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Human Remains Disposal and Ritual Killings in Nigeria: A Comparative Analysis of Nigerian Criminal Law and Islamic Legal Principles

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Abstract

The right to life and the dignity of the human person are protected under Nigerian law and Islamic jurisprudence. Nonetheless, Nigeria continues to witness a disturbing rise in ritual killings, often accompanied by mutilation and the degrading disposal of corpses in bushes, rivers, shallow graves, and refuse sites. While homicide is clearly criminalised, Nigerian criminal law, particularly under the Penal Code, contains weak, fragmented, or absent provisions regulating the disposal of human remains, thereby creating enforcement gaps that impede effective investigation and prosecution. This study adopts a doctrinal and comparative legal methodology by analysing relevant provisions of Nigerian criminal law, including the Criminal Code, the Penal Code, and selected state legislation, alongside classical and contemporary Islamic legal principles governing the treatment and burial of the dead. Judicial decisions, statutory texts, and secondary literature are examined to assess normative standards and enforcement implications. The study finds that Nigerian law inadequately addresses the offence of improper disposal of corpses, treating it, at best, as peripheral misconduct rather than as a distinct and serious crime. In contrast, Islamic law imposes strict obligations of prompt and respectful burial and prescribes discretionary or aggravated sanctions where post-mortem dignity is violated. This article contributes to existing scholarship by systematically identifying legal gaps in Nigeria's corpse disposal regime and demonstrating, through comparative analysis, how Islamic legal principles offer a coherent normative framework for protecting post-mortem dignity, thereby providing a principled basis for reform discussions within Nigeria's plural legal system, particularly in addressing ritual killings and related investigative challenges.

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Keywords: Right to Life; Ritual Killings; Disposal of Human Remains; Islamic Law; Nigerian Criminal Law; Legal Pluralism.

Abstract

Hak untuk hidup dan martabat manusia dilindungi dalam hukum Nigeria dan yurisprudensi Islam. Meskipun demikian, Nigeria terus mengalami peningkatan yang mengkhawatirkan dalam kasus pembunuhan ritual, yang sering disertai dengan mutilasi dan pembuangan jenazah secara tidak layak di semak-semak, sungai, kuburan dangkal, dan tempat pembuangan sampah. Meskipun pembunuhan telah secara jelas dikriminalisasi, hukum pidana Nigeria, khususnya dalam Penal Code, masih mengandung ketentuan yang lemah, terfragmentasi, atau bahkan tidak ada terkait pengaturan pembuangan sisa-sisa tubuh manusia, sehingga menimbulkan celah penegakan hukum yang menghambat investigasi dan penuntutan yang efektif. Penelitian ini menggunakan metodologi doktrinal dan komparatif dengan menganalisis ketentuan-ketentuan relevan dalam hukum pidana Nigeria, termasuk Criminal Code, Penal Code, serta peraturan perundang-undangan di tingkat negara bagian, bersamaan dengan prinsip-prinsip hukum Islam klasik dan kontemporer yang mengatur perlakuan dan pemakaman jenazah. Putusan pengadilan, teks peraturan perundang-undangan, dan literatur sekunder dianalisis untuk menilai standar normatif dan implikasi penegakannya. Hasil penelitian menunjukkan bahwa hukum Nigeria belum secara memadai mengatur tindak pidana pembuangan jenazah yang tidak semestinya, yang paling jauh hanya diperlakukan sebagai pelanggaran periferal, bukan sebagai kejahatan yang berdiri sendiri dan serius. Sebaliknya, hukum Islam menetapkan kewajiban yang ketat untuk segera dan secara hormat memakamkan jenazah serta memberikan sanksi diskresioner atau yang diperberat apabila martabat pascakematian dilanggar. Artikel ini berkontribusi pada khazanah keilmuan dengan secara sistematis mengidentifikasi celah hukum dalam rezim pengaturan pembuangan jenazah di Nigeria serta menunjukkan, melalui analisis komparatif, bagaimana prinsip-prinsip hukum Islam menawarkan kerangka normatif yang koheren untuk melindungi martabat pascakematian, sekaligus memberikan dasar yang berprinsip bagi diskursus reformasi dalam sistem hukum plural di Nigeria, khususnya dalam menangani pembunuhan ritual dan tantangan investigatif yang terkait.
Keywords: Hak untuk Hidup; Pembunuhan Ritual; Pembuangan Sisa-sisa Tubuh Manusia; Hukum Islam; Hukum Pidana Nigeria; Pluralisme Hukum.

Introduction

Nigeria has witnessed a disturbing increase in cases of ritual killings and the illegal disposal of corpses in recent years (Ojie, 2006). Victims are not only unlawfully deprived of life but are frequently subjected to post-mortem mutilation (Fournet & Siller, 2015) and degrading forms of disposal, including abandonment in bushes, shallow graves, rivers, and refuse sites (Force, 2022; International, 2023). For Muslim victims in particular, such acts amount to a denial of mandatory Islamic funeral rites; washing (*gusl*), shrouding (*kafan*), funeral prayer (*ṣalāt al-janāzah*), and dignified burial thereby compounding the violation of their dignity beyond death (Al-Ashqar, 2007).

Existing scholarship on ritual killings in Nigeria has largely focused on criminological explanations (Alemika, 2013; Ojedokun, 2025), socio-economic drivers (Ojo et al., 2024; Oluwaniyi, 2018), or the adequacy of homicide-related offences under Nigerian criminal law (Okonkwo & Naish, 2002). Other studies examine ritual killings from a human rights

perspective, linking the phenomenon to the constitutional right to life and human dignity (A. A. Oba, 2004). While these contributions are valuable, they reveal a notable limitation: they overwhelmingly concentrate on the act of killing itself, with little or no sustained engagement with the legal implications of how victims' bodies are treated after death (Adedeji, 2019; Goodrum, 2007).

Similarly, doctrinal analyses of Nigerian criminal law acknowledge Section 242 of the Criminal Code on "misconduct with regard to corpses," but treat it as a marginal provision rather than interrogating its inadequacy as a regulatory framework for corpse disposal (Akinyemi, 2017; Criminal Code Act, 2004; R. N. Nwabueze, 2007). Even more striking is the absence of any equivalent provision under the Penal Code applicable in Northern Nigeria, a gap that has received minimal scholarly attention (Aborisade, 2018). As a result, unlawful disposal of corpses remains legally under-theorised, under-criminalised, and weakly enforced, despite its centrality to ritual killings and related investigative challenges (Owusu, 2025).

Studies on Islamic law, on the other hand, extensively discuss the sanctity of the human body and the obligatory rites accorded to the dead (Al-Zuhayli, 1985; Mājah, 2009), but these works are rarely brought into dialogue with Nigerian statutory law or contemporary criminal justice debates (Oliyide & Olatunde, 2024). Consequently, the potential of Islamic legal principles to illuminate normative standards for post-mortem dignity and accountability within Nigeria's plural legal system remains largely unexplored (Bello, 2016).

This article fills this gap by offering a comparative and normative analysis of Nigerian criminal law and Islamic legal principles on the disposal of human remains. It argues that unlawful killing and unlawful disposal of corpses are distinct but interconnected offences, often involving different actors, and that Nigeria's failure to clearly criminalise and regulate corpse disposal facilitates impunity in ritual killing cases. By systematically examining statutory deficiencies, Islamic jurisprudential standards, and enforcement realities, this study contributes a novel framework for understanding how post-mortem dignity can be legally protected. It further demonstrates how integrating Islamic legal principles into Nigeria's existing legal architecture can strengthen accountability, support criminal investigations, and address a neglected dimension of ritual killings in Nigeria.

Methods

This study adopts a doctrinal and qualitative legal research design, complemented by a comparative and normative analytical framework. This research is primarily library-based and focuses on the systematic examination of legal norms governing the disposal

of human remains within Nigerian criminal law and Islamic jurisprudence. The study does not rely on empirical fieldwork as its core methodology; rather, it evaluates existing legal rules, principles and enforcement structures to identify normative gaps and propose principled reforms.

This research employs four interrelated legal approaches. First, a doctrinal approach is used to analyse statutory provisions, particularly the Criminal Code, Penal Code, the Nigerian Constitution and relevant state legislation addressing homicide, misconduct with regard to corpses and ritual killings. Secondly, a comparative legal approach examines Islamic legal principles (Sharīʿah) on post-mortem dignity, burial obligations, and sanctions for violations, juxtaposing them with Nigerian statutory norms to assess areas of convergence and divergence. Thirdly, a normative approach is adopted to evaluate the adequacy of existing laws in protecting the dignity of the dead and supporting criminal accountability. Finally, a legal pluralism perspective is applied to situate the analysis within Nigeria's multi-layered legal system, where statutory, customary, and Islamic laws coexist.

This study relies on both primary and secondary legal sources**.** Primary sources include the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Criminal Code Act, the Penal Code Law, relevant state laws such as the Kwara State Prohibition of Dealing in Human Parts Law 2018, and reported judicial decisions from Nigerian courts. Classical and contemporary Islamic legal texts, including the Qur'an, Hadith, and authoritative fiqh works, also constitute primary normative sources. Secondary sources consist of textbooks, journal articles, law reports, policy documents, and reports by law enforcement agencies and human rights organisations.

Legal analysis in this study is conducted through textual interpretation, thematic analysis, and comparative evaluation. Statutory provisions are interpreted using established principles of criminal law and constitutional legality, particularly the doctrine of *nullum crimen sine lege*. Islamic legal rules are analysed through juristic consensus (*ijmāʿ*), analogical reasoning (*qiyās*), and purposive interpretation (*maqāṣid al-sharīʿah*), with emphasis on the protection of life and human dignity.

The criminal charge arising from Kwara State is employed solely as an illustrative and supporting case study, not as the primary methodological basis of the research. It serves to demonstrate how existing legal deficiencies manifest in practice, particularly the prosecutorial focus on homicide and human parts offences, to the exclusion of illegal corpse disposal. The case is used to contextualise the doctrinal and comparative analysis and to reinforce the argument for a more comprehensive legal framework, rather than to generate empirical findings.

Results and Discussion

Case Illustration: *The People of Kwara State v. Abdulrahman Bello & Others*

The prosecution of *The People of Kwara State v. Abdulrahman Bello & Others* provides a compelling illustration of the intersection between ritual killings, post-mortem abuse, and statutory deficiencies within Nigeria's criminal justice system. The incident, which occurred on 10 February 2025 in the Olunlade area of Ilorin, Kwara State involved five defendants charged with conspiracy to commit murder, homicide, unlawful possession and removal of human parts, and rape under the Penal Code and the Kwara State Prohibition of Dealing in Human Parts Law 2018 (*The People of Kwara State v Abdulrahman Bello & Ors*, 2025).

From an analytical standpoint, the case demonstrates a recurring pattern in Nigerian criminal prosecutions: the prioritisation of offences committed against the living, such as murder and rape, while the treatment of the victim's body after death remains legally marginal (Horan & Beauregard, 2018). Although the charge sheet alleges dismemberment and possession of human parts, there is no distinct count addressing the improper disposal or degradation of the corpse as an independent harm (*The People of Kwara State v Abdulrahman Bello & Ors*, 2025). This reflects a structural limitation in Nigerian criminal law, where post-mortem violations are conceptually absorbed into homicide rather than recognized as distinct offences implicating dignity, public order, and communal morality (Akinyemi, 2017).

Criminal justice theory recognizes that criminal law performs an expressive function by signaling societal condemnation of certain conduct (Cornford, 2024). The absence of a clear offence of illegal corpse disposal weakens this expressive role and undermines deterrence, particularly in cases of ritual killings where post-mortem abuse is integral to the criminal enterprise. The Kwara State Human Parts Law addresses trafficking and possession of human parts but does not comprehensively regulate corpse disposal, thereby leaving a normative gap (Kwara State Prohibition of Dealing in Human Parts Law, 2018). When examined through the lens of legal pluralism, this gap becomes more pronounced in jurisdictions such as Kwara State, where Islamic norms strongly inform social expectations regarding burial and respect for the dead (Griffiths, 1986).

Conceptual Clarifications

Conceptual clarification is essential to distinguish analytically between distinct wrongs that are often conflated in both legal practice and public discourse.

1. Ritual Killing

Ritual killing refers to the intentional killing of a person for the instrumental use of the victim's body or body parts, often motivated by beliefs in supernatural or symbolic

benefits. Nigerian criminal law does not recognise ritual killing as a distinct offence; such acts are prosecuted under murder provisions in Section 316 of the Criminal Code and Section 220 of the Penal Code (Criminal Code Act, 2004; Penal Code Law, 1963). While motive is generally relevant only at sentencing, criminological literature identifies ritual killings as a distinct category of organized and premeditated violence (Alemika, 2013; Pointon & Wright, 2022).

Islamic law unequivocally prohibits unlawful killing (*qatl al-nafs bi ghayr al-ḥaqq*), grounding this prohibition in both divine command and communal security. The analytical significance lies not in the shared prohibition but in the broader moral framework within which the offence is situated, where ritual murder is viewed as a corruption of social and spiritual order.

2. Illegal Disposal of Corpses

Illegal disposal of corpses refers to the unauthorized or degrading handling, abandonment, or concealment of a dead body. Under Nigerian law, Section 242 of the Criminal Code criminalizes "misconduct with regard to corpses," but the provision is vague, limited in scope, and weakly punitive (Criminal Code Act, 2004). No equivalent provision exists under the Penal Code applicable in Northern Nigeria (Penal Code Law, 1963).

From a human dignity perspective, harm to a corpse constitutes a residual harm to the person and an affront to collective moral values (Münch et al., 2024). Islamic law translates this abstract notion of dignity into enforceable obligations, treating burial not as a discretionary act but as a communal legal duty.

3. Islamic Funeral Rites as Normative Standards

Islamic funeral rites; *ghusl*, *takfīn*, *ṣalāt al-janāzah*, and burial are often described as religious rituals. Analytically, however, they function as a normative regulatory framework governing post-mortem treatment (Al-Zuhayli, 1985). Comparative legal systems similarly impose statutory duties regarding death certification, burial, and cremation (National Health Act, 2003; Penal Code Law, 1963). Islamic law's distinctiveness lies in integrating moral duty, communal responsibility, and legal accountability.

4. *Taʿzīr* and Discretionary Justice

Taʿzīr represents a category of discretionary punishment imposed for offences that threaten public morality or order but lack fixed penalties (Kamali, 2008; Wright, 2023)s. In cases of improper corpse disposal unconnected to murder, Islamic judges may impose imprisonment, fines, corporal punishment, or public reprimand. This flexibility contrasts with Nigerian criminal law's strict adherence to codified offences and highlights challenges posed by the principle of legality (*nullum crimen sine lege*) (Constitution of the Federal Republic of Nigeria 1999 (as Amended), 1999).

5. *Ḥirābah* and Collective Security

Ḥirābah conceptualizes certain crimes as assaults on societal peace rather than private wrongs. Where ritual killings involve kidnapping, mutilation, and secret disposal of bodies, some jurists classify such acts as *ḥirābah* due to their terror-inducing nature (Taymiyyah, n.d.). This framework provides an analytical lens for understanding ritual killings as crimes against public order, a dimension largely absent in Nigerian statutory law.

Comparative Analysis of the Legal Framework on the Disposal of the Dead: Nigerian Law, Islamic Law, and Lessons from Other Jurisdictions

Nigeria lacks a comprehensive statutory regime regulating corpse disposal. Section 242 of the Criminal Code remains the sole provision addressing post-mortem misconduct in Southern Nigeria, prescribing a maximum penalty of two years' imprisonment (Criminal Code Act, 2004). The Penal Code contains no analogous provision, creating regional inconsistency and enforcement gaps (Sanni, 2015; Verma, 2015; Zedner, 2016).

Comparatively, jurisdictions such as the United Kingdom and South Africa have enacted detailed statutes regulating burial, cremation, exhumation, and handling of remains (Burial and Cremation (Scotland) Act, 2016). Nigerian law's minimalist approach weakens deterrence and undermines investigative capacity, particularly in ritual killing cases where corpse disposal is central to concealing the crime (Mahmoud, 2025; Olatunji, 2020).

Islamic law offers a coherent framework emphasizing dignity, prompt burial, and prohibition of mutilation (Majah, n.d.). These principles align with contemporary human dignity jurisprudence while providing enforceable standards. Importantly, Islamic law does not treat death as the endpoint of legal concern but as the beginning of new communal obligations (Erkoç Baydar, 2024).

Rather than proposing wholesale transplantation, this analysis positions Islamic law as a comparative normative system that exposes deficiencies in Nigerian statutory law. Within a plural legal order, such comparative engagement enhances normative coherence without undermining constitutional safeguards (A. Oba, 2002).

Comparative legal analysis is valuable only to the extent that it illuminates domestic deficiencies without encouraging mechanical transplantation of foreign norms. Nigeria's constitutional framework, characterised by legal pluralism, religious diversity, and the supremacy of written law, requires that comparative lessons on corpse disposal and ritual killings be adapted rather than imported wholesale (Adimekwe, 2024). The experiences of South Africa, the United Kingdom, and Saudi Arabia nonetheless provide instructive contrasts in legislative design, institutional coordination, and normative emphasis.

1. South Africa: Regulatory Clarity within a Secular Constitutional Order

South Africa's regulatory framework on death management, principally under the National Health Act 2003 and subsidiary Burial and Cremation Regulations, provides a coherent statutory regime governing death certification, burial, exhumation, and transportation of human remains (National Health Act, 2003; Regulations Relating to the Management of Human Remains, 2013). A key strength of this model lies in its integration of public health regulation with criminal investigation, particularly through mandatory reporting of unnatural deaths and the involvement of coronial authorities (Harris & Walker, 2019).

However, South Africa's framework operates within a strongly secular constitutional order that deliberately limits religious influence in legislative design (Constitution of the Federal Republic of Nigeria 1999 (as Amended), 1999). While customary and religious burial practices are recognised, they remain subordinate to statutory regulation. This limits the direct applicability of the South African model to Nigeria, where religious norms (especially Islamic burial rites in the North) play a far more prominent social and normative role (Chanock, 1985). The lesson for Nigeria is therefore not the adoption of secular uniformity, but the value of clear statutory definition of post-mortem obligations, coupled with inter-agency coordination, which can coexist with religious accommodation.

2. United Kingdom: Procedural Rigour and the Expressive Function of Criminal Law

The United Kingdom's approach to corpse disposal is anchored in a combination of historic burial statutes, such as the Burials Act 1857 and the Cremation Act 1902, and modern legislation like the Human Tissue Act 2004 (Cremation Act, 1902). These laws reflect a proceduralist legal culture that emphasises registration, authorisation, and licensing rather than moral or religious symbolism (Taylorian & Ventura, 2022).

Of particular relevance is the Human Tissue Act, which criminalises the unlawful removal, storage, or use of human body parts, addressing conduct frequently associated with ritual killings. Yet, the UK framework presupposes high administrative capacity, comprehensive civil registration systems, and low levels of informal burial practices; conditions that are not fully present in Nigeria (Atama et al., 2021). Moreover, UK law is largely indifferent to religious burial timelines, whereas prompt burial is a religious imperative in Islam (Kamali, 2003). Nigeria must therefore selectively adopt the UK's emphasis on independent offences for post-mortem violations, without replicating a regulatory structure that ignores religious sensitivities.

3. Saudi Arabia: Normative Coherence and the Limits of Theocratic Models

Saudi Arabia represents a contrasting model in which Islamic law directly informs state legislation and criminal justice. Burial rites are legally enforced, and improper disposal or mutilation of corpses may attract severe penalties under taʿzīr or, in

aggravated cases involving terror and social destabilization, ḥirābah (Taymiyyah, n.d.). This normative coherence ensures strong social compliance and reinforces the sanctity of the human body both before and after death (Al-Zuhayli, 1985).

Nevertheless, Saudi Arabia's legal system operates within a theocratic constitutional framework fundamentally different from Nigeria's secular constitution (Basic Law of Governance of Saudi Arabia, 1992). The direct enforcement of Sharīʿah norms through state coercion is constitutionally impermissible in Nigeria, where Section 10 of the 1999 Constitution prohibits the adoption of any religion as a state religion (Nigeria, 1989). Consequently, Saudi Arabia's model cannot be transplanted wholesale. Its relevance lies instead in demonstrating how clear post-mortem obligations and moral clarity can strengthen deterrence, even if enforcement mechanisms must be constitutionally recalibrated.

4. Comparative Synthesis: Contextual Lessons for Nigeria

A critical synthesis of these jurisdictions reveals that effective regulation of corpse disposal rests on three pillars: legal clarity, institutional coordination, and normative legitimacy (Feinberg, 1965). Nigeria's current framework lacks all three. Section 242 of the Criminal Code is vague and weakly punitive, while the Penal Code is silent on the issue altogether (Criminal Code Act, 2004).

Rather than importing foreign statutes or religious penal regimes, Nigeria should pursue context-sensitive reform by:

a. Codifying illegal disposal and mutilation of corpses as independent offences applicable nationwide;
b. Integrating religious burial norms as legislative considerations, not sources of coercive authority;
c. Strengthening death registration and forensic investigation mechanisms; and
d. Ensuring that reforms comply with constitutional guarantees of legality, equality, and religious freedom.

In this sense, Islamic law functions not as an alternative legal system to be imposed, but as a comparative normative resource that exposes gaps in Nigeria's statutory protection of post-mortem human dignity (Rosen, 2012). When harmonised with constitutional principles and modern criminal justice standards, such an approach can enhance both legal effectiveness and social legitimacy.

Incorporating Islamic Legal Principles into Nigeria's Framework on the Disposal of the Dead: Opportunities, Benefits, and Challenges

The call to incorporate Islamic legal provisions on the disposal of dead persons into Nigeria's formal legal system is grounded in the country's unique legal pluralism and the

pressing need to address ritual killings and corpse desecration. The Nigerian constitutional framework already permits multiple systems of law to operate side by side, creating ample room for such reform, especially in Muslim-majority regions.

1. Legal Pluralism in Nigeria: Possibilities Under the Constitution

Nigeria operates a system of legal pluralism, wherein English-derived statutory law, customary law, and Islamic law coexist and are applied in various jurisdictions. This is constitutionally supported by several provisions:

a. Section 6(5)(k) of the 1999 Constitution allows the establishment of Sharia Courts of Appeal in the states.
b. Section 277(1) empowers the Sharia Court of Appeal to exercise jurisdiction in civil and personal law matters under Islamic law.
c. Section 4(7) grants State Houses of Assembly the power to make laws for the peace, order, and good government of their respective states (Nigeria, 1989).

Given these provisions, states with a substantial Muslim population can legislate on the respectful treatment and disposal of corpses using Islamic jurisprudence. For example, the Zamfara and Kano State Sharia Penal Codes already criminalize offences like corpse mutilation and ritual acts, providing a viable template for other states.

Furthermore, legal pluralism allows states to contextualize their laws based on local religious and cultural values, so long as these do not conflict with the constitutional rights and freedoms of citizens.

2. Benefits of Integrating Islamic Norms

Incorporating Islamic legal principles into the broader Nigerian legal framework would serve several important functions:

a. Moral Legitimacy

Islamic law derives its authority not only from divine texts but also from communal acceptance among adherents. Laws rooted in Sharīʿah often carry greater moral authority in Muslim communities, thus encouraging compliance and voluntary observance. This is especially significant in addressing practices like ritual killings, which Islamic ethics outright condemn.

b. Communal Enforcement

Islamic norms are often enforced communally, with religious leaders, traditional rulers, and family members all playing roles in ensuring compliance. If the rules governing the disposal of the dead are enshrined in law and framed in Islamic terms, community vigilance is likely to increase. This can serve as a powerful tool in monitoring suspicious deaths, reporting abuses, and preventing desecration.

c. Stronger Deterrence

Current laws, such as Section 242 of the Criminal Code, which deals with "misconduct with regard to corpses," are vague and impose light penalties (e.g., two years imprisonment or a fine). They do not address the gravity of the offence in cases involving ritual killings or conscious desecration of corpses (Laws of the Federation of Nigeria, 1990). Islamic law, however, offers clearer guidance and stronger deterrents, including:

1) *Ḥirābah* punishments (e.g., death or crucifixion) for acts causing public terror,
2) *Taʿzīr* punishments (e.g., lashes, imprisonment, or exile) for acts of complicity or negligence.

These stricter standards could plug current legal loopholes and discourage future violations.

3. Recommendations for Reform and Legal Drafting

In light of the foregoing, the following recommendations are proposed:

a. Enact State-Level Laws on Corpse Disposal

Muslim-majority states should enact a specific law titled "Respectful Disposal of Human Corpses Law" that would:

1) Mandate proper rites (washing, shrouding, prayer, and burial) for the deceased;
2) Criminalize acts such as dumping, mutilation, or abandonment of bodies;
3) Prescribe penalties in accordance with Islamic standards (*Ḥirābah* or *Taʿzīr* as applicable);
4) Empower religious and community leaders to oversee compliance.

b. Amend Criminal and Penal Codes

At both federal and state levels, the Criminal and Penal Codes should be amended to distinguish between:

1) Homicide (unlawful killing),
2) Corpse desecration (improper handling or mutilation of the dead), and
3) Unlawful corpse disposal (dumping in rivers, refuse sites, etc.)

This legal classification would help prosecutors charge offenders for all relevant crimes and not merely for murder.

c. Develop a Federal Statute on Human Remains

A unified federal statute titled "Human Remains Management and Protection Act" should be enacted. This law would:

1) Establish a national death registration system;
2) Require medical certification of causes of death;
3) Define approved burial practices based on religious affiliation;
4) Prohibit and penalize unapproved disposal methods;
5) Encourage inter-agency coordination between hospitals, mosques, churches, police, and civil registration departments.

Such a law would create a legal and administrative framework to monitor all deaths and dispose of all corpses in a lawful, respectful, and religiously compliant manner.

In summary, the incorporation of Islamic norms into Nigeria's legal structure on the treatment and disposal of dead persons is both constitutional and practical. It reflects Nigeria's plural legal tradition and answers the urgent need to protect the dignity of the dead, especially in the context of rising ritual killings. With proper legal reform, rooted in both Islamic jurisprudence and modern legal drafting principles, the country can take meaningful steps to curb these atrocities and restore human dignity in life and death.

While the incorporation of Islamic legal principles into Nigeria's statutory framework on the disposal of the dead offers valuable reform potential, several constitutional, social, and practical challenges must be addressed. These challenges stem primarily from Nigeria's religious diversity, federal character, and the need to preserve national unity while respecting community-specific norms.

1. Religious Diversity and Constitutional Safeguards

Nigeria is a multi-religious federation, comprising Muslims, Christians, and adherents of African Traditional Religions. According to Section 10 of the Constitution:

> *"The Government of the Federation or of a State shall not adopt any religion as State Religion."* (Nigeria, 1989)

This provision enshrines religious neutrality as a guiding principle in governance. Therefore, any attempt to incorporate religious norms, such as Islamic funeral laws, into public legislation must be undertaken cautiously to avoid the perception of religious favoritism or discrimination.

Moreover, Sections 38 and 42 of the Constitution guarantee freedom of religion and freedom from discrimination. Thus, any law governing the disposal of the dead must accommodate pluralism, ensuring that Muslims, Christians, and traditionalists alike can comply without infringement on their beliefs.

A model approach would be the creation of multi-tiered legal instruments, where the general law provides the framework for dignified disposal of the dead, and religious communities are allowed to comply with faith-based burial practices within that framework.

2. Possible Resistance from Secular or Non-Muslim Communities

Proposals to incorporate Islamic norms into public law may provoke resistance from non-Muslim or secular constituencies, particularly in mixed-faith states or areas dominated by Christianity. Concerns may arise that such laws could:

a. Impose Islamic norms on non-Muslims;
b. Violate the secular character of the state;
c. Create religious imbalance in legal policymaking (B. O. Nwabueze, 2003).

To mitigate these risks, any legislation proposed must:

a. Be clearly framed as optional or applicable only to persons professing Islam;
b. Emphasize universal ethical standards, such as dignity, non-desecration, and public health protection;
c. Ensure that similar laws are allowed or considered for other faiths, thereby fostering interreligious parity.

3. Need for Public Awareness and Interfaith Dialogue

Another crucial consideration is the public perception of such reforms. Public ignorance or misunderstanding of Islamic law may fuel opposition. Hence, there is a pressing need for:

a. Public Education

Public enlightenment campaigns should explain the ethical basis of Islamic funeral laws such as respect for human dignity and prompt burial, and how these align with universal human rights values (B. O. Nwabueze, 2003).

b. Interfaith Dialogue

Government agencies and religious institutions should foster interfaith dialogue to:

1) Clarify that the proposed legal reforms do not seek religious dominance;
2) Create shared moral consensus on corpse dignity and funeral propriety;
3) Promote community-level monitoring of deaths and funerals to discourage ritual killings.

Such engagement is vital for community buy-in, especially in areas where religion and culture intersect with law in sensitive ways. The path to incorporating Islamic principles into Nigeria's legal structure on corpse disposal is not without hurdles. However, through constitutional sensitivity, religious inclusivity, and strategic public engagement, these challenges can be navigated. The ultimate goal is not to privilege one religion over another, but to restore respect for the dead, prevent ritual killings, and close legal gaps that criminals currently exploit.

This study establishes that the right to life and dignity in death is firmly protected under both Nigerian constitutional law and Islamic law, reflecting a shared commitment to safeguarding human dignity. However, the existing statutory provisions in Nigeria, particularly Section 242 of the Criminal Code, remain vague and inadequate in effectively addressing offences related to the disposal of corpses. In contrast, Islamic law provides a more comprehensive and structured framework governing the respectful treatment of the dead, encompassing detailed regulations on funeral rites, burial procedures, and the prohibition of desecration, all of which are grounded in principles of human dignity, public morality, and religious obligation. Furthermore, the study finds that Nigeria's plural legal system offers a viable legal opportunity for incorporating Islamic principles, especially in

Muslim-majority states, in accordance with constitutional provisions that recognize the application of religious law. Nonetheless, such incorporation is not without challenges, as it must navigate issues of religious sensitivity, potential resistance from secular or non-Muslim communities, and the necessity for public education to ensure that any legal reforms are widely understood, accepted, and effectively implemented.

To address the persistent problem of corpse desecration and ritual killings, this study strongly recommends the strategic integration of Islamic funeral and corpse disposal norms into Nigeria's statutory legal framework. This integration can be pursued through several key measures, including the enactment of state-level legislation in Northern Muslim-majority regions that aligns with Islamic injunctions concerning burial rites and the preservation of human dignity after death. At the federal level, legal reform should be undertaken by developing statutes that are inspired by the ethical and normative foundations of Islamic law while maintaining religious neutrality in both language and application, thereby ensuring inclusivity within Nigeria's plural society. In addition, community-based mechanisms should be strengthened to facilitate the reporting of suspicious deaths and improperly disposed corpses, with active involvement from mosques, traditional institutions, and local government authorities. Through the harmonization of religious values and formal legal structures, Nigeria can cultivate a more holistic, culturally grounded, and effective approach to criminal justice in addressing such crimes.

In this regard, Islamic law presents a profound moral and legal framework for safeguarding the dignity of the deceased, emphasizing that every human being—whether alive or dead—is entitled to respect and honour. The improper disposal of a corpse is not merely a legal violation but also a transgression of divine commandments, as reflected in Islamic teachings that uphold the sanctity of life and the *ihtirām* (honour) of the human body even after death (Qudamah, n.d.).. In a societal context increasingly challenged by acts of ritual violence, the codification and enforcement of these principles offer a viable pathway to addressing gaps within Nigeria's criminal justice system. Ultimately, such reforms would enable the Nigerian state to reinforce its commitment to human dignity, uphold religious freedom, and strengthen the rule of law, while making meaningful progress in combating one of the most degrading forms of violent crime.

Conclusion

This study has examined the persistent problem of ritual killings and the illegal disposal of corpses in Nigeria through a comparative and normative legal lens. It finds that while Nigerian criminal law robustly addresses unlawful killing, it inadequately regulates post-mortem conduct. Existing provisions (particularly section 242 of the Criminal Code)

are narrow, weakly enforced, and absent altogether under the Penal Code applicable in much of Northern Nigeria. As a result, the illegal disposal, mutilation, and desecration of corpses frequently escape independent legal scrutiny, notwithstanding their grave ethical, religious, and evidentiary consequences.

The article makes three principal academic contributions. First, it conceptually separates unlawful killing from unlawful corpse disposal, demonstrating that both constitute distinct harms deserving independent legal regulation. Secondly, it advances a comparative framework that critically evaluates foreign and religious legal systems without endorsing mechanical transplantation, thereby enriching Nigerian criminal law scholarship on legal pluralism and post-mortem dignity. Thirdly, it reframes Islamic law as a normative and analytical resource (rather than a coercive alternative) to expose doctrinal gaps in Nigeria's statutory protection of the dead.

From a policy perspective, the findings suggest the need for cautious, constitutionally compliant reform aimed at criminalising illegal corpse disposal as a standalone offence, strengthening death registration and forensic processes, and enhancing investigative accountability. Such reforms should be framed in secular legislative language while remaining sensitive to Nigeria's religious and cultural diversity. Future research should empirically examine prosecutorial practices relating to corpse-related offences, assess public health implications of improper burials, and explore harmonisation strategies between statutory law, customary practices, and religious norms. Addressing these dimensions is essential for developing a holistic legal response that protects human dignity both in life and after death.

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