

VOLUME 10 ISSUE 1

2025

ZULEYHA KESKIN
Editor-in-Chief

SULEYMAN SERTKAYA
Managing Editor

MIRELA CUFUROVIC
Assistant Editor



Published online: 5 March 2025



[Submit](#) your article to this journal



[View](#) related and/or other articles in this issue

Challenges of Sharia Adjudications in a Multi-Religious Society

A Case of the Independent Sharia Panels of Yorubaland, Southwest Nigeria

Jamiu Muhammad Busari and Haruna Sanusi Lafiagi

To cite this article:

Busari, Jamiu Muhammad and Haruna Sanusi Lafiagi. "Challenges of Sharia Adjudications in a Multi-Religious Society: A Case of the Independent Sharia Panels of Yorubaland, Southwest Nigeria." *Australian Journal of Islamic Studies* 10, no. 1 (2025): 66-104. DOI: <https://doi.org/10.55831/ajis.v10i1.663>.

CHALLENGES OF SHARIA ADJUDICATIONS IN A MULTI-RELIGIOUS SOCIETY: A CASE OF THE INDEPENDENT SHARIA PANELS OF YORUBALAND, SOUTHWEST NIGERIA

Jamiu Muhammad Busari* and Haruna Sanusi Lafiagi**

Abstract: Application of Sharia, the Islamic law in Nigeria, has generated unending debates among various religious adherents in colonial and post-colonial eras. Despite being recognised as a source of law under the Nigerian Constitution, Sharia is partially applied in the northern part of the country, while in the southern region its application has been elusive to date. Consequently, Yoruba Muslims of Southwestern Nigeria have been agitating for the statutory recognition and enforcement of Islamic law but to no avail. In the absence of this, some scholars and legal practitioners for over two decades have used the platform of independent adjudication to settle cases of succession, marriage, divorce and others, aiming at dowsing the tension of protracted lawsuits and non-compliance with the Sharia provisions often witnessed by Muslim litigants; hence, the birth of the Independent Sharia Panels (ISPs). These non-conventional courts of law are found in Lagos, Oyo and Osun States. This paper analytically examines the challenges of Sharia application in Yorubaland, reviews the institutionalisation of ISPs in the absence of statutory Sharia courts and enumerates the challenges facing adjudication of Islamic law by these independent juries. It is suggested that, to enthrone peace and justice as enshrined in Islam and the Nigerian Constitution, Muslims in the southwestern states of Nigeria should intensify issue-based and non-violent agitations for the statutory recognition and application of Sharia in the region while ISP juries must standardise all processes of Sharia adjudication as obtainable in regions where Islamic law application reigns supreme.

Keywords: *Adjudication, challenges, multi-Religious society, Sharia panels, Southwest Nigeria*

INTRODUCTION

Nigeria, the sixth most populous nation in the world, is a multi-religious and multi-ethnic country with a population of over 200 million inhabitants.¹ The country was traditionally

* Lecturer I, Islamic Studies Unit, Department of Religions, Faculty of Humanities, Osun State University, (Ikire Campus), Osogbo, Nigeria. Email: bmjamiu@gmail.com.

** Senior Lecturer, Department of Islamic Studies, Al-Hikmah University, Ilorin, Kwara State, Nigeria. Email: sanusilafiagi@alhikmah.edu.ng

governed by divergent ethnic rulers in various kingdoms and empires, which included Oyo Empire,² Benin Kingdom,³ Sokoto Caliphate⁴ and Borno Empire,⁵ with autonomous powers over their subjects – religious, economic, political and social. In the northern part of the country where Borno Empire and Sokoto Caliphate thrived, Islam has been the major religion with Sharia, the Islamic law, used in all adjudications.⁶ However, in Yorubaland, in the southwestern region of Nigeria, African Traditional Religion (ATR)⁷ and Islam were in fierce battles of supremacy for centuries⁸ before the advent of British imperialism, which introduced Christianity through the vehicle of colonialism in the 19th century.⁹

By 1960, when Nigeria gained independence from Britain, Islam, Christianity and ATR were the three major religions with millions of adherents across the breadth and length of the country. However, the ascendancy enjoyed by Christianity over Islam and ATR, especially in the southern part of the country that comprised the South West, South South and South East geopolitical zones, was unprecedented. Muslims and other religionists were subdued under the influence of Christian law, which was known as Common Law in all governance paraphernalia.¹⁰

In Yorubaland, where Muslims are estimated to be over fifty percent of the total population, the application of Sharia – notwithstanding its mention and recognition by successive Nigerian Constitutions and the corpuses of the Nigerian legal system – has been an herculean task to accomplish. This is in contrast with Sharia operations and implementation in the northern states of Nigeria where Muslim family matters are adjudicated from lower or area Sharia Courts to the Sharia Courts of Appeal without hindrance. In essence, Yoruba Muslims' identities and expressions of faith in public and

¹ See “Nigeria Population (Live),” Worldometer, accessed, March 15, 2023 <https://woldometers.info/world-population/nigeria-population/>.

² See Akinwumi Ogundiran, “The Formation of an Oyo Imperial Colony during the Atlantic Age,” in *Power and Landscape in Atlantic West Africa: Archaeological Perspective*, ed. J. Cameron Monroe and Akinwumi Ogundiran (Cambridge University Press, 2012), 222, accessed May 1, 2019, <http://dx.doi.org/10.1017/CB09780511921032>. See also I. A. Akinjogbin, “The Oyo Empire in the 18th Century: A Reassessment,” *Journal of Historical Society of Nigeria* 3, no. 3 (1966): 449-460, accessed August 14, 2018, www.jstor.org/stable/41856706; P. C. Lloyd, *The Political Development of Yoruba Kingdom in the 18th and 19th Centuries* (Royal Anthropological Institute, 1971).

³ See Roese M. Peter and Bondarenko M. Dmitri, *A Popular History of Benin: The Rise and Fall of a Mighty Forest Kingdom* (Peter Lang International Academic Publishers, 2002).

⁴ Murray Last, *The Sokoto Caliphate* (Western Printing Services Ltd., 1967).

⁵ Vincent Hiribarren, *A History of Borno: Trans-Saharan African Empire to Failing Nigerian State* (Oxford University Press, 2017).

⁶ See Marinus Chijioko Iwuchukwu, “Precolonial Sokoto Caliphate and Kanem-Borno Empire and the Advent of Islam,” in *Muslim-Christian Dialogue in Post-Colonial Northern Nigeria*, Palgrave Macmillan's Christianities of this World (Palgrave Macmillan, 2013).

⁷ Robert Yaw Owusu, “African Traditional Religion in the Context of World Religions: Challenges to Scholars and Students,” in *The Palgrave Handbook of African Traditional Religion*, ed. Ibigbolade S. Aderibigbe and Toyin Falola (Palgrave Macmillan, 2022), https://doi.org/10.1007/978-3-030-89500-6_43.

⁸ Jamiu Muhammad Busari, “Islam in Yorubaland, Southwest Nigeria: A Historical Review of its Advent and Impacts till Present Time,” *Al-Qanatr International Journal of Islamic Studies* 33, no. 1 (2024): 7.

⁹ Etim E. Okon, “Christian Missions and Colonial Rule in Africa: Objective and Contemporary Analysis,” *European Scientific Journal* 10, no. 17 (2014).

¹⁰ See Abdulmumini Adebayo Oba, “Harmonization of Shari'ah, Common Law and Customary Law in Nigeria: Problems and Prospects,” *Journal of Malaysian and Comparative Law* 35 (2008).

private lives became an unmitigated conundrum for decades in politics, religious practices, pursuance of education, legal adjudications and social life.¹¹ For example, in colonial Lagos, Southwest Nigeria, there was a petition written by Muslims in 1894 to the then colonial government expressing maltreatments, annihilations and subjugations regarding their religious, political and social lives.¹²

In this regard, Muslims of Yorubaland have relentlessly agitated for Islamic law application under past colonial regimes and different indigenous governments, military juntas and civilian rulers with no solution in sight. Therefore, this paper is aimed at unearthing the challenges of Sharia application and adjudication in a multi-religious society using the *'ijtihād* (exertions) of the Independent Sharia Panels (ISPs) of Yorubaland, Southwest Nigeria, as a case study. The paper narrates the historiography of Yorubaland and its people alongside the advent of Islam in the region. It explains the structure of the Nigerian legal system plus the challenges and intrigues of Sharia application in Nigeria and Yorubaland for over a century amid the effects of British colonisation. The paper also enunciates the religio-legal struggles of Yoruba Muslims that led to the establishment of the ISPs and subsequent legal *'ijtihād* in the region. Finally, it enumerates and explains the challenges facing Sharia adjudications of ISPs within the context of the Nigerian legal system and Islamic law provision.

CONCISE HISTORIOGRAPHY OF THE YORUBA PEOPLE OF NIGERIA

The ethnogenesis of the Yoruba people has been an historiographical altercation among anthropologists, academia and historians for over two centuries with no consensus. In pre-colonial era, Yorubaland was the ancestral home of all Yoruba speaking people who are arguably believed to be the descendants of Oduduwa, the son of Namrūd or Lamurudu (Nimrod), a purported Arabian prince.¹³ The Yorubas were postulated by some historians as migrants from Arabia through Egypt or Sudan where their progenitor, Lamurudu was persecuted and evicted while others believed they descended from heaven.¹⁴

The Yorubaland, Southwest Nigeria, is a multipurpose independent region previously administered under the great old Oyo Kingdom, the medieval Yoruba Empire that became a *primus inter pares* (first among equals) and full-fledged kingdom by the 13th century in West

¹¹ The Muslims' identities and expressions of faith in public and private lives became conundrums for decades in politics, religious gatherings, pursuance of education, legal adjudications and in social life. See Ishaq O. Oloyede, "Islam in Nigeria: A Century of National Islamic Societies," *Journal of Islam in Nigeria* 1, no. 1 (2015).

¹² Abdul-Fatah Kola Makinde and Philip Ostien, "Legal Pluralism in Colonial Lagos: The 1894 Petition of the Lagos Muslims to their British Colonial Masters," *Die Welt Des Islams* 52 (2012).

¹³ Jock M. Agai, "Reflection on the Theory of the Arab Origin of the Yoruba People," *Theologia Viatorum* 45, no. 1 (2021).

¹⁴ For instance, see Funlola Olojede, "The Exodus and the Identity Formation in the View of the Yoruba Origin and Migration Narratives," *Scriptura* 108 (2011); Toyin Falola, "The Yoruba Nation," in *Yoruba Identity and Power Politics*, ed. Toyin Falola and Ann Genova (University of Rochester Press, 2006), 34.

Africa.¹⁵ The Empire was famously ruled by various Alaafin of Oyo, the Yoruba imperial rulers and their lieutenants, the Oyo-Mesi In-Council.¹⁶ However, the intra-tribal wars among the Yorubas,¹⁷ the incursion of the Fulani Jihadists from Northern Nigeria¹⁸ and the emergence of British colonialism in the middle of the 19th century weakened the superiority and existence of the old Oyo Empire culminating in its destruction, which was further weakened with the bombardment and ceding of Lagos, a Yoruba major commercial and port city, as a British colony by John Beecroft and his army in 1851 CE.¹⁹

Majorly, for centuries, Yoruba people were known as polytheists and traditional literalists who worshipped deities as intermediaries to Olodumare, their venerated Supreme Being. These deities included Obatala, Orunmila, Ogun (god of iron), Sango (god of thunder) and Yemoja (river goddess).²⁰ These gods were offered periodic sacrifices to appease and supplicate for their favours and protection, which, according to Bolaji, was connected to the early Yorubas' pristine belief that religion is life.²¹ In the pre-colonial period, the Yoruba people of Nigeria were believed by many to be the most urban of all African people and, in post-colonial era, the most extensively studied group of all societies in Sub-Saharan Africa.²²

In the colonial era, Yorubaland was designated as a western region of Nigeria and geographically, according to Olayinka, Yorubaland covers total land area of 142,114 km², about the same size as the combined land area of Greece and Montenegro in Europe.²³ Presently, Yorubaland is officially delimited as Southwest Nigeria with six semi-autonomous states within the Nigerian federation. The Yoruba speaking people are also found in the West Africa sub-region, such as Benin Republic, Ivory Coast and Togo, and in some part of the Americas, such as Cuba, Brazil, Trinidad and Tobago as well as Barbados. In this regard, Busari reports:

Yoruba nation is one of the largest ethno-linguistic groups in sub-Saharan Africa and major ethnic group in Nigeria which geographically occupies the South-western part of the

¹⁵ For the history, formation, reign and collapse of the Oyo Empire, see Samuel Johnson, *The History of the Yorubas: From the Earliest Times to the Beginning of the British Protectorate* (CMS Bookshop Ltd., 1976); Babatunde Ade Adefuye Agiri, "Early Oyo history Reconsidered," *History in Africa* 2 (1975), www.jstor.org/stable/3171463.

¹⁶ The Empire was famously ruled by various Alaafin of Oyo, the Yoruba imperial rulers and their lieutenants, the Oyo-Mesi In-Council. See Olusegun Peter Oke, "Principle of Separation of Powers in the Old Oyo Empire as a Template for the Contemporary Political Structure in Nigeria," *IQRA Journal: Theological and Religious Studies* 1, no. 2 (2021).

¹⁷ See R. C. C. Law, "The Chronology of the Yoruba Wars of the Early Nineteen Century: A Reconsideration," *Journal of the Historical Society of Nigeria* 5, no. 2 (1970).

¹⁸ Biodun Adediran, *The Frontier States of Western Yorubaland: State Formation and Political Growth in an Ethnic Frontier Zone* (IFRA-Nigeria, 1994), 175-208.

¹⁹ E. Ike Udogu, "A History of Nigeria," *Africa Today* 55, no. 4 (2009): 124; Antony G. Hopkins, "Property Rights and Empire Building: Britain's Annexation of Lagos, 1861," *The Journal of Economic History* 40, no. 4 (1980): 779-780.

²⁰ See Emeka C. Ekeke and Chike A. Ekeopara, "God, Divinities and Spirits in African Religious Ontology," *American Journal of Social and Management Sciences* 1, no. 2 (2010).

²¹ Bolaji Idowu, *Olodumare: God in Yoruba Belief* (Longman, 1962), 5.

²² Gary Lynn Comstock, "The Yoruba and Religious Change," *Journal of Religions in Africa* 10, no. 1 (1979): 1.

²³ Grace Olayinka Gbenle, "Socio-Religious Issue in the Debate on Masculinity in Yorubaland, Nigeria," *KIU Journal of Humanities* 3, no. 3 (2018): 64.

Country; a region that comprises Oyo, Ogun, Osun, Ondo, Ekiti and Lagos States transcending into some Yoruba dominated areas in Kwara and Kogi states (in the North-central geo-political zone of Nigeria), and also spread across some parts of West African region of Republics of Togo, Benin, Liberia and Sierra Leone especially after the European colonial era with Yoruba descendants who are sparsely inhabited in these countries with corrupted forms of Yoruba dialects and culture.²⁴

In Nigeria today, the Yoruba people account for over 20 percent of the Nigerian population with mixed percentages of religious adherents of Islam, Christianity and ATR. It is also on record that the Yoruba people are the foremost Nigerians in education, politics, social activities, culture and entrepreneurship.

THE ADVENT OF ISLAM IN YORUBALAND

Islam was reported to have reached Yorubaland over five centuries ago (*circa* 1550 CE).²⁵ Historically, the exact period of the advent of Islam in Yorubaland has not been ascertained. According to Sanni, it has been a herculean task to attach a date to the emergence of Islam among Yoruba people.²⁶ As Saad opined, Islam was introduced to Yorubaland around the 11th century through some Malian scholars known as *al-Murābitūn*. He postulated the proliferation of these scholars and their activities in Yorubaland prompted many to called the Yoruba adherents of Islam with a designation “*Imale*” (the people who follow the Malian religion).²⁷ In his narration, Gbadamosi believed that Islam came to the region around the 17th century “with the wares of traders, the rosary of the Sūfī masters (mystics) as well as the books of scholars which indicates that its introduction was peaceful, leisurely, personal and intellectual.”²⁸ He further posited that the introduction of Islam into Yorubaland was unannounced and unplanned, and what is fairly certain is, in the 7th century, mention was made of Muslims in Yorubaland.²⁹

Therefore, the influx of itinerant scholars into the nooks and crannies of Yorubaland from various West African countries and the northern part of Nigeria heightened the population of Muslims between the 11th and 17th centuries. This, among others as reported by Danoye,

²⁴ Busari, “Islam in Yorubaland,” 43.

²⁵ Tijani Abdulwahab, *The Growth and Development of Islam in Ogbomoso 1659-2018* (Stirling-Horden Publishers Limited, 2018), 8-15. See also Amidu Sanni, “Oriental Pearls from Southern Nigeria-Arabic-Islamic Scholarship in Yorubaland: A Case Study in Acculturation,” *Islamic Studies* 34, no. 4 (1995): 433-434.

²⁶ Sanni, “Oriental Pearls,” 433.

²⁷ Saad Murtala, “Shariah in Nigeria Before the Colonial Period: A Study of Yoruba-Land,” *Islamic University Multidisciplinary Journal IUMJ* 7, no. 2 (2020): 147, <https://www.iuiu.ac.ug/journaladmin/iujm/ArticleFiles/34273.pdf>.

²⁸ Tajudeen G. O. Gbadamosi, “Shariah in Southern-Nigeria: The Experience of Yorubaland” in *Understanding Shari’ah in Nigeria*, ed. A. M. Yakubu, A. M. Kani and M. Junaid (Spectrum Books Limited, 2001): 115.

²⁹ Tajudeen G. O. Gbadamosi, *The Growth of Islam among Yoruba 1841-1908* (Longman Group Ltd Press, 1978), 4.

resulted in religious altercations and struggles between the new converts and indigenous traditionalists who designated the Yoruba Muslims as slaves and ungrateful people.³⁰

It is then certitude, as Malik posited, that by this period, Islam had been seemingly entrenched in various Yoruba towns, such as Igbobo, Oyo, Ibadan, Ede, Epe, Ikirun, Iwo, Lagos, Ogbomoso, Ibadan, Ikoyi-Ile and others, before 1840 CE.³¹ The activities of various ‘*ulamā*’ (Islamic scholars), foreign and indigenous, in the propagations of Islam in the region is of note. They established hundreds of local Islamic schools known as *ile-kewu (madāris)* and adult learning circles across the Yorubaland through which Islamic knowledge are disseminated informally. Prominent among these *madāris* are Markaz Ta’lim Al-‘Araby Al-Islāmy (Arabic Training Centre) established in 1952 at Agege, Lagos State, by Shaykh Adam Abdullah Al-Ilory³² and Ma’hd Al-Araby, Ibadan, Oyo State, established in 1958 by Shaykh Murtadah Abdusalam³³ and several others.

Furthermore, the religious activities of various Islamic organisations and movements from the 19th century is unprecedented. These organisations championed the cause of enlightening the Muslims, defending their rights and propagating Islam amid the colonial discrimination meted against Muslims. They included the Ahmadiyyah Movement of Nigeria (est. 1916),³⁴ Ansar-u-deen Society of Nigeria (est. 1923)³⁵ and others. Also, the early Yoruba scholars and their followers were ardent practitioners of *taṣawwuf* (mysticism) through which they belong to several Ṣūfī sects and orders such as Tijāniyyah and Qadriyyah.³⁶ This tempo remained intact until recently when several Salafī movements and Ahlu-Sunnah groups emerged among the Yorubas leading to intra-religious conflicts and accusation of infidelity and *kufir/takfir* (disbelief/apostasy) among Muslims in the last three decades.³⁷

³⁰ For example, see Danoye Oguntola-Laguda and Joseph Moyinoluwa Talabi, “Conflict, Religion and Mediation in African Society: A Case of Conflict between Muslims and Traditionalists in Epe, Lagos State,” in *Law, Religion and Reconciliation in Africa*, ed. M. Christian Green, Jean-Baptiste Sourou and Celestin Gnonzont (African Sun Media, 2024), 155-168.

³¹ Malik H. A. Seyid, *The Impacts of Arabic on Linguistics and Cultural Life of Yoruba People* (Group Publishers, 1995), 425.

³² See Yusuf Badmas Olanrewaju and Yusuph Dauda Gambari, “Shaykh Adam Abdullah Al-Ilory (1917-1992): A Muslim Reformer of 20th Century in Yorubaland, Nigeria,” *Al-Wifaq Research Journal of Islamic Studies* 6, no. 1 (2023).

³³ Nuraen Taiwo Hassan Dindi, “Prominent Islamic Educators in Yorubaland of Nigeria” (paper presented at the International Congress on Islamic Education, Turkey, April 27, 2018).

³⁴ See Humphrey J. Fisher, *Ahmadiyyah: A Study in Contemporary Islam on the West African Coast* (Oxford University Press, 1963); John D. Y. Peel, *Christianity, Islam and Orisa Religion: Three Traditions in Comparison and Interaction* (University of California Press, 2016), 158-160.

³⁵ Yahya Oyewola Imam, “Religious Organizations and Progressive Social Change: A Case Study of Ansar-u-Deen Society of Nigeria,” *Islamic Studies* 43, no. 4 (2004); Stefan Reichmuth, “Education and the Growth of Religion Associations among Yoruba Muslims: The Ansar-u-Deen Society of Nigeria,” *Journal of Religions in Africa* 26, no. 4 (1996).

³⁶ Yusuph Gambari Dauda and Ibrahim Oniya Olayinka, “An Appraisal of the Practice of Sufism and *Jalabi* among Yoruba Muslims in Nigeria,” *International Journal of Emerging Issues in Islamic Studies* 3, no. 2 (2023).

³⁷ Ahmad Nafiu Arikewuyo, “Emergence and Development of Islamic Reformist Trends in Yorubaland of Nigeria,” *Journal of Islamic Studies and Humanities* 7, no. 2 (2022): 193-213.

Though Yoruba Muslims are still struggling to achieve their desired identity as Muslims in Southwest Nigeria,³⁸ the impacts of Islam on the Yoruba people – linguistically, culturally, religious, legally and socially, according to Busari³⁹ and Ogunbado⁴⁰ – can never be underestimated.

THE NIGERIAN LEGAL SYSTEM AND SHARIA ARGUMENT

According to Yadudu, quoting Merryman, a legal system is an operating set of legal institutions, procedures and rules.⁴¹ In essence, a legal system is the procedure or process for interpreting and enforcing applicable laws. This operational legal system, according to the Nigerian Constitution, is an embodiment of laws and orders that recognise a common legal system with plurality of laws such as English law, Sharia or Islamic law, and customary laws. This legal process is empowered with existence of various courts of law, such as Customary Courts, Magistrate Courts, State and Federal High Courts of Justice, Industrial Courts, Courts of Appeal, Sharia Courts of Appeal and the Supreme Court, which is the final arbiter.⁴²

Therefore, a legal system connotes the whims and caprices on which laws are pronounced, adjudicated, interpreted and enforced by the government, judicial personnel and law enforcement agencies within a defined territory or state to maintain law and order for the enthronement of peace, equity and justice.⁴³ In the view of Abdul Mumini Oba and Ismael Saka, the Nigerian legal system is pluralistic with common law, Islamic law and customary law as the major tripartite legal traditions.⁴⁴ Jadesola et al. further reiterated that Nigeria is a “Constitutional Federal Republic” with a legal system majorly based on English laws and traditions by the virtue of legal transplant through colonisation.⁴⁵ They argued that English law has an unassailable influence on the Nigerian legal system with the enactment of section 45(1) of the *Interpretation Act*, which was in force in England from 1 January 1900.⁴⁶ Their assertion was corroborated by Obilade:

³⁸ See Muhib Omolayo Opeloye, “The Yoruba Muslim’s Cultural Identity Questions,” *Ilorin Journal of Religious Studies* 1, no. 2 (2011).

³⁹ Busari, “Islam in Yorubaland,” 46-58.

⁴⁰ Ahamad Faosiy Ogunbado, “Islam and its Impact in Yorubaland,” *The Islamic Quarterly* 57, no. 1 (2003): 6-7.

⁴¹ Auwal Hamisu Yadudu, “Shariah in a Multi-Religious Society: The Case of Nigeria,” in *Understanding Shariah in Nigeria*, ed. A. M. Yakubu, A. M. Kani and M. I. Junaid (Spectrum Books Limited, 2001), 146.

⁴² The Nigerian Supreme Court is the final arbiter in any legal dispute in Nigeria, as enshrined in Sections 230-236 of the Nigerian 1999 Federal Constitution (2011), as amended.

⁴³ See Victor Oluwasina Ayeni, *The Nigeria Legal System: A Practical Guide* (Princeton Publishers, 2023).

⁴⁴ Abdulmumini Adebayo Oba and Ismael Saka Ismael, “Challenges in the Judicial Administration of Muslim Estates in the Shari’ah Courts of Appeal in Nigeria,” *Electronic Journal of Islamic Law and Middle Eastern Law* 5 (2017): 82.

⁴⁵ Clement Adebamowo, Jadesola Lokulo-Sodipe and Oluwatoyin Akintola, *Legal Basis for Research Ethics Governance in Nigeria* (Tree for Africa, 2010), 2, accessed June 27, 2021, <https://elearning.tree.org/mod/page/view.php?id=142>.

⁴⁶ Section 45(1) of the *Interpretation Act* provides that “the Common Law of England and the doctrines of equity and statutes of general application which were in force in England on 1st January, 1900 are applicable in Nigeria, only in so far as local jurisdiction and circumstances shall permit.”

One of the most notable characteristics of the Nigerian legal system is the tremendous influence of English law upon its growth. The historical link of the country with England has left a seemingly indelible mark upon the system.⁴⁷

It is also on record, according to Olatoye and Yekini, that the Supreme Court Ordinance of 1863 (later replaced by the Supreme Court Ordinance of 1874), which was passed by the British colonialists, introduced the English-style judicial system for Lagos Colony, and by extension, all southern parts of Nigeria and laid foundations for the demeaning of customary and religious judicial power previously enjoined by Obas, Obis and other rulers in their courts regarding civil and criminal cases.⁴⁸ This imposition introduced into the country an alien legal system, which permeated all fabrics of its nationhood and jettisoned the existing laws and orders for over a century. This super-imposed legal system, as affirmed by Yekini⁴⁹ and Oba⁵⁰ in their separate assessments, is today sandwiched with the existing indigenous or customary laws and customs that have been thriving within a country of multi-religious and ethnic affiliations to date. For decades, this has been generating heated debates among the citizenry, legal practitioners and courts of law.

Succinctly, the successive Nigeria Constitutions are the products of the received English law and customary law that includes Sharia, judicial precedents and legislations made by the National Assembly, State Houses of Assembly and international laws.⁵¹ Thus, the Nigerian legal system allows division of powers between the constituents of the federation and accommodates other laws, which include the customary laws and Sharia law. It must be reiterated at this juncture that, prior to the invasion of the British imperialists, Sharia had been applied in Nigeria especially in the northern and southwestern regions. For centuries, Muslims of northern extracts and their emirs (kings) have practiced Islam as way of life and adopted Sharia as methodology under the Māliki school of law. The Madhhab of Imām Mālik bn Anas was prevalent in various cities and towns where scholars adjudicated on religious and mundane affairs based on the injunction of the Qur'ān, *sunna* of the Prophet and the rulings and interpretation of Māliki school of law.⁵²

In 1804, the Fulani Jihād of Shaykh Uthmān bn Fodio⁵³ was another impetus that cleansed Northern Nigeria from religious syncretism (*ikhtilāf*) and polytheism (*shirk*). The movement further expanded the religious territory of Islam from the north to the south and widened the

⁴⁷ Akintunde Olusegun Obilade, *The Nigerian Legal System* (Spectrum Law Publishing, 1979), 41.

⁴⁸ Kareem Olatoye and Abubakri Yekini, "Islamic Law in Southern Nigerian Courts: Constitutional and Conflict of Laws Perspectives," *Benin Journal of Public Law* 6, no. 1 (2019): 124.

⁴⁹ Abubakri Yekini, "Judicial Imbalance in the Application of Islamic Law as a Personal System in Nigeria: Making a Case for Legislative Reform," *Journal of Islamic Law and Culture* (2006), https://www.lasu.edu.ng/publications/law/abubakri_yekini_ja_4.pdf.

⁵⁰ Oba, "Harmonization of *Shari'ah*" 120-122.

⁵¹ Adebamowo, Lokulo-Sodipe and Akintola, *Legal Basis for Research Ethics Governance*, 3-5.

⁵² Mansour Hasan Mansour, *The Maliki School of Law: Spread and Domination in North and West Africa 8th to 14th Centuries C.E.* (Austin and Winfield, 1995).

⁵³ Vaffi Foday Sheriff and Zayyanu Altine, "The Struggle of *Shaykh* 'Uthman Bin Foduye in Re-formation of Faith and Social Vices among the People of Gobir Kingdom: A Critical Analysis," *Saudi Journal of Humanities and Social Sciences* 3, no. 7 (2018).

scope of Sharia application in Nigeria before colonialism.⁵⁴ The jihād also has a greater effect on the application of Māliki law and application of Islamic law in Nigeria. In Yorubaland, it has also been documented that Sharia, though not wholesomely sustained, was applied in some towns such as Iwo, Ede, Ikirun, Epe and other settlements.⁵⁵

However, Sharia application and implementation in Nigeria in colonial and post-colonial eras has generated controversies among the Muslims and non-Muslims. The Islamic law is constitutionally categorised as customary law in Nigeria and this notion has brewed repudiations and counter-repudiations for decades.⁵⁶ In the northern part of the country, Sharia is partially applied on family matters from lower Sharia Courts to Sharia Courts of Appeal while the litigants possess the power of appealing the Sharia Courts' pronouncements at the Appellate Courts.⁵⁷ Despite numerous agitations for Sharia implementation, the situation is worrisome in the southern part of Nigeria, especially in Yorubaland where arguably the majority are Muslims with no statutory Sharia Courts in operation.

THE INTRIGUES OF SHARIA APPLICATION IN SOUTHWEST NIGERIA

The religion of Islam and its law (Sharia) are believed to be two indivisible elements; hence, the application of Sharia becomes inevitable for all Muslims who intend to practice it as revealed to Prophet Muhammad (peace and blessings of Allah be upon him). In colonial and post-colonial eras, the common law section of the Nigerian judiciary enjoyed the patronage of successive governments at the detriment of the full application of Sharia. Therefore, Sharia application was restricted to some aspects of Muslim family law or Islamic personal law (*aḥwāl al-shakhsiyyah*), such as succession, marriage, divorce, fosterage and others, only in the northern part of Nigeria. In contrast, the Yoruba Muslims of south-west Nigeria had been agitating for the statutory implementation of Sharia in the region without success.⁵⁸

Thus, from the colonial era, as emphasised by Olatoye and Yekini, the Yoruba Muslims became subjects of three different types of law – English, customary and Islamic – for over a century, which are run concurrently throughout the South West region.⁵⁹ This, in many occasions, as they affirmed, created complexity of law for Yoruba Muslims in personal and

⁵⁴ Arshad Munir, "The Establishment of the Nigerian Sokoto Caliphate: An Inquest into the Background History of the 1804 Jihad in Hausa Land, 210 Years After," *Al-Qalam* December (2014).

⁵⁵ See Mikail Adebisi Folorunsho, "Itinerant Arabic Scholars and Traditional Rulers as Collaborators in the Islamization of the Yoruba People, Southwest Nigeria," *Al-Hadarah: LASU Journal of Arabic and Islamic Studies* 8 (2012); Siyan Oyeweso, *Eminent Yoruba Muslims of the 19th and Early 20th Centuries* (Rex Charles Publication in Association with Connel Publication, 1999), 14-16.

⁵⁶ Jamiu Muhammad Busari, "Shari'a as Customary Law? An Analytical Assessment from the Nigerian Constitution and Judicial Precedents," *Ahkam: Jurnal ilmu Syariah* 21, no. 1 (2021).

⁵⁷ Abdulmumini Adebayo Oba, "The Sharia Court of Appeal in Northern Nigeria: The Continuing Crises of Jurisdiction" *The American Journal of Comparative Law* 52, no. 4 (2004).

⁵⁸ Taiwo Moshood Salisu, "Shari'ah: The Missing Law in the Scheme of Legal Option in South-western Nigeria," *LASU Journal of Humanities* 9 (2014); Abdul-Fatah Kola Makinde, "The Entanglement of Shari'ah Application in South-western Nigeria," *Africology: The Journal of Pan African Studies* 10, no. 5 (2017).

⁵⁹ Olatoye and Yekini, "Islamic Law in Southern Nigerian Courts," 125.

civil cases as could be viewed in the case of *Asiata v. Goncallo*⁶⁰ and *Tapa v Kuka*⁶¹ in which the issues of marriage plurality and intestate succession raged fiercely among the litigants, respectively.⁶²

The agitations of the Yoruba Muslims for official implementation of Islamic law are neither unconstitutional nor illegal because, as Akintola noted, the official admissibility of Sharia in the Nigerian legal system dates to the proclamation of the Supreme Court Ordinance of 1900, which states “the Court shall always apply them (that is, Sharia Customary Laws) in all matters relating to marriage and the family, land tenure, inheritance and succession.”⁶³ Therefore, in the present democratic dispensation, the agitations for Sharia implementation in South West Nigeria was given impetus by the Zamfara State Sharia declaration of 1999;⁶⁴ and as expected, the move spurred the Yoruba Muslims to peaceful protests, meetings, strategies and rallies in some cities in Yorubaland. These turns of events, according to Makinde, were widely reported in many dailies, such as *Punch* and the *Nigerian Tribune*.⁶⁵

In all facets, the Yoruba Muslims for decades have faced many difficulties in implementing Sharia at least under Islamic personal laws as guaranteed by the 1999 Nigerian Constitution as amended. Analogous with the constitutional provision as stipulated in Section 275, subsection 3 of the Constitution as amended, efforts geared towards the implementation of Sharia in Yorubaland have been largely thwarted, even as such provisions had been previously affirmed in the 1979 Constitution in Sections 226(a), 240, 241 and 242, respectively.⁶⁶ Constitutionally, every Nigerian is guaranteed freedom of thought, conscience and religion, as enshrined in Section 38, subsection 1 of 1999 Constitution as amended. As such, implementation of religious law such as Sharia to be administered on the adherents of any professed religion is expected not to be debatable, but the intrigues that are involved are inexplicable.⁶⁷ Unambiguously, no section of the Nigerian 1999 Constitution as amended declares the country a “secular” or “theocratic” state, but it tacitly asserts Godliness and the existence of God in its preamble;⁶⁸ hence, the country cannot be completely indifferent and

⁶⁰ (1900) 1 NLR 41

⁶¹ (1945) 18 NLR. 5.

⁶² For detailed analysis of the two cases, see Olatoye and Yekini, “Islamic Law in Southern Nigerian Courts,” 125-127.

⁶³ Ishaq Lakin Akintola, *Shari’ah in Nigeria: An Eschatological Desideratum* (Shebiotimo Publishers, 2001), 95-96.

⁶⁴ Amidu Sanni, “The *Shari’ah* Conundrum in Nigeria and the Zamfara Model: The Role of Nigerian Muslim Youth in the Historical Context, *Journal of Muslim Minority Affairs* 27, no. 1 (2007): 126; Auwal Hamisu Yadudu, “Dialogue of the Deaf: The *Shari’ah* Debate in Nigeria,” in *A Digest of Islamic Law and Jurisprudence in Nigeria*, ed. Zakariyau Husseini (Darun-Nur, 2003), 5.

⁶⁵ Abdul-Fatah Kola Makinde, “The Evolution of the Independent Shariah Panel in Osun State, South-west Nigeria,” in *Shariah Today: Reactions and Responses*, ed. John Chesworth and Franz Kogelmann (Brill, 2015).

⁶⁶ See the 1979 Constitution of the Federal Republic of Nigeria, 74, 77-79.

⁶⁷ See Jamiu Muhammad Busari and Kazeem Adekunle Adegoke, “Nigerian Muslims and the Intrigues of the 1999 Constitution as Amended: An Examination of its Principles Within the Context of Islamic Law,” *Journal of Islamic Studies and Humanities* 8, no. 1 (2023).

⁶⁸ It states: “...indissoluble Sovereign Nation under God...” See the preamble of the Nigerian 1999 Constitution as amended (2011), 19.

close its judicial tentacles from the religious issues of her citizenry. This wholesomely defeats the notion of secularism.

However, this freedom of religious rights is viewed unconstitutional by Sharia opponents and secularists who habitually proclaim that the 1999 Constitution recognises Sharia as a customary law,⁶⁹ thus pronouncing it as a religious law according to them violates Section 10 of the same Constitution, which stipulates “the government of the federation or of a State shall not adopt any religion as state religion.”⁷⁰ These Sharia opponents were unaware that the same Constitution allows the State Houses of Assembly in the Federation to “enact, expand its sources of law and create other desirable Courts” and pass it into law for religious, environmental, educational, economic, security or otherwise, which they deem necessary under the residual list for the peaceful, religious, economic, sociological and physical development of such a State.⁷¹

This, as observed by the constitutional pragmatists, is one of the reasons for non-listing of the sources of the Nigerian laws in the content of the Constitution except mentioning the existing operational courts.⁷² Sharia opponents are also oblivious that the Yoruba long-term agitations for Sharia application for over a century is in tandem with the Muslim rights as contained in Section 38, subsections 1, 2 and 3 and Section 39, subsection 1 of the 1999 Nigerian Constitution as amended, which stipulates that “every person shall be entitled to freedom of expression.”⁷³ This, under the same Constitution, does not contradict the provision of Section 45, subsection 1, which invalidates individual religious rights and freedom once they become a threat to the “national interest of defence, public safety, public order, public morality or public health”⁷⁴ because for decades, these yearnings have been peaceful, democratic and issue-based and could be summed up as Yoruba Muslims’ fundamental religious and human rights.⁷⁵

Therefore, the agitations of Yoruba Muslims for decades were misconstrued and wrapped under the interplay between justice, politics and religion. As Egbewole and Etudaiye noted, the political, religious and ethnic cards that are usually played by Nigerians at the expense of social justice have plagued the country’s religious and sociological development for decades,

⁶⁹ Categorisation of Sharia as customary law within the Nigerian legal system has been debunked by several authorities. See Busari, “*Sharī’a* as Customary Law?”

⁷⁰ The *1999 Constitution of the Federal Republic of Nigeria* as amended (2011), 28.

⁷¹ *Ibid.*, 69-70.

⁷² See Chapter VII of the *1999 Constitution of the Federal Republic of Nigeria* as amended (2011), 125-147. To understand this phenomenon, see M. Ozonnia Ojielo, “Human Rights and Shariah Justice in Nigeria,” *Annual Survey of International and Comparative Law* 9, no. 1 (2003): 139, <http://digitalcommons.law.ggu.edu/ann/survey/vol9/iss1/7>.

⁷³ See the *1999 Constitution of the Federal Republic of Nigeria* as amended (2011), 44.

⁷⁴ *Ibid.*, 48.

⁷⁵ For further exposition into Muslims’ human rights questions under Sharia and Nigerian Constitution, see Kabir M. Danladi, “A Comparative Analysis on Human Rights Protection and Promotion under Islamic Law vis-à-vis 1999 Constitution of Nigeria,” *ABU Journal of Private and Comparative Law* I and II (2007); A. Muhammad Gurin, “Democracy, Human Rights and Administration of Justice under Islamic Law,” *ABU Law Journal* 25 and 26 (2006).

and as they concluded, to the present period, the solutions are not in sight.⁷⁶ The non-implementation of Sharia on Muslims' religious, social, economic, political and academic activities in Yorubaland, has rendered adherents of Islam in the region helpless and subdued under Nigerian un-Islamic legal system for decades; hence, the agitation for an alternative non-statutory courts of law where Islamic law can be administered on Muslim personal matters without government interference or political meddling. This, unannounced was achieved over two decades ago with the establishment of the ISPs by conscious Muslim scholars, academia, legal practitioners and elites in various semi-autonomous States in South West Nigeria, such as Lagos, Oyo and Osun.

THE FORMATION OF INDEPENDENT SHARIA PANELS: A RETROSPECT

In the Muslim contemporary world, Sharia is applied in countries under different conditions as permitted by the local systems of law. In countries such as Afghanistan, Bahrain, Iran, Mauritania, Oman, Pakistan, Saudi Arabia and Yemen, Islam is declared as the state religion, while the countries are designated as Sharia-complaint Islamic countries. However, other countries such as Egypt and Nigeria are known as Muslim countries where Sharia is not wholly applied nor Islam declared as the state religion due to the syndrome of secularism and common law application.⁷⁷ In essence, formal adjudication with Sharia in non-Muslim territories has been a daunting task for centuries.

However, since classical Islamic law provides several options for resolving personal disputes, Muslims residing in non-Muslim regions where local laws allow alternative dispute resolution, as emphasised by Furber, have the leverage of implementing Sharia-based systems of alternative dispute resolution through private settlement (*ṣulḥ*), arbitration (*taḥkīm*) or settlement by an appointed judge (*qāḍī*) as types of voluntary binding arbitration.⁷⁸

Furthermore, in this milieu, according to Mohammed, Muslim minorities across the world are facing challenges of integration, adjudication and socio-political acclimatation especially in so-called secular societies because, prevalently, many non-Muslims believe that Islam comprises values that are “an affront to the modern western form of life.”⁷⁹ However, for example, in the UK, religious laws have found their way into recognition by the English Courts in several ways,⁸⁰ except, in the English law context, Muslim law as a religious law can have the status of moral but not legal rules in civil as well as public law.⁸¹ Thus, despite

⁷⁶ Wahab Olasupo Egbewole and Muhtar Adeiza Etudaiye, “Religion, Politics and Justice: Interplay of Forces in Nigeria,” *Kogi State University Bi-Annual Journal of Public Law* 20, no. 8 (2011).

⁷⁷ Hyder Gulam, “The Application of Shariah (Islamic Law) in Some Different Countries and its Implications,” *Jurnal Syariah: Shariah Journal* 23, no. 2 (2016).

⁷⁸ Musa Furber, “Alternative Dispute Resolution: Arbitration & Mediation in non-Muslim Regions,” *Tabah Analytic Brief* 11 (2011): 2-8.

⁷⁹ Amjad M. Mohammed, *Muslims in Non-Muslim Lands: A Legal Study with Application* (Islamic Texts Society, 2013), 6.

⁸⁰ Russell Sandberg, “Islam and English Law,” *Law and Justice* 164 (2010): 27.

⁸¹ Anthony Bradney, “The Legal Status of Islam within the United Kingdom,” in *Islam and European Legal Systems*, ed. Silvio Ferrari and Anthony Bradney (Ashgate, 2000).

the non-statutory status accorded various British Sharia panels and tribunals across England and Wales, English Courts recognise the verdicts given by Sharia Councils commencing from 1999 in the case of *Al-Midani v Al-Midani* as given by the Leyton Islamic Shariah Council.⁸²

This unvaryingly means the practice of legal pluralism in non-Sharia territories where the pronouncement of Sharia councils have no legal status or legal binding authority under civil law, especially in dispute resolutions, is possible as practiced in England and Wales.⁸³ In this regards, according to Omoola and Nasir, the Islamic Sharia Council in the UK, with around 85 branches in England and Wales, has been resolving family disputes for a long time, while the Muslim Arbitration Tribunal, which has been operating as an arbitral tribunal under the UK *Arbitration Act of 1996*, just had its award of being legally binding in 2007.⁸⁴

Extrapolating from the above enunciations of Sharia application within England and Wales, it is clear that the formation of Sharia independent arbitration panels or councils in countries where Islamic law is not fully applied, such as Nigeria, is not out of order. Amid the conundrum of partial application of Sharia for over two centuries in Nigeria, Muslims of Yorubaland have witnessed several religio-political setbacks in their ages-long quest for the actualisation of Sharia implementation and religious identity. Therefore, the institutionalisation of ISPs in Lagos, Osun and Oyo for over two decades now was a prayer answered. Though the ISPs have not attained the status of a “statutory court,” the effects of their operations in ameliorating the unprecedented legal inadequacies encountered by Yoruba Muslims could not be underestimated. The efforts of Yoruba Muslims after Zamfara State Sharia declaration to legalise and apply Sharia in Yorubaland in their religious, civil or criminal matters in accordance with the provision of sections 38(1) and 42(1) of the Nigerian 1999 Constitution, respectively, were largely thwarted by Sharia opponents among non-Muslims and their political collaborators.⁸⁵

Exempli gratia, in Oyo, a private bill on Sharia titled “Islamic Personal Law Bill” was presented to the State House of Assembly during the administration of Alhaji Lam Adeshina (1999-2003),⁸⁶ while in Lagos, a similar private bill titled “Bill for the Establishment of Sharia Court and Sharia Courts of Appeal in Lagos State” sponsored by Muslims was submitted to the Lagos State House of Assembly during the administration of Senator Ahmed

⁸² Amin al-Astewani, “English Responses to Shariah Tribunals: A Critical Assessment of Populist Attitudes towards Islamic Law,” *Critical Policy Studies* 14, no. 2 (2020).

⁸³ Mona Siddiqui et al., *The Independent Review into the Application of Sharia law in England and Wales* (Crown, 2018), 10, www.gov.uk/government/publications.

⁸⁴ Sodiq Olalekan Omoola and Maruf Adeniyi Nasir, “*Shari’ah* and Religious Arbitration in English Courts,” *Mimbar Hukum* 32, no. 3 (2020): 453.

⁸⁵ The opponents of Sharia in southern Nigeria and Yorubaland were tagged “*Shari’ah* antagonists.” They are found among the Yoruba political gladiators, non-Muslim associations such as Christian Association of Nigeria and Southern Nigerian Press, which are majorly owned by non-Muslims and unconscious Muslims.

⁸⁶ Makinde, “The Entanglement of *Shari’ah* Application in South-western Nigeria,” *Africology: The Journal of Pan African Studies* 10, no. 5 (2017):89.

Bola Tinubu (1999-2003).⁸⁷ Also, in Osun, as reported by Makinde, during the review of the 1999 Constitution, the *Rābiṭah al-a'imah wal 'Ulamāu* (Leagues of *Imāms* and *Alfas*) of the state under the leadership of their Chairman, then Chief Imam of Osogboland Alhaji Mustafa Ajisafe sent a memo to the Osun State House of Assembly during the administration of Governor Bisi Akande demanding the establishment of Sharia in the State but nothing was done.⁸⁸

All these efforts failed to sail through political and religious hurdles mounted by the Sharia opponents, who felt threatened by the mere notion of Sharia implementation. Amid all these unending agitations for Sharia implementation, which were termed “political Islam” by some Sharia opponents in Nigeria,⁸⁹ Yoruba Muslims received relief with the establishment of the ISPs, which operate differently from conventional courts of law or statutory “Alternative Dispute Resolution Centres (ADR)” in some states, which include Oyo, Osun and Lagos. These ISPs, which are exclusively advisory bodies and Islamic alternative dispute resolution centres (*marākiz al-ṣulh*),⁹⁰ have raised the hopes of common Yoruba Muslims who have until now believed that adjudications under the institutionalised English courts do not confirm with the provision of their religion. Philip Ostien in this regard observes that the agitators, conveners, judges and generally conscious Yoruba Muslims believe that pagans and Christians have their own courts while millions of Muslims in the region have none; hence, the establishment of non-legal binding and advisory ISPs by enlightened, versed and well-educated Islamic scholars and legal practitioners to mediate in Muslim personal affairs, such as divorce, succession and marriage disputes, is long overdue.⁹¹

Therefore, the institutionalisation of these ISPs, which hold sittings at Oja Oba Central Mosques, Ibadan (for Oyo’s ISP), Gowon Estate Central Mosques, Egbeda and 1004 Central Mosques, Victoria Island (for Lagos’s ISP) and Oshogbo Central Mosque Osogbo before it was finally moved to the Osun State Muslim Community Secretariat Complex at Surulere area, West bye-pass, Osogbo (for Osun’s ISP) was aimed at ameliorating the sufferings of teeming Muslims of Yorubaland at the conventional courts of law. Though these ISPs are private, non-binding and non-conventional courts of law, which cannot statutorily pronounce

⁸⁷ Opeloye Omolayo Muhib “The Realization of the *Shari‘ah* in South-western Nigeria: A Mirage or Reality?” in *A Digest of Islamic Law and Jurisprudence in Nigeria*, ed. Zakariyau Husseini (Darun-Nur, 2003), 40.

⁸⁸ Abdul-Fatah Kola Makinde, “The Institution of *Shari‘ah* in Oyo and Osun States, Nigeria (1890-2005)” (unpublished PhD diss., University of Ibadan, Nigeria, 2007), 226.

⁸⁹ Olu Awofeso “Political Islam and Democracy in Nigeria: Compatibility or Incompatibility?” *International Journal of Interdisciplinary Research Method* 3, no. 3 (2016), www.eajournals.org.

⁹⁰ For a preview of how the Islamic dispute resolution mechanism (*sulh*) and its concept works, see Hami Noradha et al., “Alternative Dispute Resolution (ADR) via *Ṣulh* Processes,” *International Journal of Law, Government and Communication* 4, no. 17 (2019), www.ijlge.com; Muhammad Auwal Sulaiman, “Concept of *Ṣulh*: As an Emerging Mechanism for Dispute and Conflict Resolution in some of the *Shari‘ah* States in Nigeria” (paper presented at the International Conference on the Role of Arts in Development, Bayero University, Kano, Nigeria, October 9-12, 2016).

⁹¹ Philip Ostien, “An Opportunity missed by Nigerian Christians: The 1976-1978 Sharia Debate Revisited,” in *Muslim-Christian Encounters in Africa*, ed. Benjamin F. Soares (Brill, 2006). See also Auwal Hamisu Yadudu, “We Need a New Legal System,” in *On the Future of Nigeria*, ed. Ibrahim Suleiman and Siraj Al-Karim (Hudahuda Publishing Co. Ltd, 1988), 5.

or enforce civil and criminal judgements because of their non-recognition by the governments of the Southwestern States and Nigerian Constitution, the trend of adjudications (based on the Qur'ān, *sunna* and other Sharia sources) and the sense of relief attained by conscious Muslims (as plaintiffs, defendants and adjudicators) is unprecedented.⁹²

LEGAL 'IJTIHĀD OF ISPS IN SOUTHWEST NIGERIA: A CONCISE APPRAISAL

In Islam, Muslims are enjoined to strive in the cause of their religious and mundane affairs as dictated by their Creator through revelations. This adventure is termed *jihād*⁹³ under Islamic jurisprudential terminology. Thus '*ijtihād* (اجتهاد), a derivative inferred from *ja-ha-da* (جهد) linguistically means “to strive,” “to exert oneself” and “to struggle towards a goal.”⁹⁴ Technically, '*ijtihād* according to Saritoprak means the use of all powers to deduct some hypothetical judicial decisions from the clear sources – the Qur'ān and *sunnah* – of Islamic law.⁹⁵

In this regard, Ruud Peters believes that *jihād* or '*ijtihād* carries a basic connotation of “an endeavour towards a praiseworthy aim,” which may express a struggle against one's evil inclination or an exertion for the sake of Islam and the *umma*.⁹⁶ In the view of Yilmaz, “*ijihad* is an activity, a struggle, and a process to discover the law from the texts and to apply it to the set of facts awaiting decision and this activity is a very important aspect of Islam regarding its dynamism and universality.”⁹⁷ Therefore, as Shabbar reiterated, '*ijtihād* plays a positive revival or reform in the modern Muslim world non-violently.⁹⁸ This judicial exertion or independent reasoning ('*ijtihād*) as adopted for centuries in Muslim world by scholars in tackling legal and religious problems has brought about relief and succour in the Muslim world.

According to Ali, '*ijtihād* has been a tool used by scholars when tackling events that had not been experienced by previous Muslims religiously, politically, economically or

⁹² Lateef Mobolaji Adetona, “Dynamics of the Independent *Shari'ah* Panel in Lagos State, Southwest Nigeria,” in *Essays on Islam, Youth and Contemporary Issues*, ed. L. M. Adetona (Free Enterprise Publishers, 2010), 29-30.

⁹³ Jihād in Islam is dissociated from terrorism against the views of many. See Syed Minhajul Hassan, “The Concept of *Jihād* and *Shahādat* in Islam,” *Hamdard Islamicus* 22, no. 2 (1999); Amir Latif and Hafiza Sabiha Munir, “Terrorism and *Jihad*: An Islamic Perspective,” *Journal of Islamic Studies and Culture* 2, no. 1 (2014).

⁹⁴ See Sohail H. Hashmi, “*Jihad*,” in *Encyclopaedia of Islam and the Muslim World*, ed. Richard C. Martin, vol. 2 (Macmillan Reference, 2004), 377.

⁹⁵ Zeki Saritoprak, “The Subject of *Ijtihad* (Independent Reasoning),” *The Muslim World* 95, no. 3 (2005). See also Mohammed Noor, “The Doctrine of Jihad: An Introduction,” *Journal of Law and Religion* 3, no. 2 (1985): 385.

⁹⁶ Ruud Peters, “*Jihad*,” in *The Oxford Encyclopaedia of the Modern Islamic World*, ed. John L. Esposito (Oxford University Press, 1995).

⁹⁷ Ihsan Yilmaz, “Muslim Alternative Dispute Resolution and Neo-*Ijtihad* in England,” *Alternatives: Turkish Journal of International Relations* 2, no. 1 (2013): 117.

⁹⁸ Said Shabbar, *Ijtihad and Renewal*, tr. Nancy Roberts (The International Institute of Islamic Thought, 2018).

otherwise.⁹⁹ Therefore, devising alternative means of solving religio-legal conundrums in the face of oppression and persecution, perseverance in the preaching of Islam, and in forbearance as in Qur'ān 25:52 is *'ijtihād*; and with all indications, this was the avenue used by Yoruba Islamic scholars, various organisations and legal practitioners in institutionalising ISPs to solve incessant judicial imbalances meted against Yoruba Muslims. Thus, in all facets, Yoruba Muslims are not left out in exercising this genre of Islamic law in ameliorating the judicial sufferings experienced by Muslims for decades, especially in the area of the application of Muslim family laws as dictated by Sharia and this, in the opinion of Aznan, is known as "*'ijtihād jamā'i* – collective exertion."¹⁰⁰

Non-violently, Yoruba Muslims have collectively explored the option of ISPs, a non-conventional judicial body where Muslims, without being under any pressure or influence, subjected themselves to the dictates of Islamic law. Through this, Yoruba Islamic scholars and leaders of thought in ISPs have engaged in judicial, academic and literary *'ijtihād* to emancipate Muslims from the shackle of the super-imposed English legal system and this could be termed "*jihād* by tongue and pen." This exercise practically falls under the legal maxim of necessity, which states that '*al-ḍarūrah tubīhu al-mahdhurāt*' (necessity lifts prohibition) and in essence, Muslims (especially those living under non-Islamic governments) are legally permitted under Sharia to devise alternative legal means within the purview of Islamic law to settle their religious, family and community disputes.

The *'ijtihād* of these ISPs in adjudicating cases of inheritance, divorce, land disputes and marriage conflicts for over two decades is noteworthy. This is achieved with the diffusion of Islamic law based on the precepts of the Qur'ān, *sunna* and other sources of Sharia with statutory Nigerian law where applicable. These ISPs have adjudicated hundreds of cases in Lagos, Oyo and Osun on various litigation while their uniqueness and *modus operandi* have been extolled by Adetona,¹⁰¹ Sanni,¹⁰² Makinde¹⁰³ and Salisu.¹⁰⁴ In the same vein, the empirical data of judgments delivered by the ISPs has been analysed by Makinde and Ostein,¹⁰⁵ Ismaila,¹⁰⁶ Tijani et al.,¹⁰⁷ Makinde¹⁰⁸ and Habeebah,¹⁰⁹ to mention a few, based on

⁹⁹ Muhammed M. Ali, "Law, Social Obligation and *Ijtihād*," *Islamic Perspective* 6 (2011).

¹⁰⁰ Aznan Hassan, "An Introduction to Collective *Ijtihad* (*Ijtihad Jama'i*): Concept and Applications," *The American Journal of Islamic Social Science* 20, no. 2 (2003).

¹⁰¹ Lateef Mobolaji Adetona, "The Dynamism of Independent *Shariah* Panels in Lagos State, South-Western Nigeria," *NATAIS Journal of the Nigeria Association of Teachers of Arabic and Islamic Studies* 8 (2005).

¹⁰² Ishaq Kunle Sanni, "Independent *Sharia* Court Enriching the Nigerian Legal System: Oyo State in Spectrum," *Al-Maslaha* 35 (2007-2008).

¹⁰³ Makinde, "The Entanglement of *Shari'ah* Application," 87-93.

¹⁰⁴ Taiwo Moshood Salisu, "An Analytical Study of the Attitude of Muslims to *Tawsiyyah* (Will-Making) in South-Western Nigeria (1976-2010)" (PhD diss., Lagos State University, Nigeria, 2011), 168-174.

¹⁰⁵ Abdul-Fatah Kola Makinde and Philip Ostein, "Independent *Shariah* Panel of Lagos State," *Emory International Law Review* 25 (2011).

¹⁰⁶ B. R. Ismaila, "A Preliminary Study on Independent *Shariah* Arbitration Panel, Ibadan, Oyo State, 2002-2009," in *Religion and Rule of Law*, ed. M. A. Adesewo, F. O. Falako and R. I. Adebayo (National Association for the Study of Religions and Education, 2009).

¹⁰⁷ Tijani Abdul-Lateef Aremu, Musa-Jeje Ibrahim Aladire and Alimi Lawal Sikiru, "An Assessment of Independent *Shari'a* Panel (ISP) and its Roles in Resolving Marital Conflicts in Osun State of Nigeria," *Al-Ahkam* 32, no. 2 (2022).

¹⁰⁸ Makinde, "The Evolution of the Independent *Shariah* Panel in Osun State."

various litigation ranging from divorce, inheritance, marital conflicts and dispute resolutions among Muslims. In nutshell, as recorded in ISPs' judicial precedence, hundreds of cases have been adjudicated in Lagos, Oyo and Osun by the panellists while the dynamisms and uniqueness of the judgments and acceptance by the litigants and observers was summed up by Adetona when he said:

The judgement given by ISP besides being adhered to, without any agent of enforcement, has neither attracted any opposition from known authorities of law-Islamic or civil- in Nigeria nor any litigation in any government court.¹¹⁰

Therefore, contrary to the negative thoughts of some anti-Sharia advocates, such as the former Nigerian President, Olusegun Obasanjo (1976-1979 and 1999-2007), and others who believe that implementation of Sharia anywhere in Nigeria, especially in this new political dispensation, is political and self-serving,¹¹¹ the dynamism and uniqueness of adjudication on Muslim legal matters as witnessed in these ISP centres could be deduced from the submission of Auwalu Yadudu, a Professor of Law in Nigeria in his celebrated forward written to the published selected judgments of the Lagos State ISP in 2005:

In conclusion, I may say that I have found these judgments to be soundly written by persons learned in laws applicable in Nigeria and immensely qualified to adjudicate disputes. The analyses of laws, consideration of social and political matters and the review of facts contained in these decisions and personnel who have rendered them have, without doubt portrayed a breadth and depth of knowledge of Shariah principles, Nigerian law and procedure that can rival decisions of the higher bench in the Nigerian Court system; both in the Shariah and common law types. I can vouch that the judgments can stand judicial scrutiny at appellate levels.¹¹²

THE CHALLENGES OF ISPS' ADJUDICATIONS IN SOUTHWEST NIGERIA

The problem of total Sharia application in Nigeria was borne out of unsatisfactory classification of Islamic law as customary law by the British colonialists and its retainment in the subsequent post-independence Constitutions of Nigeria.¹¹³ This classification among other anomalies has created unending constitutional and legal debates about the gaps and constitutionality of the Nigeria Constitution,¹¹⁴ and the jurisdictional impediments that are

¹⁰⁹ Habibat Oladosu-Uthman, "The Contribution of Independent *Shariah* Panel (ISP) in Curbing Incidences of Divorce (*Talaq*) Practices among Muslims in Ibadan, Southwest Nigeria," *Ibadan Journal of Humanistic Studies* 30, no. 1 (2020).

¹¹⁰ Adetona, "Dynamics of the Independent *Shari'ah* Panel," 29-30.

¹¹¹ Oladeinde Olawoyin, "How Self-serving Sharia could have become Disaster for Nigeria – Obasanjo," *Premium Times*, August 10, 2017, <https://www.premiumtimesng.com/news/headlines/239755-self-serving-sharia-become-disaster-nigeria-obasanjo.html>.

¹¹² Lagos State Chapter of the Supreme Council for Shariah in Nigeria, *Selected Judgements of the Lagos Independent Shariah Panel*, vol. 1 (Lagos State Chapter of SCSN, 2005), ii.

¹¹³ See Busari "Sharī'a as Customary Law?" 25-44; Abdulmumini Adebayo Oba, "Islamic Law as Customary Law: The Changing Perspective in Nigeria," *The International and Comparative Law Quarterly* 51 (2002).

¹¹⁴ George Anokwuru and Edmund Obomanu, "Exploring the Missing Gaps in the 1999 Constitution of Nigeria: A Review," *International Journal of Political Science* 3, no. 1 (2017).

plaguing Nigerian Muslims in exercising their God-given and fundamental constitutional rights to date.¹¹⁵ Consequently, in Southwest Nigeria, adjudication on Muslim cases through Sharia precepts in statutory courts of law is herculean and complex.¹¹⁶

However, the *'ijtihad'* of the ISPs has lessened the burden of religious and legal inferiority facing Yoruba Muslims for decades. However, it is pertinent at this juncture to concisely discuss some challenges of Sharia adjudications by these ISPs since its inception and proffer solutions for better adjudication and smooth justice dispensation.

Challenges of Yoruba Customs, Laws, and Religious Syncretism

The Yoruba nation had developed a well-structured traditional adjudicatory and arbitration system before the advent of Islam, Christianity and British imperialism.¹¹⁷ According to Onakoya, Yoruba customary laws consist of acceptable native laws and customs, which are the legal vehicles for rules of conduct, practices and beliefs that are essential to the Yoruba socio-political and economic system.¹¹⁸ In adjudicating, customarily, Yoruba judicial councils known as *'Igbimo Ilu'* consist of elders, chiefs and Kings (Obas) who enforce the traditional laws in the areas of marriage, divorce, festivals, succession and others. Furthermore, total adherence to cultural values and beliefs is a common phenomenon among Yorubas; as such, the traditional parlance of *'religion cannot deny us practicing our traditions – esin koni kama se oro idile wa'* has made Yoruba Muslim cultural identity more questionable.¹¹⁹

In this regard, Doi believes the Yoruba practice of the Islamic religion is heavily diluted with traditional religious beliefs, customs, cults, superstitions and witchcraft.¹²⁰ In a real sense, an appreciable number of Yoruba Muslims are traditionalists in belief even after they had embraced Islam; thus, the issues of religious syncretism and heterodoxy are prevalent.¹²¹ Therefore, adherence to customary norms and religious syncretism of some Yoruba Muslims has made the judicial intervention of ISPs more herculean and onerous. For example, in the area of inheritance, there is enormous contradiction between Yoruba inheritance law and Islamic law of inheritance (*al-farā'id*). Under Yoruba customs and law, *ori-o-jori* (equal share) and *idi igi* (share *per* branch) are the two most famous ways of inheritance and

¹¹⁵ Musa Y. Suleiman, "Islam and Constitutionalism in Nigeria: 1999 Constitution and the Challenges of Islamic Law and Practices," *Nnamdi Azikwe University Journal of International Law and Jurisprudence* 10, no. 2 (2019); Busari and Adegoke, "Nigerian Muslims and the Intrigues of the 1999 Constitution as Amended."

¹¹⁶ Olatoye and Yekini, "Islamic Law in Southern Nigerian Courts."

¹¹⁷ Tunde Onadoko, "Yoruba Traditional Adjudicatory Systems," *African Study Monographs* 29, no. 1 (2008).

¹¹⁸ Olusegun Onakoya, "Family Head versus Family Members: Legal Issues in Management of Family Land under Yoruba Customary Law," *IISTE Journal of Law, Policy and Globalization* 39 (2015): 222-223.

¹¹⁹ Opeloye, "The Yoruba Muslim's Cultural Identity Questions."

¹²⁰ AbdurRahman I. Doi, *Islam in Nigeria* (Gaskiya Corporation, 1984), 124-125.

¹²¹ Jamiu Muhammad Busari, "Heterodox Attitudes of Yoruba Muslims of Southwest Nigeria to Islamic Religious Law and Practices: A Concise Analysis," *Abuja Journal of Islamic Studies* 2, no. 2 (2021); Saheed Ahmad Rufai, "Emergent Issues in Heterodox Islam among Yoruba of Nigeria," *Jurnal Hadhari* 4, no. 2 (2012).

acquisition of estate.¹²² These two phenomena, which are largely upheld under intestate succession, had been upheld in Nigeria up to the Apex (Supreme) Court, which, according to Piwuna, was clearly elucidated by Ademola CJN (as he was then called) in *Akinyede v. Opere*¹²³ *inter alia*:

It is a common ground that the Yoruba customary law admits of two methods of distribution of assets when the progenitor died intestate. Distributions are usually made by what the Yoruba call “*Idi-igi* or *Ori-o-jori*.”¹²⁴

Also, women are treated as chattel (*ajemoogun*), a part of inheritable estates that have no rights of inheriting from deceased properties. The custom was also upheld in the case of *Suberu v. Sunmonu*,¹²⁵ where the Court with the judgment delivered by Jibowu F.J proclaimed that:

Under Yoruba custom, a wife has no inheritance since herself is like a chattel to be inherited by her late husband relatives, and when there are no children alive to inherit the deceased, the property devolves on the members of the husband’s family.¹²⁶

However, under Islamic law, the deceased’s legal heirs such as spouses, parents, children, siblings and other legitimate heirs (such as the agnates, *al-‘aşabah* and distant kindred, *dhawul al-arḥām*) are legitimately authorised under different conditions to inherit.¹²⁷ The concepts of *ori-ojori*, *idi-igi* and *ajemoogun* do not exist under Islamic law because all deceased’s legal heirs, including females, are profoundly favoured by Allah as enshrined in Qur’ān 4:7-14.

Therefore, the Yoruba Muslims’ affinities to cultural beliefs and practices pose serious challenges to the ISPs’ intervention. Therefore, meagre percentages of Yoruba Muslims in Lagos, Oyo and Osun are seen patronising ISPs for Sharia adjudications, especially on Muslim family cases while larger percentages are found implementing Yoruba customs and laws, especially in cases of inheritance distribution and divorce procedures, which, in most cases as inherent in African culture are laden with hypocrisy, alienation and subjugation.¹²⁸

¹²² *Ori-o-jori* denotes a situation where the deceased’s estate is devolved equally based on the number of children (per head) irrespective of their gender, age or status. On the other hand, *idi igi* is a succession method where the deceased’s property or estate is devolved equally according to the number of his wives (per branch) irrespective of the number of children these wives had with the deceased. See J. O. Ajibola, *Administration of Justice in the Customary Courts of Yorubaland* (University Press Limited, 1982), 4; Yusuf Abdulrashid and Sheriff E. E. Okoh, *Succession under Islamic Law* (Malthouse Press Limited 2011), 15-17.

¹²³ (1968) ALL LR 65 at 67.

¹²⁴ M. G. Piwuna, “An Appraisal of Selected Native Estate Laws and Custom in Nigeria,” *Journal of Private Law* 1, no. 1 (2013): 332.

¹²⁵ (1957) SCNLR 45

¹²⁶ Abdulrashid and Okoh, *Succession under Islamic Law*, 10; Adegoke Amao Kolajo, *Customary Law in Nigeria through the Cases* (Spectrum Books Limited, 2000), 159-160.

¹²⁷ AbdurRahman I. Doi, *Shariah: The Islamic Law* (Ta Ha Publishers, 1984).

¹²⁸ Adelodun Abdulrazaq Daibu, Sekinat Arikewuyo Daibu and Juliet Aimiendvovbiye, “Women’s Right to Inheritance in Africa: The Nigerian Experience,” *Africa Nazarene University Law Journal* (2018).

Common Law Supremacy and Ascendancy

In Nigeria, according to Animashaun and Oyeneyin, English law was forced on the country through British Imperial sovereignty. English common law, the doctrines of equity and the enacted English statutes became operational and enforceable on Nigeria citizens as natives and inhabitants of the then British colony.¹²⁹

Olatoye and Yekini also posited that the Supreme Court Ordinance No. 3 of 1863 (later replaced by Supreme Court Ordinance of 1874), which was passed by the British colonialists, introduced the English-style judicial system for Lagos Colony, and by extension, all southern and northern regions of Nigeria and laid a foundation for the demeaning of customary and religious judicial powers previously enjoyed by *Obas*, *Obis*, *Emirs* and other rulers in their customary Courts in civil and criminal cases.¹³⁰

Thus, this invasion introduced into the country an alien legal system that permeated all fabrics of her nationhood and jettisoned all existing customary laws and orders for over a century. This operational legal system, according to the Nigerian Constitution, serves as an embodiment of laws and orders that recognises a common legal system with plurality of laws such as English law, Sharia or Islamic law and customary laws with the existence of various courts of law such as Customary Courts, Magistrate Courts, State and Federal High Courts of Justice, Industrial Courts, Courts of Appeal, Sharia Courts of Appeal and the Supreme Court, which is the final arbiter.¹³¹ In the view of Oba and Saka, the Nigerian legal system is pluralistic with common law, Islamic law and customary law as the major tripartite legal traditions.¹³²

The received English law has an unassailable influence on the Nigerian legal system with the enactment of Section 45(1) of the *Interpretation Act*, which was in force in England from 1 January 1900.¹³³ In this regard, Obilade states that “One of the most notable characteristics of the Nigerian legal system is the tremendous influence of English law upon its growth. The historical link of the country with England has left a seemingly indelible mark upon the system.”¹³⁴ Also, Yadudu affirms that Islamic law (Sharia) and other customary laws, according to the Nigerian Constitution, are appendage of English Common Law with no autonomy.¹³⁵ Therefore, today, the Nigeria previous and current operational 1999 Constitutions ceded ascendancy and unassailable authority to English Common Law in its legal system and, as juridically recorded, all cases adjudicated by Sharia lower courts and

¹²⁹ O. G. Taslim Animashaun and Anifat Bolanl Oyeneyin, *Law of Succession, Wills and Probate in Nigeria* (MIJ Professional Publishers Limited, 2002), 4.

¹³⁰ Olatoye and Yekini, “Islamic Law in Southern Nigerian Courts,” 124.

¹³¹ The Nigerian Supreme Court is the final arbiter in legal disputes as enshrined in sections 230-236 of the *1999 Constitution of the Federal Republic of Nigeria* as amended (2011).

¹³² Oba and Ismael, “Challenges in the Judicial Administration of Muslim Estates.”

¹³³ Section 45(1) of the *Interpretation Act* provides that “the Common Law of England and the doctrines of equity and statutes of general application which were in force in England on 1st January, 1900 are applicable in Nigeria, only in so far as local jurisdiction and circumstances shall permit.”

¹³⁴ Obilade *The Nigerian Legal System*, 41.

¹³⁵ Yadudu, “We Need a New Legal System,” 5.

Sharia Courts of Appeal are constitutionally appealable at the appellate courts of Nigeria, which regrettably demean the judicial authority of Islamic Courts in Nigeria.¹³⁶

Consequently, with decades of enforcement, Nigerians are accustomed to common law applications, no thanks to the partial application of Sharia in the north and its non-existence in the south. This phenomenon does not enhance the operation of ISPs in Yorubaland where the majority of Muslims and even the elites chose common law application over Islamic provisions in preparing their wills or bequests and in devolution of their estates.

The ISP's Jurisdiction and Non-Recognition by the Constitution

The imposition of an alien law on Muslims is bound to brew conflict and problems of jurisdiction. Jurisdiction, according to Igweniyi, is the power or authority of a court of law or tribunal to go into a matter and deliver a binding judgment.¹³⁷ Under Nigerian law, Section 262 of the 1999 Constitution as amended provides that the Sharia Court of Appeal shall exercise appellate and supervisory jurisdiction in civil proceedings involving questions of Islamic personal law.¹³⁸ Though the jurisdiction of the Sharia Court of Appeal is constitutional, the jurisdiction of the ISPs is confined and not binding on any litigant because it has not been made statutory by the governments of Lagos, Oyo and Osun; hence, application of Islamic law in Southern Nigeria within the existing Nigerian Courts is conflicting and non-binding.¹³⁹

Also, the enforcement of Section 262 of the 1999 Constitution is not achievable in the southern part of Nigeria with the absence of Sharia Courts; as such, all judgments delivered by these ISPs are not statutorily recognised by Nigerian courts of law or taken as judicial precedents for any court case. Thus, the ISPs' efforts are for arbitration aimed at mitigating the effects of un-Islamic judgments delivered by non-Sharia courts on the Muslim populace in Yorubaland, making the ISP an Islamic Alternative Dispute Resolution Centers through which Muslim human rights and Sharia application are upheld.

Judicial Qualifications of ISP Personnel

In 2018, the Bauchi State branch of the Nigerian Bar Association (NBA) decried the rate of qualifications of the people who are tagged "Quack Sharia Judges" applying to the office of the State Grand *Qādi* to be Sharia judges. As alleged by the NBA, some of these prospective Sharia judges possess diploma certificates in Sharia and civil law, bachelor degrees in Arabic and Islamic studies and other non-related degrees with lesser legal experiences and practices. As they submitted, compared to other statutory courts, such

¹³⁶ See the *1999 Constitution of the Federal Republic of Nigeria* as amended (2011) under Judicature.

¹³⁷ Benjamin O. Igwenyi, *Modern Constitutional Law in Nigeria* (Nwamazi Printings and Publishing Company Limited, 2006), 282.

¹³⁸ See Section 262 of the *1999 Constitution of the Federal Republic of Nigeria* as amended (2011), 140.

¹³⁹ Olatoye and Yekini, "Islamic Law in Southern Nigerian Courts."

qualifications are not enough for the attainment of such positions.¹⁴⁰ This evidently portrayed how the issue of qualifications has made a mockery of Sharia judges in Nigeria. According to Oba, the position of *qādi* under Nigerian legal system is often demeaned compared to other statutory judges and, as he deduced, this might not be unconnected to their qualifications.¹⁴¹ This has been a challenge facing the Sharia juridical bench in the northern part of the country where Sharia is partially applied. Also, there have been moves by various northern Nigerian States to supplant the *status quo*. For example, taking a cue from the memo submitted by the Zamfara State Sharia Court Judicial Review Committee on the qualification of Sharia judges to the State, it was recommended:

The candidate to be appointed as *Shari'a* court *Alkali* must be a degree holder in *Shari'a*/Islamic law, *Shari'a* and common law or holder of diploma in *Shari'a* and civil law or diploma in *Shari'a*. The candidate to be considered must have obtained such qualification for a period of five (5) years from a recognized institution. The candidate must also be learned in Arabic Language.¹⁴²

This new trend shows that, before anyone can be appointed as a Sharia judge in the statutory Sharia Courts or an independently administered panel (such as an ISP), their qualifications and expertise must be of a high standard. The current composition of the judicial panels of Lagos, Oyo and Osun ISPs is of great concern because not all of them possess the required certificates and expertise as Islamic and common law legal practitioners. According to the Nigeria's National Judicial Council (NJC), *qādis* must be legally qualified and have at least 10 years post-call experience as a legal practitioner in which they must have obtained a recognised qualification in Islamic law from an institution acceptable to the NJC. They must also have considerable experience in the practice of Islamic law or be a distinguished scholar of Islamic law.¹⁴³ This implies, if all panellists adjudicating in the ISPs are scrutinised, many would not pass the qualification test.

For instance, between 2015 and present, some of the panellists at the Oyo ISP have had no legal qualification awarded by any legal schools in Nigeria nor had they ever practiced in a legal profession under common law or in any Sharia environment as certified legal practitioners.¹⁴⁴ It was also discovered that, unlike the Lagos ISP, which has a greater number of panellists who are members of the Muslim Lawyers Association of Nigeria (MULAN) of Lagos State, who are graduates of combined laws (Sharia and Common Law) from Nigerian

¹⁴⁰ See S-Davies Wande, "Bauchi NBA Kicks against Recruitment of 'Quacks' as Shariah Judges," *Nigerian Tribune*, December 9, 2018, <https://tribuneonlineng.com/bauchi-nba-kicks-against-recruitment-of-quacks-as-shariah-judges/>.

¹⁴¹ Abdulmumini Adebayo Oba, "Kadis (Judges) of the Shariah Courts of Appeal: The Problem of Identity, Relevance, and Marginalisation within the Nigerian Legal System," *Journal of Commonwealth Law and Legal Education* 2, no. 2 (2004).

¹⁴² See Philip Ostien, Ahmed Garba and Musa Abubakr, "Nigeria's Sharia Courts," in *Sharia Implementation in Northern Nigeria Twenty Years on: Six Research Reports and an Overview*, ed. Muhammed Tabiu, Abdul R. Mustapha and Philip Ostien (SSRN, forthcoming), 19, <https://ssrn.com/abstract=3370453>.

¹⁴³ See "How to be a Judge in Nigeria," LawPadi, accessed April 11, 2020, <https://lawpadi.com/how-to-be-a-judge-in-nigeria/>.

¹⁴⁴ Field work and visit by the authors to the Oyo State ISP sitting at Oja Oba Central Mosque on 29 July 2021.

universities and beyond, the Oyo MULAN has no representative nor synergy with the Oyo ISP sitting at Oja-Oba Central Mosque, Ibadan.

In fact, the Oyo ISP panels are mainly populated by scholars who have lower, intermediate and higher certificates in Arabic language, Islamic studies, Islamic law and other related fields from various institutions in Nigeria and abroad, working primarily as teachers, lecturers, imams or preachers without prior legal expertise in Sharia courts or the statutory courts of law.¹⁴⁵

Though, as at 2022, at least four out of the 12 judges in Osun's ISP are PhD holders while the others hold university degrees and master's degrees in various fields of Islamic studies, Islamic law, Arabic studies and others; however, none was certified as a legal practitioner working in Sharia or statutory courts in Nigeria.¹⁴⁶

This deficiency, among others, is viewed as a set back in the documentation of concluded adjudication on various cases. For example, adjudication on inheritance cases requires statutory "Deeds of Partition" that are expected to safeguard the ISPs from any legal difficulties with respects to the rights of respective parties, or documentation at the High Court's probate registry for legal validity in term of bequest (*waṣiyyah*). This, due to lack of legal proficiency and required certifications often leads to non-expertise practices of not signing the documents properly by the deceased's heirs, accredited witnesses or the ISP officers to validate the document as a legal article admissible in courts of law in Nigeria through the affirmation of the litigants and arbitrators. Though the Islamic legal expertise of these ISPs' panellists is commendable, when compared to national and international parameters used in appointing Sharia courts' judges, most of them would not have made the bench.

Code of Conduct and Legal Competency of Judicial Officers

Nigeria has a code of conduct for all judicial officers as prepared and enforced by the NJC in which adjudicative and administrative duties and all extra-judicial engagements are stipulated.¹⁴⁷ Therefore, having such documents for the panellists of Southwestern Nigerian ISPs is not out of place. Though, in Islam, such code has been illustrated in the Qur'an by Allah while addressing Prophet Dā'ud, who He divinely made a judge:

Oh you Dā'ud, we have appointed you as vicegerent (*Khalīfah*) on earth, then judge between men with justice, and do not follow vain desire, for they will mislead you astray from the path of Allah. Verily, those who go astray from the path of Allah, they shall have severe punishment, because they forgot the day of reckoning.¹⁴⁸

¹⁴⁵ Ibid.

¹⁴⁶ Aremu, Aladire and Sikiru, "An Assessment of Independent *Shari'a* Panel," 242-243.

¹⁴⁷ See the Code of Conduct for judicial officers in Nigeria: United Nations Office on Drugs and Crime, "Federal Republic of Nigeria: Code of Conduct for Judicial Officers," accessed June 4, 2020, https://www.unodc.org/documents/nigeria/publications/Otherpublications/Nigeria_Code_of_Conduct_for_Judges_Poster1.pdf.

¹⁴⁸ Qur'an 38:26.

In consonant with the above verse, the current Sharia panellists and ISP judges must imbibe the culture of truthfulness, fear of Allah and prompt delivery of judgment without fear or favour. On the issue of competency, the panellists must see Islamic law from the angle of certified theologians or seminarians who, according to Hassan Akhlaq, view Sharia as an embodiment of two elements: sacred and secular laws revealed to regulate mankind's religious, moral and interactive adventures. This, as he concluded, was due to the sources and structures of Sharia, which could only be applied through the employment of the Islamic jurisprudential law (*fiqh al-Shar'iah*) and independent reasoning, and not through awkward self-invented and ill-propounded ideologies.¹⁴⁹

In essence, a Sharia judge must be vast in knowledge of the rudimentary legal maxims (*al-qawā'id al-fiqh'iyyah*), which as believed by scholars include the Qur'ān, *sunna*, *ijmā'* and *'ijtihad* needed by jurists to bring together all auxiliaries of Islamic law aiming at a specific ruling.¹⁵⁰ This is inevitable because Islamic law makes a variety of different interpretations possible and through its legal diversity, lies a blessing for the *umma*.¹⁵¹

Problems of Funding and Remuneration for Judicial Workers

Litigation, public or independent, is cost-effective due to administrative and legal expenses accrued to it; as such, a designated budget is expected to be voted for the purpose and this has been the practice anywhere in the world. However, running an independent court outside the government supervision and funding is a herculean task in a non-friendly Sharia environment like Nigeria. It was then found that lack of funds is one impediment hampering the smooth sittings of Lagos, Osun and Oyo ISPs. Owing to this cloak, these ISPs need to borrow a leaf from what is obtainable under common law as practiced in Nigeria and shift a bit from the *pro bono* stance adopted in running these panels.

Under common law procedures, the judicial authority statutorily fixes and determines legal fees to be paid by the litigants. These fees are paid through the rules of the court based on the monetary value of the claim and the amount to be expended by the court in serving the court's papers to other parties, especially in estate litigation and administrations. In most cases, courts are seen as charging the "cost of legal proceeding" to be paid by the litigants.¹⁵²

¹⁴⁹ Sayed Hassan Akhlaq, "A Hermeneutic of the Sacred and the Secular in Shariah," in *The Secular and the Sacred, Complementary and/Conflictual?* Cultural Heritage and Contemporary Change, Series VII, Seminars: Culture and Value, vol. 35, ed. John P. Hogan and Sayyed Hassan Akhlaq (The Council for Research in Values and Philosophy, 2017), <https://www.researchgate.net/publication/321229160>. Also see Ata ur Rehman, Mazlan Ibrahim and Ibrahim Abu Bakar, "The Concept of Independence of Judiciary in Islam," *International Journal of Business and Social Science* 4, no. 2 (2013), www.ijbssnet.com.

¹⁵⁰ Muhammad Shettima, Hamma Adam Biu and Muhammad Al-Ameen Deribe, "The Relevance of Islamic Legal Maxims in Determining some Contemporary Legal Issues," *IJUM Law Journal* 24, no. 2 (2016): 420-424.

¹⁵¹ Silvia Tellenbach, "Muslim Countries between Religion and Secular Law," in *Islam and Rule of Law: Between Shariah and Secularization*, ed. Birgit Lrawietz and Helmut Reifeld (Konrad-Adenauer-Stiftung, 2007), 116, www.kas.de.

¹⁵² Christopher Hodges, Stefan Vogenauer and Magdalena Tulibacka, *Costs and Funding of Civil Litigation: A Comparative Studies*, Oxford Legal Research Paper Series, Paper Nno. 55 (University of Oxford, 2009), <https://ssrn.com/abstract=1511714>.

In essence, this is mainly a legal administrative charge – in some jurisdiction, for example, an inheritance tax of 10 per cent and above is charged or taxed on the value of inherited assets after the expiration of courts' adjudication.

For example, in the procedures of Osun, Lagos and Oyo judiciaries, a cost is accrued for the issuance of Letter of Administration over the property of intestate and for the deposit and collection of Letter of Probate over the property of a testate, both payments are legal and mandatory at the probate registry of the States' High Courts. In fact, for instance, Lagos State judiciary has automated such payment, known as "Lagos Probate Registry Automated System," to be paid online, portraying how important the payment is in the scheme of inheritance administration, adjudication, distribution and acquisition under the supervision of the Court.¹⁵³

Inferring from the aforementioned, it could be said, for the smooth running of ISPs and motivation of the judges with stipend to attain independence, to erect a befitting panel complex, to motivate other judicial personnel and to execute other judicial necessities that are unavoidable in the running of the panels, such as judicial documentations and publications, minor adjudication costs should be introduced to be paid into the accounts of the panels before the arbitration. The *Lajnah* (board) that oversees the activities of these ISPs in the States under review needs to devise a proper means of fund sourcing to bankroll all judicial necessities and judges' remuneration. This will forestall judicial compromise when temptation sets in. For example, during the Caliphates of the Ummayyad and Abassid dynasties, the judicial workers including *quḍāt* and '*ulamā*' apart from being used as administrative tools were also used in non-judicial functions, which, under strict compliance and supervision, they could not repel due to poverty levels.¹⁵⁴

There is no gainsaying that proper funding of Sharia judges and other judicial workers brings about their independence. This could only be achieved through concerted efforts of all stakeholders including Muslim organisations, councils of imams and scholars, Muslim professionals, academia, non-Yoruba Muslim groups and other relevant affiliates. Financing an independent Islamic arbitration panel could be achieved if all hands are on deck through the collection of annual *zakat* due, charity (*ṣadaqah*) and *waqf* made by individuals and Muslim organisations.

Challenges of Judicial Records and Review of Precedence

During this study, it was discovered that, within the repository of ISPs, there were no proper documentations of judicial records of proceedings and pronouncements that could serve as judicial precedence for future litigation. Judicial precedence, which is also known as

¹⁵³ For the automated payment into the Probate Registry of Lagos State High Courts, see "Lagos State High Court Probate Registry," Lagos State Judiciary, accessed November 18, 2022, <https://probate.lagosjudiciary.gov.ng>.

¹⁵⁴ Irit Bligh-Abramski, "The Judiciary (*Qadis*) as a Governmental Administrative Tool in Early Islam," *Journal of the Economic and Social History of the Orient* 35, no. 1 (1992).

stare decisis, is the source of law where past decisions create laws for judges to leverage on for future cases.¹⁵⁵

In Islamic history, Sharia Courts kept records of the petitions, proceedings, litigation, litigants, witnesses and final judgments. In Ottoman Sharia Courts, such records and documents are found in *Kitāb al-Maḥākīm wa al-Sijillāt* (Judicial Scrolls and Registers).¹⁵⁶ Therefore, keeping records of all judicial engagements is not new in Islam; as such, the panels need to engage in this noble act for judicial precedence and future review. This is a necessity because of the way Nigerian Sharia Courts are structured within the Nigerian legal system and the non-statutory status of the ISPs; inevitably, there would be legal appeals, which are allowed under Islamic law, by litigants who felt unsatisfied about the ISP's adjudications or arbitration at the appellate courts.¹⁵⁷

Therefore, ISPs must always document their proceedings and pronouncements as issued during arbitration. Also, all certified true copies of the judgments need to be duly signed by the presiding judges and litigants then boldly embossed by the panel registrar for authentication and certification for future purposes because, as recently pronounced by the Nigerian Appeal Court, unsigned documents are worthless of being tendered at courts of law.¹⁵⁸

Problems of ISP Decentralisation

According to retired Justice Ayo Salami, the former President of the Nigerian Court of Appeal, over-centralisation of judicature leads to rot in the Nigerian judiciary.¹⁵⁹ To safeguard and protect the ISPs from this rot, judicial bottlenecks and delays of service to the teeming helpless Muslims, the sittings need to be decentralised. Currently, in Lagos, only Lagos Island and Ikeja divisions are enjoying the services of the ISP and invariably, the Ikorodu, Epe and Badagry divisions are schemed out, owing to many factors such as lack of adequate personnel, administrative costs and distance. Likewise, in Oyo, the sitting of the Oyo ISP does not reflect the senatorial demography of the State. The Sharia sittings at Ogbomoso and Saki, two prominent towns in Oyo East senatorial district are done independently of the Ibadan ISP, which falls under the Oyo Central senatorial district, leaving no sitting at the Oyo East senatorial district. Also, in Osun, the ISP sitting is only currently

¹⁵⁵ For concise analysis of judicial precedent, see Nwabueze Godwin Okeke, "Judicial Precedent in the Nigerian Legal System and a case for its Application under International Law," *Nnamdi Azikwe Journal of International Law and Jurisprudence*, 1 (2010).

¹⁵⁶ Ahmed Akgunduz, "Shari'ah Courts and Shari'ah Records: The Application of Islamic Law in the Ottoman State," *Islamic Law and Society* 16, no. 2 (2009).

¹⁵⁷ Islam allows appeal and it remains a legal right for appellants and respondents. See David S. Powers, "On Judicial Review in Islamic Law," *Law and Society Review* 26, no. 2 (1992).

¹⁵⁸ See Ramon Oladimeji, "Unsigned Court Document is Worthless, says Appeal Court," *Punch*, August 11, 2016, accessed May 17, 2020, <https://punchng.com/unsigned-court-document-worthless-says-appeal-court/>.

¹⁵⁹ Stephen Ubimago, "Decentralisation of the Judiciary and Federalism," *Independent*, June 27, 2019, accessed September 24, 2020, <https://www.independent.ng/decentralisation-of-the-judiciary-and-federalism/>.

held in Osogbo, the State capital while other regions of the State are not feeling the presence of the Islamic adjudicative panel except when they sojourn to Osogbo.

These arrangements imply that other towns and villages that are not privileged to have such ISP sittings are schemed out of these restorative services. It is then pertinent for the organisers of Lagos, Osun and Oyo ISPs as a matter of urgency to adopt all necessary mechanisms in decentralising the sittings for the benefit of other Muslims in the affected areas and to create a formidable synergy between the ISPs and Muslims for the betterment of Sharia adjudications.

Inadequate Refresher Courses for Judicial Personnel

According to Munir, books on judgeship with judicial treaties were authored by scholars of repute during the Umayyad and early Abbasid periods aimed at training and regulating the conducts of *quḍāt*.¹⁶⁰ In the same vein, during the last Islamic Caliphate of the Ottoman Empire, training and retraining of the judges and judicial personnel professionally to face the challenges of adjudication in civil and criminal cases were taken seriously.¹⁶¹ Also, in the Western world, judges and other judicial officers undergo various judicial education and training as refresher courses to enhance their judicial competence and productivity.¹⁶²

However, such refresher courses and training have not been organised for the ISP judicial personnel. Therefore, as a matter of professionalism, legal and ethical training should be provided for panellists and judicial workers of ISPs as formulated by the governing bodies overseeing the affairs of these independent panels. In undergoing such Islamic judicial training, the judges and other judicial personnel would be imbued with piety, professionalism, steadfastness, upholding of trust and judging with what Allah revealed, deduction from prophetic *sunna*, that of the rightly guided *Khulafā'u* (successors) and from other sources of Islamic legal maxims for fair arbitration.¹⁶³

THE WAY FORWARD

The judicial and administrative challenges embattled by southwestern Nigeria's ISPs would remain insurmountable since Sharia application has not been statutorily implemented in the region. Therefore, necessary measures should be taken by Muslims, scholars and government for better adjudication through the lens of Sharia. These include:

¹⁶⁰ Muhammad Munir, "Precedent in Islamic Law with Special Reference to the Federal Shariat Court and the Legal System in Pakistan," *Islamic Studies* 47, no. 4 (2008): 447-448.

¹⁶¹ To examine the strategies adopted by the Ottoman rulers in professionalising judges, see Jun Akiba, "A New School for *Qadis*: Education of the Shariah Judges in the Late Ottoman Empire," *Turcica* 35 (2003).

¹⁶² For a sample of such judicial training, see the *Journal of International Organization for Judicial Training* at <https://www.iojt.org/library>.

¹⁶³ For a sample of a judicial education manual in Islam, see Munir Ahmad Mughal, "Judicial Education and Training: Importance in Islam" (paper presented at the National Conference of Judicial Academies on Key Issues and Challenges in Judicial Education, Punjab Judicial Academy, October 25, 2014), <http://ssrn.com/abstract=2102378>.

1. In pursuance of peace, equity, fairness and constitutionalism, the governments of the Southwestern States of Nigeria should revisit the bills submitted over two decades for the implementation and application of Sharia in Yorubaland.
2. There should be non-violent and issue-based agitations for Sharia application in Yorubaland through petitions, peaceful rallies, sponsoring of bills and political manoeuvrings.
3. All Muslims should patronise ISPs for Sharia adjudication.
4. For judicial credence and veneration in the sights of the litigants and Sharia opponents, the ISP panels should be filled with Sharia and common law judicial experts for smooth and more venerated pronouncements.
5. Institutionalisation of legal fees to be paid by litigants is highly recommended. This would enhance judicial process and administration.
6. Documentation and record keeping must be a priority of the ISPs, especially for judicial precedence and legal reverence.
7. Decentralisation of ISPS is highly necessary for better coverage and easy judicial access by Muslims from Lagos, Osun and Oyo.
8. Islam teaches Muslims that knowledge is unlimited; therefore, the organisers of ISPs should provide periodic refresher courses and training for all judicial workers for better and just judicial administration.
9. MULAN and other relevant legal organisations should work harmoniously in conjunction with the ISPs for better judicial accuracy, expedience and professionalism.
10. Wealthy Muslim individuals and philanthropists in Nigeria should sponsor the activities and publications of judicial proceedings and judgments of the ISPs.
11. Muslims in Ondo, Ekiti, and Ogun should establish ISPs, while the agitation for the establishment of Sharia courts continues in their respective states.

CONCLUSION

The advent of Islam in Nigeria, British colonialism and existence of customary laws and customs has bestowed on the country the concept of legal pluralism. The ascendancy of British law also demeaned the legal power of Sharia as previously applied in some parts of Nigeria and weakened the potency of customary laws as enjoined by different ethnic groups. To today, Nigeria remains a multi-religious and multi-ethnic nation under the British super-imposed law bestowed through colonialism; as such, the total application of Islamic law has been a mirage for over a century.

This study discussed the challenges of Sharia adjudication in the Southwest States of Nigeria where Islamic law is not statutorily implemented. The institutionalisation and activities of the ISPs, which are formed by conscious Yoruba Muslims in adjudicating Muslim civil cases in the absence of statutory Sharia Courts, was also discussed. It was enumerated that the ISPs are facing challenges, such as non-recognition by the Constitution, lack of funding, improper documentation and centralisation of sittings. The study then

suggested, in ameliorating the challenges facing these ISPs, Muslims should agitate for the statutory implementation of Sharia in Yorubaland through peaceful protests and sponsoring of bills before the State Houses of Assembly. These constitutional avenues are believed to be the truest means of achieving religious and fundamental human rights of professing faiths and beliefs as enshrined in Islam and the Nigerian Constitution.

BIBLIOGRAPHY

1979 Constitution of the Federal Republic of Nigeria

1999 Constitution of the Federal Republic of Nigeria as amended (2011)

Abdul Hamid, Nor'Adha, Mohamad Hafifi Hassim, Norazla Ab Wahab, Tuan Nurhafiza Raja Abdul Aziz, Roslinda Ramli and Siti Noor Ahmad. "Alternative Dispute Resolution (ADR) via *Shulh* Processes." *International Journal of Law, Government and Communication* 4, no. 17 (2019): 25-33. www.ijlgc.com.

Abdulrashid, Yusuf, and Sheriff E. E. Okoh. *Succession under Islamic Law*. Malthouse Press Limited 2011.

AbdulWahab, Tijani. *The Growth and Development of Islam in Ogbomoso 1659-2018*. Stirling-Horden Publishers Limited, 2018.

Adebamowo, Clement, Jadesola Lokulo-Sodipe and Oluwatoyin Akintola. *Legal Basis for Research Ethics Governance in Nigeria*. Tree for Africa, 2010. Accessed June 27, 2021. <https://elearning.tree.org/mod/page/view.php?id=142>.

Adediran, Biodun. *The Frontier States of Western Yorubaland: State Formation and Political Growth in an Ethnic Frontier Zone*. IFRA-Nigeria, 1994.

Adetona, Lateef Mobolaji. "Dynamics of the Independent *Shari'ah* Panel in Lagos State, Southwest Nigeria." In *Essays on Islam, Youth and Contemporary Issues*, edited by L. M. Adetona, 29-30 (Free Enterprise Publishers, 2010).

Adetona, Lateef Mobolaji. "The Dynamism of Independent Shariah Panels in Lagos State, South-Western Nigeria." *NATAIS Journal of the Nigeria Association of Teachers of Arabic and Islamic Studies* 8 (2005): 30-40

Agai, Jock M. "Reflection on the Theory of the Arab Origin of the Yoruba People." *Theologia Viatorum* 45, no. 1 (2021): 1-9.

Agiri, Babatunde Ade Adefuye. "Early Oyo history Reconsidered." *History in Africa* 2 (1975): 1-16. www.jstor.org/stable/3171463.

Ajibola, J. O. *Administration of Justice in the Customary Courts of Yorubaland*. University Press Limited, 1982.

Akgunduz, Ahmed. "*Shari'ah* Courts and *Shari'ah* Records: The Application of Islamic Law in the Ottoman State." *Islamic Law and Society* 16, no. 2 (2009): 202-230.

Akhlaq, Sayed Hassan. "A Hermeneutic of the Sacred and the Secular in Shariah." In *The Secular and the Sacred: Complementary and/Conflictual?* Cultural Heritage and Contemporary Change, Series VII, Seminars: Culture and Value, vol. 35, edited by John P. Hogan and Sayyed Hassan Akhlaq, 383-405. The Council for Research in Values and Philosophy, 2017. <https://www.researchgate.net/publication/321229160>.

- Akiba, Jun. "A New School for *Qadis*: Education of the Sharia Judges in the Late Ottoman Empire." *Turcica* 35 (2003): 125-163.
- Akinjogbin, I. A. "The Oyo Empire in the 18th Century: A Reassessment." *Journal of Historical Society of Nigeria* 3, no. 3 (1966): 449-460.
- Akintola, Ishaq Lakin. *Shari'ah in Nigeria: An Eschatological Desideratum*. Shebiotimo Publishers, 2001.
- Al-Astewani, Amin. "English Responses to Shariah Tribunals: A Critical Assessment of Populist Attitudes towards Islamic Law." *Critical Policy Studies* 14, no. 2 (2020): 193-213.
- Ali, Muhammed M. "Law, Social Obligation and *Ijtihād*." *Islamic Perspective* 6 (2011): 79-81.
- Animashaun, O. G. Taslim, and Anifat Bolanle Oyeneyin *Law of Succession, Wills and Probate in Nigeria*. MIJ Professional Publishers Limited, 2002.
- Anokwuru, George, and Edmund Obomanu. "Exploring the Missing Gaps in the 1999 Constitution of Nigeria: A Review." *International Journal of Political Science* 3, no. 1 (2017): 35-44.
- Aremu, Tijani Abdul-Lateef, Musa-Jeje Ibrahim Aladire and Alimi Lawal Sikiru. "An Assessment of Independent *Shari'a* Panel (ISP) and its Roles in Resolving Marital Conflicts in Osun State of Nigeria." *Al-Ahkam* 32, no. 2 (2022): 233-252.
- Arikewuyo, Ahmad Nafiu. "Emergence and Development of Islamic Reformist Trends in Yorubaland of Nigeria." *Journal of Islamic Studies and Humanities* 7, no. 2 (2022): 193-213.
- Awofeso, Olu. "Political Islam and Democracy in Nigeria: Compatibility or Incompatibility?" *International Journal of Interdisciplinary Research Method* 3, no. 3 (2016): 24-33.
- Ayeni, Victor Oluwasina. *The Nigeria Legal System: A Practical Guide*. Princeton Publishers, 2023.
- Bligh-Abramski, Irit. "The Judiciary (*Qadis*) as a Governmental Administrative Tool in Early Islam." *Journal of the Economic and Social History of the Orient* 35, no. 1 (1992): 40-71.
- Bradney, Anthony. "The Legal Status of Islam within the United Kingdom." In *Islam and European Legal Systems*, edited by Silvio Ferrari and Anthony Bradney, 181-197. Ashgate, 2000.
- Busari, Jamiu Muhammad. "Heterodox Attitudes of Yoruba Muslims of Southwest Nigeria to Islamic Religious Law and Practices: A Concise Analysis." *Abuja Journal of Islamic Studies* 2, no. 2 (2021): 1-10.

- Busari, Jamiu Muhammad. "Islam in Yorubaland, Southwest Nigeria: A Historical Review of its Advent and Impacts till Present Time." *Al-Qanatir International Journal of Islamic Studies* 33, no. 1 (2024): 7.
- Busari, Jamiu Muhammad. "Sharī'a as Customary Law? An Analytical Assessment from the Nigerian Constitution and Judicial Precedents." *Ahkam: Jurnal ilmu Syariah* 21, no. 1 (2021): 25-44.
- Busari, Jamiu Muhammad, and Kazeem Adekunle Adegoke. "Nigerian Muslims and the Intrigues of the 1999 Constitution as Amended: An Examination of its Principles Within the Context of Islamic Law." *Journal of Islamic Studies and Humanities* 8, no. 1 (2023): 52-76.
- Comstock, Gary Lynn. "The Yoruba and Religious Change." *Journal of Religions in Africa* 10, no. 1 (1979): 1-12.
- Daibu, Adelodun Abdulrazaq, Sekinat Arikewuyo Daibu and Juliet Aimindvovbiye. "Women's Right to Inheritance in Africa: The Nigerian Experience." *Africa Nazarene University Law Journal* (2018): 28-56.
- Danladi, Kabir M. "A Comparative Analysis on Human Rights Protection and Promotion under Islamic Law vis-à-vis 1999 Constitution of Nigeria." *ABU Journal of Private and Comparative Law I and II* (2007): 134-145.
- Dauda, Yusuph Gambari, and Ibrahim Oniya Olayinka. "An Appraisal of the Practice of Sufism and *Jalabi* among Yoruba Muslims in Nigeria." *International Journal of Emerging Issues in Islamic Studies* 3, no. 2 (2023): 47-57.
- Dindi, Nuraen Taiwo Hassan. "Prominent Islamic Educators in Yorubaland of Nigeria." Paper presented at the International Congress on Islamic Education, Turkey, April 27, 2018.
- Doi, AbdurRahman I. *Islam in Nigeria*. Gaskiya Corporation, 1984.
- Doi, AbdurRahman I. *Shariah: The Islamic Law*. Ta Ha Publishers, 1984.
- Egbewole, Wahab Olasupo, and Muhtar Adeiza Etudaiye. "Religion, Politics and Justice: Interplay of Forces in Nigeria." *Kogi State University Bi-Annual Journal of Public Law* 20, no. 8 (2011): 1-7.
- Ekeke, Emeka C., and Chike A. Ekeopara. "God, Divinities and Spirits in African Religious Ontology." *American Journal of Social and Management Sciences* 1, no. 2 (2010): 209-218.
- Falola, Toyin. "The Yoruba Nation." In *Yoruba Identity and Power Politics*, edited by Toyin Falola and Ann Genova, 29-48. University of Rochester Press, 2006.
- Fisher, Humphrey J. *Ahmadiyyah: A Study in Contemporary Islam on the West African Coast*. Oxford University Press, 1963.

- Folorunsho, Mikail Adebisi. "Itinerant Arabic Scholars and Traditional Rulers as Collaborators in the Islamization of the Yoruba People, Southwest Nigeria." *Al-Hadarah: LASU Journal of Arabic and Islamic Studies* 8 (2012): 77-84.
- Furber, Musa. "Alternative Dispute Resolution: Arbitration & Mediation in non-Muslim Regions." *Tabah Analytic Brief* 11 (2011): 2-8.
- Gbadamosi, Tajudeen G. O. "Shariah in Southern-Nigeria: The Experience of Yorubaland" In *Understanding Shari'ah in Nigeria*, edited by A. M. Yakubu, A. M. Kani and M. Junaid, 115-116. Spectrum Books Limited, 2001.
- Gbadamosi, Tajudeen G. O. *The Growth of Islam among Yoruba 1841-1908*. Longman Group Ltd Press, 1978.
- Gbenle, Grace Olayinka. "Socio-Religious Issue in the Debate on Masculinity in Yorubaland, Nigeria." *KIU Journal of Humanities* 3, no. 3 (2018): 63-74.
- Gulam, Hyder. "The Application of Shariah (Islamic Law) in Some Different Countries and its Implications." *Jurnal Syariah: Shariah Journal* 23, no. 2 (2016): 321-340.
- Gurin, A. Muhammad. "Democracy, Human Rights and Administration of Justice under Islamic Law." *ABU Law Journal* 25 and 26 (2006): 53-63.
- Hasan, Aznan. "An Introduction to Collective *Ijtihad* (*Ijtihad Jama'i*): Concept and Applications." *The American Journal of Islamic Social Science* 20, no. 2 (2003): 26-49.
- Hashmi, Sohail H. "Jihad." In *Encyclopaedia of Islam and the Muslim World*, vol. 2., edited by Richard C. Martin, 377. Macmillan Reference, 2004.
- Hassan, Syed Minhajul. "The Concept of *Jihād* and *Shahādat* in Islam." *Hamdard Islamicus* 22, no. 2 (1999): 81-86.
- Hiribarren, Vincent. *A History of Borno: Trans-Saharan African Empire to Failing Nigerian State*. Oxford University Press, 2017.
- Hodges, Christopher, Stefan Vogenauer and Magdalena Tulibacka. *Costs and Funding of Civil Litigation: A Comparative Studies*. Oxford Legal Research Paper no. 55. University of Oxford, 2009. <https://ssrn.com/abstract=1511714>.
- Hopkins, Antony G. "Property Rights and Empire Building: Britain's Annexation of Lagos, 1861." *The Journal of Economic History* 40, no. 4 (1980): 777-798.
- Idowu, Bolaji. *Olodumare: God in Yoruba Belief*. Longman, 1962.
- Igwenyi, Benjamin O. *Modern Constitutional Law in Nigeria*. Nwamazi Printings and Publishing Company Limited, 2006.
- Imam, Yahya Oyewole. "Religious Organizations and Progressive Social Change: A Case Study of Ansar-ud-Deen Society of Nigeria." *Islamic Studies* 43, no. 4 (2004): 631-651.
- Ismaila, B. R. "A Preliminary Study on Independent Shariah Arbitration Panel, Ibadan, Oyo State, 2002-2009." In *Religion and Rule of Law*, edited by M. A. Adesewo, F. O. Falako

- and R. I. Adebayo, 75-87. National Association for the Study of Religions and Education, 2009.
- Iwuchukwu, Marinus Chijioke. "Precolonial Sokoto Caliphate and Kanem-Borno Empire and the Advent of Islam." In *Muslim-Christian Dialogue in Post-colonial Northern Nigeria*, Palgrave Macmillan's Christianities of this World, 1-13. Palgrave Macmillan, 2013.
- Johnson, Samuel. *The History of the Yorubas: From the Earliest Times to the Beginning of the British Protectorate*. CMS Bookshop Ltd., 1976.
- Kolajo, Adegoke Amao. *Customary Law in Nigeria through the Cases*. Spectrum Books Limited, 2000.
- Lagos State Chapter of the Supreme Council for Shariah in Nigeria. *Selected Judgements of the Lagos Independent Shariah Panel*, vol. 1. Lagos State Chapter of SCSN, 2005.
- Lagos State Judiciary. "Lagos State High Court Probate Registry." Accessed November 18, 2022. <https://probate.lagosjudiciary.gov.ng/>.
- Last, Murray. *The Sokoto Caliphate*. Western Printing Services Ltd., 1967.
- Latif, Amir, and Hafiza Sabiha Munir. "Terrorism and *Jihad*: An Islamic Perspective" *Journal of Islamic Studies and Culture* 2, no. 1 (2014): 69-80.
- Law, R. C. C. "The Chronology of the Yoruba Wars of the Early Nineteen Century: A Reconsideration." *Journal of the Historical Society of Nigeria* 5, no. 2 (1970): 211-222.
- LawPadi. "How to be a Judge in Nigeria." Accessed April 11, 2020. <https://lawpadi.com/how-to-be-a-judge-in-nigeria/>.
- Lloyd, P. C. *The Political Development of Yoruba Kingdom in the 18th and 19th Centuries*. Royal Anthropological Institute, 1971.
- Makinde, Abdul-Fatah Kola. "The Entanglement of *Shari'ah* Application in South-western Nigeria." *Africology: The Journal of Pan African Studies* 10, no. 5 (2017): 84-98.
- Makinde, Abdul-Fatah Kola. "The Evolution of the Independent Shariah Panel in Osun State, South-west Nigeria." In *Shariah Today: Reactions and Responses*, edited by John Chesworth and Franz Kogelmann, 71-101. Brill, 2015.
- Makinde, Abdul-Fatah Kola. "The Institution of *Sharīah* in Oyo and Osun States, Nigeria (1890-2005)." Unpublished PhD diss., University of Ibadan, Nigeria, 2007.
- Makinde, Abdul-Fatah Kola, and Philip Ostien. "Independent Sharia Panel of Lagos State." *Emory International Law Review* 25 (2011): 921-944.
- Makinde, Abdul-Fatah Kola, and Philip Ostien. "Legal Pluralism in Colonial Lagos: The 1894 Petition of the Lagos Muslims to their British Colonial Masters." *Die Welt Des Islams* 52 (2012): 51-68.
- Mansour, Hasan Mansour. *The Maliki School of Law: Spread and Domination in North and West Africa 8th to 14th Centuries C.E.* Austin and Winfield, 1995.

- Mohammed, Amjad M. *Muslims in Non-Muslim Lands: A Legal Study with Application*. Islamic Texts Society, 2013.
- Mughal, Munir Ahmad. "Judicial Education and Training Importance in Islam" Paper presented at the National Conference of Judicial Academies on Key Issues and Challenges in Judicial Education, Punjab Judicial Academy, October 25, 2014. <http://ssrn.com/abstract=2102378>.
- Munir, Arshad. "The Establishment of the Nigerian Sokoto Caliphate: An Inquest into the Background History of the 1804 Jihad in Hausa Land, 210 Years After." *Al-Qalam* December (2014): 61-71.
- Munir, Muhammad. "Precedent in Islamic Law with Special Reference to the Federal Shariat Court and the Legal System in Pakistan." *Islamic Studies* 47, no. 4 (2008): 445-482.
- Murtala, Saad. "Shariah in Nigeria Before the Colonial Period: A Study of Yoruba-Land." *Islamic University Multidisciplinary Journal IUMJ* 7, no. 2 (2020): 145-149. <https://www.iuiu.ac.ug/journaladmin/iumj/ArticleFiles/34273.pdf>.
- Noor, Mohammad. "The Doctrine of Jihad: An Introduction." *Journal of Law and Religion* 3, no. 2 (1985): 381-397.
- Oba, Abdulmumini Adebayo. "Harmonization of *Shari'ah*, Common Law and Customary Law in Nigeria: Problems and Prospects." *Journal of Malaysian and Comparative Law* 35 (2008): 119-146.
- Oba, Abdulmumini Adebayo. "Islamic Law as Customary Law: The Changing Perspective in Nigeria." *The International and Comparative Law Quarterly* 51 (2002): 817-850.
- Oba, Abdulmumini Adebayo. "Kadis (Judges) of the Shariah Courts of Appeal: The Problem of Identity, Relevance, and Marginalisation within the Nigerian Legal System." *Journal of Commonwealth Law and Legal Education* 2, no. 2 (2004): 49-71.
- Oba, Abdulmumini Adebayo. "The Sharia Court of Appeal in Northern Nigeria: The Continuing Crises of Jurisdiction." *The American Journal of Comparative Law* 52, no. 4 (2004): 859-900.
- Oba, Abdulmumini Adebayo, and Ismael Saka Ismael. "Challenges in the Judicial Administration of Muslim Estates in the *Shari'ah* Courts of Appeal in Nigeria." *Electronic Journal of Islamic Law and Middle Eastern Law* 5 (2017): 82.
- Obilade, Akintunde Olusegun. *The Nigerian Legal System*. Spectrum Law Publishing, 1979.
- Ogunbado, Ahamad Faosiy. "Islam and its Impact in Yorubaland." *The Islamic Quarterly* 57, no. 1 (2003): 1-18.
- Ogundiran, Akinwumi. "The Formation of an Oyo Imperial Colony during the Atlantic Age." In *Power and Landscape in Atlantic West Africa: Archaeological Perspective*, edited by J. Cameron Monroe and Akinwumi Ogundiran, 222-223. Cambridge University Press, 2012. Accessed May 1, 2019. <http://dx.doi.org/10.1017/CB09780511921032>.

- Oguntola-Laguda, Danoye, and Joseph Moyinoluwa Talabi. "Conflict, Religion and Mediation in African Society: A Case of Conflict between Muslims and Traditionalists in Epe, Lagos State." In *Law, Religion and Reconciliation in Africa*, edited by M. Christian Green, Jean-Baptiste Sourou and Celestin Gnonziant. African Sun Media, 2024.
- Ojielo, M. Ozonnia. "Human Rights and Shariah Justice in Nigeria." *Annual Survey of International and Comparative Law* 9, no. 1 (2003): 135-162. <http://digitalcommons.law.ggu.edu/ann/survey/vol9/iss1/7>.
- Oke, Olusegun Peter. "Principle of Separation of Powers in the Old Oyo Empire as a Template for the Contemporary Structure in Nigeria." *IQRA Journal: Theological and Religious Studies* 1, no. 2 (2021): 60-69.
- Okeke, Nwabueze Godwin. "Judicial Precedent in the Nigerian Legal System and a case for its Application under International Law." *Nnamdi Azikwe Journal of International Law and Jurisprudence* 1 (2010): 107-111.
- Okon, Etim E. "Christian Missions and Colonial Rule in Africa: Objective and Contemporary Analysis." *European Scientific Journal* 10, no. 17 (2014): 192-209.
- Oladimeji, Ramon. "Unsigned Court Document is Worthless, says Appeal Court." *Punch*, August 11, 2016. Accessed May 17, 2020. <https://punchng.com/unsigned-court-document-worthless-says-appeal-court/>.
- Oladosu-Uthman, Habibat. "The Contribution of Independent Shariah Panel (ISP) in Curbing Incidences of Divorce (*Talaq*) Practices among Muslims in Ibadan, Southwest Nigeria." *Ibadan Journal of Humanistic Studies* 30, no. 1 (2020):156-173
- Olanrewaju, Yusuf Badmas, and Yusuph Dauda Gambari. "*Shaykh* Adam Abdullah Al-Ilory (1917-1992): A Muslim Reformer of 20th Century in Yorubaland, Nigeria." *Al-Wifaq Research Journal of Islamic Studies* 6, no. 1 (2023): 2-21.
- Olatoye, Kareem, and Abubakri Yekini. "Islamic Law in Southern Nigerian Courts: Constitutional and Conflicts of Laws Perspective." *Benin Journal of Public Law* 6, no. 1 (2019): 120-145.
- Olawoyin, Oladeinde. "How Self-serving Sharia could have become Disaster for Nigeria – Obasanjo." *Premium Times*, August 10, 2017. <https://www.premiumtimesng.com/news/headlines/239755-self-serving-sharia-become-disaster-nigeria-obasanjo.html>.
- Olojede, Funlola. "The Exodus and the Identity Formation in the View of the Yoruba Origin and Migration Narratives." *Scriptura* 108 (2011): 342-356.
- Oloyede, Ishaq O. "Islam in Nigeria: A Century of National Islamic Societies." *Journal of Islam in Nigeria* 1, no. 1 (2015): 1-35.
- Omoola, Sodiq Olalekan, and Maruf Adeniyi Nasir. "*Shari'ah* and Religious Arbitration in English Courts." *Mimbar Hukum* 32, no. 3 (2020): 450-460.

- Onadeko Tunde. "Yoruba Traditional Adjudicatory Systems." *African Study Monographs* 29, no. 1 (2008): 15-28.
- Onakoya Olusegun. "Family Head versus Family Members: Legal Issues in Management of Family Land under Yoruba Customary Law." *IISTE Journal of Law, Policy and Globalization* 39 (2015): 219-237.
- Opeloye, Muhib Omolayo. "The Realization of the *Shari'ah* in South-western Nigeria: A Mirage or Reality?" In *A Digest of Islamic Law and Jurisprudence in Nigeria*, edited by Zakariyau Husseini, 40-52. Darun-Nur, 2003.
- Opeloye, Muhib Omolayo. "The Yoruba Muslim's Cultural Identity Questions." *Ilorin Journal of Religious Studies* 1, no. 2 (2011): 1-20.
- Ostien, Philip. "An Opportunity missed by Nigerian Christians: The 1976-78 Sharia Debate Revisited." In *Muslim-Christian Encounters in Africa*, edited by Benjamin F. Soares, 221-255. Brill, 2006.
- Ostien, Philip, Ahmed Garba and Musa Abubakr. "Nigeria's Sharia Courts." In *Sharia Implementation in Northern Nigeria Twenty Years on: Six Research Reports and an Overview*, edited by Muhammed Tabiu, Abdul R. Mustapha and Philip Ostien. SSRN, forthcoming. <https://ssrn.com/abstract=3370453>.
- Owusu, Robert Yaw. "African Traditional Religion in the Context of World Religions: Challenges to Scholars and Students." In *The Palgrave Handbook of African Traditional Religion*, edited by I. S. Aderibigbe and T. Falola, 577-588. Palgrave Macmillan, 2022. https://doi.org/10.1007/978-3-030-89500-6_43.
- Oyeweso, Siyan. *Eminent Yoruba Muslims of the 19th and Early 20th Centuries*. Rex Charles Publication in Association with Connel Publication, 1999.
- Peel, John D. Y. *Christianity, Islam and Orisa Religion: Three Traditions in Comparison and Interaction*. University of California Press, 2016.
- Peter, Roese M., and Bondarenko M. Dmitri. *A Popular History of Benin: The Rise and Fall of a Mighty Forest Kingdom*. Peter Lang International Academic Publishers, 2002.
- Peters, Ruud. "Jihad." In *The Oxford Encyclopaedia of the Modern Islamic World*, edited by John L. Esposito, 369-373. Oxford University Press, 1995.
- Piwuna, M. G. "An Appraisal of Selected Native Estate Laws and Custom in Nigeria." *Journal of Private Law* 1, no. 1 (2013): 331-339.
- Powers, David S. "On Judicial Review in Islamic Law." *Law and Society Review* 26, no. 2 (1992): 315-342.
- Rehman, Ata ur, Mazlan Ibrahim and Ibrahim Abu Bakar. "The Concept of Independence of Judiciary in Islam." *International Journal of Business and Social Science* 4, no. 2 (2013): 67-75. www.ijbssnet.com.

- Reichmuth, Stefan. "Education and the Growth of Religion Associations among Yoruba Muslims: The Ansar-u-Deen Society of Nigeria." *Journal of Religions in Africa* 26, no. 4 (1996): 365-405.
- Rufai, Saheed Ahmad. "Emergent Issues in Heterodox Islam among Yoruba of Nigeria." *Jurnal Hadhari* 4, no. 2 (2012): 117-136.
- Salisu, Taiwo Moshood. "An Analytical Study of the Attitude of Muslims to *Tawsiyyah* (Will-Making) in South-Western Nigeria (1976-2010)." PhD diss., Lagos State University, 2011.
- Salisu, Taiwo Moshood. "*Shari'ah*: The Missing Law in the Scheme of Legal Option in South-western Nigeria." *LASU Journal of Humanities* 9 (2014): 53-59.
- Sandberg, Russell. "Islam and English Law." *Law and Justice* 164 (2010): 27-44.
- Sanni, Amidu. "Oriental Pearls from Southern Nigeria-Arabic-Islamic Scholarship in Yorubaland: A Case Study in Acculturation." *Islamic Studies* 34, no. 4 (1995): 427-450.
- Sanni, Amidu. "The *Shari'ah* Conundrum in Nigeria and the Zamfara Model: The Role of Nigerian Muslim Youth in the Historical Context." *Journal of Muslim Minority Affairs* 27, no. 1 (2007): 117-132.
- Sanni, Ishaq Kunle. "Independent Shariah Court Enriching the Nigerian Legal System: Oyo State in Spectrum." *Al-Maslaha* 35 (2007-2008): 35-49.
- Saritoprak, Zeki. "The Subject of *Ijtihad* (Independent Reasoning)." *The Muslim World* 95, no. 3 (2005): 325-471.
- Seyid, Malik H. A. *The Impacts of Arabic on Linguistics and Cultural Life of Yoruba People*. Group Publishers, 1995.
- Shabbar, Said. *Ijtihad and Renewal*. Translated by Nancy Roberts. The International Institute of Islamic Thought, 2018.
- Sheriff, Vaffi Foday, and Zayyanu Altine. "The Struggle of *Shaykh* 'Uthman Bin Foduye in Re-formation of Faith and Social Vices among the People of Gobir Kingdom: A Critical Analysis." *Saudi Journal of Humanities and Social Sciences* 3, no. 7 (2018): 886-891.
- Shettima, Muhammad, Hamma Adam Biu and Muhammad Al-Ameen Deribe. "The Relevance of Islamic Legal Maxims in Determining some Contemporary Legal Issues." *IIUM Law Journal* 24, no. 2 (2016): 415-451.
- Siddiqui, Mona, Anne-Marie Hutchinson, Sam Momtaz and Mark Hedley. *The Independent Review into the Application of Sharia Law in England and Wales*. Crown, 2018. www.gov.uk/government/publications.
- Sulaiman, Muhammad Auwal. "Concept of *Ṣulh*: As an Emerging Mechanism for Disputes and Conflict Resolution in some of the *Shari'ah* States in Nigeria." Paper presented at the International Conference on the Role of Arts in Development, Bayero University, Kano, Nigeria, October 9-12, 2016.

- Suleiman, Musa Y. "Islam and Constitutionalism in Nigeria: 1999 Constitution and the Challenges of Islamic Law and Practices." *Nnamdi Azikwe University Journal of International Law and Jurisprudence* 10, no. 2 (2019): 155-164.
- Tellenbach, Silvia. "Muslim Countries between Religion and Secular Law." In *Islam and Rule of Law: Between Shariah and Secularization*, edited by Birgit Lrawietz and Helmut Reifeld, 115-120. Konrad-Adenauer-Stiftung, 2007. www.kas.de.
- Ubimago, Stephen. "Decentralisation of the Judiciary and Federalism." *Independent*, June 27, 2019. Accessed September 24, 2020. <https://www.independent.ng/decentralisation-of-the-judiciary-and-federalism/>.
- Udogu, E. Ike. "A History of Nigeria." *Africa Today* 55, no. 4 (2009): 122-128.
- United Nations Office on Drugs and Crime. "Federal Republic of Nigeria: Code of Conduct for Judicial Officers." Accessed June 4, 2020. https://www.unodc.org/documents/nigeria/publications/Otherpublications/Nigeria_Code_of_Conduct_for_Judges_Poster1.pdf.
- Wande, S-Davies. "Bauchi NBA Kicks against Recruitment of 'Quacks' as Shariah Judges." *Nigerian Tribune*, December 9, 2018. <https://tribuneonlineng.com/bauchi-nba-kicks-against-recruitment-of-quacks-as-shariah-judges/>.
- Worldometer. "Nigeria Population (Live)." Accessed March 15, 2023. <https://woldometers.info/world-population/nigeria-population/>.
- Yadudu, Auwal Hamisu. "Dialogue of the Deaf: The *Shari'ah* Debate in Nigeria." In *A Digest of Islamic Law and Jurisprudence in Nigeria*, edited by Zakariyau Husseini, 1-5. Darun-Nur, 2003.
- Yadudu, Auwal Hamisu. "Shariah in a Multi-Religious Society: The Case of Nigeria." In *Understanding Shariah in Nigeria*, edited by A. M. Yakubu, A. M. Kani and M. I. Junaid (Spectrum Books Limited, 2001): 146.
- Yadudu, Auwal Hamisu. "We Need a New Legal System." In *On the Future of Nigeria*, edited by Ibrahim Suleiman and Siraj Al-Karim, 2-7. Hudahuda Publishing Co. Ltd, 1988.
- Yekini, Abubakri. "Judicial Imbalance in the Application of Islamic Law as a Personal System in Nigeria: Making a Case for Legislative Reform." *Journal of Islamic Law and Culture* (2006): 5. https://www.lasu.edu.ng/publications/law/abubakri_yekini_ja_4.pdf.
- Yilmaz, Ihsan. "Muslim Alternative Dispute Resolution and Neo-*Ijtihad* in England." *Alternatives: Turkish Journal of International Relations* 2, no. 1 (2013): 117-139.