54</sup> Meanwhile, a clear example to this effect is selling weapons during an affliction or calamity. However, Shatibi says that such transaction is invalid according to the Ijmaa of the Ulama. Because there is a strong indication that this act would lead to evil, the means may be declared forbidden.<sup>55</sup>

## 7. Theme: The Necessity of Joining the *Jama'ah* (Muslim Congregation) and Prohibition of Pointing Weapon on its Face

The attention of the author is immensely drawn to the unity of the Muslims. Thus, he emphasized that *Jama'a* of the Muslims is the greatest mass of the followers of Islam (*al-Sawaad al-A'azam*) i.e. keeping close to public. All what have been mentioned so far comes under the field of the need of jurisprudence of priorities of the need to show concern over anything that relates to the community over the needs of individual.<sup>56</sup>

To portray this gesture, the author reiterated that the prophetic guidance on uniting the Muslims as unified nation in order to maintain the purpose of being on the earth as necessary tool for the desired unification.<sup>57</sup> The relevant maxim to this effect is *al-Jama'atu Rahma wa al-Furqatu Azaab*.

The assembly of people is mercy as disunity is an agony.<sup>58</sup>

Summarily, the author gives a glimpse about the issue of disunity where he said; the disunity of the previous Ummah (nations) was clearly noticed from its multiplicity of its sects. By implication, those Ummah were disunited based on the two main body of Islam *Usul* (fundamental

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<sup>54</sup> S. Kayadibi, 'Istihsaan: *The Doctrine of Juristic Preference in Islamic Law*', Islamic Book Trust (IBT), Kuala Lumpur, Malaysia, 2010, p. 41.

<sup>55</sup> Ibid.

<sup>56</sup> Priorities in the Light of Qur'an and Hadith, part 1, p. 178.

<sup>57</sup> S. S. Ibrahim, "al-Nasihatu al-Kubra", *Op-cit*, p. 14.

<sup>58</sup> Tatbiqat 201, p. 161



principles of Islam) and *Furu'u*. Luckily enough, the Ummah of the Noble Prophet ﷺ divided based on *Furu'u* but not the Usul. The complexity of the *Furu'u* give birth to political differences, worldly affairs disparities but not on creedal statements, pillars of Islam, pillars of faith. To this end, it is necessary to disregard all thoughts that will lead to oppose in a very strong terms to the extent of *takfir*.<sup>59</sup>

Therefore this shows that Islamic entity is intact but the aspect of unity is neglected by the Muslims themselves. Allah the Most exalted categorically states the unity and brotherhood are not only encouraged but they are obligatory.

Allah the Most Exalted says "The believers are nothing else than brothers (in Islamic religion). So make reconciliation between your brothers, and fear Allah, that you may receive mercy".<sup>60</sup>

According to Tafsir al-Jalalyn, the believers are indeed brothers' keepers in unison. Therefore, strive to make peace in between your brethren, when they fall into dispute with one another (a variant reading [for the dual form *akhawaykum*, 'your two brethren'] has *ikhwatakum*, 'your brothers') and fear God, so that perhaps you might receive mercy.<sup>61</sup>

In order to comprehend what is exactly mean by the above theme the author in person of al-Sheikh Ibrahim Saleh al-Husaini wrote in another separate work that to keep closer to one another as to form a united community is a religious duty. Therefore, it is not permissible upon one who looks the interest of Islam to segregate himself from the unity of the Muslims let alone to inflict him.<sup>62</sup> This theme however highlighted on the unity of the Muslims as to live in peace without prejudice or harming one another. The goal of the above paragraph is characterized to following the instructions laid by Islam.

So also, the author calls for unity among the Muslims as to not point weapon on the faces of the people. On this regard the author was quoted to have said the Muslims in those days were ordered to hold the blade of arrows, knives swords for not to be seen by others whenever they were

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<sup>59</sup> S. S. Ibrahim, 'Silsilat al-Buhuth al-Usuliyah; Muqauwamaat bina'u al-Ummati tata Math'thal fi al-Wihda al-Jama'a adamu al-Tafarruq', npp, 2005, p. 33

<sup>60</sup> Qur'an, Suratul Hujurat, 49:10.

<sup>61</sup> J. Al-Mahalli. and J. Al-Suyuti, 'Tafsir al-Jalalyn' Translated by F. Hamza, Royal Aal al-Bait Institute for Islamic Thought, Amman Jordan, 2007, p. 606

<sup>62</sup> S, S, Ibrahim, silsilat al-Buhuth al-Usuliyah; Muqauwamaat bina'u al-Ummati tata Math'thal fi al-Wihda al-Jama'a adamu al-Tafarruq, *Op cit*, p. 9.



passing by in a public or market place let alone to point and frighten people. Therefore, it is not justifiable to carry weapon and move freely with automatic rifles such like Kalashnikovs and Rocket-Propelled grenade.<sup>63</sup>

Therefore, unity of living within the atmosphere of brotherhood of Islam as indicated in the Prophetic tradition thus states is obligation; Abu Hurairah, may Allah be pleased with him, reported that the Messenger of Almighty Allah, said:

"Do not be envious of one another; do not artificially inflate prices against one another; do not hate one another; do not shun one another; and do not undercut one another in business transactions; and be as fellow-brothers and servants of Allah. A Muslim is the brother of a Muslim. He neither oppresses him nor humiliates him nor looks down upon him. Piety is here - and he pointed to his chest three times. It is evil enough for a Muslim to hold his brother Muslim in contempt. All things of a Muslim are inviolable for another Muslim: his blood, his property and his honor."<sup>64</sup>

Commenting on the above Prophetic Tradition, Ibn Rajab says; the *hadith* is giving warning to Muslims not to hate one another, especially if it is for the sake of selfishness. In principle all Muslims are brothers in Islam. They should love one another as they should not hate one another. Consequently, engaging in backbiting and slander are absolutely forbidden because they will lead to hatred among the Muslim community.<sup>65</sup> Ibn Rajab says; by the time when the Muslims started dividing among themselves into different sects because of conflicting ideas regarding certain religious matters, this led to disputes and hatred among the community, and thus disunity.<sup>66</sup>

#### **D. Conclusion:**

Among the most significant duties upon the Muslims are *Amr bi al-Ma'aruf* Enjoining good and *al-Nahi an al-Munkar* preventing wrong. Thus, the two obligations are made to strengthen, promote peace and harmony in any given community. This obligation is set to focus

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<sup>63</sup> S. S. Ibrahim, "al-Nasihatu al-Kubra", al-Siyaada publishers, Vol. 1, P, 211

<sup>64</sup> Muslim, H. 6219

<sup>65</sup> Op cit, Jamal Ahmed Badi, Commentary P, 174

<sup>66</sup> Ibid, Jamal Ahmed Badi, Commentary P, 174



the greatest deterrent factor of *Sadd al-Dharia'ah* (Blocking the leading way to evil.) Therefore, an evil must be prevented and blocked for it may likely to escalate and gain a sloppy ground if at all the means towards committing it is not obstructed.<sup>67</sup> Thus, the end product would be at the detriment of the citizens and the nation at large. Consequently, all means that would lead to avert calamity such as injury and other social vices would be sought by both the government and individual. Therefore, the author contributed his quota by authoring (*al-Nasihatu al-Kubraa*) the eminent advice. This is to free himself from all sort of liability '*Bara'atu al-Dhimmah* as he was quoted to have mentioned that he is free from liability before Allah the Exalted.'

Therefore, *al-Nasiha* (advice giving) serves as a powerful tool to protect the entire society from all sorts of unwanted calamity that may come up as a result of anarchy or social disorder. This entails that *Nasiha* can cover all action and inactions one does in his life time. Similarly, *al-Nus'h* (advice) leads to gain the honour of Allah the Exalted.

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