



UNIPORT

LAW REVIEW

Volume 10 Issue 5 (2026)

ISSN: 2672-5150

Published by

Faculty of Law, University of Port Harcourt

Volume 10, Issue 5 March 2026

(c) 2026, Faculty of Law, University of Port Harcourt.

EDITORIAL ADVISORY BOARD

1. Hon. Justice B. A. Georgewill – Justice of the Nigerian Court of Appeal – Chairman of the Editorial Advisory Board
2. Hon. Justice T. S. Oji – Justice of the High Court of Rivers State, Nigeria
3. Hon. Justice M. H. Danagogo – Justice of the High Court of Rivers State, Nigeria
4. D. D. Ihua-Maduenyi – Chief Magistrate, Rivers State Judiciary, Nigeria
5. M. Essien – Senior Advocate of Nigeria
6. Professor K. S. A. Ebeku, Commissioner for Education, Rivers State, Nigeria
7. Professor N. S. Okogbule – Vice Chancellor, Rivers State University, Nigeria
8. Professor A. I. Olatubosun – Vice Chancellor, Koladaisi University, Nigeria
9. Professor Uche Ewelukwa Ofodile – Professor of Law, University of Arkansas, United States of America

EXECUTIVE EDITOR

Professor I. L. Worika

Dean, Faculty of Law, University of Port Harcourt.

EDITORIAL TEAM

1. ***Dr. E. T. Bristol-Alagbariya*** – Senior Editor (Associate Dean, Faculty of Law, University of Port Harcourt)
2. ***Dr. U. Etemire*** – Subscription Manager (Acting Head of Department, Jurisprudence and International Law)
3. ***Dr. E. P. Amechi*** – Secretary Editorial Board (Acting Head of Department, Commercial and Industrial Law)
4. ***Dr. P. S. Tamuno*** – Production Manager (Acting Head of Department, Private and Property Law)
5. ***Dr. M. Oke – Chinda*** – Coordinator of Proof Reading
6. ***Mrs. P. I. Gbobo*** – Assistant coordinator of Proof Reading
7. ***Mr. A. Ihua – Maduenyi*** – Logistics coordinator
8. ***Mrs. I. Mgbeahurike*** - Assistant Logistics coordinator
9. ***Dr. C. Obinichi*** - Assistant Editor

SUBMISSION GUIDELINES

1. The submitted article, review or case note must not have been published elsewhere.
2. Articles on any legal subject matter are welcome.
3. The journal is published bi-annually.
4. Articles must not exceed 12,000 words including footnotes and abstract.
5. Book reviews and case notes must not exceed 10,000 words including footnotes and reference.
6. Articles, reviews or case note must be typed on Microsoft Word, Times New Romans font size 12 double spaced without page breaks.
7. Tables must be designed with Micro-soft Excel, where tables are adapted from private or public sources, adequate reference must be provided.
8. For all articles, the author must include an abstract of not more than 300 words. The author must also include a maximum of 5 keywords.
9. Articles should adopt the Nigerian Association of Law Teacher's referencing style or the Oxford Standard for the Citation of Legal Authorities.

Soft copies of articles should be sent to the following address:

Dr. P. S. Tamuno

Faculty of Law,

University of Port Harcourt, Nigeria

Email: paul.tamuno@uniport.edu.ng; or santaderego@yahoo.com

Telephone: +2347032797966

TABLE OF CONTENT

<i>FREEDOM OF EXPRESSION IN THE DIGITAL AGE: COMPARATIVE PERSPECTIVES FROM NIGERIA, THE UNITED STATES, AND THE EUROPEAN UNION - Feyisayo A. Folorunso</i>	<i>1</i>
<i>THE INFLUENCE OF LAND TENURE SYSTEMS ON INHERITANCE RIGHTS IN NIGERIA - IMIEFOH, Andrew Ikhayere & Ihuoma Joy Andrew Imiefoh</i>	<i>18</i>
<i>THE LEGAL STATUS OF THE IREV PORTAL IN NIGERIA'S ELECTORAL JURISPRUDENCE: A CRITICAL ANALYSIS OF SECTION 60 OF THE ELECTORAL ACT 2026 AND THE ELECTRONIC TRANSMISSION OF ELECTION RESULTS - John Afolabi Ogedengbe & Abdulhafeez Mohammad</i>	<i>37</i>
<i>ADVANCING THE NIGERIAN CUSTOMARY LAW MARRIAGE SYSTEMS IN THE 21ST CENTURY: TAKING A CLUE FROM SOUTH AFRICA - Lukman Adejoro BAKARE & Adekunle Alexander ADERINBOYE</i>	<i>53</i>
<i>LEGAL APPRAISAL OF PUBLIC LAND ACQUISITION AND LAND REDISTRIBUTION UNDER THE LAND USE ACT 1978 - PETERS, Promise Naniye Adokiye</i>	<i>82</i>
<i>BETWEEN THE STATUTE AND THE SCRIPTURE: CHILD BEGGING AT THE CROSSROADS OF NIGERIAN LAW AND ISLAMIC JURISPRUDENCE - Abdulraheem Taofeeq Abolaji, Ph.D</i>	<i>98</i>

BETWEEN THE STATUTE AND THE SCRIPTURE: CHILD BEGGING AT THE CROSSROADS OF NIGERIAN LAW AND ISLAMIC JURISPRUDENCE

By

Abdulraheem Taofeeq Abolaji, Ph.D *

Abstract

The phenomenon of child begging in Nigeria represents a critical intersection where statutory law meets religious tradition, creating both protective frameworks and enforcement vacuums. This article examines the legal regulation of child begging through two distinct yet increasingly convergent lenses: Nigerian statutory law, primarily the Child Rights Act of 2003, and Islamic jurisprudence *fiqh*, particularly the authoritative resolutions of the International Islamic Fiqh Academy. Focusing on the *Almajiri* system, wherein millions of children pursue Quranic education while engaging in systematic street begging, the article analyses how colonial disruptions, post-independence policy failures, and socioeconomic deprivation have transformed a historically revered educational tradition into a mechanism of child exploitation. While Nigerian law unequivocally criminalises the use of children for begging, punishable by up to ten years' imprisonment, enforcement remains fragmented due to jurisdictional complexities and non-domestication of federal legislation in twelve northern states. Conversely, contemporary Islamic jurisprudence has evolved toward explicit prohibition of child begging, with the International Islamic Fiqh Academy's 2023 Resolution No. 246 (*A Shariah approach to the Phenomenon of Street Children, Child Beggars, and Children in Hard Labour*) establishing that poverty cannot serve as a pretext for violating children's rights to education, health, and dignified upbringing. The article argues that despite apparent doctrinal convergence between statutory and religious frameworks, effective protection requires harmonised legal implementation, institutional empowerment of religious enforcement mechanisms such as the *Hisbah*, and socioeconomic interventions addressing the structural poverty driving families to abandon children to exploitative systems. Drawing on comparative analysis of West African Quranic school systems and the African Committee of Experts on the Rights and Welfare of the Child's landmark decision against Senegal (2014), the article proposes a framework for culturally sensitive reform that respects religious autonomy while ensuring child protection.

Keywords: Child, begging, Almajiri system, Nigerian Child Rights Act, Islamic law,

INTRODUCTION

The depiction of a child offering a bowl to passing automobiles on a Nigerian highway epitomizes a prominent expression of systemic breaches of child rights in modern Africa. These youngsters, frequently barefoot, emaciated, and bearing the grime of street existence, symbolize not only individual misfortune but also a multifaceted dilemma at the confluence of law, religion, and political economics. In Nigeria, around 10 million children participate in the Almajiri system of Quranic education, while organized begging syndicates function in urban

* Reader, Faculty of Law, University of Ilorin, 07033223341, taofeeqbj@gmail.com

areas across the country. Child begging is regarded as a statutory offense, yet paradoxically, some communities uphold it as a religious tradition.¹ This essay analyzes the legal frameworks regulating child begging under Nigerian statutory law and Islamic jurisprudence (Shariah), exploring their historical development, current convergence, and ongoing enforcement deficiencies. The primary assertion contends that although Nigerian law and modern Islamic jurisprudence have significantly aligned in forbidding child exploitation for begging, effective safeguarding is hindered by jurisdictional fragmentation, cultural opposition, and the neglect of systemic poverty. The Almajiri system, once a revered tradition of Islamic knowledge, is now linked to street begging, child mistreatment, and susceptibility to radicalization, serving as the principal case study for this examination.² The importance of this investigation transcends Nigeria's boundaries. Nigeria, the most populous nation in Africa and a prominent member of the Organisation of Islamic Cooperation (OIC), provides insights for balancing statutory child safety with religious educational traditions, serving as a model for Muslim-majority countries facing analogous challenges. Furthermore, the 2014 ruling by the African Committee of Experts on the Rights and Welfare of the Child against Senegal concerning the coerced begging of talibé children delineates regional human rights requirements that engage Nigeria's legal responsibilities.³

2. The Nigerian Statutory Framework: Legislative Architecture and Enforcement Deficits

a. Child Rights Act of 2003: Comprehensive Protection, Fragmented Implementation

Nigeria's most ambitious attempt to provide consistent child protection standards is the Child Rights Act (CRA) of 2003. The CRA unifies earlier disjointed provisions into a comprehensive statutory structure as domestic legislation implementing the African Charter on the Rights and Welfare of the Child (ACRWC) and the United Nations Convention on the Rights of the Child (CRC).⁴ The use of children for begging is expressly prohibited by Section 30 of the Act, which states that "[n]o person shall buy, sell, hire, let on hire, dispose of or obtain possession of or otherwise deal in a child" and that "[a] child shall not be used for the purpose of begging for alms, guiding beggars, prostitution, domestic or sexual labor or for any unlawful or immoral

¹ Jeremiah and Chi, Sacred Education to Street Exploitation, 2; UNICEF, "Children Adjust to Life Outside Nigeria's Almajiri System."

² Jabbi and Kware, The Phenomenon of Almajirci in Northern Nigeria, 150

³ African Committee of Experts on the Rights and Welfare of the Child, *Decision on the Communication Submitted by the Institute for Human Rights and Development in Africa and Others against Senegal*.

⁴ Okonkwo and Nwabueze, "Legal Framework for the Protection of Children in Nigeria," 5.

purpose."⁵ Violations involving begging or immoral purposes are punishable by up to ten years in prison.⁶

The protection provided by the CRA goes beyond outright bans on begging. A child in need of care and protection is defined by Section 50 as "found begging or receiving alms" or "wandering about or in any street, premises or place or in any river, canal or waterway for the purpose of begging or receiving alms." Section 28 forbids "forced or exploitative labor."⁷

Notably, Section 11 addresses past abuses when police jailed street children instead of their exploiters by outlawing the crime of "wandering" for minors.⁸ However, Nigeria's federal system seriously undermines the CRA's efficacy. Child welfare is covered by the 1999 Constitution's residual legislative list, which gives states concurrent authority with the federal government.⁹ For the CRA to have full legal power, state legislatures must domesticate it. Twelve states, mostly in northern Nigeria, where the Almajiri system is most common, lacked complete statutory protection as of 2025. Of the thirty-six states, twenty-four had domesticated the Act.¹⁰ Children are left susceptible to exploitation in "protection deserts" when there is no legal redress due to jurisdictional fragmentation.

B. Constitutional Foundations and Regional Obligations

Beyond the CRA, child begging laws are supported by constitutional and regional instruments. Section 34 of the 1999 Constitution outlaws slavery and forced labor, giving fundamental protection from exploitative activities.¹¹ The Trafficking in Persons (Prohibition) Law Enforcement and Administration Act of 2003 criminalizes human trafficking, which includes the recruitment and transit of children for exploitation.¹² Regionally, Nigeria's acceptance of the ACRWC entails obligations to safeguard minors from economic exploitation and dangerous activity. In 2014, the African Committee of Experts on the Rights and Welfare of the Child ruled in *Institute for Human Rights and Development in Africa and Others v. Senegal*, establishing precedent for governmental culpability for forced child begging.¹³ The Committee

⁵ Child Rights Information Bureau, Child Rights Act, 2003, S.30(1)-(2).

⁶ *Ibid.*, S.30(3).

⁷ *Ibid.*, S.28(1)(a), 50.

⁸ *Ibid.*, S.11.

⁹ Constitution of the Federal Republic of Nigeria 1999, Second Schedule, Legislative Lists.

¹⁰ Salau, "Why Protection Laws Can't Tame Widespread Exploitation of Children."

¹¹ Constitution of the Federal Republic of Nigeria 1999, S.34.

¹² African Committee of Experts on the Rights and Welfare of the Child, Decision on the Communication. Nigeria, Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003.

¹³ Nigeria Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003.

held Senegal responsible for failing to prevent the exploitation of talibé children in Quranic schools, emphasizing that "the best interests of the child shall be the primary consideration" in all official actions involving children.¹⁴ This decision provides compelling authority for comparable responsibilities upon Nigeria.

c. The Criminal Code and Penal Code Dichotomy

Nigeria has two separate criminal law systems: the Penal Code Act covers northern states, and the Criminal Code Act pertains to southern states. "Every person wandering or placing himself in any public place to beg or gather alms, or causing or procuring or encouraging any child or children so to do" is illegal under Section 249 of the Criminal Code.¹⁵ However, police practices that continue to arrest street children rather than their exploiters are at odds with the CRA's repeal of "wandering" as a crime for minors.¹⁶ Similar restrictions are found in the Penal Code, although there is less explicit protection against child-specific exploitation, which leads to regional differences in enforcement.

3. Islamic Jurisprudence: From Classical Flexibility to Contemporary Prohibition

a. Foundational Principles: The Rights of the Child in Islamic Ethics

According to Islamic law, children (saghir or tifl) have unique rights (huquq) that the community, parents, and guardians must uphold. The preservation of life, lineage, intellect, property, and religion, all of which are related to the welfare of children, are given top priority in the Maqasid al-Shariah (objectives of Islamic law).¹⁷ Classical jurists emphasized that parents have a duty (wajib) to give moral upbringing, education, and sustenance; failing to do so is considered sinful neglect.¹⁸ Children's rights to care and protection are established by the Quran and Sunnah. According to reports, the Prophet Muhammad said that "each of you is a shepherd and each of you is responsible for his flock," which includes parental duty for the wellbeing of their children.¹⁹ Classical law, however, made a distinction between the systematic exploitation of children for begging, which is generally discouraged as being against parental obligations and child dignity, and the voluntarily alms-seeking of impoverished people.

b. The International Islamic Fiqh Academy Resolution No. 246 (2023)

¹⁴ Ibid., para.67.

¹⁵ Child Rights Information Bureau, Child Rights Act, 2003, S.11

¹⁶ Kamali, Principles of Islamic Jurisprudence. 267-289.

¹⁷ Ibid

¹⁸ International Islamic Fiqh Academy, Resolution No. 246, preamble.

¹⁹ Sahih al-Bukhari, Book 67, Hadith 119.

The International Islamic Fiqh Academy (IIFA), the leading legal organization of the Organization of Islamic Cooperation (OIC), produces the most authoritative modern Islamic declaration on child begging. The IIFA passed Resolution No. 246, "A Sharia Approach to the Phenomenon of Street Children, Child Beggars, and Children in Hard Labor," in February 2023.²⁰ In Islamic jurisprudence, this resolution marks a paradigm change from the general disfavor of begging to the explicit ban of child exploitation.

The bill describes "child beggars" to be "children under the age of puberty who are forced to beg unfairly to obtain money, food, or drinks for themselves or others, whether or not under the order and supervision of their parents or guardians."²¹ Crucially, the IIFA decided that it is unacceptable to let kids live on the streets or in comparable locations, either permanently or temporarily, or to use them as a source of money. It is also unacceptable to hire kids to perform heavy labor or to beg on public streets, in houses, businesses, or other locations. Sharia writings that protect children's rights to life, upbringing, education, and health forbid using poverty, desperation, or necessity as an excuse for any of the aforementioned.²² A number of jurisprudential advances are established by this resolution. First, it closes a gap that formerly allowed exploitative acts under the pretext of economic necessity by outright forbidding the use of poverty as an excuse for child begging. Second, it addresses the almajirai habit of seasonal or cyclical begging by outlawing both temporary and permanent homelessness. Third, it assigns accountability to "concerned authorities" such as Hisbah (religious police) and community organizations, requiring state and community intervention to protect children.²³

c. Classical Discouragement vs. Contemporary Prohibition

In general, traditional Islamic principles forbade begging (*su'al*) but allowed it for those who were completely impoverished. The Messenger of Allah reportedly said: "One of you should take his rope and bring a bundle of firewood upon his back rather than to come to a man to ask him for something, who may either give him something or refuse."²⁴ However, as long as begging did not become a habit or a dehumanizing practice, classical jurists acknowledged exceptions for people unable to work because of a handicap or an urgent need. These requirements with relation to children have been tightened by modern jurisprudence. The IIFA resolution represents the scholarly consensus (*ijma*) that systematic child begging, especially in schools, is exploitation (*istighlal*), which is forbidden by the Maqasid preservation of

²⁰ International Islamic Fiqh Academy, Resolution No.246.

²¹ Ibid., S.1.2.

²² Ibid., S.3.1

²³ Ibid., Ss4.1-4.3.

²⁴ Sahih al-Bukhari, Book 24, Hadith 549.

intellect and ancestry.²⁵ This change is a response to contemporary theories of child development and the realization that children who beg on the streets are exposed to "criminal gangs, drug abuse, and physical and psychological harm."²⁶

4. *Almajiri* System: Historical Evolution and Contemporary Crisis

a- Pre-Colonial Origins and Colonial Disruption

The Arabic term al-Muhajirun (the emigrants), which refers to the early Muslims who moved from Mecca to Medina with the Prophet Muhammad, is where the *Almajiri* system originates.²⁷ The system constituted a sophisticated network of Islamic academia in pre-colonial Hausa territory, where adult students traveled to study under eminent teachers while earning a living through community patronage, craftsmanship, or agricultural labor.²⁸ Traditionally, this traveling system did not include children; instead, Quranic instruction took place in family and communal settings.²⁹ This system was seriously upset by colonial intrusion. Islamic education was marginalized by British colonial authorities, who failed to offer workable alternatives in an effort to impose indirect authority while reducing educational spending.³⁰ Quranic education became a survival tactic for low-income households when traditional patronage systems collapsed and northern regions were economically marginalized.³¹ The *Almajiri* system had developed into its modern form by the post-independence era. Young children, frequently as young as four or five, were sent to urban Tsangaya (Quranic schools), where they received religious education while spending six to eight hours a day begging for food.³²

b. Current Realities: Magnitude and Conditions

According to current estimates, there are between 8.5 and 13 million *Almajirai* (*Almajiri* students) in northern Nigeria.³³ According to UNICEF, 88% of these kids spend more time begging than learning, and many of them are compelled by teachers to fulfill daily quotas (*Malams*).³⁴ Children suffer from malnutrition, malaria, and parasitic infections at rates much higher than non-*Almajiri* populations, sleep in filthy, cramped quarters, and endure physical

²⁵ International Islamic Fiqh Academy, Resolution No. 246, S.2.3.

²⁶ Ibid., S.3.2.

²⁷ Last, "The 'Colonial Caliphate' of Northern Nigeria," 82.

²⁸ Sulaiman, A Revolution in History, 16.

²⁹ Hoechner, Quranic Schools in Northern Nigeria, 45-67.

³⁰ Miles, Political Participation and the 'Almajiri', 81-85.

³¹ Watts, Silent Violence, 245-278.

³² Jeremiah and Chi, "From Sacred Education to Street Exploitation," 4.

³³ Ibid., 3; UNICEF, The State of the World's Children 2023, 45.

³⁴ UNICEF, "Children Adjust to Life Outside Nigeria's *Almajiri* System."

abuse, sexual exploitation, and psychological trauma, all of which constitute grave violations of their rights.³⁵ Systematic exploitation is a part of the begging practice (*bara*). Children are given predetermined pathways and goals, and teachers seize their profits.³⁶ If quotas are not met, people may be beaten, denied food, or expelled.³⁷ The system has become self-sustaining: the number of youngsters accessible for begging decreases community incentives to finance adequate educational infrastructure as poverty forces families to turn their children over to Tsangaya.³⁸

c. Security and Radicalisation Risks

Beyond immediate child welfare concerns, the Almajiri system poses significant security risks. The system's alienation from formal education, combined with exposure to extremist ideologies in unregulated Tsangaya, creates vulnerability to recruitment by terrorist organisations, including Boko Haram.³⁹ Studies indicate that *Almajiri* children exhibit higher rates of conduct disorders, aggression, and susceptibility to radicalisation narratives compared to peers in integrated educational systems⁴⁰. The 2020 COVID-19 pandemic exacerbated these risks when interstate repatriation of *almajirai* disrupted traditional networks while exposing children to further exploitation.⁴¹

5. The Role of Hisbah and Religious Enforcement

In states that impose Shariah, the Hisbah (religious police) provide special enforcement tools to combat Almajiri exploitation. However, there are currently no explicit legal requirements for Hisbah operations to control Tsangaya or prosecute child begging. The IIFA resolution suggests giving Hisbah "clear roles and responsibilities" created by "legal infrastructure," such as the ability to oversee compliance, carry out inspections, and report infractions to the proper legal authorities. A formal memorandum of understanding between Hisbah and statutory child protection agencies, training on child rights principles and trauma-informed intervention, community legitimacy through engagement with religious leaders and traditional authorities,

³⁵ Balogun et al., "Asymptomatic falciparum* Malaria," 290-297; Cumber and Tsoka-Gwegweni, "The Health Profile of Street Children in Africa," 566.

³⁶ Abubakar, "Almajiri System in Northern Nigeria," 48

³⁷ Daily Trust, "That Sadistic Almajiri Teacher Is Not Alone," April 26, 2025.

³⁸ Bano, "Curricula that Respond to Local Needs," 12-15.

³⁹ Ibebunjo and Abubakar, "Almajiri School System and the Proprietors of Death," 245-260.

⁴⁰ Chukwu, "An Assessment of the Psychosocial Effects of Almajiri System," 710-712.

⁴¹ *ibid*

and accountability mechanisms preventing Hisbah abuse while ensuring effective protection are all necessary for Hisbah to be a successful integration mechanism.

6. Conclusion

Nigeria's child begging problem is at a turning point, with laws and scripture increasingly pointing to the same goal: shielding children from exploitation. The International Islamic Fiqh Academy's Resolution No. 246 (2023) and the Child Rights Act of 2003 are complementing frameworks that, when correctly applied, provide millions of vulnerable children with complete protection. However, institutional inadequacy, cultural resistance, and structural poverty cannot be remedied by legal convergence alone. Once a great heritage of Islamic study, the Almajiri system now serves as an example of how institutional failure and economic hardship can turn religious instruction into systematic child abuse. Reform, not abandonment, is needed to restore the dignity of this system. This includes incorporating contemporary educational requirements, community accountability, and state assistance that upholds religious principles while guaranteeing the wellbeing of children.

Nigeria must act immediately in order to fulfill its legal commitments under regional, international, and local law. The ruling against Senegal by the African Committee of Experts demonstrates that official passivity in the face of systematic child trafficking cannot be justified by cultural or religious justifications.

Nigeria must show that strong child protection and true Islamic ethics are not only compatible but also mutually reinforcing, requiring that children's rights be respected in both the legal and divine justice systems. Political will, funding, and the guts to take on powerful interests are necessary for the future. On Nigerian streets, millions of youngsters are holding bowls and waiting for justice rather than sympathy.

