

Readdressing Rape Phenomenon in Yobe State: An Islamic Alternative

Dr. Adam Abdullahi Mohammed, Dr. Adam Muhammad Abubakar
Department of Islamic Studies, Yobe State University Damaturu, Nigeria

Abstract: Rape is regarded as the most aggressive and serious sexual offence. It is a very serious crime affecting the lives and general activities of victims and their families, socially, psychologically and mentally. In Nigeria, rape incidence for women and girls is on an increasing trend; because of the discriminatory nature of the application of its laws, and sometimes some forms of violence against women are even legalized. It is against this backdrop that this research aims at identifying the real factors of prevalence of rape phenomena in Yobe state, with an attempt to provide solutions from Islamic perspective. The research is an exploratory qualitative research that sourced cross sectional primary data collected through the use of structured questionnaire. Multistage purposive sampling method was employed in selecting the respondents for the study across the study area. Thematic Analysis was employed as the method of data analysis. Both descriptive and inferential statistics were used to summarize and interpret the results of the thematic analyses of the data obtained. The findings of this research revealed that, lack of proper punishment for culprits is the major factor responsible of high rate of rape cases in Yobe state. It farther revealed that societal hatred against rape victims is the most common negative effect of rape phenomenon in the state. Finally, the recommended that public awareness campaigns should be carryout to address hindrances of prosecuting and punishing rape and other sexually related culprits in Yobe State.

Key words: Readdressing, Rape, Phenomenon, Islamic alternative, Yobe State.

I. INTRODUCTION

Rape is a serious crime and violation of fundamentals of human rights and freedom, while crime and violence are social ills that terrorize the peaceful coexistence of humanity and societal peace. The Beijing Platform for Action entails the United Nations and all national and international communities to promote and encourage research, collect data and compile statistics related to the occurrence of different forms of violence against women. It also requires them to support research into the causes, nature, gravity and consequences of violence against women, as well as the effectiveness of measures implemented to prevent and redress violence against women.

Efforts have been made here and there in Nigeria to find solutions and to stop the re-occurrences of the rape phenomena, but up until now, cases are continuously reoccurring. To put efforts together in putting an end to the tragedy another alternative should be considered.

Islam, as the universal and final message of Allah to entire world came to establish justice and mercy in the heart of a cruel world and prohibited any oppressive behavior. Allah said:

“O mankind! worship your Lord, who created you from a single soul, and created, of like nature, its mate, and from them twain scattered (like seeds) countless men and women; reverence Allah, through whom ye demand your mutual (rights), and (reverence) the wombs (that bore you), for God ever watches over you.” (Qur’an: 4, verse 1)

In Nigeria, rape incidence for women and girls is on an increasing trend; because of the discriminatory nature of the application of its laws, and sometimes some forms of violence against women are even legalized. Efforts have been made locally, regionally and internationally to prevent the occurrence of rape and to find out solutions for it, but it is still persistent; so there is need to put more efforts and to look for another way of finding solutions to this crime, and definitely Islam will contribute tremendously in finding way out to the cases of rape in Yobe state in particular and Nigeria at large by extension.

It is against this backdrop that this research aims at identifying the real factors of prevalence of rape phenomena in Yobe state, with an attempt to provide solutions from Islamic perspective. Finally, suggestions and solutions on how to reduce risk factors and enhance protective factors link to rape through an Islamic perspective would be proffered.

II. CONCEPTUAL FRAMEWORK AND LITERATURE REVIEW

Rape as a Concept

Section 357 - 358 of the criminal code defined rape as when any person has sexual intercourse with a woman or girl, without her consent, or incorrectly obtained consent. Similarly, section 282 of the Penal Code also defined rape as ‘when a man has sexual intercourse with a woman against her will, without her consent, or with incorrectly obtained consent. The Violence against persons (prohibition)(VAPP) Act added that Consent can be incorrectly obtained where it is obtained by force/threats/intimidation; by means of false and fraudulent representation as to the nature of the act; by the use of substances capable of taking away the will of that person or by a person impersonating a married woman’s husband in order to have sex.

Besides the aforementioned definitions by the Nigeria laws, some scholars defined rape as any form of sexual intercourse without free mutual consent between those involved or sexual intercourse that involves force, threat, blackmail, deceit or coercion is rape – even when there is no penetration. (Mary O. Esere and others, 2009)

The meaning of zina has been defined by the Maliki, Shafi'i, and Hanbali schools of thought, as the unlawful and mutually consensual vaginal or anal intercourse between a man who is sane and who has reached the age of puberty (bulugh) and a woman who is not in his ownership. Rape, on the other hand, is vaginal or anal intercourse by force or against her will or no consent from one of the parties and no deliberate action from the victim. (Ainunnisa Rezky A. And others, 2019 (Comparative Perspective on Marital Rape))

Unlawful sexual intercourse outside the marriage is called zina and it is one of serious sins in Islam. Zina is not only a sin in the sense that there will be punishment for the offender in the hereafter, but also considered as a crime (jarimah) where criminal liability can be held for the offender by the authority. Zina is part of hudud offences (jirimatu hudud) that is any offence which subjects to 'hadd' punishment.

In the case of Zina, the punishment for the offender differs depending on the marital status of the offender. Married (or who have once been married) offender (zina muhsan case) will be subject to death by stoning, while unmarried offender (who have never been married) (zina ghair muhsan case) will be subject to flogging of one hundred lashes and exile for one year. (Muh endriyo susila, Journal Media Hukum)

But rape was never treated as a subcategory of zina in the traditional Islamic law texts. Where it does appear is in two different legal categories; thus, the violent nature of rape, which is quite different from the act of zina committed by the consent of the two parties, is recognized in the Islamic law as the crime of a different category. This is evident from the fact that rape is considered one of the violent acts which fall under the category of hiraba. As a consequence, the crime of rape as hirabah is prosecuted according to normal evidentiary rules and four eyewitnesses are not required.

Since rape could occur even without a clear threat of physical force, the categorization of rape under the Islamic law of jirah makes logical sense. This categorization would provide financial compensation to every victim of rape for any harm done to her body as a result of the attack. Taking the analysis further, because the right to control one's own sexual activity is a fundamental Islamic and human right. (Asifa Quraishi, 1999, p418)

Causes of Rape

The rape menace is persisting because of the discriminatory nature of the application of its laws, and sometimes some forms of violence against women are even legalized.

The police's dismissive attitudes towards some cases of this nature which provide little protection for the victims and often they dismiss certain domestic violence as a family matter and they woefully fail to investigate or press charges against the offenders, meanwhile, an inaccessible justice system is among the major causes of the failures of the government to protect women against rape.

Sometimes, some few courageous victims of rape who take their cases to courts face discouraging rules of evidence and prejudice attitudes from court officials which resulting to failure in proving their cases and have little chance of getting justice.

Likewise, because of the social stigma associated to rape issues and the difficulty in obtaining medical evidence women who bring a complaint of rape cannot insist on speaking explicitly about it to a police officer, while right and agitations for specific women and human rights desks in all police stations are yet to be implemented.

In the year 1999 a case of an uncle sexually assaulted a little girl of six year brought to court and prosecuted, but unfortunately, in passing judgement the magistrate set free the accused person for lack of corroboration. This was in spite of the bloodied pants, the testimony of the mother who noticed the pains while bathing her and the medical evidence from a government hospital. The magistrate said corroboration meant testimony from another person who witnessed the alleged act (Except for interview with a human rights defender by Amnesty International, 2004b)."

Amnesty international (2005) asserts that in many countries women endured sexual violence because they were unable to escape, felt acute financial pressure to remain in their homes, or were under threat of greater harm if they did report. Meanwhile, Drugs and alcohol are major causes of rape, especially rapes associated with intimate partner rape and violence in Nigeria. (Mary O. Esere, Adeyemi I. Idowu, Irene A. Durosaro and Joshua A. Omotosho, 2009)

Some other reason and causes for rape are the hindrances to justice inter alia to:

- ❖ Corruptible, incompetent and bias law enforcement officials.
- ❖ Low conviction rates deterring victims from reporting.
- ❖ Slow and expensive judicial process.
- ❖ Rape culture of victimization and stigmatization.
- ❖ Insufficient rape kits.
- ❖ Ineffective forensic units.
- ❖ Desensitized and unmotivated prosecutors. (full legal Nigerian resource consent, 2020)

In addition to the above mentioned causes of rape, in Islam, weak faith, temptation of Satan and uncontrolled lust are among the major causes.

Effects of Rape

Rape and other sexual violence against women have cost to present and future generations and it limits a woman's personal growth, her productivity, her socio-economic roles and her physical and psychological health. Above all it negates the right of women as humans. (UNAIDS, UNICEF and USAID, 2002) (Naaeke, 2006). According to Bunch (1997:42), women's aspirations and achievements are powerfully inhibited, not just by the injuries of physical attacks but by the implicit threat to social development. Other effects and immediate consequences

of rape for the woman and girl child may include unwanted pregnancy and / or sexually transmitted diseases. The victim may also experience other long term effects, such as depression, mental disorders and probably suicide. (Ezenwa, 2003). By subjecting the women to rape/violence and without a social structure that endeavors to stop this practice, the women could be made to believe that they are actually inferior to their counterparts and that they deserve the abuse.

The negative effect of rape against the victim is very serious and broad in nature. Victims of rape experience psychological disorder immediately after the incidence. Meanwhile, the physical and emotional impacts of rape lead the victim to shock and disbelief followed by feelings of fear of physical injury, mutilation, and death.

Rape victims may have difficulty with disorganized sleep patterns. Some cannot fall asleep or if they do, may wake up during the night and be unable to fall back asleep. Victims who have been attacked while sleeping may awake each evening at the time the assault took place. It is not uncommon for victims to scream out in their sleep. Eating pattern disturbances are sometimes experienced by rape victims. Some may have a marked decrease in appetite following the rape. They may have stomach pains or food may not taste right. Frequently victims feel nauseated just thinking of the assault. It is important to determine whether the symptom of nausea is related to the emotional reaction following the rape or is, for women, a reaction to anti-pregnancy medication. (Frank B. Wilderson III, 2017)

Behavioural Reactions: As people do in other crisis situations, victims of sexual assault may react with fear and confusion. They may have difficulty in problem solving and in mobilizing the strength to accomplish daily tasks. The ability to absorb new information is greatly impaired. People may also make a quick change in living arrangements or may stay in various places, or change phone numbers. (Frank B. Wilderson III, 2017)

The acute phase usually lasts from a few days to a few weeks. Victims are extremely vulnerable emotionally during this stage and the immediate response of those around them is very important. (Frank B. Wilderson III, 2017)

III. METHODOLOGY

Population and Sampling Technique

The population of the study is the entire people of Yobe state of Nigeria, Yobe state has seventeen (17) Local Government Areas which all together covers an estimated area of 47,153 square kilometres, divided into three senatorial districts; zone A, B and C. Since its creation in August 1991, the State was adjudged as one of the most peaceful with very low crime rate in Nigeria. (IRP,2017).

The study adopted a multistage sampling procedure in selecting the respondents. In the first stage, three out of the six major Local Governments of the state were purposively selected. In the second stage, from each of the selected LGA, four

stakeholders of the rape case will be purposively chosen, comprising Traditional Rulers, Government officials, Muslim Scholars and Civil Society organizations, giving a total of twelve (12) selected entities. While in the third stage, five respondents were also selected from each of the twelve entities, giving a total number of sixty (60) respondents. Details are summarized in the table below:

| S/N | LGAs | Entities | Respondents | Total |
|--------------|----------|-----------------------------|-------------|-----------|
| 1. | Damaturu | Traditional Rulers | 5 | 20 |
| | | Government officials | 5 | |
| | | Muslim Scholars | 5 | |
| | | Civil Society organizations | 5 | |
| 2. | Nguru | Traditional Rulers | 5 | 20 |
| | | Government officials | 5 | |
| | | Muslim Scholars | 5 | |
| | | Civil Society organizations | 5 | |
| 3. | Potiskum | Traditional Rulers | 5 | 20 |
| | | Government officials | 5 | |
| | | Muslim Scholars | 5 | |
| | | Civil Society organizations | 5 | |
| Total | 3 | 12 | 60 | 60 |

Source and Instrument for Data Collection:

The study being an explorative qualitative research depended on cross sectional data from primary source which were used for the main analysis in this study. A questionnaire was used in collecting relevant data of the study which are in form of opinions/views, from the sampled respondents selected from the population in the study area. Similarly, documented secondary information were used, which includes books, conference proceedings and journal papers.

Method of Data Analysis:

The study has adopted thematic analysis for data analysis. Thematic analysis is a method through which researcher can identify, analyse and report patterns within data. (Braun and Clarke, 2006). The method organizes and describes data set in details and interprets different aspects of the research topic. However, Baun and Clarke argue that this method should be considered by itself as an independent method, as it provides a flexible and useful research tools which can provide a very rich and detailed account of data.

The responses from the primary sources were logically and carefully arranged units according to the selection of the respondents, then technically regenerated into sub-themes, and further analyzed by using the thematic analysis method, and systematically extracted the themes and the unanimous commonest of all the subjects, in order to determine the findings. likewise, frequency distribution tables and percentages were utilized in summarizing and interpreting the results of the study.

IV. DATA ANALYSIS AND INTERPRETATION

Analysis 1: Factors Responsible For High Rape Cases.

Question: What do you think are the factors responsible for high rape cases in Yobe State and why?

Table 4.1

| S/N0 | Themes | Frequency | Percentage |
|-------|---|-----------|------------|
| 1 | Lack of proper punishment for culprits 1- Government sometimes politicizes law matters and intercedes on behalf of culprits because of their influence, so that serious measures were not in place to punish rape culprits. 2- There is no proper punishment for rape cases in the law of the state. 3- Lack of proper punishment for culprits. | 35 | 58.3% |
| 2 | Negligence of parents 1- Parents didn't care about the where about of the children and who their friends are. 2- Parents did not take proper care and responsibilities of their children. 3- Parents are negligent about their children's moral education and sound upbringing, especially in their dress code. | 13 | 21.7% |
| 3 | Indecent dressing of girls 1- Indecent dress of girls that provokes evil men to rape them. | 5 | 8.3% |
| 4 | Poverty and economic hardship 1- Hawking of girls in unsafe places. 2- Victims of rape sometimes are tempted with money. 3- Sending girls to stay in neighbours's houses due to the lack of enough rooms at their homes | 7 | 11.7% |
| 5 | Others No valid theme. | 0 | 0% |
| Total | | 60 | 100% |

The above table 4.1 shows the summary of the result from the analysis 1 (see appendix I), where we have five recommendations (Lack of proper punishment for culprits, Negligence of parents, Indecent dressing of girls, Poverty and economic hardship and Others) and their respective themes (numbered 1-n beneath) that emerged from the analysis of the collected qualitative data (opinions) of the 60respondents on the above question.

The result shows that, 35 respondents (58.3%) opined that lack of proper punishment for culprits is the major factor responsible of high rape cases in Yobe state due to the above three major themes extracted their reasons above. 13 (21.7%) other respondents in the opinion that negligence of parents in Yobe State is the major factor responsible of high rape cases, with other 3 themes. In the same vain, other 5 (8.3) respondents recommend that indecent dressing of girls is the factor responsible of high rape cases in Yobe state, with one theme as mentioned above. 7 (11.7) respondents suggest that poverty and economic hardship is the factor responsible for high rape cases in Yobe state, with 3 themes.

Hence, the result suggested that lack of proper punishment for culprits is the major factor responsible of high rate of rape cases

in Yobe state among the all other mentioned agents such as negligence of parents, indecent dressing of girls and poverty and economic hardship. Justification for this conclusion was indicated by the fact that 35 respondents, which constitutes 58.3%, chose lack of proper punishment for culprits, as well as the themes extracted from this choice is modest and has unique potential advantages in preventing rape cases over the other means.

Analysis 2: The Most Common Negative Effect Of Rape Phenomenon In Yobe State.

Question: What do you think is the most common negative effect of rape phenomenon in Yobe State and why?

Table 4.2

| S/N0 | Themes | Frequency | Percentage |
|-------|--|-----------|------------|
| 1 | Trauma of victims and their relatives 1- Rape victims and their relatives bear the pain in mind, consequently be involved in post traumatic disorder and silently go through emotional with fear for it may cause future marriage problems for the raped girls. 2- Rape victims and their relatives are hated in the society and topic of discussion. 3- Majority of the victims sustain injuries and it may lead to death or suicide. | 16 | 26.7% |
| 2 | Unwanted pregnancy 1- High tendency for unwanted pregnancy. 2- Presence of outcaste illegitimate children in the society. 3- Abortion claims a lot of lives | 8 | 13.3% |
| 3 | Societal hatred against rape victims 1- People run away from rape victims and tend not to marry them. 2- Rape deforms its victims' character, destroys their dignity and good image in the society. 3- Parents and relatives of rape victims do not expose the case for fear of hatred. | 23 | 38.3% |
| 4 | Spread of sexually transmitted diseases 1- STDs are very common in the society and people with such diseases can rape multiple girls without using condoms 2- One infected rapist can spread it to many of his victims. | 13 | 21.7% |
| 5 | Others No valid theme. | 0 | 0% |
| Total | | 60 | 100% |

The above table 4.2 shows the summary of the result from the analysis 2 (see appendix II), where we have five recommendations (Trauma of victims and their relatives, Unwanted pregnancy, Societal hatred against rape victims, Spread of sexually transmitted diseases and Others) and their

respective themes (numbered 1-n beneath) that emerged from the analysis of the collected qualitative data of the 60 respondents on the above question.

The result shows that, 16 respondents (26.7%) opined that Trauma of victims and their relatives is the most common negative effect of rape phenomenon in Yobe State due to the above three major themes extracted their reasons above. 8 (13.3%) other respondents in the opinion that Unwanted pregnancy in Yobe State is the most common negative effect of rape cases, with other 3 themes. In the same vain, other 23 (38.3) respondents recommend that Societal hatred against rape victims is the most common negative effect of rape phenomenon in Yobe state, with three themes as mentioned above. 13 (21.7) respondents suggest that Spread of sexually transmitted diseases is the most common negative effect of rape cases in Yobe state, with 2 themes.

Hence, the result suggested that Societal hatred against rape victims is the most common negative effect of rape phenomenon in Yobe state among all other mentioned effects such as Trauma of victims and their relatives, Unwanted pregnancy, Spread of sexually transmitted diseases. Justification for this conclusion was indicated by the fact that 23 respondents, which constitutes 38.3%, chose Societal hatred against rape victims, as well as the themes extracted from this choice are very aggressive, traumatizing and severely affecting the victims.

Analysis 3: Hindrances Faced When Prosecuting And Punishing rape And Other Sexually Related Culprits.

Question: What do you think are the major hindrances faced when prosecuting and punishing rape and other sexually related culprits in Yobe State and why?

Table 4.3

| S/N/O | Themes | Frequency | Percentage |
|-------|---|-----------|------------|
| 1 | Complexity of legal system 1- Leaders intercede with the culprits not to be punished. 2- The procedures of prosecuting and provide evidence then convicting culprits are very difficult. | 8 | 13.3% |
| 2 | Fear of social stigmatization by victims 1- The rape cases are concealed and not being brought to court for the fear of societal stigmatization. 2- Ignorance and beliefs make people stigmatize the rape victims and their relatives. | 8 | 13.3% |
| 3 | Corruption 1- In most cases the rapists are influential people or their relatives, so that the law will not be applied on them accordingly. 2- Rapists bribe law enforcement personnel, so that they settle the case in their favour. | 34 | 56.7% |

| | | | |
|-------|---|----|-------|
| | 3- Victims are doubtful of reliability of the law enforcement system, so that they do not take the case to the appropriate law agencies. 4- Unnecessary delay, numerous settings and the financial implication of prosecuting rape cases are intolerable. | | |
| 4 | Lack of pressure group intervention 1- Pressure groups can force government officials and lawmakers to do the needful, consequently people will desist from committing such crime. 2- Victims and their relatives are vulnerable so they can't defend themselves before the law enforcement officials. | 10 | 16.7% |
| 5 | Others No valid theme. | 0 | 0% |
| Total | | 60 | 100% |

The above table 4.3 indicates the summary of the result from the analysis 3 (see appendix III), where we have five recommendations (Complexity of legal system, Fear of social stigmatization by victims, Corruption, Lack of pressure group intervention and and Others) and their respective themes (numbered 1-n beneath) that emerged from the analysis of the collected qualitative data of the 60 respondents on the above question.

The result shows that, 8 respondents (13.3%) suggests that Complexity of legal system is the major hindrance faced when prosecuting and punishing rape and other sexually related culprits in Yobe State due to the above two major themes extracted from their reasons above. 8 (13.3%) other respondents in the opinion that Fear of social stigmatization by victims in Yobe State is the major hindrance faced when prosecuting and punishing rape and other sexually related culprits, with other two themes. In the same vain, other 34 (56.7) respondents recommend that Corruption is the major hindrance faced when prosecuting and punishing rape and other sexually related culprits in Yobe state, with four themes as mentioned above. 10 (16.7) respondents suggest that lack of pressure groups is the major hindrance faced when prosecuting and punishing rape and other sexually related culprits in Yobe state, with 2 themes.

Hence, the result suggested that Corruption is the major hindrance faced when prosecuting and punishing rape and other sexually related culprits in Yobe state among all other mentioned hindrances such as Complexity of legal system, Fear of social stigmatization by victims, Lack of pressure group intervention. Justification for this conclusion was indicated by the fact that 34 respondents, which constitutes 56.7%, chose Corruption, as well as the themes extracted from this choice are very evident and crystal clear indications.

Analysis 4: The Most Suitable Way To Address Hindrances Of Prosecuting And Punishing Rape And Other Sexually Related Culprits.

Question: What do you think will be the most suitable way to address hindrances of prosecuting and punishing rape and other sexually related culprits in Yobe State and why?

Table 4.4

| S/N0 | Themes | Frequency | Percentage |
|-------|--|-----------|------------|
| 1 | Public awareness campaigns 1- Through Public awareness campaign via different means, People will be enlightened, educated and alarmed on the danger and negative effects of rape, hence, they will make the necessary moves in time to tackle its occurrence. 2- It is drawing the attention of government to do the needful. 3- It sensitizes people to follow up the case to make sure the culprits are prosecuted and punished. | 26 | 43.3% |
| 2 | Simplifying the legal procedure of prosecution 1- It will simplify the prosecution then punishing the culprits. 2- Simplifying the legal procedure will prevent future occurrence of rape. | 6 | 10% |
| 3 | Active participation of pressure groups 1- Pressure groups will put pressure on law enforcement agencies and on government and her officials for them to do the needful. | 4 | 6.7% |
| 4 | Sincerity of Government officials handling rape cases 1- Whoever convicted government official should punish them accordingly. 2- Government officials should handle rape cases justly and with sincerity, So that equality before the law will properly take place. 3- The only right and powerful entity to handle the case is government, If government officials are sincere no one can bribe them. | 24 | 40% |
| 5 | | | 0% |
| Total | | 60 | 100% |

The above table 4.4 indicates the summary of the result from the analysis 4 (see appendix IV), where we have five recommendations (Public awareness campaigns, Simplifying the legal procedure of prosecution, Active participation of pressure groups, Sincerity of Government officials handling rape cases and Others) and their respective themes (numbered 1-n beneath) that emerged from the analysis of the collected qualitative data of the 60 respondents on the above question.

The result shows that, 26 respondents (43.3%) suggests that Public awareness campaigns is the most suitable way to address hindrances of prosecuting and punishing rape and other sexually related culprits in Yobe State due to the above three major themes extracted from their reasons above. 6 (10 %) other respondents in the opinion that Simplifying the legal

procedure of prosecution in Yobe State is the most suitable way to address hindrances of prosecuting and punishing rape and other sexually related culprits, with other two themes. In the same vain, other 4 (6.7%) respondents recommend that Active participation of pressure groups is the most suitable way to address hindrances of prosecuting and punishing rape and other sexually related culprits in Yobe state, with one theme as mentioned above. 24 (40%) respondents suggest that Sincerity of Government officials handling rape cases is the most suitable way to address hindrances of prosecuting and punishing rape and other sexually related culprits in Yobe state, with three (3) themes.

Hence, the result suggests that Public awareness campaigns is the most suitable way to address hindrances of prosecuting and punishing rape and other sexually related culprits in Yobe state among all other mentioned hindrances such as Simplifying the legal procedure of prosecution, Active participation of pressure groups, Sincerity of Government officials handling rape cases. Justification for this conclusion was indicated by the fact that 26 respondents, which constitutes 43.3%, chose Public awareness campaigns, as well as the themes extracted from this choice strongly supported this conclusion. However, Sincerity of Government officials handling rape cases is a very good alternative to be considered as suitable way to address hindrances of prosecuting and punishing rape and other sexually related culprits in Yobe State, as 24 (40%) respondents suggest that, as well as the themes extracted from this choice are support indicators.

V. FINDINGS, CONCLUSION AND RECOMMENDATION

5.1. Findings

The study has revealed that lack of proper punishment for culprits is the major factor responsible of high rate of rape cases in Yobe state. Meanwhile, it farther shows that Societal hatred against rape victims is the most common negative effect of rape phenomenon in the state, while Corruption is the major hindrance faced when prosecuting and punishing rape and other sexually related culprits. Finally, the researcher found that Public awareness campaigns is the most suitable way to address hindrances of prosecuting and punishing rape and other sexually related culprits in the State

Islam has provided a very serious and deterrent punishment for the perpetrators of rape. Rape is zina (fornication/ adultery) and more. In the case of Zina, the punishment for the offender differs depending on the marital status of the offender. Married (or who have once been married) offender (zinah almuhsan case) will be subject to death by stoning, while unmarried offender (who have never been married) (zina ghair muhsan case) will be subject to flogging of one hundred lashes and exile for one year. (Muh endriyo susila, Journal Media Hukum)

Conclusion and recommendations

This study has indicated lack of proper punishment for rape culprits is the major cause for the high rate of rape in Yobe state, while social hatred of victims as the most negative effect of rape, corruption of government officials as problems being

faced while prosecuting culprits, as well as public awareness campaign as the best way of making people proactive in restricting rapes cases in Yobe state.

The study further revealed the potentials of the Islamic laws in curtailing rape cases in Yobe State; this is because of the efficient and effective provisions it has. Islam has very effective provisions for punishment of the culprits and corrupt government official, as well as appropriate manners to relate to rape victims in order to heal their pain and rehabilitate them to move forward in their lives.

Therefore, the study recommends the adoption of the Islamic approach to rape cases as an efficient and effective alternative in order to put an end to rape cases in Yobe state, as the overwhelming majority of Yobians are Muslims, yet the constitution of the federal republic of Nigeria, 1999 as amended, has given liberty to states to implement shari'ah law.

ACKNOWLEDGEMENT

The researcher acknowledged the Tertiary Education Fund (TETFund) for funding this research.

REFERENCES

- [1] The Sharia Penal Codes Act (1999) section 28. The penal code (Nigerian Laws Cap 89 and 282). The Constitution Of The Federal Republic of Nigeria, 1999 as amended.
- [2] Mary O. Esere, Adeyemi I. Idowu, Irene A. Durosaro and Joshua A. Omotosho, (2009) Causes and consequences of intimate partner rape and violence: Experiences of victims in Lagos, Nigeria' *Journal of AIDS and HIV Research* Vol. 1(1)
- [3] Amnesty International (2004b). Interview with "Folake", Lagos State, November.
- [4] Amnesty International (2004a). Interview with a human rights defender who campaigns to end violence against women in the family, Lagos State, November.
- [5] Asifa Quraishi (1999) 'her honour: an islamic critique of the rape provisions in pakistan's ordinance on zina' *Journal of Islamic Studies*, Vol. 38, No. 3, p 404 & p418
- [6] Naaeke AY (2006). Breaking the silence about domestic violence: Communication for development in North Western Ghana. *Gender Behaviour*. 4(2): 782-796.
- [7] Bunch C. (1997). The intolerable status que: Violence against women and girls. *Prog. Nations* 1: 41-45.
- [8] Ezenwa C (2003). The role of medical practitioners in dealing with victims of domestic violence. In *Legal Defense and Assistance Project (LEDAP), Domestic violence, zero tolerance, Lagos* p. 63.
- [9] Frank B. Wilderson III (2017): Reciprocity and rape: Blackness and the paradox of sexual violence, *Women & Performance: a journal of feminist theory*. <http://dx.doi.org/10.1080/0740770X.2017.1282122>
- [10] Barr. Seun Temi Ojagbohunmi (July 2020): An in-depth report on rape and the nigerian justice system for the consent workshop. www.centreforknowledge.com
- [11] National commission on the future of DNA evidence; understanding DNA evidence a guide for victim service providers.