



Smuggling And Trafficking Activities Along North-Western Nigeria And Niger Republic: The Islamic Law And Common Law Perspectives

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ABSTRACT

Islam is a religion divinely for all men at all times and in all climes, it was given scholars in different regions and times to evolved principles of Fiqh as well as specific laws of Fiqh in order to resolve various new issues as they arose. The correctness of their interpretation was proportional to their innate capabilities and to the type, and quality of evidence available to them at the time of making rules. Shari'ah therefore, refers to the divinely ordained path for the guidance of man in all affairs and matters of life. Therefore, Shari'ah to Muslims is the straight path to be followed for success in this and other life since it covers all aspects of humna life such as personal character, moral affairs, national and international relations. This research work discusses the legislative consideration in the Shari'ah law and in the common law of Nigeria in the giving of precedence to the general welfare over individual benefits, and the prevention of a greater harm over a smaller one. In Islam, one must be sincere in one's speech, in commerce, in promise, and so on. The abundance of Qur'anic verse, prophetic traditions and the common law on sincerity made Muslims to engage in smuggling and trafficking. As a result of this, many smugglers and migrants are being killed and their properties are being confiscated all for generating of illicit money. Legislation consideration of human needs be found of methodology of legislation. In the case of laws where in human benefit will not change with time or conditions. As for things who benefit or harm may vary from place to place, Allah (S.A.W) has legislated general laws of universal benefit which may be implemented by those in authority according to human needs. Example of these categories can be found in the laws concerning business transaction and the structuring of the society.

Key word: Smuggling, Trafficking, Shari'ah Law and Common Law

INTRODUCTION

North-Western Nigeria and Niger Republic relations are based on a long shared border and common cultural and historical interactions. The previous political history of Niger Republic and its neighbourhood exposes it to extensive irregular political or economically driven border crossings, and consequently makes it vulnerable to migrants smuggling activities. Therefore, "migrants smuggling is the procurements, in order to obtain, directly, a finance or other material benefit, of the illegal entry of a person into state party of which the person is not a national or a permanent resident". (Dangana, M.M, 2019)

The Federal Government of Nigeria established Customs and Exercise Service in 1945, and Nigerian Immigration Service in 1958. The functions of Nigeria Customs Service include, but not limited to the following: performs National Security functions, it works to ensure standardization and consumer safety and licensing and registration of customs. The functions of Nigeria Immigration Service is, the control of persons entering or leaving Nigeria. The issuance of travel documents, including Nigeria Passports, to bonafide Nigerian within and outside Nigeria. The issuance of resident permits to foreigners in Nigeria. (Gbadamosi, A. 2020)

Administrative and legal infrastructures of the countries and territories are not devised to deal with the extensive presence of irregular border crossing, and human smuggling and trafficking. Smuggling of goods and Niger Republic borders. Some residents in Jigawa, Katsina and Sokoto have attributed the increase in smuggling activities at the borders to corruption and other factors. One of the challenging issues for border actors is that of corrupt officials who can play crucial roles in smuggling and trafficking networks. "Smuggling is the illegal movement of goods across an international border in violation to custom laws and regulations". (World Bank group 2021)

The human nature is such that it reality get attracted to doing things that will bring immediate benefits and avoid those that portend discomfort or hardship. Thus, man is consistently faced with the temptation to commit crimes and avoid sacrifices. (Adeyemi, A.A 2018)

In recognition of the magnitude of this crime, its impacts on the security of the country and the safety of the migrants involved, Nigeria authorities are now working closely with the United Nations Office on drugs and crime through the STARSOM Project. Paying more attention to migrant smuggling is also a way to address human trafficking, since smuggled migrants are vulnerable to exploitation. By way of illustration, Islam address the exploitation of labour, sexual exploitation, slavery, practices similar to slavery, and selling or buying of human organs. Islam could play an important role in addressing trafficking in persons by adopting an Islamic approach in the fiqh against trafficking in persons. (Dangana, M.A 2019).

Smuggling of Goods and Trafficking Activities

The smuggling of migrants is a big business in Nigeria especially in the northwestern Nigeria-Niger Republic with criminal networks charging large sum of money to move people in out of the West African country or facilitate their transit. The smuggling process is highly organised. For the popular crossing into Niger, migrants are usually taken by regular transport to a northern city where they contact a smuggler who will help them to reach the border. After moving into Niger on foot, another contact person will meet them. This is how the process continues. The migrants rely only on a telephone number for the next contact. The smuggling networks have contacts all along the routes. Sometimes they do not even know where they will end up going. The migrants track for hours. Sometime women collapsed because of exhaustion after hours of trafficking. Thus, smuggled migrants are vulnerable to exploitation. The main smuggling networks are based outside Nigeria with some Nigerians residing in Libya and network members from Libya acting as agents in Nigeria towns. (Abbas, H 2013).

The migrants do not always know the overall costs of their journey and may agree to pay in installments. Before long, they realise they do not have enough money. The smugglers or human traffickers are aware of these situation and exploit them. Where there is any presence of law enforcement officials, the migrants are instructed to drop them from the bikes and walk along bush paths until the risk of being detected is gone. Then they get back on bikes to continue the movement. Sometimes smugglers abandoned migrants when they heard about any law enforcement presence even after taking the payment for the journey. (Ahmad, T. 2005).

Smuggled migrants are vulnerable to abuse and exploitation. Their safety and even their lives are often put at risk. They may suffocate in containers, perish, in deserts or drown at sea while being smuggled by profit-seeking criminal law treat them as goods. The fact that migrants smuggling, networks are closely linked to other forms of serious and organised crime including terrorism, trafficking in human beings and money laundering increases this urgency. (Christopher, K. 2014).

Jibia, Katsina State, on the long and porous border with Niger Republic was informed that every week, Niger authorities intercept and return Nigerian migrants. In recent times they have returned up to eighty (80) migrants in one group, which are mostly females and were transported from villages in the early morning hours usually by cars and were then transferred to motorbikes driven by the smugglers to cross the border. (Bekhaji, A. 2018).

The Nigeria Immigrations Service (NIS) special border command in Jibia, Katsina State, has rescued no fewer than 716 victims of human trafficking. Mr. Kelechi Ekeoba-Jones, the Comptroller of the Command, said at Jibia border while handing over some of the victims to the National Agency for the prohibition of trafficking in persons.

Smuggling of Goods

Smuggling means the importation, exportation or carriage coastwise, or the transfer or removal into or out of a partner states, of goods with intent to defraud the customs revenue, or to evade any prohibition of restriction on, regulation or condition as to, such importation, exportation, carriage coastwise, transfer, or removal, of any goods. Or smuggling is the criminal offense of bringing into, or removing from, or duties have not been paid. Smuggling is the secret movement of goods across national borders to avoid customs duties or import or export restriction. In short, smuggling is an activity which involves the importation or exportation of goods with the objective of evading taxes. (Fahrullah, A. 2009)

One of the reasons of smuggling is that, it occurs, where either the customs duties are high enough to allow a smuggler to make a large profit on the clandestine goods, such as narcotic or weapons.

Customs Service Office was established at Jibia in the year 1945 for the collection of customs revenue, facilitation of national and international trade, and anti-smuggling activities. One of the more challenging issues for border's actors is that of corrupt officials who play critical roles in smuggling and trafficking networks. Corruption seriously undermines national and international effort to prevent and control the smuggling of migrants, goods, drugs and so on.

The establishment of customs service office brought opportunities to the people of Jibia in which goods like textiles, scents and drugs were smuggled in from Maradi, Niger Republic.

Some of the illegal routes the smugglers used to ferry in the contrabands from Niger Republic to Jibia Local Government Area includes; Bayan Barikin Magama, Government Day Secondary School Magama, Dan'arau, Rainin Wayo, Alele, Korama, Gadirge, Sabon Garin Magama, Makada, Jibia-Maje and Maidabaro. These illegal routes served as by pass for Nigerian coming in Magama-Jibia, Nigeria. (Francais, S. 2002).

The smugglers go through the laborious route of off-loading the contrabands from trailers few meters away from the official border security post and use J-5 buses, Golf 4 and 5 vehicles and motorcycles to ferry the items from their hide outs into Jibia for onward transportation to their ware houses in Katsina, Kano, Kaduna, Zamfara, Jigawa State and some other parts of the country. The smugglers are sometimes seen in large numbers or individually, passing through longer to evade customs officers. Instead of going of through Jibia-Katsina road, they move to Batsari Local Government before linking Katsina to deliver the smuggled rice on requires. (Robinson, K. 2012).

Smuggling of goods and human trafficking are the daily business activities along the northwestern Nigeria-Niger Republic borders. Some residents in Jigawa, Katsina and Sokoto, have attributed the increase in smuggling activities at the border to corruption and other factors. They insisted that because of its lucrateness, smuggling has persisted. They attributed the rush for Nigerian products, especially petroleum, to their affordability because of the subsidy placed on fuel to ease. (Saleh, A. 2011).

A visit to Illela, Sokoto State, a town sharing a border with Konni, the Niger Republic, reveals lands of Nigerian products shipped away, with most commodities smuggled through the porous border.

A petroleum product hawker in Konni, Ibrahim Musa, said he and other hawkers obtained products from Nigeria daily. Mr. Musa said, the business was highly lucrative when the naira was high in exchange for the Franc, obtaining five to ten pieces of twenty litre jerry cans. He said, supplies, mostly Nigerians, used different routes to smuggled fuel.

Sani Mustapha, another petroleum hawker in Konni, explained that they relied on Nigerian products to the Niger Republic, transported fertilizer which also enjoyed subsidy. Mr. Ibrahim said, there were two types of businessmen at the border. Those ready to fellow the laid-down regulation by the government. According to him, for smuggler whose is open-secret affairs, it is business as usual. However, the closure of the border two years ago was a mixed fortune for the smugglers as they had to "settle heavily" to continue their, illegal trade".

Musa Isyaku said, all business that depended on the free movement of goods and persons across the border were grounded. He said, people smuggled rice, vegetables oil, soap, drugs and other items into Nigeria. He added that, legitimate business owners also transport legal items through agents crossing the border checks on daily bases.

It is also a lucrative route for immigrants to Europe through North Africa; the Illela international cattle market is a melting port for animal traders from as far as Chad and Mali and enjoy patronage from every part of Nigeria, he disclosed. (El.-Islamy, H. 2016 .)

Maigatari, Jigawa State, a town on the northwestern Nigeria-Niger Republic border has been one of the routes for smuggling rice into Nigeria for decades with articulated vehicles filled with the banned commodity seen playing the road from the border town Adare in Niger Republic into Maigatari on the Nigerian side. The articulated vehicles usually move at night, crossing the borders between 1 and 2am, passing unhindered into Nigeria.

Adare, which serves as the warehouse of Nigerian smugglers, is about one half kilometer away from the Maigatari border post and it was said that the border post one could see the assembly of fully loaded trailers waiting for night to cross the border. Maigatari border was very busy, as about 15 to 20 trailers at interval moved rice from Niger Republic to Nigeria and such movement of large quantity of rice was always through the official border with allegation that border officials were bribed to let the products get through.

Individuals from the surrounding villages were into smuggling rice. Some smugglers using cars while others using motorcycles, but for the past one year the trend had reversed because the security agencies went tough on anyone found culpable by either seizing cars used to smuggled or motorcycle. Such means of moving the goods will be confiscated. Many lost their cars and motorcycles hence, the cessation of the illegal business. (Ahmed, I. 2008).

The study found that, smuggling constitutes one of the most neglected aspects of illicit trade in a academia, refers to a form of illicit trade that displaces "normally" "licit" goods and more genuinely to the " contraband trade in exercise goods".

Licit and Illicit Business Transactions in the Common Law of Nigeria

Both shari'ah law and other civil law regulations forbid and unethical actions. Following harmonized ethical rules and regulations, Islamic driven trade is more productive and socially beneficial. In this regard, the law of Nigeria prohibited imported trade of the following items.

- Meat, vegetables or other provisions declared by a health officer to be unfit for human consumption.
- Materials of any description with a design which considering the purpose for which any such material is intended to be used, is likely in the opinion of the, president to create a breach of the peace or to offend the religious views of any class of persons in Nigeria.
- Piece goods and all other textiles including wearing apparel, hardware of all kinds, crockery, China or ear ware goods bearing inscriptions (whether in Roman or Arabic characters) from the Qur'an or from the traditions and commentaries on the Qur'an.
- Pistol disguised in any form
- Second hand clothing
- Exhausted tea or tea mixed with other substances
- Spirits containing more than forty eight and one half percent of pure alcohol.
- Indecent or any obscene prints, painting, books, cards, engraving or any indecent or obscene articles
- Matches made with white phosphorous.

From the description of some the prohibited imported trade items, importing such kind of items can be termed to be smuggling.

Other smuggling activities include, the participation in illegal trade, such as the drug trade, illegal weapons trade, prostitution, human trafficking, kidnapping, exotic wild life trade, art theft, blood diamonds, heists, chop shops, illegal immigration or illegal emigration, text evasion, import/export restrictions providing contrabands.

For the smooth running of trade finance, the common law of Nigeria highlighted the rules to be observed to regulate by the general law of contract and secondly, by the law of acquisition and transfer of property. In general terms, for a contract to be valid there must exist the following:

- A contract of sale of goods is bilateral in a nature where in property in the goods has to pass from one party to another.
- Another essential element in a contract of sale in the goods, the subject matter of a contract of sale must be goods. Every kind of movable property except actionable claims and money is regarded as goods. Contracts relating to services are not considered as contract of sale.

- Transfer of property in goods is also integral to a contract of sale. The term property in goods means the ownership of the goods. In every contracted sale, there should be an agreement between the buyer and the seller for transfer of ownership.
- The buyer must pay some price for goods. The term "price" is the money consideration of goods. Accordingly, consideration in a contract of sale has no necessarily to be in money. Where goods are offered consideration for goods, it will not amount to sale, but it will be called barter or exchange, which was prevalent in ancient time.
- Similarly, if a person offers the goods to somebody else without consideration, it amounts to a gift of charity and not sale. In explicit terms, good must be sold for a definite amount of money, called the price, However, the consideration can be partly in money and partly in valued up goods. Furthermore, payment is not necessary at the time of making the contract of sale.
- Contract of sale is a special type of contract, therefore, to be valid, it must have all the essential elements of a valid contract, that is consent, consideration, competency, contracting parties, lawful object, legal formalist to be completed, etc. A contract of sale will be invalid if important element are missing

Issues of Trade and Finance in Shari'ah

Trade refers to buying and selling or exchange of goods and services between one region and another in the same country or between one country and another. Trades involves transfer or exchange of goods and the transfer of ownership of goods from one person or entity to another by getting a product or services in exchange from the buyer and is loosely called commerce or financial transaction or barter.

In Islamic law, the seller and buyer are required to be healthy minded, which (can distinguish the good and the ugly), and there is no compulsion in buying and selling goods or services. The rationale behind all of these tenets of business practices in Islamic economic system is bound by the fact that everything that is good and beneficial for the society is lawful and permissible and anything that causes harm or menace to the society is unlawful and prohibited. This is the foundation of Islamic business precept and quit essentially forms the ethical system in Islam. Some of the general rulings regarding the tenets of business transactions will be discussed in light of the shari'a.

The Prophet (S.A.W), prohibited some forms of sales that people were know to use during his time. The wisdom behind this prohibition of some sales is to facilitate ease for people and not to increase prices for them. Also, it is designed to stop sales that might include risk or trickery and eliminate any sale that might investigate hatred and enmity amongst people. (Ansari, M.T 2005).

1. The Prophet (S.A.W) prohibited that a town dweller (urban resident) be allowed to sell the goods of a desert-dweller (rural resident), as stated in an agreed upon Hadith. This means that the urban resident is prohibited from selling the goods of a rural resident in behalf of the latter. This is because the urban resident might wait until people are in need of the goods and the raise the prices. Anas Bin Malin said; "We were forbidden to allow a town-dweller to sell the goods of a desert, even if the latter is a brother from the same mother and father.
2. The Prophet (S.A.W), prohibited Najash is trickery whereby one offers a high price for a commodity not intent upon buying it but upon cheating someone else who wants to buy it, even though it is not worth such an elevated price. Scholars have unanimously agreed on the prohibition of such action. If the increase in price puts the commodity at a higher price than similar items. This prohibition is based on the Hadith narrated by Ibn Umar that Allah's messenger prohibited Najash.
3. The Prophet (S.A.W), prohibited meeting caravans or route with the intention of purchasing goods before the sellers known the market price. Ibn Mas'ud narrated that the Prophet (S.A.W), prohibited going to meet the vendor n route in an agreed upon Hadith. Ibn Qayyim said; "The Prophet (S.A.W), prohibited that because it includes deception of the seller who does not the market price.
4. The Prophet (S.A.W), prohibited the Muslim's from persuading buyers to cancel their purchases from other vendors, and then sell them his goods. This is tantamount to saying to someone who is buying an item for the dollars, "I have the same item for seven dollars for

you," the Prophet (S.A.W), also prohibited a Muslim from entering into transaction to purchase of that some commodity. Ibn Umr narrated that Allah's messenger (S.A.W) said; "Do not urge someone to return what he has already bought from another vendor so as to tell him your own goods. And don't urge a woman who is engaged to someone else to cancel her engagement so that she can became engage to you, except with the permission of the other person".

5. It is also prohibited to sell a commodity that might be used in the commission of sin. This would include selling juice to someone who uses it to make Khamr (intoxicants), selling weapons during periods of fitnah (confusion or instability), or selling a house to someone who will use it for sinful deeds. Allah says; "*And do not help one another in sin and transgression*". (Q. 5:2). This prohibition is based upon knowledge of the intention or evidence supporting the suspicion.
6. It is prohibited to sell one debt for another debt. Imam Ahmad had stated that there is no sound Hadith on this issue but people have unanimously agreed that it is not permissible to sell one debt for another debt.
7. There is also a prohibition of injustice in sales, especially when the buyer does not know the price, or he is not good in bargaining. A person came to the Prophet (S.A.W) and told him that he was always betrayed in making purchases. The Prophet (S.A.W), then told him, "Say at the time of buying; cheating and deception are both prohibited. The Prophet (S.A.W) said, "Both cheating and deceiving are in fire".
8. The Prophet (S.A.W), prohibited to sell goods before taking them into possession. The Prophet (S.A.W) said, to Hakim Ibn Hizam, "Do not sell what you have purchase until you receive it". Ibn Abbas narrated that Allah's messenger (S.A.W) said, who buys foodstuff should not sell it until he takes all the measures which he has bought in full.

Rulings on International Food Commodity Trading

Every country is not self-sufficient in meeting the requirement of its general public. Thus, the need of international trade arises due to uneven distribution of natural resources, climatic conditions, growth rate, technology and professional managements. The ambition of every country is that there should be favourable balance of payments. It means more export and less imports.

Trade refers to buying and selling or exchange of goods and services between one region and another in the same country or between one country and another. Trade involves transfer or exchange of goods and the transfer of ownership of goods from one person to entity to another by getting a product or services in exchange from the buyer and is loosely called commerce or financial transaction or barter. (Gbadamosi, A. 2020)

Throughout history trade has been the driven factor business in Islamic states. The main trade assert was food commodities such food items as grain, dates, and salt are mentioned in the early Islamic texts and have been the subject matter of a hadith traditions. Particularly, the texts of Al-Bukhari contain dates, wheat, millet and other types of grain, salt, guard, fruit and dairy products. The Qur'an mentions wheat, grain, fruit, meat and other types of commodities in numerous verses. In Islam, transactions with these types food commodities, which can be measured by weight or volume, known as ribawi goods, are regulated by special rules to avoid usury. The most known hadith about ribawi goods talks about dates, salt, wheat and barley. The prophet, Muhammad reported to have said;

Narrated by Ibn Umar: The Prophet said;

The selling of wheat for wheat is riba (usury) except if it is handed from hand to hand and equal in amount. Similar, the selling of barley is Riba except if it is from hand to hand and equal in amount, and dates for dates is usury except if it is from hand to hand and equal in amount.

Islamic Finance and Food Commodity Trading

Cross-border trade is trade between neighbouring countries conducted by vulnerable, small, unregistered traders, typically it is proximity trade involving the move of produce between markets close to the border.

Buying and selling are allowed by the shari'ah so that people may profit mutually. The lawgiver, has not prohibited profit nor has He set limits to it. He has, however, prohibited fraud and cheating and

ascribing to a commodity attributes it does not possess. The Qur'an states, "*Allah has permitted trade and forbidden usury*". (Q. 2:275).

International food commodity trading has an impact on prices for both exporting and importing countries. For the exporting countries, a presence on international markets often resulted in higher and more sustained local prices and more production incentives. But, finally, this would result in increased food insecurity of the poor. Various advantages or benefits are enjoyed by the countries entering into trade relations on an international scale. These include;

- i. International trade enables a country to consume things which either cannot be produce within its borders or production may cost very high.
- ii. International trade helps a country to utilize its resources to the optimum limit so there is misuse of production factor and helps to eliminate the wastage of resource.
- iii. Imports and exports of different countries provide opportunities to the consumer to buy and consume those goods which cannot be produced in their own country.
- iv. International trade reduces trade fluctuations
- v. International trade enables different countries to sell their surplus products to other countries and earn foreign exchange
- vi. International trade fosters peace, goodwill and mutual understanding among nations.
- vii. International trade creates employment opportunities (Adeyemi, A.A 2018)

In an effort to provide good service, Islamic business ethics can be made an advantage of shari'ah cooperative compared to conventional ethical and spiritual values. Every business carried out must be in accordance with Islamic shari'ah (law) and not only oriented towards obtaining as much profit as possible. So that it can harm other parties in their acquisition. To achieve mutual benefits, the need to apply Islamic business ethics in the operation of Islamic financial services. Business activities that are justified in Islam are business activities with healthy competition.

Most shari'ah prohibitions related to financial contracts are basically in line with existing exchange regulations. For example, both shari'ah law and civil law regulations forbid cheating, exploitation, deliberate destruction and similar unlawful and unethical actions. Following harmonized ethical rules and regulations, Islamic-driven trade is more productive and socially beneficial. (Fahrullah, A. 2009) Shari'ah imposes strict conditions related to the contracts subject, parties, trade, asset, price and time and place of delivery. It provides a precise specification of the traded commodity, including it weight, composition, moisture and insect damage. (Hanif, M..A 2018).

The first, ruling is that the sold item should not represent any of the prohibited (*haram*) items by shari'ah. In food commodities, this could include any alcoholic drinks or substances used internationally to produce alcohol, tobacco, cannabis and similar items as well as animal meat, fat and skin taken from forbidden animals (Pork, dogs etc) or animals slaughtered in a non-halal manner. Any kind of grain is regard as permissible in shari'ah.

According to the second ruling, the sold item should be available at the time of the contract session. Any item which is not produced yet, cannot be sold, except for Salam (advance payment) and Isitinsa (contraction) contracts. These two are the only cases when short selling is allowed based on certain conditions.

As per the third ruling, any contract involving delay both in payment and in goods delivery simultaneously is prohibited by shari'ah. Shari'ah ruling related to the contract price. The price should be stipulated once and should not be subject to any alterations, nor can it be dependent on any specific indicator, unknown at the time of the contract session.

Sport sale transactions, general, have no conflict with shari'ah rulings, as the uncertainly in such transactions is minimized. Any delay in payment or delivery, for technical issues, which do not exceed 1-3 days, are not subject to shari'ah ruling related to deterred payment or delivery. However, certain conditions should be fulfilled related to sold item. First, it should be halal (permissible). Secondly, the seller should have full ownership and possession of the sold item. Third, the sold item should be specified and concretized by, for example, labeling depending on the nature of goods. The latter conditions is aimed, labeling would also help the change for conflicts. According to shari'ah, once the goods are sold and the ownership is transferred to the buyer, even if the commodity is still being kept in the seller's warehouse, the risks are with the buyer. Therefore, in Islamic finance

transactions, the common practice is that the sold goods should be labeled to identify the owner, or separated so that it would be easy to identify the owner.

Illicit Money in Islamic Ethics Resolution of Cross-Border Finance Transactions

Islam as a comprehensive way of life encompasses a complete moral system. It has established some universal fundamental rights for humanity as a whole, which are to be observed in all circumstances. Islam sets a very high standard of morality in human behaviour and social relationship. It upholds moral values and instructs its followers to be righteous and honest to the highest degree in their relationship.

The laws of Islam are firmly based on the shari'ah and therefore in the interest of people as whole. Whatever Allah Has approved for man and allowed him to benefit by it, neither an individual nor the Islamic state or even the ummah as a whole can make it prohibited.

Since the beginning of Islam, the Prophet Muhammad (S.A.W) was mainly concerned with teaching and discipline Muslims to have the best manner and personal characteristics personal life and behaviour were reflective of his teachings, which were revealed to him by Allah. The Prophet's high standard of manners made him a model for all Muslims, to follow. Therefore, morality does not determine the prophet's action, but his actions determine morality.

The explanations made above shows that the Glorious Qur'an is a methodology of morals and virtue, that is stated the rules of morals, and drew the path of right behaviour that achieves happy life to all society individuals. Allah (S.W.T) stated in the Glorious Qur'an;

*Surely, this Qur'an guides to what
is most right, and gives to the believers,
who do good deeds the glad tidings that they
shall have a great reward (Al-Isra'i: 09).*

In another verse of the Glorious Qur'an Allah says;

*And if there comes to you guidance from ME,
then who so will follow MY guidance, will
not go astray nor will he come to grief. (Taha: 123).*

The term ethics originated from Greek word "ethos" which means, character, spirit and attitude of a group of people or culture. According to Oxford Dictionary, ethics is defined as, "a system of moral principles by which human action may be judge as good or bad, right or wrong". The rules of conduct recognized in respect of particular class of human actions. Ethics, also, represents a set of moral principles, rules of conduct or values. (Khalid, L. 2018)

The range of morality in Islam is inclusive and integrative that is combines at once faith in Allah, religious rites, spiritual observances, social conduct, decision making, intellectual pursuits, habits of consumption, manner of speech, and all other aspects of human life. Islamic ethics and moral standard are the clear reflection of the Qur'an and Sunnah. Allah says; "*And fulfill (every) commitment, indeed, the commitment is every questioned*". (Q. 17:34).

In another verse of the Qur'an Allah says; "*O you who have believe, fear Allah as He should be feared and do not die except as Muslim*". (Q. Imran: 102). In one of the traditions of the Prophet Muhammad (S.A.W) testifies to this fact, he said; "The signs of hypocrite are three: whenever he speaks, he tells a lie, whenever he promise he breaks it. If he was trusted he proves to be dishonest". (Al-Bukhari, No. 33).

Both the Qur'an and the Hadith have attached importance to respect a contract once it has been made, and whether the other party is a Muslim or non-Muslim. Apart from the ordinary vessel promises, fulfillment of business contract and repayment of loans come as a special instruction for the Muslims. Business contract and words are not to be breached in pursuance of more profits. Similarly, admonition has been issued against the non-payment of loans as it is said to ruin the afterlife of a believer.

From the perspective of Islamic ethics, illicit money is:

any money which Islamic forbids acquire or to use either because it is harmful or bad properly in itself such as carrion or wine, or because it is forbidden for an external reason, for example, in the way it was acquired

from its legitimate owner without his/her authorization, through usurpation or obtaining it through unacceptable ways in Islamic law even with the consent of bribery. (AL-BAZ at al. 1998, pp. 4044)

From the above definition, there is an implicit link between the use of illicit money and injustice since acquiring money illegally harms a particular individual or group or state. In terms of Islamic ethics of maqasid (higher objectives of Islamic law), one can assert that forbidding illicit money assures social justice. Maqasid al-shari'ah consists of the attraction of benefits to the people and repelling of harm and corruption from them. Then obligation of promoting good and preventing evil is addressed to the whole community and not to a particular individual. Allah says; *"Those will be successful are from a nation inviting to all that is good, enjoining what is right and forbidden what is wrong. (Q. 3:104).*

Islam removed every facet of corruption and cancelled all customs which were harmful to the society. Consequently, Islamic legislation forbade interest because it takes unfair advantage of the less fortunate members of society. Trade practices were reformed by making the basis of trade mutual consent and by disallowing all deceptive business transactions.(Hadimi, H. 2010).

One of the challenging issues for border's actor's that of corrupt officials who can play crucial roles in smuggling and trafficking networks. Corruption seriously undermines national and international efforts to prevent and control the smuggling of migrants, wine, weapons, and so on. Economic Development is stunted because foreign direct investment is discouraged and small business within the country after finding it impossible to the 'start-up costs because of corruption'.

Corruption is generally defined as the misuse of public authority corruption in a broader term covering not only bribery but all forms of official misconduct in return for gifts or services or agreement of any kind, not necessarily material. Allah says; *"Eat and drink of that which Allah has provided and do not act corruptly making mischief on the earth. (Q. 2:178).*

Bribery means giving gifts in return for official favours. Allah says;

And eat up one another's property unjustly(in any illegal way e.g stealing, robbing, deceiving) nor give bribery to the rulers (judges before presenting your cases) that you may knowingly eat up a part of the property of others sinfully. (Q. 2:185).

The English Oxford Dictionary defines smuggling as to: "Convey someone or something) somewhere secretly and illicit". Smuggling can also be seen as; "The illegal transport of goods, especially across border lines". Smuggling is engaged into avoid taxation or to obtain goods which are prohibited in a certain region. Smuggling is conceptualized as a profit driven activity within a broader business system, whereby the smugglers' main motivation is profit and common points intersection with migrants is finance.

The smuggling migrants is a big business in Nigeria with criminal networks charging large sums of money to move people in and out of the West African country or facilitate their transit. The smuggling process is highly organized. For the popular crossing into Niger, migrants are usually taken by regular transport to a northern city where they contact a smuggler who will help them to reach the border. After moving into Niger on foot, another contact person will meet them. Nigerian nationals who are smuggled out of the country are primarily heading to Europe and travel through Niger and further to Libya, Morocco or Algeria. Others are hoping to reach North America or the Gulf States.

In this regard, it is significant to understand the position of Islam in trafficking in persons. Notably, the significant role of Islam in addressing trafficking in persons could be illustrated on how Islam addresses several forms of exploitation. It is not worthy, that exploitation is considered the main element in the definition of trafficking in persons. Migrants smuggling, "is the procurement in order to obtain a directly, a financial or other material benefit of the illegal entry of a person into state part of which the person is not a national or a permanent resident". Migrants however, bearer much of the

brunt of the negative consequences that irregular migrant journey involving smuggling can bring; increase risks of exploitation, significant physical and mental harm and sometime death. Islam addresses a number of practices falling under the concept of exploitation. By way of illustration, Islam addresses the exploitation of labour; sexual exploitation, slavery, practices similar to slavery and selling or buying of human organs. Islam could play an importance role in addressing trafficking in persons by adopting an Islamic approach in the fight against trafficking in persons. The Islamic ruling about smuggling people into a country they are not allowed into enter is prohibited because of the risks that those individual will be exposed to the dangers, and the pursuits that may end in their drowning or arresting and humiliating them. "*Allah does not charge a soul except (with that within) its capacity*". (Q. 23:64). The context of this verse to make the good deeds, while Allah does not impose and hardship on them nor He would harm them, indicating their blissful fate according to the divine justice in the hereafter. (Delling, M. 2004)

Today, illicit money has become a central issue for Muslim ethical agents as well which include individual and simple behaviour about acquiring or using illicit money, especially for believers worrying about their moral conscience. Concern are rising regarding illicit and "dirty" money in both the Muslim world as it is related to corruption and underdevelopment.

The Views of the Researcher

Niger and Nigeria relations are based on a large shared border and common cultural and historical interactions. There are numerous official border crossings, the main one's being Benin Konni, Illela, Dan-Issa-Jibia, and Dugas-Maigatari. The previous political historical of Niger Republic and its neighbourhood exposes it to extensive irregular politically or economically driven border crossings, and consequently makes it vulnerable to migrant smuggling activities. In the context of these geographical and historical realities, millions of people are being displaced from their lands due to conflicts, persecution and economic depression, and find themselves, mostly in irregular movement through smuggling networks, to move into and out of this country. As this country becomes subject to mixed flows of immigration, emigration and transit. Human smuggling is most related to the border crossings and therefore, is a common characteristics of mobility patterns between Nigeria and Niger Republic. By the nature borders and border crossings between Nigerian and Niger constitute areas of unresolved issues of governance within and between the countries. Reference can be seen in the last half a decade, the North western Nigeria has been facing severe insecurity issues. Banditry erupted across some commodities affecting a significant population living Zamfara, Katsina and Sokoto States. This crisis has forced over 70,000 community dwellers in those states to flee, crossing into Niger Republic because of Niger-Nigeria relations which are based on a long shared border and common cultural and historical interactions.

One way of promoting and supporting Muslim marketers to have behaviour in accordance with social norms is to encourage them to practice a high level of the Islamic way of upbringing, knowledge of the religion, participation in Islamic activities, and practicing Islamic principles. In this regard, financial institutions must be able to provide services, develop business ethics that can be excellence so that they can survive and be strong, looking at Islamic, business ethical principles which include; monotheism, balance, free will, and responsibility. There is need to provide extensive explanations and reveal other factors besides Islamic business ethics that can affect sellers and buyers in the marketing process so as to encourage lawful earning hence it has facilitates in the form of clean, neat, safe and comfortable building so that it can facilitate members in obtaining desired product or service. As this, enhances quality of the Islamic business ethics and services process provided to Muslim marketers in order to maintain lawful earnings. Allah says; "O mankind! eat of what is lawful and good on earth and follow not the foot-steps of the evil". (Q.2:168).

CONCLUSION

Islam lays the greatest emphasis on food earned through lawful means. In this regard, Islam has prohibited traffic in wine, swine, deed bodies of animals and other goods the use of which has been declared to be Haram (unlawful). Islam emphasis on moral conduct in the market place. This is because, Islam regards business or commerce as an economic activity to be carried on in a spirit of humanity, tarrianism and justice. Islam denounced, in the strongest possible terms, all sorts of

deceitful dealings and illegal profits. It has also forbidden trading in things that have a debasing or vitiating influence on the Muslim society.

RECOMMENDATIONS

Islam gave to mankind an ideal code of business transactions which aim at conferring honour and dignity on mankind and eliminating exploitation, oppression and injustice. In view of this, the researcher have the following recommendations;

- All economic activities are permitted provided they are not detrimental to the interest of the community and do not violate Islamic laws and values.
- In their economic pursuits, all persons are entitled to the full benefits of nature and all its resources. These are blessings bestowed by God for the benefit of mankind as a whole.
- All means of production shall be utilized in the interest of the community as a whole, and may not be neglected or misused.
- Every person is entitled to own property individually or in association with others. State ownership of certain economic resources in the public interest in legitimate.
- In order to promote the development of a balance economic and to protect society from exploitation, Muslims should monopolies, unreasonable restrictive trade practices, usury, the use of coercion in the making of contracts and the publication of misleading advertisements.
- Government should implement laws to criminalized the illicit trade in tobacco products. This should be backed up with adequate enforcement agencies to investigate criminal networks.

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