



An Exploration of the Islamic Legal Principle of *Maslaha al-Mursala* as a Panacea to the Clamouring for Resource Control and Restructuring in Nigeria

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Abstract. During the administration of President Muhammadu Buhari (2015-2023), the clamour for resource control and restructuring threatened the corporate existence of Nigeria as a united and indivisible country. It seems that the 1999 Nigerian Constitution has failed to address some fundamental issues that are germane to the existence of the Federal Republic of Nigeria. The purpose of the study is to examine the Islamic legal principle of *maṣlaḥa al-murṣalah* (unstated common good/public interest) and explain how it can be applied to amend the Nigerian Constitution as a panacea to the clamouring for resource control and restructuring in Nigeria. The methodology adopted in this study is qualitative research based on the existing literature on resource control and restructuring. While advocating socio-economic and religious restructuring of Nigeria, the study recommends, based on the principle of *maṣlaḥa al-mursalaha*, that 1999 Constitution should be amended to accommodate laws that will address issues on resource control and restructuring. The paper recommends that states should be allowed to take 80% of the resources found in their respective states or regions while 20% of the resources should be allocated to the Federal Government. There should be a review in the Federal Allocation/Fiscal Policy among the three tiers of government. Federal Government should also promote justice, fairness and equity (which Islam preaches) among the federating units and continue to wage ‘war’ against corruption, insurgency, militancy, kidnapping and other crimes (which Islam forbids) that are threatening the cooperate existence of Nigeria.

Keywords: Resource control, Restructuring Nigeria, clamouring, *maṣlaḥa al-mursalah*, *maqasid shari’ah*

1. Introduction

Nigeria, the most populous Black Country in Africa, is richly endowed with human and natural resources

across the thirty-six states including the federal capital territory, Abuja. The ‘birth’ of Nigeria via amalgamation of the Southern and Northern protectorates in 1914, which ought to have been blessings in disguise seems to have become ‘curses’ in reality due to its leadership hullabaloo which reared its ugly head after independence in 1960. Since the discovery of crude oil in 1957, followed by its optimum exploitation and exploration in 1970s in the Niger Delta Region, the country under the military regimes between 1969 and 1992 made a lot of decrees which empowered the Federal Government to own and control all the mineral resources found in the federating units (Orogun, 2010).

Consequently, following the enthronement of the democratic system of government in 1999, features of unitary system of government were smuggled into 1999 Constitution. Though the country claims to be operating federal system of government, its constitution has been criticized and condemned for not operating true federalism as reflected in its resource control and fiscal policy. Unfortunately, the leaderships of the country by the past military and civilian administrations have brought, to a large extent, through corrupt practices, a lot of hardship and retrogression to the economy sector thereby making a quite number of Nigerians living in abject poverty.

As a result of weaknesses noticeable in the 1999 Constitution and bad governance/leadership, a large number of Nigerians of diverse ethnic backgrounds from the Delta Region, South-East, South-South and South-West has advanced the call for resource control and restructuring of Nigeria. While, the clamour for resource control has been on since 1966 when the share of oil revenue allocated to the oil producing states in the Niger Delta fell from 50% in 1966 to 1.5 % in the mid-1990s during the military

era (Orogun, 2010), the agitation for restructuring of the corporate Nigeria, which a lot of people have been clamouring for since 1999 came to be well pronounced before the 2019 general elections. The clamour for restructuring was reinforced (during the Buhari civilian administration) by some ethnic and tribal groups that claimed to have been marginalized, cheated and oppressed by the Federal Government's lopsidedness in the appointment of people to various political positions and sharing of the dividends of democracy.

It is disheartening to note that due to series of agitations for resource control and restructuring, intergovernmental conflicts had resulted between the Movement of Actualization of Sovereignty of Biafra (MASSOB) and Federal Government since 2005 till date, Lagos State Government and Federal Government between 2006 and 2007, the Niger-Delta militants and Niger-Delta Avengers and Federal Government since 2003 till date (Orizu, Chinyere and Tochukwu, 2018). In fact, some militant groups threatened to secede from Nigeria. One of them is Network of Niger Delta Republic Fighters that threatened to declare a Niger Delta Republic on June 1, 2019 due to alleged selective maltreatment of the people of the region by the Muhammad Buhari administration (Akasike, 2019). Unfortunately, kidnapping, banditry, killing, insurgency, political corruption and other criminal acts were largely reported by national dailies. It seems Nigerian democracy with its Constitution has failed to produce good governance where justice, fairness and equity ought to have been prevailed over injustice, cheating, marginalization etc. It is against this background that this paper aims to offer Islamic panacea to the persistent agitations for resource control and restructuring with a view to exploring the principles of *maslaha al-mursalah* (unstated common good/public interest) to amend the Nigerian Constitution in order to have good governance in Nigeria

2. Defining Resource Control and Restructuring in the Nigerian Context

Resource control and restructuring are two sides to the same coin in Nigeria. One cannot be discussed without the other. The two issues are interwoven and interrelated. Of recent, issue of resource control vis-à-vis restructuring is said to have become a contentious one in the Nigerian body politic, a key problem facing the country (Orizu, Chinyere and Tochukwu, 2018). The Nigerian political class, journalists and academia have defined resource control and restructuring based on federalism which the Country claims to practise. For instance, Ako(

2019) defines resource control as "the desire that the region is left to manage its natural resources, particularly its oil and pay taxes and/or royalties to the federal government". According to Chijioke et al (2012), resource control is about "the state governments/localities having access to natural resources located in their boundaries and the freedom to develop them as well as utilize them without interference from the central government". Resource control is the exclusive right vested on communities to explore, exploit and manage resources found on their land or inside the water (Abbas and Wakili, 2018).

It is important to note these definitions (given above) have not truly reflected in the Nigerian Constitution. This is due to the fact no community or state is allowed to control and manage its natural resources. In order words, it is only the Federal Government of Nigeria that is vested with power to control and manage natural resources in the federating units (states) as contained in the 1999 Constitution section 44 (1:3) which stipulates as follows:

Notwithstanding the foregoing provisions of the section, the entire property in and control of all minerals, mineral oil and natural gas in, under or upon the territorial waters and the exclusive economic zone shall vest in the government of the federation and shall be managed in such manner as may be prescribed by the National Assembly.

Besides this constitutional power of resource control granted to the Federal Government, Orogun (2010) explains that the Mineral Act and the Petroleum Act(1969), the Land Use Decree (1978), the Territorial Waters Act (1990) and the Exclusive Economic Zone Act (1990) gave complete control of oil revenue in the territorial waters and exclusive zone to the Federal Government. That is why Ako (2012) defines resource control as:

a term that represents the agitation of the impoverished politically and socially excluded and environmentally devastated Niger Delta region to control its environmental resources and enjoy its benefits (Ako, 2012 <https://www.e-ir.info>)

From the above constitutional provision, resource control, in the Nigerian context, can be defined as the constitutional power vested on the Federal Government to exploit, explore, control and manage all resources that are located in the boundaries of the thirty-six states in the federation. Such resources being controlled by the Federal Government include crude oil, gas, gold, diamond, iron ore, limestone, bitumen, granite etc. It is said that over 2.5 billion of iron ore deposits are found in Kogi, Enugu, Niger,

Zamfara and Kaduna states. While, gemstones such as sapphire, ruby, aquamarines, tourmaline, topaz, garnet are largely found in Plateau, Kaduna and Bauchi states (Akonji and Wakili, 2013).

Restructuring has also been defined and viewed by Nigerians from different perspectives. Sanusi (1999) defines restructuring as “all forms of adjustments, alterations and cosmetic manipulations aimed at changing the formula on the basis of which economic resources and political powers are shared or distributed among the Nigerian elite”. Orizu et al (2018) see restructuring as “a significant alteration, re-organization, reformation and re-arrangement of an existing structuring, form or status quo in a revolutionary or evolutionary manner with the aim of making it more improved, effective, efficient and functionally competent”. Najakku (2016) is of the view that restructuring is the “re-organization and re-arrangement of the nature of resource control by the various governments and regions to foster unity and development”. According to Azikeu and Adujihe (2017), restructuring is simply “a call for the restoration of federalism-the foundational constitution structure to which all Nigerians subscribed as encapsulated in the independence constitution of 1960”.

It is important to note that some socio-ethnic groups have been clamouring for restructuring in recent times. Notable among these groups are Afenifere Renewal Movement, Ohaneze Ndigbo and the Ijaw National Congress (Alagbe, 2017). Individual Nigerians including politicians also clamoured for restructuring. Among them is Abubakar Atiku, former vice president of Nigeria, who is quoted as saying:

There is indeed too much concentration of power and resources at the centre. And it is stifling our march to true greatness as a nation and threatening our unity, because of all the abuses, inefficiencies, corruption and reactive tensions that it has been generating. There is need, therefore, to review the structure of the Nigerian federation, preferably along the basis of the current six geopolitical zones as regions and the states as provinces. The existing states structure may not suffice, as the states are too weak materially and politically to provide what is needed for good governance (Olaley, 2017-
<https://www.thusdaylive.com/index.php/2017/7/02/>)

It is incontrovertible to attest to the fact that the Nigeria needs restructuring because it is bedeviled with ethnic-religious crisis, insecurity, political hullabaloo and other criminalities. Therefore, if the country is politically restructured and captured in the

Constitution, other sectors such as economic, education, security and religion will be properly put in shape.

From the foregoing discussion, restructuring can, therefore, be defined within the Nigerian context, as the process to change, alter or re-organize the political, economic, educational and religious status quo of the Nigerian nation, through constitutional reform/amendment that will ensure the practice of true federalism with a view to ushering good governance for national development. The terms “resource control and restructuring” as defined within the Nigerian context will be the operational guide in this study.

3. Historical Review of the Clamour for Resource Control and Restructuring in Nigeria

Nigeria, the most populous African country came into existence in 1914 with the amalgamation of the Northern and Southern Protectorates by Lord Fredric Lugard. Prior to the Nigerian Independence in 1960, every region controlled its resources and the formula of revenue allocation by the British was 100%. Between 1960 and 1965, the derivation formula was fixed for 50% to the mineral producing regions. From 1970s upward, the revenue derivation formula for the oil producing states continued to dwindle. For instance, it was reduced from 45% to 20% in 1975 and to 2% in 1982, 1.5% in 1984. However, it was increased to the present 13% in 1999 by the civilian administration of Olusegun Obasanjo (Orogun, 2010).

Consequent upon this derivation formula, the government and people of oil producing states felt cheated and marginalized because of the adverse effect of the oil exploration and exploitation in their regions. According to Orogun (2010), some of the side effects of pollution caused by crude oil extractions include infertility, abnormal births, malnutrition, measles, pneumonia, dysentery and tuberculosis. Consequently, the oil producing states agitated for increase of derivation formula from 13% to 25% or 50% or 60% (Orogun, 2010). According to Abbas and Wakili (2018:10), there have been clamouring for the review of revenue sharing formula since 2000 because the sharing allocates 52.68% of the total revenue to Federal Government, 26.72% to all the 36 states while the 774 local governments receive 20.6%.

Abbas and Wakili (2018) note that earlier issues agitated for in the country include rotational

presidency, local government financial autonomy, sovereign national conference and adopting unicameral legislature at the national level. The clamour for restructuring became pronounced when some groups in Nigeria came to realize that Nigeria was not practising true federalism. Besides, the 1999 Constitution was strongly condemned because it was said to be a product of the Military Government of General Abubakar Abdulsalam in 1998. The Constitution was accused of giving undue advantages to some sections of the country against others especially on issues bothering fiscal policy and resource control. It is on record that at the National Political Reform Conference held in 2005, members from the South-South region clamoured for 60% of resource control and management of their resources, while some members of the Conference from the Northern region opposed 60% resource control rather agreed that 13% derivation formula being given to the oil producing states be increased to 17% (Akanni, 2006:124). Hence, series of agitations for true federalism, devolution of powers to states, resource controls etc have been reverberating throughout the length and breadth of the country (Moghalu, 2018).

It needs to be stated that the clamour for restructuring Nigeria has brought about the existence of some ethnic, cultural, religious and militant groups in the country. Among these groups are Afenifere Pan Yoruba Tribal Group, Ohaneze Ndigbo, Arewa Youth Movement in the North, MOSOP of South-South, the Niger-delta militants, Niger-delta Avengers, Movement For Actualization of Sovereign State of Biafra, Boko Haram etc (Ideobodo et al, 2018).

However, the agitations for resource control and restructuring Nigeria have been blamed on the evils of corruption, greed, selfishness, impunity and mismanagement of public funds which have resulted to bad governance and leadership (Usman, 2017). During the Nigeria's 57th Independence in 2017, President Muhammadu Buhari is quoted as saying: *Calls for restructuring were quite proper in a legitimate debate. Proper dialogue and any desired constitutional changes should take place in a rational manner, at the National and State Assemblies. These are the proper and legal for National debate, not some lopsided, undemocratic body with pre-determined set of objectives* (Omololu, 2017).

One can infer from the President Buhari's speech that agitations for restructuring are legitimate and should be handled by the legislative arm of government and that some agitations were not patriotic as they could cause disunity in the country. The fact is that realities on ground show that Nigeria needs to be restructured.

However, agitations by some tribal and sectional groups like Northern Elders' Forum, Afenifere and Ohaneze are political and selfish. In the words of Sanusi, (1999) these groups are "dubious organizations that should be outlawed because they have only served to breed tension and disharmony in the country". But, beyond political restructuring, Nigerians need to restructure their minds for good governance and good leadership that will ensure justice, equity and fairness to all federating units. That is why Usman (2017:6) said:

Surely, it is not the structure that is to blame for nation's woes. Even if Nigerians come up with a new constitution and choose to operate outside the letter and the spirit of that constitution as is currently the case, the result would be the same.

4. Islamic Viewpoints on Natural Resources

Onuri et al (2015) define resources as "reserve of wealth and staff that can be obtained by an individual or an organization in order to function effectively". Natural resources are those supplied to humankind by nature. These could be land, mineral and renewable resources. In the purview of Islam, all these resources are created for uses of mankind by Allah. Among the several favours endowed mankind include mineral deposits, animals for human use and different kinds of food crops and fruits. On mineral deposits, the Qur'an in its subtle language contains the following statement:

Seest thou not that Allah sends down rain from the sky? With it We then bring out produce of various colours. And in the mountains are tracts white and red, of various shades of colour, and black intense in hue (Q35:27).

Elsewhere in the Qur'an, Allah mentions animals such as horses, mules and donkeys for the use of human beings.(Q16:5-9) On food crops and fruits which Allah provides for human beings, Allah in the Glorious Qur'an says:

It is He who sends down rains from the skies, with it We produce vegetation of all kinds, from some We produce green (crops) out of which we produce grain, heaped up (at harvest) out of the date- palms and its sheaths (or spathes) (come) clusters of dates hanging low and near; and (then there are) garden of grapes and olives, and pomegranates, each similar(in kind) yet different (in variety) when they begin to bear fruit and the ripeness thereof. Behold! In these things are signs for people who believe. (Q6: 99)

It is indisputable to state the fact that Allah subjects natural resources for use of human beings. For instance, on water resources, Allah says:

It is Allah who has subjected the sea to you, that ships may sail through it by His command, that ye may seek of His bounty and that ye may be grateful. And He has subjected to you, as from Him, all that is in the heavens and on earth: Behold, in that are signs indeed for those who reflect. (Q45:12-13)

Going through the length and breadth of the Glorious Qur'an, one will read passages where several favours of Allah (given to mankind) are mentioned. These favours include mineral deposits (Q57:25, 34:10-11, 18:96, 35:27), food and crops (Q6:99, 16:10-18, 80:26-32). It needs to be stated that every part of the world and by extension every community is blessed with one material/natural resource or the other. Nigeria, for example is said to be blessed with fertile agricultural land, water resources, extensive forest resources, oil and gas, limestone, zinc, tin, etc (Haruna, 2014) The Qur'an attests to this fact when Allah says:

Of the bounties of thy Lord, We bestow freely on all these as well as those the bounties of thy Lord are not closed (to anyone) (Qur'an 17:20).

Islam teaches mankind that all things including material or natural resources belong to Allah and that all these wealth and resources are kept by human beings in trust. Thus, those nations/countries as well as people that are entrusted with the resources of the country are expected to put them into proper use. On the issue of controlling the resources available on one's land or territory, the holy Qur'an admonishes people to appropriate their resources fairly by sharing part of it to their neighbours. This admonition is contained in the Qur'an where Allah declares thus:

...Those more favoured are not going to throw their back, their gifts to those whom their right hands possess, so as to be equal in that respect. Will they then deny the favours of God? (Q16:71)

From the above quoted passage of the Qur'an, it can be inferred that those states or people that are endowed with one resource or other are expected to share part of their gifts (resources) to their neighbouring states or town. In other words, they should not claim to have absolute control of their resources because of the fact that it is Allah that gives them. While explaining the issue of controlling resources in one's land, the Prophet Muhammad is reported to have said:

If somebody finds a treasure in his land, he has to give one fifth of it to the Government (Khan, 1997:318).

The implication of this prophetic statement, according to Akanni (2006), is that a state or territory

where resources are found should be entitled to 80% of the resources while 20% (one-fifth) should be given to the Central/Federal Government. This study will now address the principle of *maslaha al-mursalah* and its exploration towards offering panacea to clamouring for resource control and restructuring in Nigeria

5. Principle of *Maslaha al-Mursalah* in Islamic Jurisprudence

Maslaha al-mursalah is simply translated as benefit or interest of the public which refers to the majority of the people including Muslims and non-Muslim in a society. It is "a principle that allows Muslims to leverage tools used in contemporary fields such as economics, science, governance etc to synthesize laws and rules that are beneficial and are in consonance with the Islamic law. (Ali, n.d). As a source of Islamic law, *Maslaha al-Mursala* is recognized by the Hanafi, Maliki and Hanbali schools of thought because of the fact that life is developing continuously. It is a principle that is validated after the divine revelation since there is no text that validates or invalidates it (Syaputra et al, 2014).

According to Al-Ghazali cited in Syaputra et al (2014), *Maslaha* is the consideration which secures benefit or prevents harm and which is in harmony with the aims and objectives of *Shari'ah* technically known as *maqasid as-shari'ah* (Syaputra et al, 2014). These objectives as explained by Al-Ghazali are to preserve and protect the five essential needs of human beings namely religion, life, intellect, offspring and property. Any action taken to secure these five values or needs as well as any action taken with the aim of preventing evil towards these needs is termed *Maslaha*. When this is done in the context of a community, state or the whole mankind in general, it is termed *Maslaha al-Mursalaha* (Syaputra et al, 2014).

In Islamic jurisprudence, there are certain conditions that govern the validity of a legislation made through the principle of *maslaha al-mursalah*. These are:

Maslaha should be a genuine matter or issue
Maslaha should be general that is to prevent harm or benefit the people
Maslaha must not contradict any teaching or principles held by the Qur'an, the *sunnah*, *Ijma'* *Qiyas* such as issues or actions related to usury, prostitution, advertising nudity etc

During the caliphate of Abu Bakr as-Sidiq (632-634CE) and Umar bn al-Khattab (634-644CE), *Maslaha al-Mursalah* was applied to administer the Muslim *Ummah*. For instance, during the regime of Abu Bakr, fighting against tax alms (*zakat*) defaulters, establishment of caliphate and the imamate institutions and compilation of the Qur'an in a book form are all examples of the application of *maslaha al-mursalah* because all those actions were not legislated by the Qur'an and the *Sunnah* but were enacted for the benefit of the Muslim Community and to prevent the spread of evil in the Community. (Ali, nd). Equally, during the regime of the second caliph, Umar bn al-Khattab, *maslaha al-mursalah* was applied in the administration of the Islamic state by introducing what was not clearly stated in the Qur'an and Hadith, such as appointment of governors, agents, military officers in the conquered lands, appointment of qualified, trustworthy and knowledgeable people to the position of authority, assets declaration by the appointed governors and agents (Islamic Education Trust, 2015). Syaputra et al (2014) note that the contemporary utilization of *Maslaha al-Mursalah* can be observed in different enactment of the law, which benefits the people and prevents them from harm such as traffic regulations, family matters, regulations related to financial management and good governance. This paper will now examine how the principle of *Maslaha al-Mursalah* could be applied to amend the Nigerian Constitution for good governance so that agitations for resource control and restructuring Nigeria would become a thing of past in the Nigerian history.

Maslaha al-Mursalah (Unstated Common Good/Public Interest) as a Panacea to the clamouring for Resource Control and Restructuring in Nigeria: An Exploration

As earlier noted, *Maslaha al-Mursalah* (unstated common good/public interest) is being utilized by the modern Muslim jurists/legal practitioners to enact laws on matters (not explicitly found in the Qur'an and the *Hadith*) for the benefit of people (especially the Muslim Community) and prevent them from harm or evils that could emanate if such laws are not enacted for the common good or public interest and welfare of the people living in a given society. It is in view of this realization that the principle of *Maslaha al-Mursalah* can be applied for the amendment or overhauling of the 1999 Nigerian Constitution with a view to enacting new laws that would accommodate issues of resource control and restructuring that are being agitated by some patriotic Nigerians for the national development. To buttress this fact, Ako(2012) writes *inter alia* thus:

The amendment of laws on land use, oil operations, oil related compensations, access to information, participation in decision making and access to justice in environmental matters will reduce agitations for resource control in the Niger Delta states. It is therefore the responsibility of the legislators from these Niger Delta regions to sponsor bills to amend the relevant laws (<https://www.e-ir.info> , 2019)

Based on the principle of *Maslaha*, issues of resource control and restructuring are genuine because they affect lives and property of some people or states in Nigeria. Since one of the *maqasid shari'ah* (objectives of Islamic law) is preservation and protection of property of citizenry which *Maslaha* intends to achieve, it is, therefore, permissible for the Niger Delta people and other Nigerians to agitate for resource control and restructuring for the benefit of developing the people and their respective communities/states. Hence, there should be an amendment of the 1999 constitution to allow Delta regions and other federating units in the country to have 80% control and management of their God-given resources, while the remaining 20% should be controlled by the Federal Government. This amendment, if made, will be in line with the prophetic tradition which reads thus:

If somebody finds a treasure in his land, he has to give one fifth of it to the Government (Khan, 1995:318)

The principle of *Maslaha al-Mursalah* allows for the enactment of laws that would bring benefit to masses and prevent evils or harm to the public, it is, therefore permissible, for the purpose of restructuring Nigeria, to amend or overhaul the 1999 Constitution, which has been largely criticized and condemned for not reflecting Nigeria as a true federalism. That is why Moghalu (2018) calls for overhauling of the 1999 Constitution in order to achieve national unity, development of the component parts of the federation. Moghalu (2018) further states:

Restructuring Nigeria requires a completely new constitution that is truly a people's constitution (p.6)

In view of this agitation for restructuring Nigeria for good governance, the principle of *Maslaha al-Mursalah* allows for the enactment of laws that will prevent evil or cause harm to people in a given society. It is therefore permissible for the state houses of assemblies and the National Assembly to enact laws that will prevent evils by prescribing stiff penalties for the committals of insecurity, banditry, hate speech and fake news, cybercrime and embezzlement of public fund. Since the objective of

Islamic law (*Maqasid shari'ah*) is to protect and preserve family (lineage), life and property, Federal and State Governments in Nigeria, through legislature, should enact laws that will prescribe stiff punishments and penalties for crimes such as kidnapping, rape, terrorism, assassination and other acts capable of undermining the security of lives and properties of Nigerians. On the preservation/protection of life, Allah says in the Qur'an thus:

If a man kills a believer intentionally, his recompense is hell, to abide therein (forever). And the wrath and the curse of Allah are upon him, and a dreadful penalty is prepared for him (Q4:93)

In another place in the Qur'an, Allah declares thus:

...If anyone kills a soul, unless for a murder or for spreading mischief in the land, it would be as if he kills the whole people, and if anyone saves a life, it would be as if he saves the life of the whole people...(Q5:32).

Nigerian democratic system is said to be a 'lucrative business', which allows the political class to see politics as a do or die affair. The country should therefore be restructured politically through the amendment of the 1999 constitution to give room for new laws, (which principle of *maslaha* advocates) that will allow Nigeria to practise unicameral legislature, part-time legislature, a two-party system and reduction in bogus salaries and allowances of political office holders.

To achieve economic development in Nigeria, the country should also be economically restructured in such a way to enact law that will enable the small and medium enterprises to thrive and survive. Such law, according to the principle of *maslaha al-mursalaha* can be enacted (for the interest and welfare of people) to reduce interest rate on loan drastically for the business men and women. A situation whereby commercial banks and other financial institutions in Nigeria charge high interest rate is not augur well for the economy. Islam forbids all forms of transactions that involve usury or interest (Q2:275-278). High interest rate has indeed crippled a large number of small and medium scale industries in Nigeria, thereby causing high rate of unemployment. The operation of Islamic banking system, Islamic insurance, Islamic finance and Islamic capital market in the Muslim world has proved that business transactions can thrive and survive without involving in interest/usury (*riba*), gambling (*maysir*) and uncertainty (*gharar*) transactions.

Furthermore, the principle of *Maslaha al-Mursalah* permits Muslim jurists to enact laws for the benefit of

the general public and also to enact law that will prevent evil in the public. Since the objective of Islamic law (*Maqasid shari'ah*) is to protect religion of people which *Maslaha* seeks to achieve, Nigerian Constitution should be amended to restructure the country religiously by enacting laws that will mandate all religious groups and bodies/associations to be duly registered with the Corporate Affairs Commission (CAC) in order to curb all forms of religious commercialization, religious violence and religious particularity in the country. Such laws if enacted can stipulate proscription or outlawing any religious group or body or movement whose activities are geared towards disunity, terrorism and violence among citizenry. In addition, there should be legislation for the creation of Ministry of Religious Affairs at the state and federal levels in order to regulate activities of religious practitioners in order to ensure peaceful-co-existence among the adherents of different faiths in the country. There should be no compulsion or coercion in matters of religion either through aggressive and provocative preaching or forceful evangelization or *Da'wah*. Allah warns missionaries in the Qur'an thus:

Let there be no compulsion in religion. Truth stands clear from error... (Q2:256)

Another verse buttresses this warning, when Allah in the Qur'an declares thus:

If it had been thy Lord's will, they would all have believed, all who are on earth! Will thou then compel mankind, against their will, to believe! (Q10:99)

Every Nigerian, irrespective of religious affiliation or faith he/she professes, should be treated justly, without being biased or cheated or oppressed or denied of employment opportunity due to his/her religious belief. Every religious practitioner should be allowed to practise his/her religion anywhere in the country as long as he/she does that within the confines of the Nigerian Constitution. That is why Allah asked Prophet Muhammad to allow the polytheists, Jews and Christians to practise their religion in Makkah and Madinah. This is supported by verses in the Qur'an where Allah commanded Prophet Muhammad to say to the polytheists thus:

I will not worship that which you worship. Nor will you worship that I worship. Your religion is for and my religion is for me (Q109:4-6).

Above all, restructuring Nigeria should include restructuring the mindset of every Nigerian towards being patriotic, loyal, faithful, honest and obedient to the constituted authority (as captured in the National Pledge). Having mindset of being corrupt, selfish, religious and ethnic bigot and as well as promoter of

hate speech and fake news of government programmes and activities will not restructure Nigeria even if the 1999 Constitution is amended or new constitution is made for the country.

6. Conclusion

Resource control and restructuring the corporate Nigeria are two sides to the same coin; one cannot be discussed without the other. This paper has been able to trace the genesis of agitations for resource control and restructuring in Nigeria. The study has shown that the clamour for the resource control and restructuring Nigeria is justifiable considering the unfavourable socio-political, economic and religious climate of Nigeria. Therefore, the country needs to be restructured politically, socially, economically and religiously. Seeking the panacea to the agitations, the paper posits that through the exploration of the principles of *maslaha al-mursalah* (an Islamic legal tool used to make new laws for the benefit of people in a society), it will enable Nigerian lawmakers at the National Assembly to amend the 1999 constitution and enact new laws that would accommodate issues bothering on resource control and restructuring for good governance and national development.

7. Recommendations

Arising from this study, the following recommendations are offered towards finding a lasting solution to the clamouring for resource control and restructuring in Nigeria:

- The 1999 Constitution should be amended by the National Assembly to accommodate new laws that would address agitations for resource control and restructuring including other issues addressed in this study.
- All the federating states should be empowered through the amended Nigerian Constitution, to explore and exploit all natural resources within their territories for development with a view to generating employment opportunities for their citizenry.
- Federating units should be empowered through legislation to have 80% control and management of resources in their states, while the Federal Government would have 20% control of resources.
- The 13% derivation formula for the oil producing states/Niger Delta regions should be reviewed upward by the National Assembly in order to address environmental challenges being posed by oil exploration and exploitation in the Niger Delta regions.

- There should be a review in the Federal Allocation/Fiscal Policy among the three tiers of government.
- Nigeria is a multi-religious country. There is need for the Nigerian Association for the Study of Religions (NASR), Nigeria Interreligious Council (NIREC) or any other similar religious apex body in Nigeria to sponsor a bill in the National Assembly for the creation of the Ministry of Religious Affairs at the state and federal levels to ensure peaceful co-existence of adherents of different faiths in Nigeria
- The amended Nigerian Constitution should stipulate stiff penalties and punishments for the criminal offences such as corruption, insurgency, militancy, kidnapping and other crimes, which Islam forbids.

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