



Osun State Independent *Shari'Ah* Panel: A Template for Alternative Dispute Resolution for Nigerian Muslims

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Received : August 11, 2025

Revised : February 2, 2026

Accepted : July 26, 2026

Online : July 31, 2026

Abstract

The introduction of *Shari'ah* in 1999 by Zamfara State Governor, Senator Sani Yarima, spurred the creation of Independent *Shari'ah* Panels in states where full *Shari'ah* rule implementation proved challenging. These panels, operating independently of Nigeria's formal legal system, address civil disputes such as inheritance, marriage, and divorce within the Muslim community. The competence of the panel in resolving marital conflict remains a concern. This paper focuses on the relevance and impact of the Osun State Independent *Shari'ah* Panel, which provides an alternative legal framework for civil case adjudication for Muslims in Osun State. Using descriptive and historical research methods, the paper evaluates the panel's contributions to the judicial, social, and cultural system of the society. The role of the panel in reducing communal crises and matrimonial conflicts in the community is assessed. Additionally, it examines the legal and social implications of the panel's operation in a secular legal environment, highlighting its relationship with formal courts and challenges such as legitimacy and enforceability. The study finds that the panel effectively resolves disputes, gaining trust from Muslims and non-Muslims alike, thus. Its strength in promoting peace would have been high if areas of criminal cases are covered; however, there is the hope for it to migrate into a shariah court if properly managed and strategically pushed. The paper advocates for other states without a shariah panel in South Western Nigeria to establish one, and it recommends training initiatives for members of the panel to enhance their capabilities.

Keywords: *Osun State, Independent Shari'Ah Panel, Conflict Resolution, Shariah Rules, Marriagekehul'.*

INTRODUCTION

The judiciary is one of the three branches of government responsible for the legal system in Nigeria. The other branches are the executive and the legislature. The judiciary is responsible for interpreting and applying the country's laws in specific cases. It is vested with the authority to invalidate laws deemed unconstitutional and to adjudicate legal matters by preventing violations or sanctioning offenders, as appropriate. The judiciary also serves as the guardian of the Constitution, as interpreted by the Supreme Court and the High Courts.

Shariah had been practiced in Nigeria before the arrival of the colonial administration. Even after Nigeria gained independence in 1960, the 1960 Independence Constitution of the Federal Republic of Nigeria, as well as subsequent constitutions, recognized, accepted, and affirmed that an independent, strong, respected, and respectable judiciary is indispensable for the impartial administration of justice in a democratic state. Consequently, Shariah has been retained as part of the country's legal system, although with modifications to the jurisdiction of the Shariah Courts and other related matters. These modifications have significantly affected the originality of the law, as noted by Jimoh et al. (2022).



The increasing complexity of Nigeria's legal landscape, coupled with its religious and cultural diversity, has given rise to persistent debates regarding how best to accommodate the needs of various communities within the nation's judicial framework. The Shariah legal tradition in Nigeria represents not only a system of law but also a comprehensive guide to ethical living, dispute resolution, and social harmony. However, the formal judicial system, largely shaped by colonial legacies and rooted in English common law, has often been perceived as insufficient in addressing matters that fall within the scope of Islamic personal law, particularly in states where Shariah has not been formally institutionalized.

Against this background, the establishment of the Osun State Independent Shariah Panel represents an important innovation. The panel was conceived as a community-driven initiative that provides an avenue for Muslims in Osun State to resolve matters relating to Islamic personal law without resorting to the existing non-Islamic courts. Several studies have examined the application of Shariah in Nigeria. [Shittu \(2010\)](#) discussed the implementation of Islamic criminal law in Northern Nigeria. [Shittu and Ismail \(2024\)](#) examined conflict resolution panels and estate distribution, while [Mustapha et al. \(2022\)](#) focused on criminal law issues. However, these studies were not conducted in Osun State. This paper, therefore, focuses on examining the Osun State Independent Shariah Panel.

Among the limited studies discussing alternative dispute resolution panels in Southwestern Nigeria is the work of [Shittu and Mustapha \(2023\)](#). However, their study was conducted in Kisi, Oyo State, rather than Osun State. The difference in geographical and social settings creates notable variations in the operation and effectiveness of the panel when compared with the present study. This paper examines the Osun State Independent Shariah Panel as a potential model for other Muslim communities in Nigeria seeking to balance their religious obligations with the demands of a pluralistic legal system.

The paper explores the panel's historical background, operational structure, jurisdictional scope, and practical impact while also considering the social and interfaith implications of the model in contemporary Nigerian society. The primary objective of this paper is to assess the competence of the panel in resolving marital disputes and to establish reasons why other states in Southern Nigeria may consider adopting a similar model.

LITERATURE REVIEW

Muslims around the world have continually sought conflict resolution mechanisms that serve as alternatives to conventional courts. [Muneeb et al. \(2023\)](#) highlighted the relevance of *tasawwuf* in conflict resolution within society. The authors argued that *tasawwuf* can be effectively applied to resolve intra-religious conflicts. The introduction and implementation of Shariah in 1999 by Governor Ahmad Sani Yerima of Zamfara State provided the impetus for the establishment of Independent Shariah Panels to oversee civil matters affecting Muslims in accordance with Islamic law ([Shittu et al., 2022](#)). Since their establishment, these panels have made significant contributions to the judicial process in several states, including Osun State. Against this background, this paper examines the contributions of the Osun State Independent Shariah Panel to conflict management among the people of the state.

Nigeria's legal system combines secular and religious laws, reflecting its federal structure and cultural diversity. Governance is divided into the federal, state, and local government levels, each possessing distinct legislative powers, although federal law prevails over state and local laws in cases of conflict. The judiciary, comprising both federal and state courts, administers civil and criminal matters through a hierarchical court structure ranging from the Supreme Court to the Magistrate Courts ([Alkali et al., 2014](#)). The Nigerian legal system has been shaped by its colonial heritage, ethnic diversity, and religious pluralism. This phenomenon is not unique to Nigeria. In

Indonesia, for example, [Sariat et al. \(2025\)](#) advocate for a clearer legal definition of the family and reforms to family law. Prior to the adoption of Shariah in several northern states during the Fourth Republic, English common law, introduced by the British colonial administration, governed matters relating to personal status, family law, and criminal justice, while Shariah was recognized primarily as a system governing Islamic personal law. Over time, the legal system evolved to incorporate English law, customary law, and Islamic law, particularly in northern Nigeria, where Islamic law has often been treated as a form of customary law. Judges are presumed to possess knowledge of English law, whereas customary law must generally be established through evidence before the courts ([Jimoh, 2022](#)).

According to [Alkali et al. \(2014\)](#), the Nigerian legal system has also been significantly influenced by foreign legal traditions. For example, the Criminal Code and the Matrimonial Causes Act were derived largely from legislation in Queensland, Australia, while the Penal Code applicable in northern Nigeria was modeled after the Sudanese Penal Code. The interaction between customary law and Islamic law in Nigeria reflects challenges similar to those experienced in many religiously pluralistic societies. [Anggeraeni \(2023\)](#) documented comparable experiences within the Indonesian legal system. The adoption of the Shariah Penal Codes by several northern Nigerian states marked a significant departure from the previously applicable Penal Codes in those jurisdictions. These new codes became the principal legal framework within their respective states, replacing earlier colonial-era legislation. This development may be compared with the implementation of *qanun* in Aceh Province, Indonesia, where twenty-three regional Shariah-based regulations were enacted ([Suma, 2020](#)). Customary laws in Nigeria differ considerably across ethnic groups, particularly in matters relating to marriage, divorce, inheritance, and property ownership, with neighboring communities often maintaining distinct legal traditions. The Nigerian legal system follows the doctrine of *stare decisis*, under which lower courts are bound by decisions of higher courts. Although lower courts may depart from binding precedents under exceptional circumstances, they are generally expected to adhere to established judicial decisions ([Shittu et al., 2022](#)).

During periods of military rule in Nigeria, laws were enacted through decrees and edicts, thereby bypassing many political and bureaucratic procedures. This legislative approach often resulted in more rapid legal reforms than those achieved under civilian administrations. The coexistence of Shariah and secular law has produced a system of legal pluralism that enables individuals to resolve disputes within legal frameworks consistent with their religious or cultural beliefs. While this pluralistic arrangement accommodates Nigeria's diverse population, it also requires careful coordination to ensure consistency, fairness, and legal certainty across overlapping jurisdictions. Nevertheless, this does not suggest that the application of Shariah was readily accepted throughout Nigeria. [Makinde \(2017\)](#) observed that when proposals were advanced in 1988 to expand the application of Shariah, they encountered strong opposition on the grounds that such reforms would threaten the unity of Nigeria's peaceful, yet fragile, federation.

Discussing Islam in Osun State, [Musa \(2010\)](#) stated that the state was created on August 27, 1991, together with eight other states during the administration of President Ibrahim Badamasi Babangida. He further explained that Osun State was carved out of the former Oyo State and is located within the tropical rainforest zone of southwestern Nigeria, covering an estimated area of 8,602 square kilometers. The state is predominantly inhabited by the Osun, Ijesa, Ife, and Igbomina communities, who are mainly Yoruba-speaking people and form part of the larger Yoruba nation concentrated in southwestern Nigeria and across the diaspora ([Musa, 2010](#)). The people of Osun State are predominantly traders, artisans, and farmers. Other traditional occupations include handwoven textile production, tie-dye fabric making, leatherwork, calabash carving, and mat weaving. [Makinde \(2007\)](#) observed that Osogbo, the state capital, is renowned for its rich artistic

and cultural heritage. The city is particularly famous for its traditional cloth weaving and dyeing, from which it derived the appellation *Osogbo as Ilu-Aro*, meaning "Osogbo, the town of dyeing." Similarly, [Gbadamosi \(1978\)](#) reported that the majority of the population in Osun State is Muslim. [Musa \(2010\)](#) further asserted that Islam was first introduced into Yorubaland during the reign of Mansa Kankan Musa of Mali (c. 1337 CE). According to the author, Malian traders and ambassadors who visited the Old Oyo Empire introduced Islam to the Yoruba people. Consequently, Islam became popularly known as *Esin Imale*, meaning "the religion of Mali." By the eighteenth century, Islam had spread to towns such as Osogbo, Ede, Ikirun, Iwo, Ikire, Ejigbo, Ila, Inisha, Orile-Owu, and many other settlements that now form part of present-day Osun State.

[Gbadamosi \(1978\)](#) further argued that the spread of Islam throughout Yorubaland was largely gradual rather than formally organized. The earliest Yoruba Muslims often practiced their faith privately and discreetly. He also noted that Muslim refugees who fled conflicts frequently settled in various towns, joined the existing Muslim communities, and organized themselves into cohesive religious groups. Between 1840 and 1860, Islam established a firm presence throughout Yorubaland, particularly in towns and cities that now constitute present-day Osun State. Gradually, Shariah principles began to influence communities such as Iwo, Ede, and Ikirun, although no formal Shariah courts existed to adjudicate disputes. Before the colonial period, Shariah was practiced primarily at the individual and community levels in locations such as Ede, Ikirun, Iwo, and Lagos. Conversely, [Murtala \(2020\)](#) argued that there is no documented evidence demonstrating that Islamic law was formally recognized as the law of the land during that period. This was largely because Yoruba Muslims did not consider the institutionalization of Shariah necessary and, perhaps, because the law had previously been applied harshly by some traditional rulers. Consequently, when the colonial administration assumed control, it was relatively easy to suppress its formal application.

From another perspective, [Abdul Hadi et al. \(2023\)](#) argued that justice is an essential instrument for reducing terrorism and promoting social stability. The authors emphasized that whenever fairness (*i'tidal*) and balance (*tawazzun*) are maintained in society, particularly in the resolution of conflicts, harmony, tranquility, and sustainable development are more likely to be achieved. They further suggested that these principles are best realized through Islamic approaches to conflict resolution. This position is consistent with the findings of [Shittu and Mubarak \(2023\)](#), who maintained that peace, harmony, and social stability constitute the primary objectives of Islamic propagation, contrary to the misconception that Islam merely seeks to expand a particular faith. The authors also emphasized that the approach adopted by a *da'i* plays a crucial role in determining the effectiveness and long-term success of Islamic propagation. Despite the acknowledged importance of alternative dispute resolution mechanisms, Magaju Kudirat observed that alternative dispute resolution practices in Nigeria have yet to receive explicit constitutional recognition. Instead, they continue to struggle for formal legal recognition within the country's judicial framework.

Before the declaration and implementation of Shariah in Zamfara State in 1999, considerable efforts had already been made to establish Shariah Panels in southwestern Nigeria, particularly after it became apparent that repeated demands for the establishment of formal Shariah Courts in Yorubaland had not been successful. According to [Muhammad \(2024\)](#), these Shariah Panels were non-conventional, non-statutory, and lacked legally enforceable authority. In Osun State, Alhaji Mustapha Olowuyi and several other prominent Muslim indigenes played a leading role in advocating for the establishment of Shariah institutions within the state. [Makinde \(2007\)](#) reported that Shaykh Salahudeen Olayiwola of Ede was appointed Chairman of the Committee for the Establishment of Shariah. Following his appointment, several seminars and public enlightenment programs were organized to promote awareness of Shariah within the state.

Numerous committee meetings were subsequently held to formulate implementation strategies. The committee submitted its report to the Osun State Muslim Community on 21 July 2002 at the Ansar-u-Deen Mosque, Sabo, Osogbo. Upon receiving the report, the Osun State Muslim Community mobilized Muslims across the state to support the establishment of an Independent Shariah Panel.

Several Independent Shariah Panels currently operate in selected cities across southwestern Nigeria. In Oyo State, such panels exist in Ogbomoso, Ibadan, Kisi, Saki, and several other towns. Similar Independent Shariah Panels also operate in Lagos and Abeokuta, Ogun State, where they primarily function as alternative dispute resolution (ADR) mechanisms. The Osun State Independent Shariah Panel (OSISP) was officially inaugurated on Sunday, 23 April 2006, by the Chief Imam of Osogbo, who also served as the President-General of the League of Imams and Alfas in Yorubaland, Edo, and Delta States, Shaykh Alhaji Mustafa Ajisafe ([Osun State Shariah Panel, 2016](#)). The organizational structure of the panel consists of a Chairman, a Registrar, and a Panel of *Qudat* (judges). The *Qudat* are respected Islamic jurists recognized for their integrity, competence, and expertise in Islamic jurisprudence. The panel commenced its operations with nine members at its inauguration and expanded its membership shortly thereafter ([Makinde, 2007](#)). At present, the panel primarily adjudicates matters relating to family law, including divorce, child custody, maintenance, inheritance, and other issues of Islamic personal status ([Raji, 2021](#)).

RESEARCH METHOD

This study adopted a combination of quantitative and historical research methods for data collection and analysis using a case study approach. The study provides an in-depth examination of the structure, processes, effectiveness, and relevance of the Osun State Independent Shariah Panel (OSISP) as a model of Alternative Dispute Resolution (ADR) among Nigerian Muslims. Using both historical and descriptive research approaches, the study examines the establishment and legal status of the OSISP, the panel's operational procedures and dispute resolution mechanisms, its reception and impact within Muslim communities in Osun State, and its potential as a replicable model for other Nigerian contexts. Semi-structured interviews were conducted with key stakeholders, including members of the Shariah Panel, community leaders, and litigants who had used the panel for dispute resolution. Participant observation of actual proceedings was also undertaken, and records of cases handled by the panel were collected and analyzed. A purposive sampling technique was employed to select fifty participants for the interviews. The participants included Muslims, Christians, farmers, traders, clergymen, and other individuals who had direct experience with the Shariah Panel. Thematic analysis was used to analyze the interview transcripts, observational data, and documentary evidence.

FINDINGS AND DISCUSSION

The Osun State Independent Shariah Panel has made significant contributions to the administration of justice in the state, thereby promoting peaceful coexistence among community members. The panel was established to adjudicate matters relating to Islamic personal law affecting Muslims. It handles disputes involving marital conflicts, parental responsibilities, foster care, child custody, dissolution of marriage, business and financial disputes, land ownership conflicts, disputes over the appointment of imams, inheritance matters, and other related issues.

Table 1. Presents The Cases Handled By The Panel From Its Establishment In 2006 To 2019.

Year	Decided/Resolved	Pending	Withdrawn/closed	Total
2006	5	4	2	11
2007	7	2	0	9
2008	4	1	1	6

Year	Decided/Resolved	Pending	Withdrawn/closed	Total
2009	6	0	3	9
2010	9	3	2	14
2011	12	4	1	17
2012	6	1	2	10
2013	3	2	4	9
2014	8	1	5	14
2015	17	0	0	17
2016	11	7	3	21
2017	9	7	3	19
2018	4	15	8	27
2019	10	0	5	15

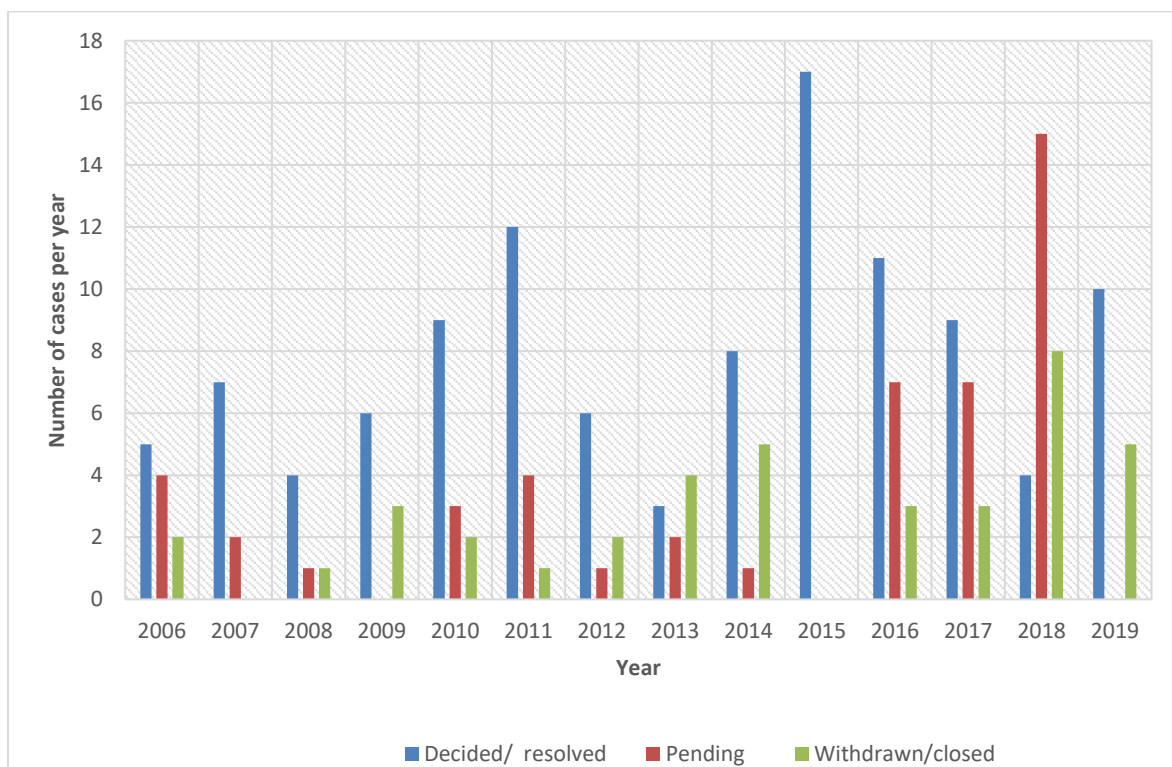


Figure 1. Number of cases per year from 2006-2019

Source: Office of the Registrar, Osun State Independent Shariah Panel, Osogbo, Nigeria.

The graph shows that 2015 recorded the highest number of resolved cases, with no cases pending or withdrawn. In contrast, 2018 recorded the highest number of withdrawn cases. A substantial decline in the number of cases brought before the panel for adjudication was observed in 2019 compared with the preceding years. During interviews conducted with members of the panel, no specific explanation was provided for this decline, except that the panel was still considered to be in its developmental stage. An examination of three cases adjudicated by the panel further illustrates its contribution to the administration of justice within the community.

Case 1

Akinbode Taofeeq (Complainant) v. Kafayat Iyanda (Respondent) (Osun State Shariah Panel, 2019)

On Thursday, 7 March 2019, a case involving marital discord between Akinbode Taofeeq

(the complainant) and Kafayat Iyanda (the respondent) was brought before the Osun State Independent Shariah Panel ([Osun State Shariah Panel, 2019](#)). The complainant alleged that his wife had:

1. Failed to be submissive and obedient.
2. Shown dislike toward his mother and failed to accord her the respect due to a mother-in-law.
3. Harbored resentment toward members of his family.
4. Refused to cooperate with him, failed to understand his circumstances, and displayed inappropriate behavior.

Based on these allegations, Akinbode Taofeeq stated that he no longer wished to continue the marriage. The panel investigated the allegations against the respondent. Although she declined to appear before the panel to respond to the claims, the panel concluded that the allegations were substantiated. Consequently, the panel granted the husband's request for the dissolution of the marriage. It approved the divorce and directed the respondent to observe the prescribed *'iddah* (waiting period). The panel further ruled that Akinbode Taofeeq was responsible for providing for her basic needs throughout the *'iddah* period, which consists of three *quru'* (menstrual cycles) for a menstruating woman or three months for a woman who is not menstruating. This decision is consistent with the provisions of the Qur'an (2:228). In another verse, Allah states:

وَاللَّائِي يَئِسْنَ مِنَ الْمَحِيضِ مِنْ نِسَائِكُمْ إِنْ ارْتَبْتُمْ فَعِدَّتُهُنَّ ثَلَاثَةُ أَشْهُرٍ وَاللَّائِي لَمْ يَحْضُنْ وَأُولَاتِ الْأَحْمَالِ أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مِنْ أَمْرِهِ يُسْرًا

"As for your women as passed the age of monthly period, if you have any doubt, it is three months and for those who have no courses (it is the same) (Q65:4).

And Almighty Allah says:

يَا أَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ وَأَحْصُوا الْعِدَّةَ وَاتَّقُوا اللَّهَ رَبَّكُمْ

"O you Prophet. When you divorce women, divorce them at their prescribed periods, and count (accurately) their prescribed periods: and fear Allah your Lord... (Q65:1)"

In addition, the panel ruled that the complainant, Akinbode Taofeeq, was responsible for providing for the care and well-being of their only daughter, Habeebat Akinbode, including her health, education, and general welfare, in accordance with Islamic principles, even while she remained in her mother's custody. A review of the panel's decision indicates that its judgment was based on the following considerations:

1. The complainant's statement before the panel that he had divorced his wife, Kafayat Iyanda, and requested the panel to formally confirm the divorce.
2. The respondent's failure to appear before the panel to respond to or refute the allegations made against her, despite having been duly notified.

The panel's judgment may be considered appropriate for the following reasons:

1. Under Shariah law, a judgment delivered in the absence of the respondent is valid, provided that the respondent has been properly notified ([Sabiq, 1977](#)).
2. The panel's decision to dissolve the marriage was consistent with the provisions of the Holy Qur'an.

وَأِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِّنْ أَهْلِهِ وَحَكَمًا مِّنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا

"If you fear a breach between them twain (the man and his wife), appoint (two) arbitrators, one from his family and the other from hers: if they both wish for peace, Allah will cause their reconciliation. Indeed Allah is Ever All Knower, Well-Acquainted with all things. (Q4:35)"

Ibn Kathir, in his interpretation of the verse above, reported a practice of the companions of the Prophet (SAW) thus:

عن ابن عباس قال : بعثت أنا ومعاوية حكمين ، قال معمر : بلغني أن عثمان بعثهما ، وقال لهما : إن رأيتما أن تجمعنا جمعتما ، وإن رأيتما أن تفرقا ففرقتما.

From Ibn Abbas who said: *"I and Muawiyah were sent as two arbitrators, Mu'mar said: I was informed that Uthman bn Affan appointed both of them and ordered that If you observed that there is still love between them they should reunited or reunite them, but if they observe that peace and harmony would not prevail between them they should be separated"* (Ibn Kathir, 1999).

Whoever is granted custody of the child, both parents have an undeniable right to access her at reasonable times. This principle is established by the Qur'an, thus

لَا تُضَارَّ وَالِدَةُ بَوْلِدِهَا وَلَا مَوْلُودٌ لَهُ بَوْلِدِهِ

"... neither shall a mother be made to suffer harm on account of her child, nor a father on account of his child... Q2:233"

In interpreting the above verse, [As-Sha'arawi \(1997\)](#) explained that the father should not neglect his responsibility to provide financial support for the child in a manner that would force the mother to seek financial assistance from others to care for both the child and herself. Likewise, the mother should not place an unreasonable financial burden on the father in requesting support for the child's upbringing ([As-Sha'arawi, 1997](#)). A similar interpretation was advanced by [Al-Qurtubi \(1964\)](#). Likewise, [Ar-Razi \(1420 AH\)](#), in *Mafatih al-Ghayb*, interpreted the verse broadly to encompass all forms of harm and hardship, including denying either parent reasonable access to the child during the period of custody ([Ar-Razi, 1420 AH](#)).

One implication of the panel's judgment is that the dissolution of a marriage may occur as a result of parental pressure. Imam Ashraf (2008) reported that Ali al-Thanawi expressed a similar opinion when responding to a comparable question, stating:

"If there is a fear that the man or his wife will be unable to bear the consequences of divorce, then he should not divorce his wife in obedience to his father. He should not divorce his wife out of deference to his father if there is a fear that either of them will be unable to cope with the consequences of the divorce" ([Khan, 2008](#)).

The foregoing discussion highlights three key conditions that should be satisfied before complying with a parent's request to divorce one's wife:

1. The parent's request must be motivated by genuine concern for the well-being of their child rather than by stubbornness, prejudice, or personal interest.
2. The individual must not reasonably fear falling into unlawful conduct, such as fornication, as a consequence of the divorce.

3. The divorce should not expose either party to physical, emotional, or psychological harm (Khan, 2008).

Accordingly, a man should not divorce his wife solely out of deference to his parents if doing so would cause substantial emotional hardship, make him or his wife unable to cope with the consequences of the divorce, or expose either party to harm.

Case 2

Ramat Titilope Animashaun (Complainant) v. Teslim Olusola Animashaun (Respondent) (Osun State Shariah Panel, 2016)

Ramat filed a petition on 30 July 2019 seeking the dissolution of her marriage (*khul'*) to Teslim Olusola Animashaun on the grounds of lack of love and care, threats to her life, insincerity, and exploitation. During the hearing held on 5 September 2019, Ramat testified that she had married Teslim on 24 December 2016. Shortly after the marriage, she began experiencing threats from both her co-wife and her husband. She further alleged:

"My husband does not provide for my food or clothing. He also denies me my right to conjugal relations without any justifiable reason. Several attempts were made by my parents to resolve the matter, but all proved unsuccessful."

Panel's Observations and Decision

The Panel observed that the marriage had been characterized by persistent disputes, neglect, and threats to the complainant's safety, making it impossible for the parties to continue living together peacefully as husband and wife. Furthermore, Teslim failed to comply with the outcomes of previous arbitration proceedings. Ramat's parents also indicated that they were unwilling to allow their daughter to return to Teslim unless he agreed to comply with the arbitration terms. Based on these findings, the Panel dissolved the marriage. Because Ramat sought the dissolution through *khul'* under Islamic law, she was required to return her *mahr* (dowry), which consisted of a translated copy of the Qur'an that remained in Teslim's possession.

Custody and Child Support

Custody of the couple's young daughter, Hameedah, was awarded to Ramat, provided that she does not remarry. Teslim was granted visitation rights, subject to mutual agreement between both parties. The Panel further ordered Teslim to pay ₦10,000 per month for the child's maintenance, excluding expenses related to education, healthcare, and accommodation. Ramat was also required to observe the mandatory *'iddah* (waiting period) of three menstrual cycles commencing on 2 January 2020, in accordance with the Qur'an (2:228). Upon completion of the *'iddah* period, she would be free to remarry.

Grounds for the Judgment

The Panel's decision was based on the principles governing *khul'* under Islamic law and was supported by the following considerations:

1. Ramat's request for the dissolution of the marriage due to Teslim's failure to fulfill his marital obligations, including providing financial maintenance and managing his responsibilities toward his two wives fairly.
2. The injunction contained in the Qur'an (2:233), which emphasizes fairness and mutual responsibility between both parents concerning the welfare of their child.
3. Prophetic precedent, particularly the case of the wife of Thabit ibn Qays, who was granted a divorce after returning her *mahr* (Al-Bukhari, 1422 AH).

4. The principle of child custody favoring the mother, as reflected in the hadith narrated by Abdullah ibn Amr, in which the Prophet (PBUH) affirmed the mother's right to custody unless she remarries ([Abu Dawud, n.d.](#)).

The Panel also required Ramat to observe a waiting period of three menstrual cycles, relying on the provisions of the Qur'an (65:1) and Qur'an (65:4). However, it is noteworthy that although the Panel adopted the scholarly opinion equating *khul'* (a wife-initiated dissolution of marriage) with *talaq* (a husband-initiated divorce), thereby applying the same waiting period, it did not consider alternative juristic opinions. According to [Sabiq \(1977\)](#), several scholars argue that, unlike *talaq*, which is revocable, *khul'* is irrevocable. Consequently, they maintain that the waiting period applicable to *khul'* differs from that of *talaq*. Furthermore, the authority cited by the Panel prescribes a waiting period of one menstrual cycle rather than three. The relevant hadith states:

عن ابي عباس رضى الله عنهما: أن امرأة ثابت بن قيس أتت النبي صلى الله عليه وسلم؛ قالت يا رسول الله، ثابت بن قيس ما أعتب عليه في خلق ولا دين ولكني أكره الكفر في الإسلام، فقال رسول الله صلى الله عليه وسلم: أتردين عليه حديقته؟ "قالت: نعم. قال رسول الله صلى الله عليه وسلم – اقبل الحديقة وطلقها تطليقا" رواه البخارى .

Ibn Abbas (May Allah be pleased with him) narrated that the wife of Thabit Ibn Qais came to the Messenger of Allah and said to him: Messenger of Allah, I do not blame anything in the religion or the manners of Thābit Ibn Qais, but I hate to do the deeds of disbelief if I remained with him. The Messenger of Allah said to him: "*Accept the garden and divorce her once*" ([Al-Bukhari, 1422 AH](#)).

Case 3

Akeem Iwintade (Complainant) v. Ganiyat Arikewuyo (Respondent) ([Osun State Shariah Panel, 2019](#))

The case between Akeem Iwintade and Ganiyat Arikewuyo, concerning child custody (*hadanah*), was filed before the Osun State Independent Shariah Panel on 12 November 2017. The complainant, Akeem Iwintade, sought custody of the couple's children following his divorce from Ganiyat Arikewuyo.

Proceedings

- At the first hearing, held on 4 January 2018, neither party appeared before the Panel.
- At the second hearing, held on 1 February 2018, both parties were again absent.
- At the third hearing, held on 1 March 2018, only the complainant appeared before the Panel. The complainant presented the following allegations against the respondent:
 1. She neglected the welfare of their two children.
 2. She failed to prioritize the children's Arabic and Islamic education.
 3. She was not a righteous person, lacked adequate understanding of the *Sunnah*, and did not practice its teachings.
 4. She had denied him access to the children since 2015.
 5. Her family members were irresponsible.

Before filing the case before the Panel, the complainant had reported the matter to the State Social Welfare Service in Osogbo but was unable to obtain a satisfactory resolution. During the hearing held on 4 October 2018, the complainant presented three relatives as witnesses. The Panel carefully examined the evidence presented by the complainant and provided an Islamic legal perspective on *hadanah* (child custody). It emphasized the following principles:

- Both parents possess custodial rights unless either parent is disqualified on religious or legal grounds.

- Mothers are generally regarded as the most suitable caregivers during the early years of a child's life because of their compassion and nurturing role.
- Custody may subsequently be transferred to the father when the child reaches a stage at which paternal guidance, supervision, and financial support become more essential.

In reaching its decision, the Panel relied on Islamic legal authorities, including a hadith in which the Prophet Muhammad (PBUH) affirmed the mother's right to custody, provided that she had not remarried.

عن عبد الله بن عمرو رضي الله تعالى عنهما ان امرأة قالت: يا رسول الله! إن ابني هذا كان بطني له وعاء وثدي له شقاء وحجري له حواء، وإن أباه طلقني وأراد أن ينزعه مني، قال لها رسول الله – صلى الله عليه وسلم -: أنت أحق به مالم تتكحى

It was reported on the authority of Abdullahi Ibn Amr bin As that a woman approached the Prophet and said (pointing to her child): *"O Prophet of Allah! This child of mine, use my stomach as his container, my breast milk as his irrigation, and my lap as his containment. His father recently divorced me and wants to seize him away from me! The Prophet then replied: you deserve to have his custody better than him, provided that you do not remarry."* (Abu Dawud, n.d.).

They further noted that custody may end when a child reaches an age of discretion, with the judiciary determining custody based on the child's condition and understanding.

Judgment

The Panel awarded custody of the children, Faridah and Abdulmalik, to the respondent, citing her ability to provide appropriate moral guidance and a sound Islamic education. The decision was supported by the legal precedent discussed above. The Panel found no evidence to substantiate the complainant's allegations regarding the respondent's alleged moral deficiencies. Her appearance, conduct, and manner of speech did not indicate any deficiency in her moral character or religious commitment.

The complainant was ordered to pay a monthly child maintenance allowance of ₦10,000, as required under the Qur'anic injunctions (Qur'an 65:7; 2:233), which emphasize that financial support should be provided according to one's means. The respondent was also required to present the children before the Panel whenever summoned, and any matters relating to custody or visitation were to be conducted through the Panel.

Shittu and Rashid (2014) examined the issue of child custody in Central Nigeria. The authors argued that child custody in Nigeria is often characterized by considerable practical challenges. According to their findings, the country's economic conditions frequently render the financial support provided by fathers insufficient to meet the children's needs. Consequently, mothers often assume a disproportionate share of childcare responsibilities. Unless fathers demonstrate a sustained commitment to meeting their parental obligations and complying with legal responsibilities, mothers may eventually relinquish custody, particularly when the children have reached an age at which paternal care and financial responsibility become increasingly important (Shittu & Rashid, 2014).

Impacts of the Osun State Independent Shariah Panel on Society

Data Analysis and Results

A researcher-designed questionnaire was administered to collect data on the impact of the Osun State Independent Shariah Panel on society. Descriptive and inferential statistical techniques were employed to analyze the data. A total of fifty respondents participated in the study, and the

collected data were analyzed as follows:

Table 2. Demographic Data of the Respondents Based on Age

Age	Frequency	Percentage (%)
10-20	2 -	4.00%
21-40	20	40.00%
41-60	28	56.00%
Total	50	100

Results presented in Table 2 show that, of the 50 respondents surveyed, 2 (4.0%) were between 10 and 20 years of age, while 20 respondents (40.0%) were between 21 and 40 years old. According to the Islamic perspective adopted in this study, this age group represents the youth population. Thus, 44.0% of the respondents were classified as youths, although some were already married. The remaining 28 respondents (56.0%) were between 41 and 60 years of age, indicating that the majority of the respondents belonged to this age group. Individuals within this age category are more likely to experience marital and family-related disputes requiring arbitration than younger respondents.

Table 3. Demographic Data of the Respondents Based on Religion Involved

Religion	Frequency	Percentage (%)
Islam	48	96.00%
Christianity	2	4.00%
Others	0	0.00%
Total	50	100

Results presented in Table 3 show that, of the 50 respondents surveyed, 48 (96.0%) were Muslims, while 2 (4.0%) were Christians. No respondents from other religious affiliations participated in the study. Attempts were made to interview adherents of traditional religions; however, those contacted indicated that they were unaware of the existence of the Shariah Panel. This finding suggests that the respondents were predominantly Muslims, reflecting the greater relevance and visibility of the Panel within the Muslim community.

Table 4. Demographic Data of Respondents Based on Marital Status

Marital Status	Frequency	Percentage (%)
Single	9	18.00%
Married	41	82.00%
Total	50	100

Results presented in Table 4 show that, of the 50 respondents surveyed, 9 (18.0%) were single, while 41 (82.0%) were married. This indicates that the majority of the respondents were married individuals, who are more likely to have direct experience with or be affected by the services provided by the Shariah Panel.

Table 5. Demographic Data of Respondents Based on Occupation

Occupation	Frequency	Percentage (%)
Civil / Public Service	8	16.00%
Farming/ Trading/craftsmanship	33	66.00%
Missionary/Imams/ Islamic Scholars	9	18.00%
Total	50	100

Results presented in Table 5 show that, of the 50 respondents surveyed, 8 (16.0%) were civil servants, representing the government-employed sector. The majority of the respondents, 33 (66.0%), were self-employed, primarily as farmers, traders, and artisans. The remaining 9 respondents (18.0%) were engaged in religious occupations, including missionaries, imams, and Islamic scholars. These findings indicate that the respondents were predominantly self-employed individuals, particularly farmers, traders, and artisans.

Table 6. Demographic Data of the Respondents Based on Location.

Location	Frequency	Percentage (%)
Osogbo Metropolis	38	76.00%
Suburbs of Osogbo	12	24.00%
Total	50	100

Results presented in Table 6 show that, of the 50 respondents surveyed, 46 (92.0%) resided within the Kisi metropolis, while only 4 respondents (8.0%) lived in the suburban areas of Kisi. This indicates that the majority of the respondents resided within the metropolitan area of Kisi.

Answers to the Research Questions

A questionnaire consisting of 13 items was administered to assess the perceived impact of the Panel on the people of the state. The instrument employed a four-point Likert response scale. For interpretation purposes, the total scores were classified into three categories: low impact, moderate impact, and high impact. Scores ranging from 13 to 26 were classified as indicating a low level of impact, scores from 27 to 40 represented a moderate level of impact, and scores from 41 to 53 indicated a high level of impact. The descriptive statistics are summarized and presented in the following tables.

Research Question One: What is the Religious Impact of the Osun State Independent *Shariah* Panel on the Osun State Muslims?

Table 7. Classification of Respondents According to Perceived Impact

Grading	Frequency	Percentage
Low Impact 13-26	1-	2.00%
Average Impact 27-40	4	8.00%
High Impact 41-53	45	90.00%
Total	50	100

The data shows that the vast majority of respondents (90.0%) perceive the Osun State Independent Shariah Panel to have a high religious impact on the Osun State Muslims. Only a small percentage reported it as having an average (8.0%) or low impact (2.0%). This indicates that the panel is widely regarded as influential in its religious role within the state. In an interview with Mallam Abdulwaheed Salahudeen in Ede, he confirmed that *"the Independent Shariah Panel is a turning point in the history of the people of Osun State as Muslims now see Islam as a practical religion and not theoretical"*

Research Question Two: What is the Socio-Cultural Impact of the Osun State Independent Shariah Panel on the Osun State Muslims?

Table 8. Perceived Impact of the Osun State Independent Shariah Panel

Grading	Frequency	Percentage
Low Impact 13-26	-	0.00%
Average Impact 27-40	2	4.00%
High Impact 41-53	48	96.00%
Total	50	100

Results presented in Table 8 show that, of the 50 respondents surveyed, 2 respondents (4.0%) perceived that the Osun State Independent Shariah Panel had a moderate impact on the socio-cultural life of the community, while the remaining 48 respondents (96.0%) believed that the Panel had a high positive impact on the socio-cultural and moral development of society.

This finding was further supported by an interview with an Islamic cleric, Alhaji Misbaudeen of Osogbo, who stated:

"The establishment of the Independent Shariah Panel fosters unity and peace among Muslims in the state."

Research Question Three: What is the legal impact of the Osun State Independent Shariah Panel on Muslims in Osun State?

Table 9. Levels of Perceived Legal Impact Among Respondents

Grading	Frequency	Percentage
Low Impact 13-26	6	12.00%
Average Impact 27-40	9	18.00%
High Impact 41-53	35	70.00%
Total	50	100

The data presented above indicate that the majority of the respondents (70.0%) perceived the Osun State Independent Shariah Panel as having a high legal impact on the Muslim community in Osun State. Meanwhile, 9 respondents (18.0%) perceived its legal impact as moderate, whereas 6 respondents (12.0%) considered it to have a low legal impact. These findings suggest that the Panel plays a significant role in influencing legal affairs and promoting the application of Shariah principles within the Muslim community.

This finding was further supported by an interview with Dr. Abdullateef, one of the judges serving on the Panel. He observed that the establishment of the Panel has positively influenced Muslims' attitudes toward marital disputes in the state. According to him:

"The level of marital disputes among Muslims in the state has declined. This demonstrates the Panel's effectiveness in promoting peace within the community. Even Christians patronize the Panel for dispute resolution."

Research Question Four: What is the Moral Impact of the Osun State Independent Shari'ah Panel on the Osun State Muslims?

Table 10. Distribution of Respondents by Perceived Peacebuilding Impact of the Osun State Independent Shariah Panel

Grading	Frequency	Percentage
Low Impact 13-26	3	6.00%
Average Impact 27-40	7	14.00%
High Impact 41-53	40	80.00%
Total	50	100

The findings indicate that the majority of respondents (80.0%) perceived the Osun State Independent Shariah Panel as having a high moral impact on the Muslim community. Meanwhile, 7 respondents (14.0%) perceived its impact as moderate, whereas 3 respondents (6.0%) considered it to have a low moral impact. These findings suggest that the Panel plays a significant role in promoting moral values and ethical conduct within the community.

This finding was further supported by an interview with Alhaja Motunrayo Sulaiman, who stated:

"Although individuals are not prosecuted before the Shariah Panel for the offence of zina, the requirement that any person who fathers or gives birth to a child must assume legal responsibility for the child's welfare has contributed to reducing the incidence of premarital and extramarital sexual relationships within the community."

Discussion of Results

The overall findings indicate that, across all dimensions examined- religious, socio-cultural, legal, and moral- the Osun State Independent Shariah Panel is perceived positively by the majority of respondents, highlighting its important role within the Muslim community. Nevertheless, the moderate and low impact ratings reported by a minority of respondents suggest opportunities for improvement, particularly in expanding public awareness, strengthening community outreach, enhancing accessibility, and ensuring that the Panel's services are widely understood.

The findings further suggest that the Panel has contributed to the promotion of a Shariah-based dispute resolution system by adjudicating matters relating to marriage, inheritance, family disputes, and commercial transactions in accordance with Islamic legal principles. The Osun State Independent Shariah Panel (OSISP) provides Muslims, and in some instances non-Muslims who voluntarily submit to its jurisdiction, with an alternative mechanism for resolving disputes consistent with Islamic teachings. This approach reinforces religious identity and strengthens social cohesion within the Muslim community while addressing legal concerns that some Muslims

perceive as inadequately accommodated within the secular judicial system.

Unlike the secular legal framework, Shariah provides specific legal principles governing matters such as marriage dissolution, inheritance distribution, child custody, and the rights and responsibilities of spouses within the family. These principles offer a distinct normative framework that many respondents considered more compatible with their religious beliefs and expectations. Consequently, the Panel serves not only as a dispute resolution mechanism but also as an institution that reinforces ethical conduct and social justice within the community.

The findings also suggest that the Panel is widely perceived as providing a more accessible, timely, and community-oriented mechanism for resolving family and inheritance disputes than the conventional court system. These characteristics may reduce the financial and procedural burdens commonly associated with litigation in secular courts. Some respondents acknowledged the possibility that the existence of a Shariah Panel could be perceived as creating divisions between Muslim and non-Muslim communities. However, interview participants explained that sustained public awareness initiatives have helped clarify that the Panel primarily serves Muslims and that participation by non-Muslims is entirely voluntary. According to the respondents, these efforts have contributed to reducing misconceptions regarding the Panel's objectives and jurisdiction.

It can be concluded that the establishment of the Osun State Independent Shariah Panel, like other legal institutions operating alongside Nigeria's secular judicial system, has generated significant cultural, legal, and social impacts on society. The Panel provides an alternative dispute resolution mechanism grounded in Islamic law, thereby strengthening the cultural and religious identity of the Muslim community. At the same time, its operation raises important issues concerning gender equality, human rights, and its relationship with the country's secular legal framework. The effectiveness and long-term societal impact of the Panel largely depend on the prevailing social context, political commitment to regulating and supporting its operation, and the ability to balance religious autonomy with the protection of the rights of all citizens.

Despite its significant contributions, the Panel continues to face several challenges that limit its effectiveness. Its jurisdiction is primarily restricted to matters of Islamic personal law, including marriage, divorce, inheritance, and related family issues. Given the increasing incidence of criminal offences in Nigeria, a dispute resolution mechanism without criminal jurisdiction may be perceived as having limited capacity to provide comprehensive justice. One example cited by the Panel involved an individual who voluntarily appeared before it after confessing to the offence of *zina* and requested to be judged under Shariah law. Because the Panel lacks criminal jurisdiction, it was only able to advise the individual to repent rather than impose any legal sanction ([Osun State Shariah Panel, 2016](#)).

Religious diversity also presents an ongoing challenge to the operation of the Panel. For example, [The Punch \(2025\)](#) reported opposition from several Pan-Yoruba organizations regarding proposals to expand the application of Shariah law in Southwestern Nigeria. According to the report, representatives of these organizations stated:

"We, the true representatives of the Yoruba people, strongly oppose the introduction of Shariah in any part of Yorubaland, including Lagos, Ogun, Oyo, Osun, Ekiti, Delta, Kogi, Edo, Kwara, and Ondo States" ([The Punch, 2025](#)).

The report further noted concerns that Shariah law may not be appropriate within a religiously plural society. These differing perspectives illustrate the continuing debate surrounding the role of religious legal institutions within Nigeria's constitutional and multicultural framework.

The Panel is a non-governmental institution that operates with limited financial and institutional resources, which significantly constrain its ability to perform its functions effectively.

Funding is often insufficient to support administrative operations, public outreach activities, and the recruitment and retention of qualified personnel. Most individuals involved in the Panel's administration serve voluntarily, motivated primarily by religious commitment rather than financial incentives. Consequently, they are not subject to formal employment obligations that ensure consistent attendance and operational continuity. According to one Panel member, the absence of adequate financial support has resulted in several operational constraints, including limited access to legal reference materials, inadequate physical infrastructure, and insufficient technological resources. Collectively, these challenges reduce the Panel's operational efficiency and its capacity to fulfill its intended objectives effectively.

Limited public awareness has also been identified as a significant challenge affecting the effectiveness of the Shari'ah Panel. Owing largely to financial constraints, public education and outreach initiatives remain limited, particularly in rural communities where many residents have only a partial understanding of the Panel's jurisdiction and functions. This lack of awareness, together with misconceptions about the Panel's role, may undermine public confidence, thereby reducing its perceived legitimacy and community support.

Furthermore, financial constraints have limited opportunities to provide continuous professional development through training and capacity-building programs for Panel members. Such training is essential for strengthening their legal knowledge, enhancing procedural consistency, and improving the quality of decision-making. For example, the case concerning the waiting period (*'iddah*) following *khul'* (wife-initiated divorce), discussed earlier in this study, illustrates the importance of regular legal training to ensure that Panel members remain informed about differing juristic opinions and contemporary developments in Islamic jurisprudence.

CONCLUSIONS

This study examined the historical development of Islam in Osun State and the establishment of the Osun State Independent Shari'ah Panel (OSISP). It also explored the Panel's organizational structure, jurisdiction, and contributions to dispute resolution within the Muslim community. The findings indicate that the Panel has become an important alternative dispute resolution mechanism, particularly in matters relating to marriage, divorce, inheritance, child custody, and other aspects of Islamic personal law. By providing accessible and culturally appropriate adjudication, the Panel has contributed to social harmony, strengthened religious identity, and complemented the existing judicial framework in Nigeria.

Despite these contributions, the Panel continues to face several institutional challenges, including limited financial resources, inadequate public awareness, restricted jurisdiction, and limited opportunities for the continuous professional development of its members. Addressing these challenges is essential to improving the Panel's institutional capacity and enhancing the quality and consistency of its services. Accordingly, regular training and capacity-building programs should be provided to strengthen members' legal knowledge, procedural competence, and decision-making skills.

The study further recommends that sustainable funding mechanisms be developed to support the Panel's administrative operations, public education initiatives, and institutional development. While community support remains important, collaboration with relevant governmental and non-governmental stakeholders could enhance the Panel's long-term sustainability without compromising its institutional independence. Increasing public awareness of the Panel's jurisdiction and voluntary nature is equally important to reduce misconceptions and promote informed public understanding among both Muslim and non-Muslim communities.

Finally, the findings suggest that the OSISP may provide a useful reference for other states in Southwestern Nigeria seeking to establish community-based Shariah dispute resolution

mechanisms within Nigeria's plural legal system. Nevertheless, any future expansion should be undertaken with due consideration of local demographic characteristics, constitutional provisions, religious diversity, and the need to respect the rights and legal choices of all citizens.

LIMITATION & FURTHER RESEARCH

This study is limited to a single case study of the Osun State Independent Shari'ah Panel, which may restrict the generalizability of the findings to other states or jurisdictions. In addition, the analysis is based primarily on qualitative evidence and respondents' perceptions, without examining long-term judicial outcomes or comparative institutional performance. Future studies should compare Independent Shari'ah Panels across different states in Nigeria using larger and more diverse samples. Further research may also employ mixed-methods or longitudinal designs to examine the long-term effectiveness of these panels in dispute resolution, community trust, and access to

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