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The Voyage to Shari'Ah Stardom in Western Nigeria; The Case of Fatwa House, Kishi, Nigeria

Abdulwahab Danladi Shittu (Ph.D)¹, Sodiq Sunkanmi Mustapha²

¹ Associate Professor, Islamic Studies Unit, Department of Religions, Faculty of Arts, University of Ilorin, Ilorin, Kwara State, Nigeria.

² Lecturer, Department of Islamic Law, College of Law, Fountain University Osogbo, Osun State, Nigeria.

¹musodiq@gmail.com

²shittudanladi@gmail.com

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ABSTRACT

Every society strives for justice, but the means to achieve it vary. In Nigeria, the criminal code is the law of the land in the south, while the penal code is used in the north, along with Islamic criminal law. The penal code was later replaced by the Shari'ah penal code in some Muslim-majority states, such as Kano and Zamfara. Due to the Muslim minority in the south, this innovation could not be extended there. As an alternative, Muslims in some southern cities have formed Islamic conflict resolution committees, which lack constitutional backing for trying criminal cases and cannot impose appropriate punishments for such offences tried. This study investigates the strength of the Fatwa House in Kishi, Oyo State to confirm its relevance. The study used a combination of historical, content analysis, and descriptive survey research methods to collect and analyze data. The historical method was used to provide an overview of Shariah in Southern Nigeria. Content analysis was used to study the formation and legislative functions of the Fatwa House in Kishi, while descriptive analysis was used to study and analyze the data collected and the collection procedures. The research confirmed that the Fatwa House has been successful in curtailing social vices in Kishi through the use of reprimand as the main punishment for offences tried by the committee. The study also found that the Fatwa House is well-respected by the Muslim community in Kishi and its surrounding villages. Based on these findings, the study recommends that the Fatwa House should work on extending its reach to surrounding villages and arranging for hearings to be held in those villages. This would allow the Fatwa House to provide an alternative to the conventional court system for Muslims in the region.

INTRODUCTION

The *Shari'ah* in Nigeria with specific reference to the northern region was considered a law of the land at a time before colonisation. Both the Emir and the Alkali courts were given the jurisdiction of trying criminal cases alongside the power to hear civil cases. In places like Kano, Borno and Katsina, the law was considered indigenous to the people and with the emergence of Uthman bn Fodio and the subsequent formulation of the Sokoto Khalifate, the law became the legal system of the people. This practice was not limited to the northern parts of the country as some towns such as Ede and Ikirun both in the current State of Osun in the south are also recorded to have applied Islamic Criminal and Civil Law around the same period in the north.

With the coming of the Colonial Masters, the practice of Islamic Criminal Law was considered repugnant to natural justice, equity and good conscience and retribution was regarded as mutilation. Thus, the Shariah courts could no longer exercise justice independent of the provision of the 'written law' of the White. The adoption of the Northern Nigeria Penal Code which came into effect after Independence watered down the practice of Islamic Criminal Law in Nigeria with the jurisdiction of the Shariah Courts of

Appeal narrowed to the civil cases and further restricted to what is called Islamic personal laws such as marriage, divorce, will, gift and endowment with other Shariah institutions crippled (Ebbe, n.d.). The Penal Code and the legal institutions inherited from the British Colonial Administration were hitherto, considered incapable of curtailing the prevalence of vices in the society and therefore, Muslims in northern Nigeria considered a re-introduction of the Shariah as a way out of the stumbling block militating against the growth of the country and a perfection of the practice of their religion. In the year 2000, Zamfara State took the bull by the horns by pioneering the re-introduction of Shariah in the face of strong criticism by some non-Muslims and of course, some Muslims who are ignorant of the meaning and implications of *Shari'ah*. Eleven other states in the north also followed suit are; Kano, Kaduna, Katsina, Kebbi, Sokoto, Bauchi, Jigawa and Borno. Others are Niger, Gombe and Yobe. This work answers the question of the impact of the fatwa house on the sociocultural and moral development of Muslims in Kishi just as it gives a response to the extent to which the fatwa house impacted shariah development and religious practices of the people of Kishi.

An Overview of Sharī 'ah in the Southern Nigeria

With the commencement of the practice of *Sharī'ah* in the north, Muslims in the South also commenced efforts to re-introduction of the law in the region. Unlike in the North where the law was introduced without many hindrances because of the dominance of Muslims both in the government and the public in the concerned states, Muslims in the South could not get their way easily and so, they considered half a loaf to be better than none approach by introducing independent Shariah Arbitration Committee in some states. As against the North where the law is accepted as a state legal system, the practice in the South is independent of the government and so, it has its limitations.

Lending credence to the above, Adekilekun (2001) affirmed that in Yorubaland, Islam had a firm footing before the coming of the British colonialists. It is further established that between 1860 and 1894, the Shariah had been well-established in towns like Iwo, Ikirun and Ede. Shariah was applied in Iwo by Oba Momodu Lamuye who was enthroned as the chief of the town between 1860 and 1906. In Ikirun, a Shariah court was established by Oba Oyewole and one Bako from Ilorin was made the kadi and in Ede, Oba HabibuOlagunju established a Shariah Court with one Sindiku as the first Kadi.

With the coming of the British colonialists, the practice of the law was abolished and ever since then, Muslims in the region have been calling for the revival of the adjudication by the law. Considering various impediments to the revival of the law in the south, the only available alternative is for Muslims in the interim to employ private dispute resolution mechanisms such as arbitration, conciliation and mediation. This option had earlier been suggested by the then Chief Justice of Lagos Colony in 1894 when the Lagos Muslims unsuccessfully demanded Islamic courts. In the words of the Chief Justice, he said:

You are, as a fact, in no way bound to come to our Courts in civil cases. You have perfect liberty to appoint an arbitrator among yourselves, agree to be bound by his decision, and have it registered as a judgment [of the Supreme Court] (Makinde and Ostien, 2012 p.52).

The advice by the then chief justice gave strength to the agitation of the Muslims. This made some cities in the Southwest later embrace this available option even though adjudication out of court can only assist in reconciling warring parties. The punishment which is expected to serve as a deterrent may not be inflicted and so, offenders are most likely going to go free at the detriment of those offended or the detriment of the provision of Shariah. The Fatawa House of Kishi is one of the few establishments that are put in place for arbitration and reconciliation among Muslims.

Formation of the *Fatwah* House in Kishi

Popularly known to be one of the largest cities of the Old Oyo Empire, Kishi, is located in the northern part of Oyo State and is the headquarters of Irepo Local Government Area. The town was said to have been named after the first settler in the area by name Kilisi Yeruma and it is the word 'Kilisi' that later metamorphosed into Kishi. The people of Kishi are predominantly of Yoruba ethnicity that migrated from the west of the country while the minority ethnic group includes Hausa, Nupe, and Fulani amongst others.

Rahim (2000) observed that the popular religions are Islam, Christianity and Traditional worshippers with Islam being dominant. The Prophet (S.A.W) as reported in Şahīh Muslim (2007) emphasised the need for peaceful coexistence when he said that no one can be admitted into paradise without having faith in Allah and no one can adequately profess faith without loving others and he recommended extension of Islamic salutation to all and sundry. Allah teaches that Islam is a religion of unity of origin that implies the necessity of communality (Qur'an 4:1) Lending credence to the above verse of the Qur'an, Ibn Āshura, (1984) maintained that Allah gave an indiscriminate invitation to God-fearing to explain that humanity comes from the same origin. It is in pursuit of this great virtue that Muslims in Kishi, Irepo Local Government of Oyo State explored the available opportunity to establish an institution, the *Fatwa* House, that will help in actualising peaceful co-existence among Muslims in the land as dictated by the *Sharī'ah*.

FatwaHouse, Kishi was established as a committee on the 24 of January, 2004 by the Nigerian Supreme Council for Islamic Affairs Irepo Local Government Chapter. The Fatwa House was given the approval to operate as an Incorporated Trustee by the Federal Government of Nigeria in 2019, to work like a Non-Governmental Organization (NGO) under the full name 'Fatwa House for Arbitration and Dispute Resolution on Islamic Affairs, Kishi' with registration NO: CAC/IT/NO128104 . The house was established to perform the function of giving *Iftā'* (religious ruling) on issues, functioning as a Dispute Resolution House and reconciling conflicts among Muslims. Ahmad Tijani, (2014) observed that a unique feature of religious inclination of the Kishi is the establishment of this fatawa house which helps in resolving various matrimonial disputes among Muslims in the town. A nine-man committee under the chairmanship of Alh.Shaik Yusuf Kura pioneered the executive of the house.

The Fatwa House is of two hierarchies; the Upper Fatwa House which comprises the Grand Kadi and nine other members and four Lower Fatwa Houses situated at four different zones in Kishi town which is also headed by a Kadi and three other members. Members of the Fatwa Houses are nominated to run three (3) years of tenure of office. The Upper House sits every Sunday of the week starting from the morning till dawn. While the four lower houses sit every Thursday. All the Kadis of the lower houses are automatic members of

the Kadi of the upper house under the supervision of the GrandKadi.

Legislative Functions of the Fatwa House

The Fatwa House is saddled with dual functions of legislation and arbitration. The house undertakes the responsibility of addressing some religio-cultural practices over which scholars in the community are divided. The house, in so doing, invites scholars to debate the Islamic position on some of these practices and the peculiarity of the society. On 7th, 14th and 21st August 2004, scholars were invited to debate on what is to be the position of the Fatwa House on some issues and a resolution was made on those issues. Among issues debated are:

- deeds that benefit the deceased in the grave,
- Islamic ruling on plastering the grave of the deceased,
- Islamic ruling on giving a sermon at the graveyard,
- the mourning period and
- ruling on celebrating the deceased with the cooking of food (Tabulate)

Jurisdiction of the Fatwa House

The Fatwa House is an alternative provision for legal redress which was approved to operate by the Federal Government of Nigeria in 2019, under the Corporate Affairs Commission Act 2022 (CAMA), with registration **NO: CAC/IT/NO128104**. Even though the Fatwa House enjoys the right to try cases of both civil and criminal,

constraints limit the power of the house to civil cases and where criminal cases were tried, the house only serves as a counsellor to the culprits as no punishment for any criminal offence could be inflicted. The Fatwa House consists of both the lower and the higher house. The jurisdiction of each of the Houses as contained in their practice document is as follows:

1. The lower Fatwa Houses shall have the power to try cases relating to:
 - i. Muslim Family disputes
 - ii. Inter and intra-mosque disputes
 - iii. Friendly disputes
 - iv. Divorce (*At-Talaq* or *Al-Khul'u*)
2. The upper Fatwa House shall have the power to try cases relating to:
 - i. Appeal against the ruling of the lower Fatwa Houses
 - ii. Divorce (*At-Talaq* or *Al-Khul'u*)
 - iii. Inter and intra-organization disputes
 - iv. Estate distributions
 - v. Adultery and fornication
 - vi. Social vices, such as Mismanagement of funds, fraud, indiscipline, child abuse, drug abuse, taking of oath etc.
3. The judgment made by the upper Fatwa shall prevail over the lower Fatwa House, cases can only be transferred from lower Fatwa to Upper Fatwa Houses.

4. The Upper fatwa shall have the power to try any Muslim accused of any social vices as indicated in 2 (vi)

Overview of some Decided Cases by the Fatwa House

The record book of the cases as provided to the researchers shows that:

1. Names of the parties are concealed, while further investigation shows that a separate file is opened for each case and the file contains details of the parties to the suit but the information is exclusively for the panel.
2. Cases are decided and judgments are passed but no sentence is pronounced in criminal offences such as adultery. In the alternative, those found guilty are made to know the gravity of their offences and their commensurate punishment under the Shariah.
3. Recorded cases are not adequately referenced.
4. Most of the cases tried are on marital issues.

Three of the decided cases are selected for appraisal in this work.

Case No:2

A husband submitted a letter on the 5th of August, 2005 to the house accusing his wife of the offence of adultery. The husband alleged that his wife was carrying a five-month pregnancy for another man and as a result, he wants the marriage to be dissolved. The wife admitted that the pregnancy was not for her husband and the person accused of

impregnating her also admitted that truly, he was responsible for the pregnancy. Based on the confession made by the wife, the Fatwa House passed the judgment thus:

1. Since the two defendants confessed to the commission of adultery, the prescribed penalties for such a sin as contained in the Shariah is evidenced in the Hadith

عَنْ عُبَادَةَ بْنِ الصَّامِتِ، قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " خُذُوا عَنِّي خُذُوا عَنِّي قَدْ جَعَلَ اللَّهُ لَهُنَّ سَبِيلًا الْبِكْرُ بِالْبِكْرِ جَلْدُ مِائَةٍ وَنَفْيُ سَنَةٍ وَالتَّيِّبُ بِالتَّيِّبِ جَلْدُ مِائَةٍ وَالرَّجْمُ "

Ubādah bn Sāmit narrated that verily Allah's messenger (S.A.W) said; "Unmarried man with Unmarried woman (that fornicate) shall be given 100 stripes and be banished for a year and married man with married woman (that commit adultery) shall be given 100 stripes and stoned to death. (Muslim, 2007 Hadith 1690)

Thus the culprits are liable for the prescribed penalties for married persons

2. The Adulterer cannot now or in the future lay claim to the pregnancy and the child that will come of it because there is no *Nikah* (legal wedlock) between him and the woman as contained in the hadith narrated by Abu Hurayrah " الولد للفراش وللعاهر الحجر "

"The child is the bed's (original husband) and for the fornicator is the stone" (Al-Bukhari. 2001, Hadith 2053)

3. The legitimate husband has the right to claim the pregnancy based on the hadith quoted above
4. However, since the Husband is not ready to claim the pregnancy, both the pregnancy and the expected child belongs to the wife

because the pregnancy is as a result of open adultery.

5. Allah says in the Qur'an

O Prophet! When ye do divorce women, divorce them at their prescribed periods, and count (accurately) their prescribed periods: and fear Allah your Lord: and turn them not out of their houses, nor shall they (themselves) leave, except in case they are guilty of some open (sexual intercourse) lewdness, those are limits set by Allah: and any who transgresses the limits of Allah, does verily wrong his (own) soul: you knowest not if perchance Allah will bring about (thereafter some new situation).(Q.65:1

Thus the Husband has the right to divorce the wife considering the gravity of her offence. In view of the above, the House declared that; The Husband's decision to divorce his wife is in tandem with the *Shariah* provision

6. The Woman has no right to re-marry until she delivers her baby because she is in her waiting period (*istibra*).

7. It is not incumbent on The husband to be taking care of the wife during the period referred to in 5 above but he should take good care of his other children that are with the wife as enjoined by Allah in the Quran

Mothers shall give suck to offspring for two whole years if the father desires to complete the term. But he shall bear the cost of their food and clothing on equitable terms. No soul shall have a burden laid on it greater than it can bear. No mother shall be treated unfairly on account of her child. Nor father on account of his child, But

fear Allah and know that Allah sees (well what you do. (Q2:233

8. The Adulterer should note that he has committed a grievous sin because his illicit affair with the woman led to the breaking of a home and he has denied the expected child his right to fatherhood. This is indeed a great sin and an unpleasant story. The Prophet Muhammad (saw) said as reported in Abu Dawud (nd) hadith 2175 that he is not of us, he who caused the hatred of a wife in her husband

Case no: 332

The case of a night guard who was found extorting Fulani men at night was brought to the Fatwa House on 20/01/2019. The night guard, when challenged, reported that some government security personnel instructed him to be taking money from anybody who walks about in the late hour.

When cautioned, he attempted to incriminate the person that cautioned him before the security personnel who threatened the complainant. The complainant requested that both of them should be allowed to swear to an oath if he threatened to burgle the shops he guards or to shoot him with a gun as contained in the allegations he made against him to the security personnel. The culprit confirmed that he was a security guard and that he collects money on the directive of some security personnel from anybody who walks in the late hour of the day on their street and the complainant threatened to kill

me if I did not desist from collecting money from the night passers. The report of his threat was taken to the security personnel by the owners of the shop I guard. Investigation made by the panel shows that the respondent made a false allegation against the complainant. This was confirmed by the respondent himself and based on the outcome of the investigation, the house made its submission as follows:

Fatwa Resolution

The panel explained the gravity of the offence of blackmailing in Islam to the respondent and he was advised to seek forgiveness from Allah for the offence and to apologise to the complainant. The respondent humbly begged the complainant to forgive him and signed an undertaking that he confessed before the house that all the allegations are false. The panel relied on the following sources:

وَالَّذِينَ يُؤْذُونَ الْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ بغيرِ مَا اكْتَسَبُوا
فَقَدْ أَحْتَمَلُوا بُهْتَنَا وَإِنَّمَا مُبِينًا

“And those who annoy believing women undeservedly, they bear (on themselves) the crime of slander and plain sin”(Q33:58)

: إِنَّ الَّذِينَ يُحِبُّونَ أَنْ تَشِيعَ الْفَاحِشَةُ فِي الَّذِينَ ءَامَنُوا
لَهُمْ عَذَابٌ أَلِيمٌ فِي الدُّنْيَا وَالْآخِرَةِ وَاللَّهُ يَعْلَمُ وَأَنْتُمْ لَا
تَعْلَمُونَ ١٩

“Verily, those who like that (the crime of illegal sexual intercourse should be propagated among those who believe, they will have a painful torment in this world and in the hereafter. And Allah knows and you know not(Q24:19)”

وقوله صلى الله عليه وسلم كُلُّ الْمُسْلِمِ عَلَى الْمُسْلِمِ
حَرَامٌ دَمُهُ وَمَالُهُ وَعِرْضُهُ "

And the saying of the Prophet (SAW) “ Everything of a Muslim is sacred to his fellow Muslim: his blood, his wealth and his dignity” (Muslim 1986, Hadith 2568)

Case No: 309. Self Redemption (Al-Khul'u)

A woman reported her husband to the panel on 13/01/2019 for being care-free concerning her welfare and so, the wife demanded the dissolution of their marriage. The husband on his own denied the allegation and requested reconciliation. The efforts of the parents of the couple in reconciling their differences proved abortive which prompted the House to also try to mediate between the parties.

Fatwa Resolutions

After all, efforts made by the panel to stop the wife from terminating her marriage with her husband failed, the panel approved their separation (Divorce) as requested by the wife based on *Al-Khul'u*. The wife was ordered to return the dowry her husband gave her. The wife was further requested to proceed on *Iddatul-mukhtali'ah* (a waiting period for one menstrual circle) after which she should collect a clearance from the house to show that she has legally left her husband. The reliance of the house was on the provision of the word of Allah which says:

.... فَإِنْ خِفْتُمْ أَلَّا يُعِيمَا حُدُودَ اللَّهِ فَلَا جُنَاحَ عَلَيْهِمَا فِيمَا افْتَدَتْ بِهِ تِلْكَ حُدُودُ اللَّهِ فَلَا تَعْتَدُوهَا وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَأُولَئِكَ هُمُ الظَّالِمُونَ

'...Then if you fear that they will not be able to keep limits ordained by Allah, then there is no sin on either of them is she gives back (the *Mahr* of the part of it) for her Al-Khl'u (Divorce) these are the limits ordained by Allah so do not transgress them' (Q2:229) Equally relied upon is the tradition of the Prophet which reads

أَنَّ امْرَأَةً ثَابِتِ بْنِ قَيْسٍ أَتَتْ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَتْ يَا رَسُولَ اللَّهِ ثَابِتُ بْنُ قَيْسٍ مَا أَعْتَبُ عَلَيْهِ فِي خُلُقٍ وَلَا دِينٍ، وَلَكِنِّي أَكْرَهُ الْكُفْرَ فِي الْإِسْلَامِ. فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " أَتُرَدِّينَ عَلَيْهِ حَدِيثَهُ ". قَالَتْ نَعَمْ. قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " أَقْبِلِ الْحَدِيثَ وَطَلِّقْهَا تَطْلِيقَةً

Narrated in Al Bukhari (2001)in Hadith 5273 by Ibn Abbas: The wife of Thabit Ibn Qais came to the prophet (S.A.W)

"O Allah's Messenger: I do not have a reservation on Thabit neither on the basis of the character nor on the religion. But I being a Muslim, dislike to behave in an unIslamic manner (if I remain with him). On that Allah's Messenger (S.A.W) said (to her) "will you give back the garden which your husband has given you (as Mahr)? "she said, "yes" then the prophet (S.A.W) said to Thabit: accept your garden and divorce her one.

A juristic perusal of the above cases showed that to a laudable extent, the decisions of the house were of quality and substance and in

tandem with the principles of Islamic Law except for the inability to enforce decisions in criminal matters which is the crux of Justice.

Impacts of the Fatwa House on the People of Kishi Land

Data Analysis and Results

The data collected through a questionnaire on the impact of *Fatwah*house on Muslims in Kishi land, Oyo State, Nigeria was analysed using descriptive and inferential statistics. The results are presented as follows:

Table 1: Demographic Data of the Respondents Based on Ages Involved in the Study

Age	Frequency	Percentage (%)
10-20	-	0%
21-40	33	66.0%
41-60	17	34.0%
Total	50	100.0

Data in Table 1 reveal that out of 50 sampled respondents, 33 (66.0%) respondents fall within the age bracket of 21-40 years of age while only 17 (34.0%) of the respondents sampled fall within the age bracket of 41-60 years of age. This implies that majority of respondents sampled are within the age bracket of 21-40 years of age.

Table 2: Demographic Data of the Respondents Based on Religion Involved in the Study

Religion	Frequency	Percentage (%)
Islam	47	94.0%
Christianity	2	4.0%
Others	1	2.0%
Total	50	100.0

Data in Table 2 reveal that out of 50 sampled respondents, 47 (94.0%) respondents are Muslims, 2 (4.0%) of the respondents are Christians while only 1 respondent belongs to other religions. This implies that majority of respondents sampled are Muslims

Table 3: Demographic Data of the Respondents Based on Marital Status Involved in the Study

Marital Status	Frequency	Percentage (%)
Single	8	16.0%
Married	42	84.0%
Total	50	100.0

The Data in Table 3 reveal that out of 50 sampled respondents, 8 (16.0%) respondents are single, while 42 (84.0%) of the respondents are married. This implies that the majority of respondents sampled are married people.

Table 4: Demographic Data of the Respondents Based on occupation involved in the Study

Occupation	Frequency	Percentage (%)
Civil/ Public Service	4	8.0%
Farming/ Trading/craft manship	27	54.0%
Missionary/I mams/ Islamic Scholars	19	38.0%
Total	50	100.0

The Data in Table 4 indicate that out of 50 sampled respondents, only 4 (8.0%) respondents are Civil Servants, and 27 (54.0%) of the respondents are farmers. Traders and craftsmen while only 19(16.0%) of them are missionaries, Imams and Islamic Scholars. This implies that the majority of respondents sampled for this study are farmers, traders and craftsmen.

Table 5: Demographic Data of the Respondents Based on Years of Existence in Kishi

Years of Existence	Frequency	Percentage (%)
1-20 Years	8	16.0%
21-40 Years	27	54.0%
41-60 years	15	30.0%
Total	50	100.0

Data in the Table 5 indicate that out of 50 sampled respondents, only 8 (16.0%) respondents reside in Kishi within 1-20 years, 27 (54.0%) of the respondents have been in Kishi for 21-40 years, while 15 (30.0%) of the sampled respondents are in Kishi land for a period of 41-60 years. This implies that majority of respondents sampled for this study are residing in Kishi land for 21-40 years.

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

Location	Frequency	Percentage (%)
Kishi Metropolis	46	82.0%
Suburbs of Kishi	4	8.0%
Total	50	100.0

Data in the Table 6 reveal that out of 50 sampled respondents, 46 (82.0%) of the respondents are living within the Kishi metropolis while only 4 (8.0%) of the respondents sampled are living within the suburb of Kishi. This implied that the majority of them are living within the metropolis of Kishi land.

Answers of Research Questions

Research Question One:

To what extent has *FatwaHouse* impacted on the sociocultural and moral development of Muslims in Kishi land?

For this, the questionnaire on this stem contains 13 items structured in a four-response type. The minimum, maximum and score ranges were 13, 52 and 39 respectively. The range score was therefore grouped into three responses (low impact, average impact and high impact) and 13 was obtained. Therefore, participants whose scores fell within 13-26 are grouped to indicate low impact; 27-40 signified average impact and 41-53 signified high impact respectively. The statistics of the respondents are summarised and presented in the Table.

Table 7: Impact of *Fatwah* House on Socio-Cultural and Moral Development in Kishi Muslim

Grading	Frequency	Percentage
Low Impact 13-26	-	0.0%
Averagely Impact 27-40	2	4.0%
High Impact 41-53	48	96.0%
Total	50	100

Data in Table 7 show that out of 50 sampled respondents only 2 (4.0%) of the respondents averagely believed that *FatwaHouse* in Kishi

land fairly impacted the socio-cultural and moral development. While 48 (96.0%) of the sampled respondents strongly agreed that FatwaHouse in Kishi land has a high positive impact on sociocultural and moral development.

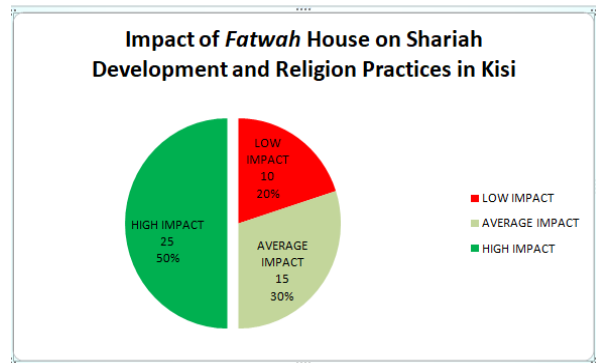
Research Question Two:

To what extent has Fatwa House impacted on Shariah development and religious practices of Muslims in Kishi land?

The questionnaire contains 5 items structured in a four-response-type. The minimum, maximum and score ranges were 5 25 and 20 respectively. The range score was therefore grouped into three responses (low impact, average impact and high impact) and 6 was obtained. Therefore, participants whose scores fell within 6-12, 13-19 and 20-26 signified low, average and high impact respectively. The statistics of the respondents are summarised and presented in Table 8.

Table 8: Impact of Fatwah House on Shariah Development and Religion Practices in Kishi

Grading	Frequency	Percentage
Low Impact 6-12	10	20.0%
Averagely Impact 13-19	15	30.0%
High Impact 20-26	25	50.0%
Total	50	100



Results in above show that out of 50 sampled respondents, only 10 (20.0%) of the respondents strongly believed that Fatwah House in Kishi land has a low impact on the *Sharī'ah* development and religious practices in Kishi land, 15(30.0%) of the respondents also agreed that Fatwah House in Kishi land has an average impact on *Sharī'ah* development and religious practices of people of Kishi. Yet 25(50.0%) of the sampled respondents strongly agreed that *Fatwah* House in Kishi land has a highly positive impact on the *Sharī'ah* development and religious practices of the Kishi people. It could therefore be inferred from the analysis that the majority of the respondents sampled strongly agreed that *Fatwah* House in Kishi land has a positive impact on the Shariah development and religious practices of the Kishi people.

Limitations of the House

A major limitation to the powers and activities of Fatwa House is the enabling Law that grants it the power to operate which is the Corporate Affairs Commission Act 2022 (CAMA). Unlike other regular courts or Shariah Courts which are products of Acts of

the National Assembly or Laws of the State Legislative houses, Fatwa House can only function as a non-profit organization registered under Part C as an incorporated Trustee. The implication is that the House can only function in relation to the objects of its creation as contained in the Memorandum and Article of Association of the House. Based on the above, the House can only serve and play advisory roles or an Alternative Dispute Resolution Centre. This further implies that they can only address issues involving parties who submit themselves to the House and their decisions ordinarily cannot be enforced except if parties do not object through the regular courts the.

Conclusion and Recommendations

The application of Islamic Criminal Law in Western Nigeria is not as easy as its practice in Northern Nigeria simply because Western Nigeria, unlike in the North, has non Muslims dominating the power of influence. Also, the application of the law is not built under a solid foundation in the West as it is the case with the North where there is statutory backing. Efforts made by the Western Muslims to have the law implemented in the West have always been a failure but then, the Muslims in the region considered half a loaf to be better than none by constituting what could be considered an alternative to the application of Islamic law in the area. Again, this effort, unlike what is obtainable in the north, was not regional or does not have an encompassing impact as only a few cities in the western region embark on it. Kishi, among

the few cities, makes up Fatawa House to try both civil and criminal cases under Islamic law but because of lack of constitutional power to convict and sentence a culprit, criminals are only made to know their offences under the shariah, its gravity and its punishment. This effort is not however, a waste because some of the culprits are reprimanded and the reprimand, even though, not commensurate with the offence committed, serves as a deterrent to many others and therefore, reduces the rate of crime in the society. Therefore, it is recommended that:

1. government should allow the enforcement of punishments under Islamic law for any Muslim in the community that chooses to be judged by the law of Islam because the law is part of the religion. It is hoped that the adoption of the law will corroborate the existing conventional law in curbing crime in society.
2. other cities in the South West states through their religious leaders should follow the footsteps of the Fatawa House in Kishi in setting up a similar institution for those who desire its patronage. This will not only serve as following the commandment of Allah, sanitizing the community but also serve as a wake-up call to the legislators to consider giving it a clear statutory backing.
3. enough awareness should be given on the need and benefits of application of the law by

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