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The *Sharī'ah* Option and the Attitude of Yoruba Muslims towards Multiple Legal System in Nigeria

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Abstract
The paper addresses the operation of multiple legal systems in a multi-ethnic and multi-religious environment of which Nigeria is part. The issue of multiple legal systems has been a subject of deliberations by jurists and anthropologists. Nevertheless, despite the volume of literature on multiple legal systems, none has elicited the opinion of Yoruba Muslims on their opinion of maintaining the legal system in Nigeria with particular reference to Yorubaland. The paper elicited the views of Yoruba Muslims on their acceptability or otherwise of a multiple legal system where the *Sharī'ah* Law will be implemented on Muslims within the Yoruba domain in Nigeria. Several futile attempts at institutionalising *Sharī'ah* law, especially with regard to personal law have been made in some parts of Yorubaland in Nigeria. Overwhelming majority of the respondents did support a multiple legal system with the Sharī'ah Law as a component. However, the awareness of conflict resolution panels in line with Islamic teachings is low. There is therefore the need to step up publicity in that regard.

Introduction
Jurisprudence is a science which is concerned with the exposition of the principles, notions and distinction that are common to systems of law. Jurists describe it as a scientific investigation and systematic analysis of certain abstract, general and theoretical ideas about law and legal system (Adaramola, 1995). As it is, it targets the discovery of the

ultimate truths and principles that are common to human societies. The above specification intends to describe the role of jurisprudence in providing legal identity of the nature of human societies. In a clearer expression, the concern of jurisprudence is the concentration on the social structures in the realm of social sciences as it focuses on the patterns of behaviour of man and roles of law in moulding such patterns (Iloyd, 1983). Also, a clearer picture of the interplay between law and the society is provided by the anthropologists who view it as the reflection of a particular social order. This, according to them, infers that law does not in actual fact "direct" but rather "reflect" (Moore, 1986).

It is in the context of the above jurisprudential and anthropological positions that an evaluation of important ingredients of their studies is considered appropriate. The state of conflicts of laws, legal plurality, the force which religious values exercise in the final determination of an ideal legal system and the extant controversy on the status of *Sharī'ah* in connection with customary law are issues that must be intellectually main-streamed into the body of any worthwhile comparative study of our law and legal system. This is sequel to the centrality of law as the foundation for the control of the society in the process of directing its social order. The gains of such studies include, among others, access to credible information about the major components of our environment, orderly conduct of our social interaction, ability to develop common vision for common good and the strong faith in the Nigerian project. Altogether, these will earn the citizens the most desired peace under which they can collectively forge ahead while individual and group differences are honoured (Merry, 1986).

In view of the above, the paper investigates the opinions of Yoruba Muslims in Ibadan on their acceptability of multiple legal systems in Nigeria. Towards achieving the objective, Hundred (100) copies of a questionnaire were randomly distributed among Yoruba Muslims in Ibadan while seventy-seven (83) of them were recovered. The data were subjected to cross-tabulations and simple percentages.

The paper is divided into seven sections. Apart from this section which introduces the paper, the next section and the following one examines the concept and practice of multiple legal systems, and the problem of conflict of law respectively. Similarly, the fourth

section discusses the synthesis of law and religious doctrines while the next one focuses on the Independent *Sharī'ah* Arbitration Panel in Yorubaland. The sixth section deals with the opinion of Muslims on the practice of multiple legal systems. The last section concludes the paper.

Concept and Practice of Multiple Legal Systems

One of the major highlights of the modern man and an organised society is the existence of legal plurality or fragments of legal systems. Generally speaking, legal pluralism is a situation in which two or more legal systems exist in the same social field (Abel, 1982). This description attempts to establish the fact that every functioning sub-group in a society has its own legal system which is necessarily different from those of other groups in some aspects. It equally infers that every category or group wants to be identified in line with the legal code traceable to its political history. These groups are identified according to units, family lineage, community and political confederation that form the integral part of such homogenous society (Adewoye, 1986).

In a broader form, legal pluralism is seen as a system of courts and judges supported by the state as well as non-legal forms of normative ordering. It is on this view that it was noted that every society is believed to be legally plural (Jerod, 1983). This shows that a legal system is ideally considered to be pluralistic in the juristic sense when the state, as the central and the sovereign, commands different bodies of law for different groups of population on the grounds of ethnicity, religion, nationality or geographical location. These parallel legal regimes are all dependent on the state legal system.

It has been noticed that the situation described above leads to a range of complex legal problems. These include the struggle for the need to decide accurately which of the sub-groups' law is appropriate for application to a given transaction. Also, in the event of conflict, there is the need to determine the group that a particular individual belongs and the rule to be applied in settling such rifts. This problem is centrally grounded on the choice of law to be applied on issues between individuals (John, 1983).

Similarly, attempts were made by scholars to restrict and treat the issue of legal pluralism from the point of entry of colonial masters

into their colonies. It is on the basis of this that legal pluralism was viewed by John as circumstances in the contemporary world which have resulted from the transfer of whole legal systems across cultural boundaries. This position motivated the idea of separating the affected communities into pre and post-colonial societies of Africa, Asia and the Middle East. This produces another version of legal pluralism called classic legal pluralism (John, 1983). This approach is built on the thinking that legal pluralism has expanded from a concept that views the interaction between the colonised and its coloniser as the relation between dominant groups and subordinate groups, such as religious, ethnic or cultural minorities, immigrant groups and other unofficial forms of ordering so located in the affected social network and institutions.

Additionally, the discovery of what is being referred to as plural normative orders examines the persistent appearance of extraordinary powerful move that places itself between the official legal system and other forms of ordering that neither connect nor separate from the central government (Adewoye, 1986). It conceptualises a more complex and interactive relationship between official and unofficial forms of ordering. The above identification is contested by another position which emanates from the concept of legal centralism. It is a notion which feels that the only form of ordering is the one that entails the state, and presence of lawyers, law courts and prison. This position is based on the idea that law and order takes place in court houses and law offices and not in corporate gossips, tribunals or neighbourhood bars. This position is a systematic rejection of the early existence of indigenous laws which had been in use before the colonial penetration (John, 1983).

The premise upon which a new legal order was built is what is known as repugnancy principle which was used to outlaw those unacceptable African customs. Under this, certain aspects of the indigenous laws were exposed to repugnancy test. For an existing African law to continue its operation, it must pass this test. This means that it must not be repugnant to the principles of natural justice, equity and good conscience (Barbara, 1979). These common law principles serve as measurements and parameters for deciding the suitability of existing indigenous laws so put in practice by the natives. Moreover, it has been discovered that before the incursion of the colonial masters,

there had been a systematic and consistent shaping of indigenous law. This was done through the platforms of conquest and migrations. The first approach was seemingly militant and violent with different degrees of human and material casualties (George, 1986). This was mostly determined by the level of resistance made to such confrontation.

Similarly, migration is of two folds: it could be peaceful, willing or violent. Since the beginning of human history, settlements have been characterised by these two means. There had been cross-cultural interactions among people of diverse historical backgrounds. The central point of this opinion is that Europeans were not the first to influence many third world countries through the introduction of a new legal system. Legal pluralism is viewed from the rejection of the notion of legal centralism. It postulates that law of any kind is by necessity the law of the state.It therefore needs to be uniform and administered by it (Gregory, 1968). Under this perception, divergent opinions were expressed by legal scholars who contributed to the debate.

The idea of ranking is predicated on the need for an arbiter among the existing legal systems in the events of conflict. Two different opinions are expressed about the gain and loss of the practice of legal pluralist state. Sack sees plurality as a positive force which could be utilised and controlled rather than being eliminated (George, 1986). It implies that a proper coordination with diligent handling of the co-existence of different laws under a sovereign state could be utilised for attaining peace and accommodation among other contending laws of the land. The basis of this positive position is contested by Santos who argues that there is nothing inherently good, positive and progressive about legal pluralism (Moore, 1986).

Arguably, it was observed that the conflicting opinion about the nature and practice of legal pluralism is traceable to the legal pluralist definition of the general idea of law. It starts from the question on whether or not all forms of social control are laws, or whether there are some criteria that can be pointed to in distinguishing between the legal and non-legal forms of social control and attendant legitimising power of the label of law. The concentration of earlier legal anthropologists on sanction following deviance from the norm breeds the current argument(Woodman, 1993). This, according to Enchill

(1969), implies that a social norm is considered legal if its neglect or infraction is met by threat or application of physical force.

Similarly, another area of contention has to do with whether there is a fundamental difference between state law and non-state law. Fitz Patrick (1985) observes that the relationship of legal pluralism to the state and to state law has been highly ambivalent. But, Sack clears this when he comments that the problem of defining legal pluralism arising from the fact that a pluralist legal situation makes sense only if it is assumed that one form of law is not objectively superior to all others in every respect. It then follows, as noted in this analysis, that superiority among all existing norms is the bases for this classification. Centralist approach to the idea of law is of the impression that there exists a fundamental difference between state law and non-state law. This position is based on the empirical reality of the extensive power and influence of the state which should not be ignored. This declaration leads us to the impression that modern state derives its power and sovereignty from its over-whelming control of its judicial system.

The above view is contested under what is termed as diffusive approach. The approach believes that law does not need the state to function, nor does it enjoy any particular relationship with the state. This is against legal pluralist scholars that have tended to assume the ultimate domination of the state. They note that the problem with diffusive view is that it does not accord state law the original efficacy in the implementation of and the enforcement of law. In addition, the treatment of all legal orders as being independent from state control does not take into account the possibility of conflict between legal orders (Sack, M. 1981). Additionally, another distinction is drawn by legal pluralists. It has to do with the idea of weak state or juridical legal pluralism and deep, strong or new legal pluralism. A deep legal pluralism involves the existence of legal orders with different sources of authority, whereas in a weak legal pluralism, there are two or more bodies of norms that have the same source of authority.

The existence of multiple laws within a country with its procedures and institution is a fact of life in Nigeria. A situation of independent and autonomous legal rules and institutions exists. It includes coexistence of Islamic and Customary laws on the one hand and on the other hand, the English common law, which is made supreme and pre-eminent, while others are seen as being subservient

legal systems existing at the mercy and under shadow of the Common law. The English law, legal ideas and institutions dictate the content and methodology of other laws. This is owing to the privileged status accorded it within the Nigerian legal system (Yadudu, 2001). A specific reference to Nigeria appreciates the dimension and magnitude of its legal pluralism as it comprises numerous tribes, clans, languages, dialects, religions, cults, laws, customs, cultures and ways of life (Bello, 1993).

In an attempt to clamour for the integration or unification of laws with plural legal systems, two contending schools of thought are identified: these are pro-legal pluralism and pro-legal monism-. The advocates of a monistic legal system rest their case on the need to urge for the true meaning of political independence. This would be actualised through the process of evolving a united nation and guiding different communities with their peculiar law to the attainment of common destiny. This school of thought views with concern that the existence of diverse legal systems will not augur well for a united and cohesive society. According to them, legal plurality breeds complexity and uncertainty in the legal task of ascertaining legal rights and obligations (Yadudu, 2001). Beyond this, citizens of sovereign states in the modern world should not continue to be governed by different laws in their legal relations. It is noted that the support of this nature for the integration of laws in countries with legal pluralism is predicated on the academic as well as practical support and concern for order, simplicity and certainty in the legal system.

The opponents of the above school are pro-legal pluralism. It is convinced that the existence of divergent legal systems within a political unit is a reflection of the diverse backgrounds of the ethnic and cultural component groups making up that unit (Yadudu, 2001). They equally ground their position further on the assertion that these diverse traits predated the state itself as a political unit. This group draws its advocates from the academia and the grassroots. Nigeria is used as one of the countries of case study by the group where the case for the necessity of a plural legal system is made. It suggests that there is nothing objectionable or problematic in having a plural legal system which is a necessary consequence of the historical experiences of the diverse people of Nigeria.

Problem of Conflict of Laws

Conflict of laws is a general term which refers to the disparities among laws, regardless of whether the relevant legal systems are international or inter-state. Other names being interchangeably applied for the conflict of laws situations are private international law and international private law (Brigham, 1987). The term is designated as the processes of making legal enquiries into the existing conflicts and the tendency of its resolution. Most legal systems of the modern states experience conflict of laws situation. In the western legal tradition, the first instance of conflicts of laws is traced to Greek Law. The ancient Greek had encounters that related with multistate problems because there were no choices of law rules. The solutions considered for solving the problem ranged between the creation of special courts for international cases to application of local law on the ground that it was equally available to the citizen of all states of that time (Brigham, 1987).

The above was followed by the Roman Civil Law, which restricted its application to Roman citizens, in form of tribunal that had jurisdiction to deal with multistate cases. The officers of these tribunals did not select a jurisdiction whose rules of law should apply. Instead, they applied a flexible and loosely defined body of law based on international norms. This approach is known today as substantive solution to the choice-of-law issue. The modern history of conflict of laws is generally considered to have begun in Northern Italy during the middle Ages. The Italian trading cities such as Genoa and Venice are particularly seen as the headquarters of such conflicts of law situations. Other centre of the west in the emergence of modern conflict of laws is United States of America. This followed the publication by Joseph Story's treatise on the themes of conflict of laws in 1834. The Story's work and that of A.V. Diecy equally had a great influence on the subsequent development and attraction of the conflict situations in England (Jack, 1978). Much of the legal theories of English law then became the bases for the legal ideals for conflict of laws for most Commonwealth countries.

In the estimation of Nikitobi, there exists two types of conflicts of law situation in most legal systems of the world. The law of a sovereign state may conflict with another sovereign state. Another

situation is where the laws within a sovereign state conflict with one another. The first is more popularly referred to as conflict of law. Conflict situation occurs between English law and Islamic law. Section 261 of the Nigerian constitution (1999) allows for the application of Islamic law only to the Muslims. It shows that it is only the Muslims that will be entitled to claim the benefit of relevant aspects of Islamic law that are applicable to the suit or question on motion. It equally means that the party in such transaction that involves Islamic law must agree to the obligation in connection with such transactions as exclusively regulated by Islamic law.

It has been observed appropriately that the complexity of law in Nigeria is on the account of the federal form of government with its separate federal and state laws. It equally relates to the duality in our system of courts which has the general law and customary or local law. The recent large increase in the number of the constituent state coupled with increasing fluidity and frequency in the movement of individual across the country have all contributed impeccably to the conflict situation in our legal system. Furthermore, the situation brings about an inter-state conflict of laws problems whenever a state court is faced with the problem of applying the law, or recognising or enforcing the judgement of a court of a sister state, or when assuming jurisdiction over persons or property located in another sister-state. The situation as depicted generally leads to a serious conflict situation (Agbede, 1973). Hence, the burden lies largely on the judge, who must in all situations, make judicial pronouncement on any matter brought for his/her hearing.

Synthesis of Law and Religious Doctrines

This aspect of the study is designated, though in passing, to an enquiry into the cleavage and affinity existing between different laws of the people and their religious doctrinal beliefs. It attempts to critically look into the idea of religion as the essence of law. The history of people with sufficient population could not be complete with total disregard to their religious belief. In the same vein, these religious beliefs are seen to be so genuinely traceable to religion with the impacts it is imparting the body and structure of the legal system adopted by such people. A deliberate attempt not to acknowledge this often renders the authenticity and validity of such structural arrangement to credibility

problems, thereby rendering it to momentary usefulness. The ecclesiastical study which deals with the theological doctrines relating to the church establishes that the authority of the common law came into existence alongside the Cathedrals and Parish churches that were built in the 11th and 12th centuries respectively (Malik, 2001).

The English law in its design has no such power to undermine the doctrinal dictates of Christian value. Similarly, the size which usually marks the periodical sessions of the superior courts in English countries for trial of civil and criminal cases and the legal year traditionally commences with special church service. Judicial officers, whether Christians or Muslims are required to attend such a church service. These and several others provide clear indications of Christian orientation of the common law. An end was put to this in Oyo state in 1983 when a Muslim became the deputy governor of the state (Malik, 2001). It is pertinent to add here that Scots Law exist along the English law because its origin and development differ from those of English law. The House of Lords is the final Scottish court of appeal. This is a system of court that is quite separate and independent of the English courts.

Beside the above, the legal systems of most countries of the world affirm the religious affiliation and its antecedents in the overall design of their laws and courts systems. Among the instances to his claim is Kenya that has three grades of *Sharī'ah* courts. These are Liwali's courts, Qadis court and Mudir's courts. The legal system of Tanzania in both the Island of Zanzibar and on the Mainland approved of the *Sharī'ah* courts. Similar situations are found in Uganda, Gambia and Ethiopia with *Qadi* and *Niyaba* courts of *Sharī'ah*. The Coptic Christians of Egypt who are less than seven per cent (7%) of the total population of the country enjoy the legal facilities of the Coptic communal courts as well as Coptic communal court of Appeal (Anderson, 1969).

The constitutions of other countries like India, Pakistan, Malaysia, Indonesia and several others allow for the establishment of courts that enable the adherents of particular religions to seek redress according to the dictates of their respective faiths (Adegbite, 2001). Going by the dictate of the above illustrations, the description of some nations as secular becomes problematic, confusing and ambiguous. For example, the draft copy of the 1978 constitutional conference

specifically states that Nigeria shall be a secular state. This generated serious argument because of the vague connotation of "secularism". The intention of those that drafted the constitution was that the country should not be ruled through the use of doctrines of any particular religion. As a result of the fear from the majority members of the constitutional conference, objection was raised to the term as it denotes, among others, that the government of Nigeria will be godless. The word comes from the Latin root saeculum which means this world. Therefore, secular means simply something of this world, making it distinct from the world to come (Onaiyekan, 2001).

From the above interpretation, there are many kinds of secular states in the world. While some are with God, others are without God. Some states actually deny God going by the way they are run. As a result of this policy, religious adherents are persecuted. Among the examples of this group are the old communist regimes where the constitution, as part of its basic items, stipulates that the nation was atheistic (Onaiyekan, 2001). The other type of secular state is the one that declared that they are secular but recognise God. This is manifest in the way they tolerate religion or encourage it, but the important area of emphasis to them is that there is no state religion. One of the leading examples is the United States of America where the constitution clearly makes a distinction between religion and government. Yet, the United States of America still promotes religion through the state and the people. Not only this, its armed forces have huge and well-organised chaplains for major Christian denominations such as the Protestants and the Catholics. Jews are also taken care of in their denominational characters and doctrinal beliefs. Recently, similar recognition was being considered for Muslim populace within the military profession. On the American dollar, the motto of the nations is "in God we trust" (Onaiyekan, 2001).

Additionally, another leading democracy in the west is France. The French have had the history of church and clerical predomination over public life that predated the years of its revolution. Part of the outcome of such struggle was keeping the clergy out of public life so that the running of public affairs is put in the hands of "lay people". This is why the expression *etat laique* which translates to secular state has become the normal way of representing the gain of that struggle. Despite this, the religious norms and antecedents are still in contention

(Agboola, 1978). Inspite of what is being commonly said about Nigeria as an example of a secular state, leaders of the country often call on the name of God while religious services are being routinely held on state occasions. Office of the chaplain is openly recognised and official provisions are made not only within the armed forces but also in our government institutions of higher learning. The government officials as well as members of the general public are being massively sponsored on holy pilgrimages. Both the states and federal governments have their departments designated for pilgrimage affairs with screaming budgetary allocations for keeping the offices and the running of its affairs (Onaiyekan, 1999). Similarly, governments at all levels have financed the national mosque and the Christian ecumenical centre. The justifiability of government involvements in all these issues and our claim of being a secular state are being keenly monitored by different independent observers and commentators on national issues.

The synthesis of law and religious beliefs is further established by the integration of canon law into the church bodies of organisation and administration. Canon law, as an ideology, has been conservatively defined as a body of church laws which are distinct from the law of any country or city. The word canon came from the Greek word *kanon* which means a rule or norm (Adeseye, 2009). It is a combination of term code with systematic collection of such rules in a book form by which the church directs the social, moral and spiritual activities of her members to their supernatural end. Ecclesiastical legislation made by church started gaining recognition in the 12th century where the rights of individual members of the church were protected and clear prescription of corresponding responsibilities were stated. The tradition employed in doing this was the rough or conservative massive collections of church laws which originated from Popes, Bishop Councils and many other churches over many centuries (Adeseye, 2009). The first well-organised code of Canon Law was promulgated in 1917. During this period, those laws considered to be relevant were adopted, new ones were added while most of the old ones were abrogated leaving relatively two thousand, four hundred and fourteen (2,414) canons. The code of canon law was reduced in 1983 to 1752. Here, the spirit of collegiality which has to do with the recognition given to Bishops to participate in the government of Roman Catholics was enhanced (Yishau, 2008).

It is pertinent to recall that the above historical statement of fact reveals that the common law of England derives its origin from Ecclesiastical law, which in a general sense, means the law relating to any matter concerning the Church of England. Similarly, it could also mean that the law administered by Ecclesiastical courts. Further, the Ecclesiastical law of England largely derives its immediate origin from the cannon law of Papa in Rome and the civil law of the imperial Rome (Abdullahi, 2009). It is necessary to note that what later turned into the common law was largely drawn from the above stated historical antecedents. The logical contention here is that since law is made to represent the social, economic and religious realities of the people it is meant for; and that the canon laws represent the totality of the dimension of thinking and common values of the adherents of a particular religious creeds, the law should never make an attempt at undermining these canon laws. The implication on the final analysis is coming to terms with the validity of the hypothetical proposition which seeks to relate the origins of most laws to the spiritual temptation of religions.

Independent *Sharī'ah* Arbitration Panel (ISAP) in Yorubaland

The initiative of establishing an Independent *Sharī'ah* Arbitration Panel (hereafter referred to as ISAP) came as an expression of frustration. The demand for the application and recognition of Islamic legal system began from the colonial days in 1894, 1923 and 1948 respectively (Onaiyekan, 2001). Each of the quoted dates had different events that led to the organised attempt at instituting demand for the recognition of this aspect of Muslims rights. In the year 1894, the Muslims in India, a then British Colony whose Muslims only represented one fifth of its entire population were granted the civil rights under the *Sharī'ah*. In Nigeria, another British-colony which has Muslims constituting about half of its entire population, Muslims felt that they deserved similar consideration as applicable to India. The petition which was forwarded by the Muslim community of Lagos contained this argument. It was in the same year that the new Shitta Bey Mosque was officially opened while a representative of Sultan of Turkey Abdullah Quillan who was the President of Liverpool Muslim Association attended the opening ceremony (Akintola, 2011). This attendance was an international recognition of Lagos Muslims and a

boost to their morales. Another separate event was that of civil litigation which involved a Muslim woman and her husband in 1923. The woman was unceremoniously divorced from her husband without any consideration of *Sharī'ah* provision of waiting period (*'iddah*).The Muslim community of Lagos expressed their resentment to this judgment and that event was used as another premise for the request for application of *Sharī'ah* and its recognition by the Colonial Masters (Amoloye, 2001).

Similarly, a group of Islamic scholars based in Ibadan demanded for the reinstatement of *Sharī'ah* (Anon, 1985). This step was initiated by Ijebu-Ode Muslim Congress of Nigeria which was founded by Muhammad Al-Amin Kudaisi. A bitter complain was forwarded to the then governor concerning the violation of their religious rights and lack of recourse to the law of their faith. A separate memorandum was sent by the same congress to the Brooke Commission of Inquiry headed by Brook, the then Chief Justice of Nigeria (Amoloye, 2001).

Despite the sound argument explored in the presentation, the Commission turned down the request. After the attainment of independence, the efforts for application of *Sharī'ah* became not only a national issue but also joint struggle by the concerned groups in the country. The Yoruba Muslims alongside their Northern counterparts exhibited a genuine sense of brotherhood in this regard. The appearance of Muslims was noticed through inputs during the amendment of the nation's constitution in the years: 1976, 1977-78, 1988-89, 1994-95, 1998 and 2004-2005 respectively (Akintola, 2001). The struggle was not restricted only to the intellectuals and the scholars and Chief M.K.O Abiola took active part in the process of attaining the laudable goal.

On the need to intimate all Muslim communities on the implication of a Muslim living without *Sharī'ah*, the wake of 1999 witnessed seminars, conferences, symposia and public lectures on *Sharī'ah*. The involvement of National Joint Muslim Organization (hereafter referred to as NAJOMO) of Abdulateef Adegbite who was also the Secretary General of the Nigerian Supreme Council for Islamic Affairs (NSCIA) is noticeable. The organization had sent a memorandum to the Constitution Drafting Committee (CDC) of 1976 demanding a constitutional provision to empower Muslims anywhere in Nigeria to regulate their affairs by applying the *Sharī'ah* on one hand and the

establishment of *Sharī'ah* courts in Ogun, Oyo and Ondo states (Makinde, 2017). Similarly, the Constituent Assembly on 15th November 1988 was petitioned by the Muslim Community of Oyo State. The document titled "Request for Inclusion of the Provisions of *Sharī'ah* Court of Appeal in the New Constitution" was signed by its then secretary Dawud Noibi (now professor). After a year to this presentation, the same community sent a similar petition to the then Military Administrator, Colonel S.A. Oresanyan. This document was signed by the Chief Imams in the then 29 local governments of the state (Shittu, 2009).

Beyond the above events, the National Council of the Muslim Youths Organizations (hereafter referred to as NACOMYO) as part of its advocacy efforts, held a day National Executive Committee meeting in Akure, Ondo State from Friday 12th to Sunday 14th January, 2001. The meeting aimed at further strategising on the issue of introduction of the *Sharī'ah* in the South West of Nigeria. In compliance with the resolution of this National Executive committee meeting, the Oyo State branch of the organization sent its own bill to the state House of Assembly on Wednesday, 15th May 2001. A meeting with the then state governor Alhaji Lamidi Adesina was held on Monday 26th May, 2001 as an additional effort. The governor promised to assent to the bill if the house passed it. Despite the fact that the governor, the speaker, the chief whip and majority of the house members were Muslims, the bill was rejected and it did not go beyond the reading (Ismail, 2010 & Makinde, 2017).

The birth of ISAP came through the co-ordination of Supreme Council for *Sharī'ah* in Nigeria (hereafter referred to SCSN). This body was established in the year 2000 with the aid of some concerned Northern Muslims. Dr. Ibrahim Datti Ahmed, a medical doctor from Kano, is its key founder and president. Its two national vice-presidents are *Shaykh* Abdur-Rasheed Hadiyyatullah, a Yoruba and *Shaykh* Adam Abdullah Idoko, an Igbo. The Secretary General who administers the national secretariat in Kaduna is Nafiu Baba-Ahmed, a lawyer with standing experience in Nigeria's financial sector (B. Alaka, personal communication, January 5, 2015).

The Council offers itself for the provision of logical responses to the deafening din that followed the introduction of fuller implementation of *Sharī'ah* as announced by Zamfara state government in the late

1999. It rose to provide defense and mount pressure on the reluctant Northern governors to do the same. It goes further to promote efforts at implementing *Sharī'ah* outside the North as dictated by various local circumstances. It was under this guide that state chapters were formed with membership drawn from Muslim lawyers, graduates of *Sharī'ah* from various local and Arabian universities, members of the local branches of the NACOMYO and other Muslim activists.The ISAP was inaugurated in Ibadan, the Oyo state capital, in May 2002 and commenced sittings immediately (Akintola, 2011). Similar panels were soon established in Lagos and Ogun States.

Opinion Index on the Practice of Plural Legal System

The arguments that surround the practice of plural legal system in a single society and the opposing view are presented in the first and second research hypothetical variables.

Table I: Opinion Index on the Practice of Plural Legal System

S/N	ITEMS	Strongly Agree	Agree	Disagree	Strongly Disagree
1.	There is nothing objectionable in legal pluralism	75 (90.36%)	8 (9.63%)	-	-
2.	Plural legal system is a necessary consequence of diverse historical experiences	48 (57.83%)	31 (37.34%)	4 (4.81%)	-
3.	With privileged status of common law, our claim of political independence is meaningless.	42 (50.60%)	37 (44.57%)	4 (4.81%)	-
4.	Existence of multiple legal system provides options in settling disputes.	45(54.60%)	25 (30.12%)	13 (15.66%)	
5.	Multiple legal systems are in accord with federal arrangements.	41(49.39%)	21(25.30%)	21(25.30%)	

In table I above, overwhelming majority of the respondents 75 (90.36%) strongly support that there is nothing objectionable in Nigeria operating multiple legal systems while a simple majority 48 (57.83%) also strongly support the notion that a multiple legal system is a

necessary historical consequences emanating from our diverse experience. Additionally, 42 (50.60%) strongly support the view that the privileged status of common law renders the claim of political independence meaningless. This implies that concerned members of community are not comfortable with indirect relegation of other legal system like *Sharī'ah*. Likewise, 45(54.60%) strongly support that alternative dispute settlement among litigants seeking redress is made available through the provision of multiple legal options. About 45(54.60%) strongly support the assertion that legal pluralism would not in any way weaken Nigeria's federal arrangement. About 21(25.30%) of the respondents support the opinion while the same number disagree with it.

Table II: Opinion Index of the Practice of Single Legal System

S/N	ITEMS	AGREE	DISAGREE
1.	Plural legal system hinders common destiny of citizens.	45 (54.21%)	38 (45.78%)
2.	Multiple legal system will not augur well for a united society.	48 (57.83%)	35(42.16%)
3.	It breeds complexity and uncertainty in ascertaining legal rights and obligations.	42 (50.21%)	41(49.39%)
4.	Citizens of modern world should not be governed by different laws.	45 (54.21%)	38 (45.78%)

In table II above, majority 45 (54.21%) of the respondents agree that plural legal system hinders the common destiny of citizens while 38 (45.78%) disagree. Also, 48 (57.83%) of the respondents agree that multiple legal system will not augur well for a united society whereas 35(42.16%) of them disagree. Also, 42 (50.21%) agree that it breeds complexity and uncertainty in ascertaining legal rights and obligations while 41(49.39%) disagree with it. Lastly, 45 (54.21%) of respondents agree that citizens of modern world should not be governed by different laws while 38 (45.78%) of them disagree.

Table III: Introduction of Islamic legal system within Nigerian diverse cultures is repugnant to the principles of natural justice equity and good conscience

Item	Strongly Agree	Agree	Strongly Disagree	Disagree
Islamic law in Nigeria is repugnant to natural justice, equity and good conscience.	26(31.32%)	18(21.68%)	28(33.73%)	11(13.25%)

In table III above, 38 (45.78%) of the respondents strongly agree that Islamic law in Nigeria is repugnant to natural justice, equity and good conscience while 28(33.73%) of the respondents strongly disagree. Moreover, 18(21.68%) and 11(13.25%) respectively.

Table IV: The successful application of *Sharī'ah* in Northern Nigeria is an evidence of cultural adaptability

The Respondents	Strongly Agree	Agree	Strongly Disagree	Disagree
Application of *Sharī'ah* in Northern Nigeria is an evidence of adaptability to other cultures	40 (48.19%)	20(24.09%)	13 (15.66%)	10(12.04%)

In table IV above, 40 (48.19%) of the respondents strongly agree that the application of *Sharī'ah* in Northern Nigeria is an evidence of adaptability to other cultures while 20(24.09%) other agree. About 13 (15.66%) and 10(12.04%) strongly disagree and disagree respectively.

Table V: Awareness of the activities of ISAP

S/N	Items	Yes	No	No Idea
1.	Low level of awareness campaign affects the popularity of ISAP.	62(74.69%)	18(21.68%)	3(3.61%)
2.	Are there areas of similarities between customary judgements and ISAP awards?	13(15.66%)	14(16.86%)	56(67.46%)
3.	Enforcement of ISAP awards is likely hindered by the absence of its official recognition.	60(72.28%)	20(24.09%)	03(3.61%)
4.	Would you prefer the decisions of ISAP to those of customary court?	58(69.87%)	15(18.09%)	10(12.04%)
5.	Would you support the idea of government assuming the financial obligations of ISAP?	67(80.72%)	13(15.66%)	13(15.66%)

In table V above, majority of the respondents 62(74.69%) believe that low level of awareness campaign affects the popularity of ISAP. Also, about 56(67.46%) of them have no idea whether there are similarities between customary and ISAP awards. Further, 13(15.66%) are of the opinion that there are similarities while 18(21.68%) is of the view that there are no similarities. Most of the respondents are of the opinion that the enforcement of ISAP awards is likely to be hindered by the absence of its official recognition and 58(69.87%) prefer the decisions of ISAP to those of customary court. It is therefore not surprising that majority of the respondents 67(80.72%) would support the idea of government assuming the financial obligations of ISAP.

Conclusion

In conclusion, whereas opinions of Yoruba Muslims were generally divided on some issues, overwhelming majority of the respondents did not object to the operation of multiple legal system in Nigeria, Yorubaland inclusive. The position of the respondents concerning the performances of conventional dispute resolution methods was met with sharp division among the respondents. The litigants who appeared undecided viewed the hypothesis from the point of view of their experience with the conventional dispute resolution approach to the various forms of dispute. The judicial officers who are experienced civil servants might want to remain obedient to the ethics of the civil service. It was felt that the independent observers might feel indifferent to the hypothesis, hence their neutrality in the same manner, the secret behind the preference of majority Muslim clerics to the Islamic arbitral legal award was understandable. The lawyers might have grounded their negative position on reservations about the capacity of Islamic arbitral legal award in attending to various dispute matters especially those that are categorised as sophisticated ones. The judicial correspondents in both the print and electronic media fall between the government and private media houses, hence, the difficulty in the ascertainment of their views. Moreover, most of the respondents were unaware of the existence and operations of *Sharī'ah* arbitration panels in some parts of South-West Nigeria. The paper, therefore suggests the panels in question should be given more publicity.

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