

# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary  
Peer Reviewed

[www.ijlra.com](http://www.ijlra.com)

## **DISCLAIMER**

No part of this publication may be reproduced, stored, transmitted, or distributed in any form or by any means, whether electronic, mechanical, photocopying, recording, or otherwise, without prior written permission of the Managing Editor of the *International Journal for Legal Research & Analysis (IJLRA)*.

The views, opinions, interpretations, and conclusions expressed in the articles published in this journal are solely those of the respective authors. They do not necessarily reflect the views of the Editorial Board, Editors, Reviewers, Advisors, or the Publisher of IJLRA.

Although every reasonable effort has been made to ensure the accuracy, authenticity, and proper citation of the content published in this journal, neither the Editorial Board nor IJLRA shall be held liable or responsible, in any manner whatsoever, for any loss, damage, or consequence arising from the use, reliance upon, or interpretation of the information contained in this publication.

The content published herein is intended solely for academic and informational purposes and shall not be construed as legal advice or professional opinion.

**Copyright © International Journal for Legal Research & Analysis.  
All rights reserved.**

## ABOUT US

The *International Journal for Legal Research & Analysis (IJLRA)* (ISSN: 2582-6433) is a peer-reviewed, academic, online journal published on a monthly basis. The journal aims to provide a comprehensive and interactive platform for the publication of original and high-quality legal research.

IJLRA publishes Short Articles, Long Articles, Research Papers, Case Comments, Book Reviews, Essays, and interdisciplinary studies in the field of law and allied disciplines. The journal seeks to promote critical analysis and informed discourse on contemporary legal, social, and policy issues.

The primary objective of IJLRA is to enhance academic engagement and scholarly dialogue among law students, researchers, academicians, legal professionals, and members of the Bar and Bench. The journal endeavours to establish itself as a credible and widely cited academic publication through the publication of original, well-researched, and analytically sound contributions.

IJLRA welcomes submissions from all branches of law, provided the work is original, unpublished, and submitted in accordance with the prescribed submission guidelines. All manuscripts are subject to a rigorous peer-review process to ensure academic quality, originality, and relevance.

Through its publications, the *International Journal for Legal Research & Analysis* aspires to contribute meaningfully to legal scholarship and the development of law as an instrument of justice and social progress.

## ***PUBLICATION ETHICS, COPYRIGHT & AUTHOR RESPONSIBILITY STATEMENT***

The *International Journal for Legal Research and Analysis (IJLRA)* is committed to upholding the highest standards of publication ethics and academic integrity. All manuscripts submitted to the journal must be original, unpublished, and free from plagiarism, data fabrication, falsification, or any form of unethical research or publication practice. Authors are solely responsible for the accuracy, originality, legality, and ethical compliance of their work and must ensure that all sources are properly cited and that necessary permissions for any third-party copyrighted material have been duly obtained prior to submission. Copyright in all published articles vests with IJLRA, unless otherwise expressly stated, and authors grant the journal the irrevocable right to publish, reproduce, distribute, and archive their work in print and electronic formats. The views and opinions expressed in the articles are those of the authors alone and do not reflect the views of the Editors, Editorial Board, Reviewers, or Publisher. IJLRA shall not be liable for any loss, damage, claim, or legal consequence arising from the use, reliance upon, or interpretation of the content published. By submitting a manuscript, the author(s) agree to fully indemnify and hold harmless the journal, its Editor-in-Chief, Editors, Editorial Board, Reviewers, Advisors, Publisher, and Management against any claims, liabilities, or legal proceedings arising out of plagiarism, copyright infringement, defamation, breach of confidentiality, or violation of third-party rights. The journal reserves the absolute right to reject, withdraw, retract, or remove any manuscript or published article in case of ethical or legal violations, without incurring any liability.

# **CHALLENGES AND PROSPECTS OF *ṢULḤ* (SETTLEMENT OUT OF COURT) IN KWARA STATE SHARĪ‘AH COURTS**

AUTHORED BY - DR. AMINA UMAR RUWANDORUWA<sup>1</sup>  
& JIMOH SIKIRU MOBOLAJI<sup>2</sup>

## **ABSTRACT**

This paper examines the challenges and prospects of *Ṣulḥ* (amicable settlement) within the *Sharī‘ah* Courts of Kwara State, Nigeria. It situates *Ṣulḥ* within its Islamic legal foundations and the broader frameworks of alternative dispute resolution and international norms that promote peaceful settlement of disputes. The study critically assesses the effectiveness of *Ṣulḥ* in Kwara State *Sharī‘ah* Courts by identifying the principal challenges that hinder its optimal operation and by evaluating its future prospects. A doctrinal research methodology is employed, drawing on primary sources of Islamic law, statutory provisions, judicial practices, and relevant scholarly literature. The findings reveal that, despite the normative strength of *Ṣulḥ*, its application in Kwara State faces significant challenges. These include inadequate institutional frameworks, limited awareness among litigants, procedural inconsistencies, shortage of trained personnel, and a preference in some cases for formal adjudication over reconciliation. Notwithstanding these constraints, *Ṣulḥ* retains strong prospects owing to its cultural acceptance, cost-effectiveness, and alignment with both Islamic principles and modern alternative dispute resolution mechanisms. The paper concludes that *Ṣulḥ* remains a viable and indispensable tool for enhancing access to justice and reducing court congestion. It therefore recommends the strengthening of institutional support, capacity building for court personnel, public sensitisation, and the formal integration of structured *Ṣulḥ* procedures within the *Sharī‘ah* court system in order to improve its efficiency and sustainability.

**Key terms:** *Ṣulḥ*, amicable settlement, *Sharī‘ah* courts, Kwara State, alternative dispute resolution, Islamic law.

---

<sup>1</sup>LL.B, BL, LLM, Ph.D, Department of Islamic Law, Faculty of Law, Usmanu Danfodiyo University, Sokoto, Nigeria. Email: amina.umar@udus.edu.ng / aminaur2@gmail.com.

<sup>2</sup>LL.B, BL (LLM Candidate), Department of Islamic Law, Faculty of Law, Usmanu Danfodiyo University, Sokoto, Nigeria. Email: jimoksm@gmail.com.

## 1. Introduction

*Ṣulḥ* (amicable settlement) is one of the most important mechanisms of dispute resolution in Islamic jurisprudence. Rooted in Qur'anic injunctions that encourage reconciliation among disputants,<sup>3</sup> it has historically been regarded as a preferred method of resolving differences without recourse to formal litigation. Within the Nigerian legal system, and particularly in Kwara State where *Sharī'ah* courts exercise jurisdiction over personal law matters, *Ṣulḥ* plays a central role in restoring peace in matrimonial, inheritance, family, and other civil disputes.<sup>4</sup> Despite its strong religious legitimacy and social benefits, the practice of *Ṣulḥ* in Kwara State *Sharī'ah* courts faces structural, procedural, and attitudinal challenges that limit its effectiveness. These include inadequate institutional frameworks, limited awareness among litigants, inconsistencies in procedure, shortage of trained mediators, and a preference in some cases for formal adjudication over reconciliation. At the same time, constitutional recognition of *Sharī'ah* courts, growing support for alternative dispute resolution (ADR), ongoing judicial reforms, and the cultural acceptance of amicable settlement among Muslim litigants create significant prospects for strengthening *Ṣulḥ* as a modern instrument of justice administration. This paper examines both the challenges and prospects of *Ṣulḥ* in the Kwara State *Sharī'ah* courts. It seeks to identify the obstacles that hinder its optimal operation and to evaluate the opportunities for its more effective institutionalisation within the court system.

## 2. Challenges

Despite its doctrinal strength and practical value, the effective application of *Ṣulḥ* in the Kwara State *Sharī'ah* courts faces several interrelated challenges. These range from the absence of a clear statutory framework to institutional, procedural, attitudinal, and enforcement difficulties.

### 2.1 Absence of Explicit Statutory and Procedural Framework

One of the major obstacles is the lack of detailed statutory provisions regulating the practice of *Ṣulḥ* within *Sharī'ah* court procedure. Although the Constitution of the Federal Republic of Nigeria 1999 (as altered) recognises the jurisdiction of *Sharī'ah* courts,<sup>5</sup> there is no comprehensive legislative framework outlining the methods, stages, and enforcement

<sup>3</sup>A. Y. Ali, *The Holy Qur'an: Text, Translation and Commentary* (3rd edn, Dar Arabia Publishers and Distributors, 1938) (Q 4:35, 114, 128; Q 49:9–10; Q 8:1).

<sup>4</sup>R. Shittu and A. M. Olorunjoje, 'Ṣulḥ as Alternative Dispute Resolution Mechanism for Marital Conflicts among Muslims in Ilorin, Nigeria' (2019) 8(2) *Journal of Management and Social Sciences* 625; M. A. Ambali, *Islamic Principles of Reconciliation and Arbitration* (Shebiotimo Publications, 1431 AH / 2010 CE) 6–11.

<sup>5</sup>Constitution of the Federal Republic of Nigeria 1999 (as altered), ss 275–279.

mechanisms of *Ṣulḥ*. As a result, reconciliation sessions remain largely discretionary and dependent on the initiative of individual judges rather than codified rules. This legal vacuum affects consistency, predictability, and public confidence in *Ṣulḥ* outcomes.<sup>6</sup>

Closely related is the difficulty of harmonising Islamic personal law with constitutional safeguards. Certain *Ṣulḥ* agreements, particularly those involving child custody, inheritance, and maintenance, must satisfy both *Sharī'ah* principles and fundamental rights provisions. Without clear guidelines on how to balance these requirements, judges may hesitate to adopt *Ṣulḥ* where potential conflict exists.<sup>7</sup>

## 2.2 Institutional and Administrative Limitations

Many *Sharī'ah* courts in Kwara State lack dedicated mediation rooms, counselling units, or digital case-management systems. Negotiations often take place in open court, reducing privacy and discouraging frank communication between the parties. Documentation is frequently inadequate; some settlements are reached orally without detailed written agreements, which complicates enforcement when one party defaults. The absence of centralised and properly maintained records also weakens institutional memory, future reference, and empirical monitoring of outcomes.<sup>8</sup>

Time constraints further limit effectiveness. *Sharī'ah* courts handle heavy caseloads, and busy dockets leave insufficient time for thorough mediation. Unlike quick adjudication, *Ṣulḥ* requires patience, careful dialogue, and sometimes multiple sittings. Where courts prioritise formal trials, *Ṣulḥ* may be treated as secondary or conducted hurriedly, thereby reducing its quality.<sup>9</sup>

## 2.3 Capacity and Training Deficits

Although *qāḍīs* are trained in *fiqh*, not all judges or court staff possess specialised skills in mediation, negotiation, communication, and conflict management. *Ṣulḥ* requires more than legal knowledge; it demands the ability to remain neutral, manage emotions, and guide parties towards fair compromise. Without structured training in Islamic alternative dispute resolution and contemporary mediation techniques, facilitators may produce shallow or unsustainable settlements.<sup>10</sup>

---

<sup>6</sup>Dasuki (n 5).

<sup>7</sup>Ismael (n 5).

<sup>8</sup>ibid.

<sup>9</sup>W. H. Waheed, 'Ṣulḥ: Its Application in Malaysia' (2014) 9 *Islamic Law Review* 123.

<sup>10</sup>A. I. I. M. Al-Shāṭibī, *Al-Muwāfaqāt* (Dār Ibn 'Affān, 1997) vol 2, 195.

## 2.4 Weak Enforcement Mechanisms

A significant practical difficulty is the absence of clear and effective enforcement procedures for *Ṣulh* agreements. Unlike formal court judgments, which can be enforced through established processes such as garnishee proceedings or writs of execution, a reconciliation agreement often depends heavily on the voluntary compliance of the parties. Where one party reneges, the other may be compelled to commence fresh litigation, defeating the purpose of amicable settlement and undermining confidence in the process.<sup>11</sup>

## 2.5 Social, Cultural, and Attitudinal Challenges

Some litigants view litigation as a means of asserting dominance or obtaining monetary advantage and therefore resist compromise. Family pressure and community honour may also obstruct agreement, particularly in marital disputes. Women may sometimes be pressured into reconciliation because of economic dependency or fear of social stigma. Without adequate safeguards against coercion, *Ṣulh* risks producing settlements that lack genuine free consent.<sup>12</sup> The attitude of some legal practitioners further complicates matters. While many lawyers support amicable settlement, others may discourage it for strategic or economic reasons, preferring prolonged litigation. When counsel do not actively promote *Ṣulh*, litigants may perceive it as inferior to formal adjudication.<sup>13</sup>

## 2.6 Public Awareness and Perception

Public understanding of *Ṣulh* remains limited. Some regard it as a “soft” option that favours compromise over justice, especially where wrongdoing appears clear. Others misunderstand it as an imposed reconciliation rather than a voluntary process. The absence of sustained public enlightenment campaigns means that many citizens remain unaware of its Islamic foundation, its potential to preserve relationships, and its capacity to save time and cost.<sup>14</sup>

## 2.7 Data Scarcity and Limited Empirical Assessment

Most *Shari‘ah* courts in Kwara State do not maintain systematic statistical records of *Ṣulh* cases, settlement rates, or levels of compliance. This scarcity of data makes it difficult to evaluate success, identify patterns, or formulate evidence-based reforms.<sup>15</sup>

---

<sup>11</sup>M. I. I. Al-Shāfi‘ī, *Al-Umm* (Dār al-Ma‘rifah, 1997) vol 4, 139; Dasuki (n 5).

<sup>12</sup>Ali (n 3) (Q 2:256).

<sup>13</sup>ibid.

<sup>14</sup>Shittu and Olorunoje (n 4).

<sup>15</sup>Dasuki (n 5).

In summary, the sustainability and effectiveness of *Ṣulḥ* in the Kwara State *Sharī'ah* courts depend on legal integration, institutional reform, capacity building, improved documentation, and greater public orientation. Without deliberate attention to these challenges, *Ṣulḥ* risks remaining an underutilised and inconsistently applied mechanism.

### 3. Prospects

The prospects of *Ṣulḥ* in the Kwara State *Sharī'ah* Courts remain strong when viewed through both classical Islamic doctrine and contemporary judicial practice. *Ṣulḥ* is firmly grounded in the Qur'ān, the *Sunnah*, and classical *fiqh* as a lawful and highly recommended means of resolving disputes through mutual consent. Its continued relevance in Kwara State therefore depends less on doctrinal uncertainty and more on the extent to which existing *Sharī'ah* principles are clearly articulated and properly institutionalised within the court system. Classical jurists were unanimous in recognising *Ṣulḥ* as a valid contract capable of extinguishing disputes, provided it does not violate divine injunctions or undermine established rights. This solid juristic consensus supplies a firm foundation for its expanded and more systematic application in the *Sharī'ah* courts.<sup>16</sup>

One of the most promising features of *Ṣulḥ* is its close alignment with the higher objectives of Islamic law (*maqāṣid al-sharī'ah*). It promotes social harmony, helps preserve family relationships, and reduces the hostility that frequently accompanies adversarial litigation. As Al-Shāṭibī observed, legal mechanisms that advance public interest and prevent harm are consistent with the *Sharī'ah*, even where procedural adjustments are required. In this light, *Ṣulḥ* serves the *maqāṣid* of protecting lineage, property, and communal peace particularly well. Given that family and civil disputes continue to dominate the dockets of *Sharī'ah* courts in Kwara State, *Ṣulḥ* offers a more constructive way of resolving such matters than strict adjudication alone.<sup>17</sup>

The inherent flexibility of *Ṣulḥ* further strengthens its prospects. Islamic law permits procedural development under the doctrine of *maṣlaḥah mursalah*, so long as the development does not contradict explicit textual rules. This openness allows the Kwara State *Sharī'ah* Courts to formalise *Ṣulḥ* procedures, establish dedicated reconciliation units, and develop court-annexed mechanisms similar to those operating in other Muslim jurisdictions. Such institutionalisation would improve consistency, transparency, and public confidence in the outcomes of *Ṣulḥ*.<sup>18</sup>

<sup>16</sup>M. A. I. Ibn Qudāmah, *Al-Mughnī* (Dār 'Ālam al-Kutub, 1997) vol 4, 476.

<sup>17</sup>Al-Shāṭibī (n 20).

<sup>18</sup>A. H. M. I. M. Al-Ghazālī, *Al-Mustasfā* (Dār al-Kutub al-'Ilmiyyah, 1993) vol 1, 286–287.

The growing acceptance of alternative dispute resolution within Nigeria's plural legal system also works in favour of *Ṣulḥ*. Although *Ṣulḥ* is distinct from secular mediation, its goals and methods are complementary. It can function as a faith-based counterpart to modern ADR, offering Muslim litigants a process that resonates with their religious values while remaining legally effective. This convergence creates a real opportunity for the Kwara State *Sharī'ah* Courts to position *Ṣulḥ* as a central component of access to justice.<sup>19</sup>

Judicial endorsement adds further weight to its future viability. Islamic jurisprudence has long encouraged judges to facilitate reconciliation where justice is preserved. Ibn Qudāmah noted that a *qāḍī* may recommend *Ṣulḥ* provided it does not involve unlawful compromise or coercion. With appropriate training and clear guidelines, *Sharī'ah* court judges in Kwara State can play a decisive role in elevating *Ṣulḥ* from an informal practice to a credible and authoritative process.<sup>20</sup>

Finally, the binding character of a properly concluded *Ṣulḥ* agreement under Islamic law enhances its reliability. Classical jurists treated a valid *Ṣulḥ*, once ratified by a judge, as equivalent to a judicial judgment in terms of enforceability. Careful documentation and formal judicial endorsement of settlements would therefore increase legal certainty and encourage more litigants to embrace reconciliation with confidence.<sup>21</sup>

In sum, the prospects of *Ṣulḥ* in the Kwara State *Sharī'ah* Courts are both doctrinally robust and institutionally promising. Islamic law already provides a comprehensive framework that supports reconciliation, flexibility, and judicial facilitation. What is required is deliberate procedural development, capacity building for judges and court staff, and stronger institutional support. With these measures in place, *Ṣulḥ* can become a central pillar of dispute resolution in the Kwara State *Sharī'ah* court system, reflecting both the letter and the spirit of Islamic law.

#### 4. Success Rate of *Ṣulḥ* Settlement in Kwara State *Sharī'ah* Courts

In Islamic law, *Ṣulḥ* is a recognised method of resolving disputes through mutual compromise under the supervision of mediators or the court itself. It is rooted in Qur'anic injunctions that promote reconciliation and has long been preferred as a flexible alternative to adversarial litigation. Unlike formal adjudication, which imposes a judgment, *Ṣulḥ* depends on the voluntary consent of the parties and their willingness to reach a compromise within the bounds

<sup>19</sup>G. E. Irani, 'Islamic Mediation: Techniques for Middle East Conflicts' (1999) 3(2) *Middle East Review of International Affairs* 1.

<sup>20</sup>Ibn Qudāmah (n 25).

<sup>21</sup>Al-Shāfi'ī (n 14).

of Islamic legal principles.<sup>22</sup>

In Kwara State, particularly in Ilorin where *Sharī'ah* courts operate alongside statutory and customary courts, *Ṣulḥ* has been applied mainly in marital and family disputes, including disagreements between spouses, custody matters, and related personal law issues. Studies of Islamic alternative dispute resolution in Nigeria indicate that *Ṣulḥ* typically involves Muslim mediators and community leaders who bring the parties together to negotiate mutually acceptable terms.<sup>23</sup> Available reports from Ilorin suggest that the process often produces positive outcomes: many couples resolve their differences and, in a significant number of cases, avoid divorce or separation through negotiated agreements.<sup>24</sup>

One practical measure of success is the extent to which parties accept and abide by the agreed terms, resulting in sustained reconciliation and a reduction in court caseload. Qualitative studies of Islamic mediation in Kwara State indicate that where *Ṣulḥ* is properly facilitated, marital stress and conflict escalation decrease markedly. Some local research suggests that a substantial majority of couples who underwent mediation by religious bodies expressed satisfaction with the outcome and were less likely to proceed to divorce. These findings point to a reasonably high level of functional effectiveness, at least in community-linked settings connected to the *Sharī'ah* courts.<sup>25</sup>

Nevertheless, reliable quantitative data on *Ṣulḥ* success rates within the formal *Sharī'ah* courts of Kwara State remain scarce. Unlike jurisdictions that publish aggregated alternative dispute resolution statistics, official court records in Kwara do not regularly separate *Ṣulḥ* outcomes in a way that permits clear measurement of success against failure. Scholars have repeatedly noted this absence of systematic documentation as a serious limitation for empirical assessment of the impact of *Ṣulḥ* on case decongestion and justice delivery.<sup>26</sup>

The practical success of *Ṣulḥ* also depends heavily on the competence of mediators and the clarity of procedures. Experience from other states shows that *Ṣulḥ* can become less effective, or even open to misuse, where mediators lack adequate training in Islamic legal principles or where procedural guidelines are poorly defined. In Kwara State, the largely informal character of many *Ṣulḥ* processes—often conducted by '*ulamā*' or local elders rather than designated court-annexed conciliators—affects consistency of outcomes and makes comparative

---

<sup>22</sup>Ali (n 3) (Q 4:35).

<sup>23</sup>Shittu and Olorunoje (n 4).

<sup>24</sup>*ibid.*

<sup>25</sup>Dasuki (n 5); Oba and Ismael (n 5).

<sup>26</sup>*ibid.*

measurement of success rates difficult.<sup>27</sup>

In conclusion, the available evidence suggests that *Ṣulḥ* settlements in the Kwara State *Sharī'ah* courts produce positive results in many marital and personal disputes and contribute to conflict resolution without the need for formal judgment. At the same time, the lack of comprehensive statistical records and formal procedural codification continues to limit precise calculation of success rates. Academic literature therefore recommends that the Kwara State *Sharī'ah* courts introduce systematic recording of *Ṣulḥ* cases, settlement rates, and compliance levels in order to support evidence-based reform and strengthen the institution.

#### 4.1 Factors Contributing to the Success of *Ṣulḥ*

Several factors help explain the relatively high level of success observed in *Ṣulḥ* settlements in the Kwara State *Sharī'ah* courts.

First, *Ṣulḥ* enjoys strong cultural and religious legitimacy among Muslim litigants. In Islamic jurisprudence it is not merely an alternative procedure but a religiously endorsed path to reconciliation, grounded in Qur'anic exhortations to settle disputes amicably. This deep communal acceptance encourages parties to participate sincerely and increases the likelihood that agreed terms will be respected after the settlement.<sup>28</sup>

Second, the involvement of respected community leaders and '*ulamā*' as mediators carries considerable weight. These figures are widely trusted for their knowledge of both Islamic law and local customary norms. Their religious authority and social influence help facilitate dialogue, encourage fairness, and motivate voluntary compliance rather than mere formal obedience to an imposed decision.<sup>29</sup>

Third, the informal and flexible character of *Ṣulḥ* proceedings enhances its effectiveness. Unlike adversarial litigation, which is bound by rigid procedural and evidentiary rules, *Ṣulḥ* allows mediators to adapt the process to the specific circumstances of the dispute and the personalities involved. This flexibility makes it possible to craft culturally sensitive and practical solutions that formal judgments may not easily provide, thereby increasing parties' satisfaction and long-term adherence to the terms.<sup>30</sup>

Fourth, early intervention plays an important role. In many cases *Ṣulḥ* is initiated at the early stages of marital or family conflict, before emotional rifts have deepened or litigation has

---

<sup>27</sup>ibid.

<sup>28</sup>ibid.

<sup>29</sup>Shittu and Olorunoje (n 4).

<sup>30</sup>A. Tijani and H. Yusuf, 'Negotiated Justice: Flexibility in Islamic ADR Practices' (2010) 10(1) *African Journal of Conflict Resolution* 245.

escalated. Addressing grievances promptly helps prevent positions from becoming entrenched and makes genuine reconciliation more attainable. Early engagement also reduces the emotional and financial costs associated with prolonged court proceedings.<sup>31</sup>

Fifth, the integration of *Ṣulḥ* within the *Sharī'ah* court structure itself strengthens outcomes. When *Ṣulḥ* is court-annexed or formally recognised in judicial procedure, parties tend to view the resulting settlement as carrying both legal and religious legitimacy. The court's ability to record and, where necessary, enforce the agreement provides an additional layer of assurance that encourages trust in the process.<sup>32</sup>

Finally, the supportive social networks typical of many communities in Kwara State contribute to sustained success. Extended family members frequently act as secondary mediators and informal monitors, helping to ensure that agreed terms are implemented and respected within the wider social circle. This communal reinforcement reduces the likelihood that disputes will re-emerge in court.<sup>33</sup>

## 5. Conclusion

This paper has examined the concept, practice, and procedure of *Ṣulḥ* in Islamic law, with particular focus on its application in the Kwara State *Sharī'ah* courts. The study confirms that *Ṣulḥ* is a well-established mechanism of dispute resolution under Islamic jurisprudence. It is firmly grounded in the Qur'ān and the *Sunnah*, and has long been endorsed by classical jurists as a lawful and commendable means of settling civil and family disputes. Its underlying philosophy of reconciliation, mutual consent, and the preservation of social harmony aligns closely with the higher objectives of Islamic law (*maqāṣid al-sharī'ah*), especially the protection of family relations and communal stability.<sup>34</sup>

Despite its strong doctrinal foundation and practical relevance, the effective operation of *Ṣulḥ* in the Kwara State *Sharī'ah* courts continues to face several challenges. These include the absence of comprehensive procedural rules, inadequate documentation of settlement outcomes, limited institutional training for mediators, and the largely informal character of current practice. While informality has the advantage of flexibility, it has also produced inconsistencies in procedure and made it difficult to assess success rates with precision. The lack of systematic record-keeping further weakens accountability and restricts meaningful scholarly evaluation of

<sup>31</sup>Dasuki (n 5); Oba and Ismael (n 5).

<sup>32</sup>Z. O. Shittu-Adenuga and others, 'Evaluating ADR under *Sharī'ah* Law in Nigerian States' (2023) 15(3) *Journal of Islamic Legal Studies* 245.

<sup>33</sup>Dasuki (n 5); Oba and Ismael (n 5).

<sup>34</sup>*ibid.*

*Ṣulḥ* as a judicial tool.

Nevertheless, the prospects of *Ṣulḥ* in Kwara State remain considerable. The cultural and religious acceptance of amicable settlement among Muslim litigants continues to encourage voluntary participation and compliance with agreed terms.<sup>35</sup> The involvement of respected ‘*ulamā*’ and court officials as mediators reinforces public confidence in the process. In addition, the growing emphasis on alternative dispute resolution within Nigeria’s justice system creates a favourable environment for the formal integration and strengthening of *Ṣulḥ* within *Sharī‘ah* court administration.<sup>36</sup>

The study therefore concludes that *Ṣulḥ* remains a viable and effective mechanism for dispute resolution in the Kwara State *Sharī‘ah* courts, particularly in marital and family matters. To realise its full potential, deliberate reforms are required. These should include the formalisation of *Ṣulḥ* procedures within court rules, capacity building for mediators through training in both Islamic principles and contemporary mediation techniques, and improved documentation of settlements.<sup>37</sup> Such measures would enhance transparency, consistency, and legal certainty while preserving the distinctly Islamic character of *Ṣulḥ*.

In sum, if properly institutionalised, *Ṣulḥ* holds significant promise for improving access to justice, reducing the burden of litigation, and fostering sustainable peace within the Kwara State *Sharī‘ah* courts. Its continued development will strengthen the role of Islamic law as a responsive and socially relevant system of justice in Nigeria.

## BIBLIOGRAPHY

- Al-Ghazālī, A. H. M. I. M., *Al-Mustasfā* (Dār al-Kutub al-‘Ilmiyyah, 1993) vol 1
- Ali, A. Y., *The Holy Qur’an: Text, Translation and Commentary* (3rd edn, Dar Arabia Publishers and Distributors, 1938)
- Al-Nawawī, A. Z. Y. I. S., *Riyāḍ al-Ṣāliḥīn* (Garden of the Righteous), translated by Muhammed Zafrulla Khan (Islamic International Publications, 1406 AH / 1985 CE) vol 1
- Al-Qayyim, M. I. A. B. J., *I’lām al-Muwaqqi‘īn* (Dār al-Kutub al-‘Ilmiyyah, 1991) vol 3
- Al-Shāfi‘ī, M. I. I., *Al-Umm* (Dār al-Ma‘rifah, 1997) vol 4
- Al-Shāṭibī, A. I. I. M., *Al-Muwāfaqāt* (Dār Ibn ‘Affān, 1997) vol 2

---

<sup>35</sup>Shittu and Olorunoje (n 4).

<sup>36</sup>A. K. Fladjoe, *Alternative Dispute Resolution: A Developing World Perspective* (Cavendish Publishing Ltd, 2004) 54–57.

<sup>37</sup>Shittu and Olorunoje (n 4).

- Ambali, M. A., *Islamic Principles of Reconciliation and Arbitration* (1st edn, Shebiotimo Publications, 1431 AH / 2010 CE)
- Busari, J. M. and Lafiagi, H. S., 'Challenges of *Shari'ah* Adjudication in a Multi-Religious Society: A Case Study of the Independent *Shari'ah* Panels of Yoruba Land, Southwest Nigeria' (2025) 10(1) *Australian Journal of Islamic Studies* 66
- Dasuki, M. J., 'Challenges Facing *Shari'ah* Courts in Nigeria' (2016) 2(1) *Journal of Islam in Nigeria* 25
- Fladjoe, A. K., *Alternative Dispute Resolution: A Developing World Perspective* (Cavendish Publishing Ltd, 2004)
- Hallaq, W. B., *An Introduction to Islamic Law* (Cambridge University Press, 2009)
- Ibn Mas'ūd al-Kāsānī, *Badā'i' al-Ṣanā'i'* (Dār al-Kutub al-'Ilmiyyah, 2003) vol 6
- Ibn Qudāmah, M. A. I., *Al-Mughnī* (Dār 'Ālam al-Kutub, 1997) vol 4
- Irani, G. E., 'Islamic Mediation: Techniques for Middle East Conflicts' (1999) 3(2) *Middle East Review of International Affairs* 1
- Ismael, I. S., 'An Examination of Causes of Delay in the Distribution of Estates in Ilorin and its Environs' (2013) 3(2) *Journal of Islamic Thought and Civilization* 1
- Oba, A. A. and Ismael, I. S., 'Challenges in the Judicial Administration of Muslims' Estates in the *Shari'ah* Court of Appeal in Nigeria' (2017) *Electronic Journal of Islamic and Middle Eastern Law* 82
- Onyema, E. and Odibo, M., 'How Alternative Dispute Resolution Made a Comeback in Nigeria's Courts' *Africa Research Institute – Understanding Africa Today* (2017)
- Shittu, R. and Olorunoje, A. M., '*Ṣulḥ* as Alternative Dispute Resolution Mechanism for Marital Conflicts among Muslims in Ilorin, Nigeria' (2019) 8(2) *Journal of Management and Social Sciences* 625
- Shittu-Adenuga, Z. O., 'Alternative Dispute Resolution under Islamic Law in Nigeria' (2016) 24(2) *Jurnal Syariah* 289
- Shittu-Adenuga, Z. O. and others, 'Evaluating ADR under *Shari'ah* Law in Nigerian States' (2023) 15(3) *Journal of Islamic Legal Studies* 245
- Tijani, A. and Yusuf, H., 'Negotiated Justice: Flexibility in Islamic ADR Practices' (2010) 10(1) *African Journal of Conflict Resolution* 245
- Waheed, W. H., '*Ṣulḥ*: Its Application in Malaysia' (2014) 9 *Islamic Law Review* 123