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## Kishi Fatwa House and Parajudicial Administration of Islamic Inheritance Law in Nigeria

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### ABSTRACT

The Kishi Fatwa House, since its establishment in 2007, has become a central parajudicial body for administering Islamic inheritance law in Nigeria. This study examined its historical development, objectives and judicial processes, with a focus on five representative cases, to assess procedural adherence to Qur'anic provisions and Islamic jurisprudence. The study adopted a historical qualitative case analysis. Data were drawn from official Fatwa House reports (2019-2021) detailing estate valuations, deductions, fixed shares (*furūd*) and residual distribution (*'aṣabah*). To complement the documentary evidence, semi-structured interviews were conducted with four key Fatwa House officials, providing insider perspectives on procedural practices and interpretative approaches. Results showed consistent application of prescribed shares, including the 2:1 male-to-female ratio, proper prioritisation of debt settlement and exclusion of non-entitled relatives in accordance with the inheritance hierarchy. The institution demonstrated accuracy in complex multi-heir scenarios, transparent deduction of liabilities and fair valuation of both cash and non-cash assets. These findings underline the Fatwa House's function as an accessible, doctrinally compliant mechanism for dispute resolution, promoting equity, religious integrity and community trust in inheritance settlements.

**Keywords:** Fixed share, Parajudicial administration, Islamic inheritance law, Kishi Fatwa House, Residual distribution

### INTRODUCTION

Human history has consistently shown a natural inclination towards social interaction and recognising the importance of connections with others. This can be traced back to ancient stories such as Adam and Eve, where the creation of a life partner emphasises the significance of social relationships. While individuals possess their own autonomy, the inherent need for social connections remains deeply ingrained. These connections encompass various dimensions, including social, political and economic aspects, and can sometimes give rise to conflicts that require judicial intervention. Resolving such disputes can be intricate, particularly when the rights of one party

infringe upon those of another within personal, cultural, economic or religious contexts. Moreover, imbalances in power between the parties involved can lead to instances of injustice. Therefore, the establishment of a jurisdiction equipped to enforce sanctions becomes essential (Kayadibi, 2011:115). In Islam, the institution of the *Shari'ah* Courts seeks to establish comprehensive justice within society. The Qur'an reinforces the belief that it is the religious duty of every individual to actively contribute to the establishment of justice and the creation of a fair society. By creating a system that ensures justice for all members of society, it fosters the growth of a harmonious and equitable community. This requires a collective commitment to upholding the principles of justice and taking proactive measures to resolve disputes in a fair and impartial manner. Through the institution of the *Shari'ah* Courts, Islam aims to cultivate a just society where the rights of individuals are protected and upheld (Jamal, 2010:410).

The Qur'an also emphasises the foundational principles of the judiciary, which have been in existence since the advent of Islamic revelation. These principles are derived from the roots of *Hakama* and *Qada*, capturing the Muslim understanding of "judging" and highlighting the significant role of the Prophet as a judge. In the context of Islamic Law, the judiciary is defined as the authoritative body responsible for issuing legal rulings and making decisions on disputed cases based on the teachings of the Qur'an, the Sunnah of the Prophet, and the consensus of Muslim jurists. The judiciary holds great importance in Muslim society, as its primary role is to administer justice. The Prophets were dispatched, and sacred texts were revealed to establish the foundations of this institution. It is evident that even before his prophethood, Prophet Muhammad played a significant role as a judge, including in the famous Black Stone (*Hajar al-Aswad*) controversy, where he was known for his integrity (Tawfiq, 2010:52). Neither Makkah nor Madinah had formal judicial institutions at that time, as such institutions typically arise within a state. However, as soon as the first Islamic state was established, the Prophet devised a constitution consisting of fifty-two clauses, further elucidating the practical application of the Qur'anic principles. Throughout the Prophet's lifetime, he offered practical guidance on interpreting the broad principles found in the Qur'an, which subsequently inspired many jurists to codify and practice the law during their respective eras (Tawfiq, 2010:121).

In the same vein, the Kishi Fatwa House for Arbitration and Dispute Resolution on Islamic Affairs, as an esteemed institution, plays a crucial role in the administration of the Islamic law of inheritance in Oyo State, Nigeria. It serves as a platform for addressing complex legal matters related to inheritance within the context of Islamic jurisprudence. However, interpreting and implementing these rules can often be a challenging and contentious process, requiring expertise in Islamic jurisprudence and a deep understanding of the Qur'an and Hadith. Hence, the Kishi Fatwa House serves as a specialised entity that offers a platform for individual Muslims to seek guidance and resolution on matters pertaining to the distribution of inherited assets and properties. It acts as an alternative to conventional court systems, providing a Parajudicial avenue for resolving, generally, family matters, Imamship tussles, monetary issues, and, in particular, inheritance distribution (Abdulsalam, 2022:11).

One of the key strengths of the Kishi Fatwa House lies in its ability to provide a comprehensive and impartial analysis of complex inheritance cases. This is accomplished through a meticulous process of consultation, deliberation, and collaboration among knowledgeable scholars, legal experts, and religious authorities. The Grand *Qadi*, along with selected individuals, is entrusted with the duty of reading the *Fatwa* judgment, based on thorough analysis and consideration of the specific case at hand. The *Fatwa* judgments delivered by the Kishi Fatwa House are based on a deep understanding of the principles and teachings of Islamic law, ensuring that the distribution of inherited assets aligns with the prescribed guidelines. This not only serves to provide fair and equitable solutions but also upholds the sanctity of Islamic values and traditions. It is important to note that the Kishi Fatwa

House operates independently and without any external interference. This ensures the integrity and credibility of the arbitration and dispute resolution process. By adhering strictly to the principles of Islamic law, the Fatwa House maintains its authority and legitimacy in the eyes of the Muslim community (Abdulsalam, 2024:240).

Furthermore, the Kishi Fatwa House is not empowered to take disciplinary actions against individuals who violate the tenets of Islamic law in matters of inheritance. Yet, this does not undermine its commitment to upholding justice, promoting adherence to Islamic principles, and protecting the rights of individuals involved in inheritance disputes. In close, the Kishi Fatwa House for Arbitration and Dispute Resolution on Islamic Affairs serves as a vital institution in the administration of Islamic law of inheritance. It offers a platform for individuals to seek guidance and resolution in complex inheritance cases, ensuring fair and equitable distribution of assets in accordance with the teachings of Islam. Through its judicious application of Islamic principles and an unbiased approach to dispute resolution, the Fatwa House contributes to the preservation and promotion of the Islamic legal framework, safeguarding the rights and interests of Muslims in matters of inheritance (Abdulsalam, 2024:241).

## REVIEW OF LITERATURE

### Judicial Institution in Islam

The judiciary is one of the tripod arms of government in an Islamic state, and its duty is to administer justice among the citizenry without any discrimination, in accordance with the injunctions taken from the Qur'an and Hadith. The supplementary sources of judicial administration in Islam include *Ijmā'* of *Ṣahābah* or jurists of a subsequent age; *Qiyās* signifies a process of deduction by which the text of the Qur'an or Hadith is applied to cases which are not directly or expressly mentioned in the texts or have same underlying reasons or '*illāt* (causes); *Istiḥsān* which signifies juristic preference to eliminate hardship in the community; *Maṣāliḥ al-Mursala* connotes matters which are benefited to the Muslim community may, therefore, be permitted or prohibited to advance public interest; and, '*urf* (custom) provides valid rule of Islamic legislature if they are common, certain, frequent, reasonable and more importantly, not in conflict with other texts of *Sharī'ah* (Zubair, 2006:28).

The judicial institution began in the early stage of Islam, most especially, in Madinah, which was the first Islamic state, and Prophet Muhammad was the head of state, the commander in chief of the army, the chief supervisor of economics, and was the first judge who was exclusively responsible for the judiciary which was often more like *Iftā* and arbitration (Qadri, 1984:112). The judiciary during the time of the Prophet is distinguished from the rest of the judiciary in Islamic history, because it was the era of the first departure and the starting point, and the cornerstone of the judiciary in Islam. Therefore, the judgment, truth, and justice in the Prophet's covenant were linked to the sky, and under direct divine supervision, so the revelation was revealed by judgments, guides to the truth, indicates the right path, and oversees implementation (Al-Zuhaili, 2001:75). It is suffice to say that the Prophet judged for both Muslim and non-Muslims, and they used to confess their sins and violations of law before him so that proper punishment be carried out on them. The cases of Mā'iz and Ghāmidīyah are very famous examples in the judicial history of Islam (Al-Bukhārī, 1987).

In another development, the Prophet also appointed other Companions to be judges, like Amr ibn al-'As, to adjudicate between the disputant parties. He replied as to how it was possible while the Prophet was among them. The Prophet said to him, "*Judge between them if you reach the right conclusion. You get ten times the rewards, and if you erred in your Ijtihād, you get a single reward.*" Mu'ādh bin Jabal, was deployed as a judge to Yemen, and the Prophet asked him what would be his

source of law in deciding cases, whereby Mu'ādh was reported to have replied that he will judge with the Qur'an and then the Sunnah of the Prophet and that if he found no clue in the sources would exercise his own reasoning (*Ijtihād*), which the Prophet was reported to have approved. He equally appointed 'Utab ibn Asid as a judge in Makkah after the *fathu* Makkah (As-Sibā'ee, 2008:87; Abdulsalam and Adeogun, 2019:40).

In the era of the Rightly Guided Khulafā', the judiciary continued to evolve throughout the early Islamic era. The first Khalīfah Abu Bakr, his successor Umar bin Khaṭṭāb, the third Khalīfah Uthman, and Ali, the fourth Khalīfah, all adjudicated on different cases. They also appointed a judge in all provinces of the Islamic State. For instance, Abu Bakr appointed Umar bin Khaṭṭāb as a judge and said to him: *"Judge between people because I am busy with other things"*. Then the head of state was responsible for the appointment and supervision of judges. However, Umar became Khalīfah, he separated the judiciary from the administration and appointed to the judiciary persons who were not administrators. He appointed Abu al-Dardā' in Madinah and Damascus, Abu Musa al-Ash'ari in Basrah, Shurayh bin Ḥārith in Kūfah and Uthman bin Qays in Egypt (Qadri, 1984:112).

It is worthy of note that when Umar designated Abu Musa as a judge, he penned an inauguration letter to him, encapsulating the comprehensive set of regulations that define and oversee the role of a judge. This letter serves as the foundational document from which judicial laws and principles are derived. Within its contents, Umar elucidates:

*Now, the office of a judge is a definite religious duty and a generally followed practice. Understand the depositions that are made before you, for it is useless to consider a plea that is not valid. Consider all the people equal before you in your court and in your attention, so that the noble will not expect you to be partial and the humble will not despair of justice from you. The claimant must produce evidence; from the defendant, an oath may be demanded. Compromise is permissible among Muslims, but not any agreement through which something forbidden would be permitted, or something permitted forbidden. If you gave judgment yesterday, and today, upon reconsideration, come to the correct opinion, you should not feel prevented by your first judgment from retracting; for justice is primaeval, and it is better to retract than to persist in worthlessness. Use your brain about matters that perplex you and to which neither Qur'an nor Sunnah seem to apply. Study similar cases and evaluate the situation through analogy with those similar cases. If a person brings a claim, which he may or may not be able to prove, set a time limit for him. If he brings proof within the time limit, you should allow his claim; otherwise, you are permitted to give judgment against him. This is the better way to forestall or clear up any possible doubt. All Muslims are acceptable as witnesses against each other, except such as have received a punishment provided for by the religious law, such as are proved to have given false witness, and such as are suspected of partiality on the ground of client status or relationship, for God, praised be He, forgives because of oaths and postpones punishment in face of the evidence. Avoid fatigue and weariness, and annoyance at the litigants. For establishing justice in the courts of justice, God will grant you a rich reward and give you a good reputation (Al-Jabali et al., 2022:1141-1153).*

In this letter, we find a plethora of matters – substance of plea, impartiality, burden of proof, settlement, hierarchy of law and judicial preference, amendment of judgment, credibility of witnesses, court mannerism, and underlying principles of justice and fairness. Nearly covering all facets of the rules of procedure in a short but comprehensive letter. It is apt to conclude that traditional texts such as these have shaped modern law and were extremely influential in their development, even indirectly. Thus, with Umar's judicial landmark, judgeship became a professional

office and took a new turn during the Umayyad and the Abbasid eras. The office of the Chief Justice came into being at this time due to the Arabo-Islamic rapid expansion and the vast growth of the state's judicial apparatus. The Chief Justice became responsible for appointing and removing judges. He was responsible for supervising their conduct and monitoring their performance. Thereafter, this office became widespread throughout the Muslim lands. It continued to exist up to the fall of the Ottoman Empire (Kayadibi, 2011:115).

The remarkable achievement in those eras, most especially, in the area of judicial institution, was because Islam sets down broad guidelines and basic principles concerning the affairs of life and rarely concerns itself with the particular details of life. So that these guidelines can stay relevant for every time and place. One of these guidelines is that establishing justice among people is an obligation that Prophet Muhammad emphasized during his last Sermon (*Hujjah al-Wadā'*), testified his love for justice and equality by publically declaring to community that if he owed anything to anyone or had misappropriated any one's property or had done any harm to anyone's life or reputation so he was there for compensation. The audience was amazed, and out of the whole assembly, there was only one person who claimed some Dirhams, which were paid promptly (Rehman *et al*, 2013:73).

The above scenario shows that Islam does not allow any discrimination because of social economic status, race, colour, language and religious affiliation. All human beings, for the enforcement of law, are equal in the sight of Allah. In the same way, they must also be equal before a judge who decides their disputes, even if one of the parties to litigation is the head of state and his opponent is his subject or the criminal comes from a noble family. That was why the Prophet rebuked the Quraysh who were pleading for a capital punishment not to be carried out, because the criminal was of the noble family in Makkah, and the Prophet sworn with Allah's name that if his daughter, Fatimah steal, she would be subjected to the punishments for major crimes '*Hudūd*' just like any other person (Al-Jazīriy, 2000:7). In addition, the companions of the Prophet used to observe strictly the equality among the litigants. Once there was a dispute between Ubay Ibn Ka'ab and Umar, the Khalifah. Zayd bin Hārithah was the judge. Zayd spread carpet for Umar and, during the proceedings, requested Ubay bin Ka'ab to excuse the Khalifah from oath. Umar noticed this injustice and swore and said, "*He would never let Zayd be a judge until Umar and ordinary Muslims are treated equally by him*" (Ibn Kathīr, 2003). Another famous case is that of Ali versus a Jew, where the judge, Shurayh, decided the case against Ali. And the Jew got so impressed by the impartiality of the Islamic judiciary that he embraced Islam, saying: "Amir al-Mu'minīn brought me to his judge and his judge decided against him, I stand witness that this faith is the true one and I bear witness that there is no God except Allah and Muhammad is his Apostle" (Ra'fat al-Bāshā, 2006:120-123). Islam, therefore, enjoins administration of justice in a detached approach, even though the decision may go against a judge's own kinsmen or his own community.

Similarly, a quintessential facet of the legislative framework rooted in the Qur'an pertains to the judicial sovereignty bestowed upon diverse communities of individuals. Rather than mandating the imposition of Islamic law across the board, the essence of Islam is to embrace and promote the existence of separate legal systems for various groups, such as Christians, Jews, Pagans and others. Each community is encouraged to establish its own judiciary, headed by judges of their choosing, to enforce its laws in every domain of human activities, encompassing both civil and criminal aspects (Sicker, 2000:9-10). Consequently, in situations where litigants hail from different communities, a specific type of private international law intervenes to adjudicate conflicts of laws, ensuring a just and impartial resolution. Contrary to enforcing a policy of merging all subjects within the legal framework of the dominant community, Islam is steadfast in its commitment to safeguarding the rights and welfare of all its constituents, fostering a milieu of mutual respect and cohabitation. This

principle underscores the inclusive and protective nature of Islamic governance over its multicultural populace.

### **Brief History of Islam in Kisi**

Kisi, a large town located in Oyo State, Nigeria, holds a prominent position as the administrative hub for the Irepo Local Government Area. Situated in the northern region of Oyo State, Kisi is in proximity to the former Katunga, which experienced its decline in the 18th century due to the *Jihād* activities led by the Hausa/Fulani of Ilorin, in present-day Kwara State (Olaniyi, 1982:3).<sup>22</sup> Notably, Kisi's historical reputation rests on its remarkable resilience, having never been conquered or defeated in battles. This distinction attracted the migration and settlement of numerous individuals from old Oyo during and after the Fulani Jihadist invasion. Kisi's strategic geographical location places it approximately 240 km away from Ibadan, the capital city of Oyo State. Furthermore, it stands roughly 200 km from Oyo Alaafin and 110 km from Ilorin, enhancing its accessibility and regional connectivity. These factors contribute to Kisi's significance as a thriving town with a rich history and a vibrant community (Olaniyi, 1982:3).

Kisi has three predominant religions: Traditional, Islam and Christianity. In 1868, the Oloyoyo family played a pivotal role in introducing the Islamic faith to the town of Kisi, fostering a path of religious transformation. The Teeffa family, deeply influenced by the Oloyoyo family's devotion to Islam, actively embraced and propagated the faith throughout the town and its environs. The residential area associated with the Oloyoyo family, known as *Isale-Imole*, carries profound significance due to its layered meanings. Firstly, it signifies the origin of the Mali religion, forging a direct connection between West African Islam and Timbuktu, a revered city in Mali. Additionally, *Isale-Imole* embodies the concept of "*Imo-lile*", denoting the pursuit of intricate knowledge, as Islamic teachings often entail comprehending Arabic inscriptions and understanding the nuances of the Qur'an (Surajudeen and Zahiri, 2011:27).

The arrival of Abdullah bin al-Malik, a distinguished Islamic scholar, in 1894 marked a momentous milestone in the historical tapestry of Islam in Kisi. His profound influence facilitated the conversion of the then king, Adewale Ariwajoye, to Islam, unlocking a positive ripple effect that resonated with the townspeople, fostering an environment of greater acceptance and understanding of the Islamic faith. Consequently, Islam has taken firm root in the town, with Muslims constituting the majority of its population. This enduring legacy of Islam in Kisi serves as a testament to the collective efforts of the Oloyoyo and Teeffa families, as well as the transformative impact of scholars like Abdullah bin al-Malik in shaping the religious landscape (Surajudeen and Zahiri, 2011:27). Currently, Kisi boasts a predominantly Muslim population, with Islam taking a central role in the community. The town is home to various influential Muslim organisations, including the Anwar-ul-Islam Society, the *Tijāniyyah* and *Qādiriyyah* groups, Muslim Students' Society Nigeria (MSSN), National Council of Muslim Youth Organisations (NACOMYO), Ansarudeen Society of Nigeria, and *Nasrul-lahi-li Fāthi* Society of Nigeria (NASFAT), among others. This vibrant presence of Muslim organisations reflects the strong Islamic heritage and active religious participation within the town (Abdulsalam *et al.*, 2025:84).

### **RESEARCH METHODOLOGY**

This study employed a historical qualitative case analysis to examine the role of the Kishi Fatwa House in the parajudicial administration of Islamic inheritance law in Nigeria. This approach was selected to enable a detailed understanding of the institution's historical evolution, operational mechanisms, and adjudication inheritance cases within the framework of *Sharī'ah*. Five

representative cases handled by the Fatwa House were purposefully selected. To complement and contextualise the case data, semi-structured interviews were conducted with four key Fatwa House officials. These interviews offered nuanced perspectives and insider accounts that enriched the understanding of the Fatwa House's functions and challenges.

## FINDINGS

### Fatwa House and its Parajudicial Administration

The inception of Fatwa House can be traced back to January 24th, 2004, when His Royal Majesty, Engineer Moshood Aweda Arowoduye II, the Iba of Kisi, recognised the need for a platform within the Nigerian Supreme Council for Islamic Affairs, Kisi chapter, to address issues concerning Muslims in accordance with Islamic law. The growing number of inheritance and divorce cases brought before him daily raised concerns, as not all of his chiefs were Muslims and lacked jurisdiction over Islamic laws, potentially impacting their judgments (Tajudeen, 2021). To address this, the Fatwa Committee was established with unwavering support from His Royal Majesty, the Iba of Kisi land, the late Chief Imam of Kisi, Shaykh Solihudeen Kinihun-Adini III, the current Chief Imam, Shaykh Solihudeen Dambaba, as well as members of the League of Imams and Alfas Kisi Branch, Kisi Muslim Council, the Muslim Student Society of Nigeria (MSSN), and the National Association of Muslim Youth Organization (NACOMYO) Kisi branch. The combined efforts of these entities played a significant role in the establishment of the Fatwa Committee (Khalid, 2021).

The primary objectives of the Fatwa Committee are to identify and address social crises within the Muslim *Ummah* and to prioritise religious matters. These responsibilities were divided into three key areas: Giving religious verdicts (*fatāwa*) on various issues; serving as an arbitration panel and *Shari'ah* Court; and resolving social problems among Muslims within the community. These assignments highlight the multifaceted role of the Fatwa Committee, encompassing religious guidance, dispute resolution, and social problem-solving within the Muslim community. From the onset, a nine-member committee was appointed as the pioneer members of Fatwah House, and according to the current Grand *Qāḍi*, Shykh Abdullah Tajudeen, has laid a solid foundation for the Fatwa House in the community and recorded unprecedented achievements during their term of reference. The committee was able to deliver *fatāwa* (judgments) on about three hundred cases. Ringing from divorce, sharing of inheritance, sighting of crescent moon for Ramadan fasting, funeral rite, Imamship tussle, etc. (Tajudeen, 2021).

The enormous task faced by the Fatwa committee brought the idea of changing the fatwa committee to Fatwa Houses in 2007 for the following reasons: One, to sweet the aims and objectives of its formation. Two, to decentralise the Houses for the easy administration of tasks ahead of the community. The Fatwa Houses are, therefore, formed as "the Upper Fatwa House" and "the Lower Fatwa Houses". The upper Fatwa house is the apex body for the other houses. It comprises nine (9) members, which include the Grand Mufti and the secretary. While the lower Fatwa House comprises five (5) members, each, whom includes a mufti and a secretary. The lower fatwa House is established in the four zones of Kishi and its environment, as created by the 2007 By-Law of the Nigeria Supreme Council for Islamic Affairs, Irepo local government chapter.

In defining functions between the two Houses, Abdullah (2021) affirmed that the lower Fatwa Houses shall have the power to try cases relating to: (i) Muslim family disputes. (ii) Inter and intra mosque disputes. (iii) Disputes among individual Muslims. (iv) Divorce and child custody. While the upper Fatwa House shall have power to try cases relating to Appeal as against the ruling of the lower Fatwa Houses, and any judgment made shall supersede, thus, cases can only be transfer from lower fatwa

to upper fatwa houses; Divorce and *Haqānah* (custody of child); Inter and intra and organization disputes; Inheritance sharing; Adultery/fornication; and, social vices which required *al-Ta'zīr* (discretionary punishment), such as mismanagement of funds, fraud, indiscipline, child abuse, drug abuse, taking of oath etc (Tajudeen, 2021).

Furthermore, the Fatwa House was approved to operate by the federal government of Nigeria in 2019, with registration number: CAC/IT/NO128704. Administratively, a Grand Mufti heading the Upper Fatwa House and a "Mufti" coordinate the lower ones. However, the head of the Fatwa House was changed to Grand *Qāḍi* (Chief Judge) in line with the 2016 amended constitution of the Nigeria Supreme Council for Islamic Affairs, Irepo Local Government chapter. Also in the two hierarchies, two clerks are serving under the secretary of the Upper House, and a clerk for each Lower Fatwa House. There is a provision of a law enforcement agency at each Fatwa House to maintain peace and order. This has helped the "House" to succeed in impacting pristine Islamic values on Muslims through the judgment delivery, organising seminars and public lectures, where topical issues of *Shari'ah* (e.g. marriage, divorce, funeral rites, inheritance, etc.) were discussed (Jamiu, 2021).

Nowadays, the activities of the Fatwa have been fully entrenched in the town. Muslims in the community want to redress their grievances at Fatwa Houses because they understand that the true justice (Qur'an and Hadith) shall be delivered without fear or favour. It is worthy of note that the Christians and the Idol worshipers do file cases, as plaintiffs, against Muslims at the Fatwa House, and, at times, as defendants. For instance, a Christian brought a case against a Muslim who was befriending his wife. Eventually, the Christian man won the case; he was not cheated because of religious differences, and the Muslim man was not favoured because he is a Muslim. Consequently, between 2004 to 2021, the total number of cases handled and treated in both upper and lower Fatwa houses is: Number of treated cases (1,538), finalised cases (1,324) and pending cases (107) (Khalid, 2021).

### **Its Judicial Procedures**

To present cases in the Fatwa House, the complainants must visit the Fatwa House, where they will have the opportunity to provide detailed information regarding their situation to the Fatwa members. This includes disclosing the respondent's name, address, and phone number. Similarly, the complainant must also provide their own names, addresses, and phone numbers and, afterwards, schedule a meeting at the Fatwa house with the respondent. The Upper Fatwa house's secretary is responsible for seeking approval from the Grand *Qāḍi* to invite the relevant individuals to the Fatwa house. Likewise, the Lower Fatwa house's secretary must also obtain approval from the *Qāḍi* to invite the concerned parties. Additionally, the Fatwa secretary is tasked with sending a Fatwa invitation letter to the concerned individuals, with the assistance of Muslim security, if required.

In the event of the respondent's absence or the absence of any other involved party, the Fatwa house may try to contact them via phone call or alternative means. All complainants, respondents, and attendees must provide their complete name, address, and phone number in the attendance book during the Fatwa session. The Fatwa House clerk, under the supervision and authority of the Fatwa Secretary, along with the assistance of Muslim security agents, monitors attendance. During the Fatwa session, complainants and respondents are expected to sit appropriately, with males on one side and females on the other. Latecomers should avoid greeting or engaging in conversation and proceed directly to their seats. The members of the Fatwa will occupy their designated seats, facing the audience, and it is not permitted for anyone to sit alongside them (Tajudeen, 2021).



The Grand *Qāḍi* serves as the coordinator of the Upper Fatwa House and may also participate in the proceedings of the lower Fatwa houses if necessary. Similarly, the *Qāḍi* of the lower Fatwa houses is responsible for coordinating the activities within their respective lower house. It is the duty of the Grand *Qāḍi* to officially open and close the proceedings at the Upper Fatwa house, while the *Qāḍi* of the lower Fatwa house performs the same function for the lower house, unless the Grand *Qāḍi* is present with them. Once the house is opened, the secretary seeks approval from the relevant *Qāḍi* to call forth the case of the day, taking into account the attendance. Following this, the complainant(s) and respondent(s) are asked to take an oath before presenting their cases. The complainant is allowed to present their case first, followed by the respondent presenting their defence. It is important to note that confrontation and interruption are not allowed from either side during these presentations. After both sides have presented their arguments, each member of the house has the right to ask clarifying questions regarding any aspects not fully addressed in the presentations. However, such inquiries must be made with the permission of the Grand *Qāḍi* or the presiding *Qāḍi* (Tajudeen, 2021). Once the house is satisfied with the presentations made by both parties, the members proceed to a recess to study the case in accordance with Islamic principles. Each member has the right to contribute and provide their perspective to arrive at a just judgment that aligns with the teachings of the Qur'an and the traditions of the Prophet. The members of the Fatwa house are expected to be impartial and unbiased, not letting tribalism, sectarianism, or any other influences affect their decision-making process. Their objective is to diligently discern between right and wrong, truth and falsehood, based on the presentations given by both parties, and to derive their judgment from the Quran, Prophetic traditions (*Sunnah*), analogical deduction (*Ijmā'*), or logical reasoning (*Qiyās*) as appropriate for each case (Tajudeen, 2021).

Judgment lies with the Grand *Qāḍi* at the Upper Fatwa house, as well as anyone else chosen by the Grand *Qāḍi* for this task. However, this can only occur after extensive consultation, deliberation, and finalisation of the case with the co-member. Similarly, it is the duty of the Al-Qadi of the Lower Fatwa house to read the Fatwa judgment, or someone chosen by the *Qāḍi*, following consultations, deliberations, and finalisation of the case among the co-members. During the delivery of judgments, no one is permitted to intervene, except when it is required. Thus, it is worthy of note that the Fatwa House charges no fee for this estimable work.

### **Fatwa House and Islamic Inheritance Law Settlements**

Since its inception in 2007, Fatwa House has played a pivotal role in administering Islamic rulings, particularly in the area of inheritance law. Over the years, the institution has successfully handled more than 200 cases related to inheritance. These cases have been meticulously managed by both the upper and lower chambers of Fatwa House, demonstrating the organisation's commitment to justice and adherence to Islamic legal principles. Among precedent judgments are as follows:

#### **Case One:**

A deceased was survived by his mother, two wives and six children (5 male and 1 female). The total value of his estate was Six million, thirty-five thousand, nine hundred and five naira only (₦6,035,905). The estate was, therefore, shared on 23 November 2021 among the heirs:

Table 1 showing the sharing of the deceased's inheritance:

Heirs	%	General Share	Individual Share
Mother	1/6	1,005,984.6	1,005,984.6
1 <sup>st</sup> Wife			377,244
2 <sup>nd</sup> Wife	1/8	754,488	377,244
Son			777,351.4
Son			777,351.4
Son	2:1	4,275,432.7	777,351.4
Son			777,351.4
Son			777,351.4
Daughter			388,675.7

(Source: Fatwa House 2021 Report)

In the above table, the mother receives a portion of 1/6 of the estate. The spouse (wife) is entitled to 1/8 of the estate if there are children; each wife gets 1/16 of the estate, as there are two wives. The total share of the children is calculated after setting aside the portion for the mother and the wives. The rules state that males get twice as much as females. In this case, there are 5 males and 1 female, making a total of 6 children.

#### Case Two:

A deceased from Agoro Compound Kishi was survived by a wife, father and four children (2 sons and 2 daughters). The deceased's properties opened for distribution were ₦51,383,000, and it was shared in the presence of the heirs and their relatives on 5th September 2020.

Table 2 showing the sharing of the properties:

Legal heirs	%	General proportion	Individual share
Wife	1/8	6,422,875	6,422,875
Father	1/6	8,563,833	8,563,833
Son		24,264,194	12,132,097
Son			12,132,097
Daughter	2:1	36,396,290	6,066,048

The table includes primary Quranic heirs (wife, father, son, daughter), which aligns with the categories in Islamic inheritance law. Wife was correctly assigned 1/8 (when there are children, as per Qur'an 4:12). Father gets 1/6 (as a fixed share when the deceased has children, per Qur'an 4:11). Sons and daughters inherit the residue with the rule that a son receives twice the share of a daughter (2:1 ratio).

#### Case Three:

A deceased estate at Benya compound, Kishi, was distributed to her heirs in accordance with the Islamic Estate law principles on the 12th October, 2019. The deceased's valued properties include: a complete building and tree uncompleted, three shops with stocks, home goods, sets of jewellery, a cow, seven sheep, dresses, shoes and cash. The overall total: ₦9,127,705 only. As part of the inherited

estates, the deceased owes some individuals the amount of ₦663,000. She was survived by a mother, husband and seven children. Moreover, before the sharing, the deceased's debt was paid.

Overall total	9,127,705
Debt deducted from the estate	<u>-663,000</u>
Total balance of the estate declared for distribution:	<u>8,464,705</u>

Table 3 showing the heirs and their shares:

**Heirs and their shares:**

Legal Heirs	%	General Allotment		Individual share
Mother	1/6	1,410,784		1,410,784
Husband	¼	2,116,176		2,116,176
Son				822,957.4
Son				822,957.4
Son	2:1	4,938,218	4,114,787	822,957.4
Son				822,957.4
Son				822,957.4
Daughter			823,431.4	411,715.7
Daughter				411,715.7

**Case Four:**

The deceased was survived by three wives, four sons and eight daughters. His under-listed properties (Monetary Value) were shared on 19 September 2021:

- (a) A building of eight (8) rooms in the main building  
 And six rooms in the backyard located at Kisi  
 Each of the two sitting rooms is valued at ₦600,900  
 Each of the six bedrooms is valued at ₦500,900  
 Each of the six rooms in the backyard is valued at ₦316,000 x 6 = ₦6,103,200
- (b) Three and a half (3 ½ ) plots of land located at Kisi  
 Each of the plots valued ₦150,000 = ₦525,000  
 Grand Total = ₦6,628,200

Table 4 showing the heirs' shares from the inheritance:

Heirs	%	Group Share	Individual Share
Wife (3)	1/8	828,525	276,175
Son (4)		2,899,839.6	724,959.9
Daughter (8)	2:1	2,899,836.8	362,479.6

(Source: Fatwa House 2020 Report)

Here, the Fatwa House applied the principles outlined in Islamic law to calculate the shares of wives, sons and daughters. The wives jointly received 1/8 of the estate, since there are children (4 sons and 8 daughters). While each son receives a share that is double that of a daughter.

#### Case Five:

A deceased was survived by four wives, a full brother (2) and sister (1), eleven sons and eight daughters. His total valued estate, including cash, amounted to thirty-seven million, one hundred and thirty-five thousand naira (₦37,135,000). However, some payments were made out of the estate before the final sharing. These include: One, payment of the deceased's debt (₦1,275,400). Two, renovation of a storey building at Kisi to meet the standard value given to it cost ₦878,180. Three, report and sharing expenses (₦58,000).

Total Deduction – Grand Total of the Estate  
(2,211,580 – 37,135,000 = 34,923,420)

Therefore, the monetary value of the estate shared among the heirs after deduction of the above-mentioned was Thirty-four million, nine hundred and twenty-three thousand, four hundred and twenty naira only (₦34,923,420).

Wife's Share (4):	$1/8 \times 34,923,420 = 4,365,427.5$
	$4,365,427.5 \div 4 = 1,091,356.875$
Children's share:	2:1
Male 11:	$11 \times 2 = 22$
Female 8:	$8 \times 1 = 8$ i.e. $22 + 8 = 30$
	$1/30 \times 30,557,992.5 = 1,018,599.75$

Each male child shares ₦2,037,199.5, while the daughter gets ₦1,018,599.75. Hence, a male child shares the same amount as a female child shares, and the deceased's full brother and sister were excluded because of the presence of children (Fatwa House 2021 Report).

### CHALLENGES FACING THE FATWA HOUSE

The Kishi Fatwa House, as an institution dedicated to the parajudicial administration of Islamic inheritance law, occupies a vital position in the settlement of disputes within the Muslim community of Kishi and its environs. However, despite its contributions to the preservation of *Shari'ah* principles and the provision of culturally relevant justice, the institution faces several challenges that influence its efficiency, acceptance and long-term sustainability.

One of the foremost challenges is the absence of formal legal recognition within Nigeria's constitutional framework. While the Fatwa House commands significant respect and legitimacy among local Muslims, its rulings lack statutory enforceability. This means that dissatisfied parties may disregard decisions or take cases to conventional courts, thereby undermining the institution's authority and disrupting the finality of its judgments. The lack of integration into the formal legal system thus creates a gap between moral compliance and legal enforcement.

The interplay between *Shari'ah* principles and Yoruba customary practices presents yet another challenge. While both systems hold deep cultural significance, they diverge sharply in matters of inheritance, particularly concerning gender-based shares or the distribution of certain assets. In such situations, the Fatwa House is often required to navigate complex socio-cultural expectations without

compromising the religious integrity of Islamic law. This balancing act can result in contentious decisions that may not satisfy all parties.

## DISCUSSION

The Fatwa House's operational framework since 2007 reflects what many scholars describe as an exemplary model of localised *Sharī'ah*-based dispute resolution in inheritance matters. By combining procedural diligence with doctrinal fidelity, it aligns with the Qur'anic mandate for justice and equitable distribution among heirs (Kamali, 2018: 325). Similar to findings in Oseni (2012:159), the Fatwa House's consistent use of *furūd* (fixed shares) and *'aṣabah* (residuary distribution) demonstrates a conscious resistance to socio-cultural distortions of Islamic inheritance law that often disadvantage women or favour customary norms.

The prioritisation of debt settlement, as highlighted in Case Three, is consistent with the jurisprudential hierarchy established in classical *fiqh*, where debts and funeral expenses are settled before inheritance is allocated (Al-Qaradawi, 2013:114). This practice underscores what Hallaq (2009:276) terms the "ethical sequencing" of Islamic legal obligations, which ensures that the rights of creditors are honoured before familial claims are addressed. In contemporary Nigerian contexts, similar debt-first approaches have been documented in Muslim Arbitration Panels, though not always as rigorously enforced (Oloyede, 2014:88).

Gender-based distribution in the 2:1 male-to-female ratio, as prescribed in Qur'an 4:11, has often been challenged in modern discourse as inequitable; however, scholars such as Doi (2008:245) and Nyazee (2016:372) argue that this ratio operates within a larger socio-economic framework in which men bear greater financial obligations toward dependents. The Fatwa House's strict adherence to this principle, even in socially sensitive cases, reflects its prioritisation of *nass* (textual authority) over public opinion, resonating with Kamali's (2018:341) argument that Islamic legal integrity requires loyalty to divine injunctions despite societal pressures.

The handling of multiple-wife cases, as in Cases Four and Five, aligns with the interpretations of Ibn Rushd (1996:88) as detailed in the Qur'an 4:12, which emphasises that the total spousal share is fixed (1/8 in the presence of children) and must be divided equally among wives regardless of number. The Fatwa House's transparency in deducting debts, renovation costs and procedural expenses before distribution also reflects a commitment to *amanah* (trustworthiness), a key ethical principle in Islamic governance (Kamali, 2011:129).

Moreover, the exclusion of siblings when direct descendants are present reflects the classical doctrine of *hajb* (exclusion) as codified in *Ilm al-Farā'id* manuals. According to Oba (2011:302), many informal Islamic tribunals in Nigeria sometimes overlook this principle due to cultural pressures; thus, the Fatwa House's consistency enhances its credibility and positions it as a model for parajudicial *Sharī'ah* institutions in West Africa. In summation, scholarly perspectives confirm that the Fatwa House's procedural clarity, doctrinal fidelity, and ethical prioritisation place it in alignment with both classical Islamic jurisprudence and contemporary best practices in Islamic dispute resolution. Its methodical approach resonates with Kamali's (2018) framework for the faithful application of *Sharī'ah* in modern contexts, while its transparent handling of complex cases sets a precedent for other Muslim communities in Nigeria.

## CONCLUSION

The Fatwa House in Kishi stands as a significant parajudicial institution that has successfully combined doctrinal precision with procedural diligence in the administration of Islamic inheritance law. The five cases examined revealed their staunch adherence to Qur'anic prescriptions and Prophetic guidance, particularly in the application of fixed shares (*furūd*), residual distribution (*‘aṣabah*), debt prioritisation and the principle of *hajb* (exclusion). By consistently applying these principles, the institution not only preserves the integrity of *‘Ilm al-Farā’id* but also counters the socio-cultural distortions that often plague inheritance matters in Yoruba Muslim communities. It further strengthens community trust by ensuring transparent financial deductions and clear documentation of each ruling. The accuracy of its share calculations, even in complex polygamous and high-value estates, demonstrates strong technical competence. Its rulings also serve as educational tools for the public, raising awareness of correct Islamic inheritance procedures. Through these efforts, the Fatwa House fosters social harmony and reduces protracted family disputes. Ultimately, it represents a model of culturally relevant, *Shari‘ah*-compliant justice in a plural legal environment.

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