

AN ANALYTICAL STUDY OF ZAUREN SULHU IN  
NASSARAWA LOCAL GOVERNMENT AREA OF KANO  
STATE:

AN ISLAMIC PERSPECTIVE.

BY

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SPS/16/MIS/00058

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اَللّٰهُمَّ لِي

## **DECLARATION**

I hereby declare that this thesis has been produced by me and is a result of my own research work. It has not been presented in any previous application for a higher degree by anybody. All quotation and references are indicated in the foot-notes and sources of information are specifically acknowledged by means of a list of references and a bibliography.

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Bashir Sani Isah  
(SPS/16/MIS/00058)

## **DEDICATION**

I dedicate this thesis to my father Late Mal. Ali Isah Fagge, who dedicated his life to me.

May Almighty Allah (SWT) repose his soul and grant him Jannatul Firdausi, ameen.

## CERTIFICATION

This dissertation entitled “An analytical Study of Zauren Sulhu in Nassarawa Local Government Area of Kano State. An Islamic Perspective” by (Bashir Sani Isah SPS/16/MIS/00058) meets the regulation governing the award of the Degree of Master in Islamic Studies of the Bayero University, Kano and is approved for its contribution to knowledge and literary presentation, were carried out under my supervision.

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## APPROVAL PAGE

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## Abstract

This research examines the activities of *zauren sulhu* (a semi-formal facility introduced to resolve disputes at community levels) in Nassarawa Local Government, Kano State with a view to determining whether the conditions laid down by the Shari'ah in applying the law of *sulh* (reconciliation) are adhered to. Tracing back the development of such forums since the mid-1990s through 2005 when they transmuted into offices attached to the Kano State Shariah Commission and later under the Hisbah Board, it is quite evident that they are driven by Islamic ideals. Relying heavily on interviews with community leaders, Islamic scholars, adhoc and permanent members of the forums and even parties involved in the processes across the area of study reveals that disputes brought before *Zauren Sulhu* vary from marital/family matters to intra-faith as well as business and neighborhood quarrels. Moreover, there is a fair compliance to the Islamic provisions on the law of *Sulh*, and community members have confidence in the decisions taken at *Zauren Sulhu* as rarely do disputes brought before them defy amicable solutions and/or end up in litigations.

## CHAPTER ONE

### INTRODUCTION

At the time of the advent of Islam the entire Arabia presented a scene of battlefield and was burning in the fire of mischief and disturbance, people of that peninsula had always been at a logger heads with one another and their hearts were filled with acute rancour. However, Islam declared their mutual love to be part of the basic articles of its program. As human are social beings, disputes among them are inevitable. From time to time differences arise on various questions between the people living together. Historical and personal experience shows that no society has ever existed, between the individuals or the social organizations of which there have never been any differences. Such differences have always existed in all societies. Conflict results from competition between at least two parties. A party may be a person, a family, a lineage, or whole community; or it may be a class of ideas, a political organization, a tribe, or a religion, or a neighbour, or business. Conflict is occasioned by incompatible desires or aims and by its duration may be distinguished from strife or angry disputes arising from momentary aggravation.

The Qur'an emphasized peace and reconciliation as basic to all social and even international relations. Over the course of history, the general approach of Muslims have been supportive of maintaining peace. The act of Sulhu is very essential as far as Islam is concerned. Allah the exalted said:

أَأَنْتُمْ أَوْلَىٰ بِالْحَيَاةِ مِنَ الْآخِرَةِ ۗ لَا تَقُولُوا لِمَنْ كَفَرَ مِنكُم مَّا كَفَرَ مِنكُمْ أَن هُوَ مُؤْمِنٌ بِآيَاتِنَا فَذُرُّهُ ۗ وَأَنذِرُوا أُمَّةً مِّنْهُم مَّا نَذِرُهُمْ ۗ فَذِكْرٌ لَّكُمْ

*“The believers are but brother`s, so make reconciliation between your brothers and fear*

*Allah that you may receive mercy.(Q49:10).*

In another Hadith the Messenger of Allah (PBUH) said:

"حراما" أو أحلالا لصلح جائز بين المسلمين، الاصلح حرم حلالا

*"The settlement between Muslims is permissible except that which legalizes a thing prohibited or prohibits a thing which is permissible <sup>1</sup>.*

Zauren Sulhu named from As-Sulhu. It is a popular aspect of Islamic legal system which derives its origin like other Islamic principles of law from the Qur'an and supplemented by the Hadith, traditions of the prophet and Ijma the consensus of Muslim jurists.

The concept of Zauren Sulhu, is a place where methods of conflict resolution istaken place.

The Zauren Sulhu established in each ward of the Kano state to provide a viable alternative form of adjunction, settling hundreds of disputes for people who prefer them to conventional courts even some police stations refer cases to the Hisbah board because of its quick and satisfactory approach to conflict resolution through mediation. In this case, the Qur'an advises the well-wishers and peacemakers of the society to step in and mediate between the two parties and attempt reconciliation before the situation escalates out of control and blood is shed.

Through the activities of Zauren Sulhu, most of social cases i.e. family cases, marital cases, neighbour cases, intra-faith and business partner cases could be solved. Thus, Zauren Sulhu committee contributes immensely in peace and harmony in the society and brings positive changes in our social life.

### **1.1 STATEMENT OF THE PROBLEM.**

Islam is a comprehensive way of life dealing with social, economic, political and all other aspects of human life. Muslims are expected to live peacefully in accordance with the

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<sup>1</sup> Muhammad Isa. Sunnan al-Tirmidhi, (Kitab al-Sulh). Beirut, Dar al-Garb al-Islamiyy, No.2433.

teachings of the Qur'an and Sunnah. However, due to some circumstances, the social life of our people, particularly family is gradually moving contrary to the provisions of the Shari'ah. Zauren Sulhu known as external dispute resolution in some quarters, is a dispute solution process and technique that acts as means for the disagreeing parties to come to an agreement short of litigation. It is a collective term for ways through which conflicting parties can settle disputes. It is intended to serve as an alternative to the conventional court processes.

Disputes and disagreements have been as old as man himself right from his creation by Almighty Allah. This is due to the complexity of the nature of man. It is often said that no man is an island instinctively, man must interact, stay and reason together through different ways, manners and approaches. The imperative of intermingling of man and the interaction of people among themselves make dispute and disagreement inevitably inseparable parts of life. Dispute may occur between individuals of the same family, tribes and communities of the same country, sovereign nations, corporate bodies, institutions, political parties, religious bodies and so on and so forth, it is a common phenomenon in countries such as ours with cultural, lingual and religious diversities.

Dispute, if not quickly managed by settlements often results into bloody clashes and wars of which consequences are bitterly painful, regrettable and of adverse results with irreparable damages and hardships. In order to checkmate disputes in whatever form; individual, societal, tribal, political, commercial, environmental or local there must be a thoughtful and well researched approach to bring about peace and resolution between the disputing and warring parties, communities. This is the primary goal and objective of Zauren Sulhu.

## **1.2 AIM AND OBJECTIVES OF THE STUDY.**

- i- It will also expose the activities of Zauren Sulhu, its achievements as regards spiritual upliftment, social and economic life of the people in the society.

- ii- It also encouraging both Muslims and Non-Muslims to patronize Zauren Sulhu for solving their disputes.
- iii- It will also evaluate the methodology used by Zauren Sulhu in settling dispute in the society, and dynamic nature of Zauren Sulhu in Nassarawa L.G.A.
- iv- To expose the problems and challenges facing the Zauren Sulhu in carrying out their activities.

### **1.3 SIGNIFICANCE OF THE STUDY.**

- i- The study will enlighten the society at large about the essence of having Zauren Sulhu in Kano State and Nassarawa Local Government Area.
- ii- It encourages peoples to go in to Zauren Sulhu in settling their disputes.
- iii- To serve as guidelines to individuals involved in the Zauren Sulhu activities.

### **1.4 CONTRIBUTION TO KNOWLEDGE**

- i- This research creates awareness about Zauren Sulhu, its activities method in carrying out functions.
- ii- This research also identifies and highlights the contributions of the Zauren Sulhu towards minimizing disputes in the society.
- iii- It will also contribute to knowledge in the sense that, the reader will be acquainted with some Islamic provisions for preventing disputes in the society, of which Zauren Sulhu is among.

### **1.5 SCOPE AND LIMITATION OF THE STUDY**

The research is limited only to six (6) selected wards in Nassarawa Local Government Area of Kano state which include; Dakata, Gama, Giginyu, Gwagwarwa, Hotoron-North, Kawaji Ward. The period of the research will cover from 2005 to 2018.

## **1.6 METHODOLOGY AND SOURCES OF THE INFORMATION**

This research uses both Conventional and Fieldwork methods in arriving at conclusion. Primary source like Glorious Qur'an, authentic Hadith and relevant materials like textbooks, journals, and newspapers, periodicals will also be consulted. Internet will also be utilized by the researcher in order to browse some relevant data.

However, by fieldwork method, the researcher will conduct some oral interview with some individual who are very conversant in the area of the research. They include, among others, Zauren Sulhu committee members, Hisbah officials, traditional leaders and Muslim scholars.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

In this chapter, the previous works which are related to the topic will be reviewed; works earlier done on reconciliation are quite enormous. Therefore, various materials both published and unpublished have been consulted in writing this essay. Among the most important works consulted and review so as to give this work a bearing would critically analyses the following paragraphs:

Writings in these areas appear in many forms and different levels ranging from independent books, journals, articles. For example, “Sulhu in Islamic Constitutional Law: *The Role of Emirates in Disputes Resolution*” by Ibrahim Barkindo (2009). The paper was also presented at the 11<sup>th</sup> Annual judges` conference held at Kongo, Ahmadu Bello University, Zaria. It discussed mainly the role played by Emirate councils in disputes resolution, which is from the ground level of Muslim community authorities. The author also discusses on justice delivery in the present emirate system. He itemized some issues like land disputes, neighbourhood, family disputes, matrimonial issues and general grievances ranging from poverty to socio-legal matters that need practice rather than reactive approaches for solutions. The presenter used Kano Emirate as a case study to illustrate their authoritative system in the Emirate and their patronization on dispute resolution. He then talked on the establishment of “Zauren-Sulhu” by Kano-State Government as well as the role of Hisbah in handling as-Sulhu. The paper by Barkindo (2009) is limited to the role of the emirate on as-Sulhu while this work entails most of the related agencies taking part in as-Sulhu. Also while this work views most of the issues in Muslims community, this paper has specified only on Zauren Sulhu. Yet both are on similar views that is emphasizing on peoples favoring of Sulhu instead of other options.

Another important book reviewed is: *“Islamic Law Principles of Reconciliation and Arbitration”* written by M. A. Ambali, (2010). The author tried to capture almost as far as the issue of as-Sulhu is concerned. He began by tracing the origin of arbitration, definition of as-Sulhu, definition of Tahkim, the status of as-Sulhu, forms of reconciliation and the general rules of as-Sulhu. He further made clear explanations on reconciliation in lieu of oath. Then he discussed as-Sulhu and the payment of Diyyah, binding effects of as-Sulhu, documentation of arbitral decisions, and the limit of as-Sulhu and concluded with withdrawal of consent and enforcement. The author of the book covered the areas to be touched in court cases in the process of making as-Sulhu and emphasized the importance of assimilating as-Sulhu as the best alternative in conflict resolution even in the so called developed societies. Though the author precisely brought some examples of how as-Sulhu is taking place in a duly Islamic Shari`ah and in a purely Muslim society, contrary to this, however, this work studies how Zauren Sulhu will be actualized among the people of Nassarawa Local Government Area of Kano State, which is a Shari`ah State governed by Muslims.

Another reviewed article is *Sulhu Scribe providing Data for the State Government to Address Social Problems*, presented by Alhaji Jamilu Basiru Turaki, District Head of Dutse (2014). The paper shows that, part of the support to the Dutse Emirate Council is the development of a record keeping system and an electronic database known as the Sulhu Scribe. It provides accurate data on the type and nature of disputes in communities. This data is then used to informed decisions, policies and actions by the government agencies. The Emirate Council and other relevant community organizations based on the evidence. The Dutse Emirate Council is now using the results of the analysis from the data collected from the record keeping system for policy decisions. For number of family and marital disputes in pilot and non-pilot locations. Based on this information from the Sulhu scribes, the Dutse

Emirate Council has engaged (Imams/Ulama), community leaders and government to address these emerging trends in the disputes highlighted by the Sulhu.

*Traditional Rulers are Now Specialists in Dispute Resolution.* A paper on Traditional justice system; improving efficiency and respect for human, Jigawa State (2014) by Auwalu M. Bello discusses how the traditional rulers now resolve disputes, people are now satisfied and they now hardly go to the Police stations to make complaints. The paper argues that there is peaceful coexistence amongst people. He added, traditional rulers are now specialists in dispute resolution, they now have the alternative dispute resolution human rights training manual on methods of handling disputes and they also record every dispute they conduct. Unlike in the past, he further noted, 'there is more referral to the police and the courts because traditional rulers know their limits'. They now conduct themselves accordingly. Without J4A help, traditional ruler delved into almost every issue but the training has increased traditional rulers' knowledge and competence.

H.D.S Magaji, (2012) in the *Promoting Alternative Dispute Resolution through Court Rule: The Borno State High Court (Civil Procedure) Rules 2012* in perspective, being an article. In recent years, there has been renewed emphasis on the Alternative Dispute Resolution Schemes as a mean of avoiding the use of contested hearing in the formal court-based litigation and to ensure the most fundamental right of access to justice for all in an easy way. She also said these Alternative Dispute Resolution (ADR) modalities are considered as an alternative to the formal court procedure, reduces cost, delay and loss of energy to a significant extent. Following the considered advantage of ADR system in its justice delivery system and this is a way of resolving conflicts, whether by determining it or managing it, but the decision to use the dispute resolution processes be made on the basis of a range of factors including how best to serve the specific interests of the parties and how best to ensure that justice is accessible, efficient and effective for the parties involved. The paper also provides

some additional recommendations for the complete success of ADR towards the effective, non-discriminative, speedy and easy access to justice for all. It is related to my research work because, there are useful data to consider by the present researcher.

Moreover, Bukhari (2005) in his *Peace and Conflict Resolution in Nigeria: An Islamic Perspective Towards Fostering Nigerian Nationhood*. Being a paper presented at the National Conference on Peace Education and Challenge of Nigeria, Niger State College of Education, Minna. After the introduction, quoted by Aliyu SS on conflicts as struggles and quarrels; he also said, the contemporary Nigerian is afflicted by numerous disease which have spread to almost every aspect of its being moral decadence, intellectual paralysis, absence of justice and fair dealing, exploitation and corruption, extremes of ignorance and disease, poverty, dependence, insincerity and discord of all these diseases (problems), the most dangerous one is the disease of disagreement and discord which in consequence give birth to conflicts. The final conclusion of this paper is that Islam in its principles, values and goals; capable of guiding successful, and constructive peace moves and settlement in the society particularly if Muslim abide by its comprehensive principles and values.

However, Dr. Vandana Singh (2017), *Alternative Dispute Resolution in Islam: An Analysis*. The present paper is an attempt to analyze practice and concept alternatives Dispute resolution from an Islamic theological perspective. This paper outlines the foundations for Alternative dispute resolution in Islam and assess the theory and practice of Sulhu and taken in contemporary times. These mechanisms form the basis of Alternative dispute resolution (ADR). The present research is aimed to trace the existence of ADR in Islamic culture traditions. In every society, as Gelernter observes, people are largely averse to going to courts or formal state forums for settlement of their dispute and most of their disputes are resolved in variety of extra-judicial ways, including by negotiation, mediation, and arbitration. He also give the Historical background of ADR in Islam, the process of ADR in Islam i.e., the

concept of Sulhu which include compromise, settlement or agreement between parties is the oldest practice of dispute resolution. Its purpose is to minimize hostility and conflict among believers so that they may continue their peaceful relationship in society. Its nature is like private settlement, wherein most of the cases parties among themselves settle a dispute without recourse or interference by the third party. The strength of Sulhu is its flexibility and its process includes negotiation mediation or conciliation.

This chapter reviews the existing literature within the general concept of Zauren Sulhu, and the activities of Zauren Sulhu in Nassarawa Local Government Area.

## CHAPTER THREE

### NASSARAWA LOCAL GOVERNMENT AREA AND THE POSITION OF ZAUREN SULH IN ISLAM.

#### 3.1 History of Nassarawa Local Government Area.

##### 3.1.1 Creation and Composition:-

The word “Nassarawa” refers to the settlement of the foreigners, is situated in the metropolitan part of Kano State. Nassarawa Local Government Area was carved out from the former Kano Municipal Council in August, 1989 by the military government of Ibrahim Badamasi Babangida. Its headquarters are Bompai, within the city of Kano<sup>2</sup>. It has an area of 34 km<sup>2</sup> and is made up of eleven (11) wards. They are; Dakata, Gama, Gawuna, Giginyu , Gwagwarwa, Hotoro North, Hotoro South, Kaura Goje, Kawaji, Tudun Murtala, Tudun Wada.

Nassarawa Local Government Area is one of the 44 Local Government of Kano State. It is located in the Eastern part of Kano State, and it shares borders with;

Gezawa and Kumbotso Local Governments in the East,

Fagge and Municipal local Governments in the West,

Gezawa and Ungogo Local Governments in the North and

Tarauni and Kumbotso local governments in the South.

Nassarawa Local Government Area has about six (6) thriving markets and several motor parks. The major markets are Dakata grain market, Gwagwarwa market and Yankaba Vegetable markets.

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<sup>2</sup> <http://en.m.wikipedia.org/wiki/nassarawaL.G.A>

### **3.1.2 Peoples:**

Nassarawa Local Government has a population of 596,669 according to 2006 census. Though Hausa is the predominant ethnic group in the area, it has a composition of virtually all the ethnic groups in the country some of which have been living there for some decades.

For Instance, Brigade quarter is an area that covers five out of the eleven wards of Nassarawa Local Government Area in Kano State, and has many ethnic groups. While others believe that it is an area reserved for non-indigenes or settlers during the old days of the colonialists<sup>3</sup>.

The five wards of Brigade comprising Tudun wada, Gawuna, Gwagwarwa, Gama and Kaura Goje are linked to one another. There are also some neighbourhoods like Unguwar Takari, Yantsire, Yan Balangu, Kwana hudu, Kabarin Racca, Tsamiya among others which represent small towns that are housed by the wards in the local government. Tudun Murtala, Kawo and Badawa are other areas that are inhabited by non-indigenes of diverse Ethnic affiliations such as Fulani, Kanuri, Babur, Margi, Badawa, etc. The vast majority of the people of Nassarawa Local Government Area engage in various forms of business activities ranging from sale and supply of good and services, petty trading, catering business and so on. There are also civil servants, artisans and a few engage in farming activities.<sup>4</sup>

### **3.1.3 Religious Groups:**

Islam is the main religion practiced by the inhabitant of Nassarawa Local Government, though handfuls of Christian migrants can be found running different business and occupying houses as tenants. The majority of the Muslims belonging to Maliki schools of jurisprudence. They follow the Qadiriyya and Tijjaniyya sufi orders while others belong to the Ahlul-Sunnah. There is also an insignificant number of Shi`ites.

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<sup>3</sup> "Post offices with map of LGA". NIPOST. Archived from the original on 2009-10-07.

<sup>4</sup> <http://www.dailytrust.com.ng/features>

For instance, in Qadiriyya there are some prominent peoples like Sheikh Ibrahim Umar Chiromawa (karrabi) a student of the late Sheikh Malam Nasiru Kabara and currently lives at Gidan Maisikeli Dawakin-Dakata. His brother was well-known in Kano state late Sheikh Mal. Aliyu Umar Chiromawa and Mal. Auwal Umar Chiromawa, Imam of Chiromawa juma`at mosque Dawakin-Dakata, the biggest juma`at mosque of Qadiriyya followers in Nassarawa Local Government in Kano state. And there are many followers here and there who are not popular within the Local Government Area<sup>5</sup>.

For the Tijjaniyya adherents, there are many Shaykhs with their Zawiyas. i.e; the Zawiyas of Sheikh Yusuf Gama, Zawiyas of Sheikh Khalifah Malam Tijjani Sabaru `b` kawaji, Zawiyas of Alhaji Sule Ghana Yankaba, Zawiyas of Malam Abdulkarim Sauna, Zawiyas of Malam Shu`aibu Haye (Hotoro), Zawiyas of the late Mal. Dahiru Dakata, Juma`at Mosque like; Giginyu juma`at mosque, Masjid Umar Faruq (UDB Road Hotoro) etc.

Ahlul-Sunnah are the majority, and have a lot of juma`at mosques in the area, and also with popular peoples in Kano state. i.e; Sheikh Abdullahi Saleh Pakistan who is the chairman of Jama`atu Izalatul Bid`ah Wa Ikamatul Sunnah (JIBWIS), and the Imam of Sheikh Ja`afar Mahmud Adam Mosque Tudun-Murtala, which is among the first Ahlul Sunnah Juma`at Mosque in Kano. Secondly, the late Sheikh Aminudden Abubakar Juma`at Mosque (Da`awah), Mal. Abdullahi Yankaba, Mal. Nuhu Yankaba Director of Ansarullah School and Imam of Sheikh Zarban Juma`at Mosque Yankaba. Another well-known person is Mal. Ali Dan-Abba Sabaru `b` (PRO-JIBWIS) Kano. Sheikh Dr. Mal. Ghali Musa, Imam of New Juma`at Mosque Badawa Layout and he is the Assistant of Sheikh Abdullahi Saleh Pakistan (Na`ibi), living in Sabaru `B` Kawaji ward, there is Almontada Mosque (Kawo), Alfurqan Mosque along Alu-Avenue.

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<sup>5</sup> An interview with Sheikh Ibrahim Umar Chiromawa (Karrabi), at his house Gidan maisikeli Dawakin Dakata, on 10/05/2018.

There is also an insignificant number of Shi'ites i.e; in Dakata there is a Hussainiyya building where meeting and other Shi'ites activities are taking place, along independent road. The former state treasurer of Shi'ites (Mal. Yusuf Wise Dakata), Mal. Idris Giginyu, while some are here and there within the local government area. There is also the Jama`at Nasrl Islam, Ansar-uddin, Nawwar-uddin, Nurul-Islam and there is office in Kawaji along head of kawaji house, mostly led by the Yoruba Muslims.

Few of the Christian population in Nassarawa Local Government Area belong to catholic by denomination. There are also Deeper Christians church of God (Deeper life), Evangelical church, ECWA members mostly living in Badawa and Dawakin-Dakata and their churches there. The Yoruba christens belong to the Anglical church, while the igbo`s are predominantly catholic.

### **3.2. Sulhu in Islam.**

**3.2.1. Concept of Sulhu:-**Disputes and disagreement are as old as man himself right from his creation by the Almighty God. This is due to the complexity of the nature of man. It is often said that no man is an island. The imperative of intermingling of man and their interaction among themselves make disputes and disagreements inevitable.

Sulh:- Is defined as "Termination of a quarrel or hostility" But, legally it is defined as an agreement that terminates hostilities or misunderstanding between disputants". In another words, as-Sulh is defined as shifting from a right or claim for an indemnity, for the purpose or with the intent of resolving a misunderstanding or preventing its occurrence<sup>6</sup>.

In another definition "Sulhu" is defined as a contract or agreement concluded between two quarrelling parties with the aim of solving or settling their disputes amicably. In other words,

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<sup>6</sup> Jawahir al-iklil Sharhi Muktasar Khalil, vol.11 Kano, Abuu as sa`uud and alt-Tayyib publisher, p120.

'*Sulh*' is an alternative to litigation, if a person claims a right against someone and the person against whom the claim is made confesses and accepts to reconcile with the claimant in exchange for a part or portion of that right to avoid the dispute and the claimant consents to that, the two of them could be said to have entered into as – *Sulh*<sup>7</sup>

Reconciliation in Islam. Dictionaries explain that it means a process in which two people or two groups of people become friendly again after they have quarreled or have not been in contact with each other. According to this definition reconciliation is a reuniting and harmonizing of two hostile people or groups by calling them to come together within the context of understanding and respect in order to foster mutual understanding, stimulate communication, correct stereotypes, work on specific problems of mutual concern, explore similarities and differences, and facilitate means of witness and cooperation between them<sup>8</sup>. Briefly, one can assert that reconciliation is the repair of a deteriorating relationship between two or more people or groups. Sulhu; also known as external dispute resolution in some quarters. It is a dispute solution process and technique that acts as means for the disagreeing parties to come to an agreement short of litigation. It is a collective term for ways through which conflicting parties can settle disputes with (or without) a third party. It is intended to serve as an alternative to the conventional court processes<sup>9</sup>.

Sulh. Is a popular aspect of Islamic legal system which derives its origin like other Islamic principles of law from the Qur'an and supplemented by the hadith; traditions of the prophet and Ijma; the consensus of Muslim jurists. Sulh – was practiced by the Prophet (PBUH) and his early disciples upon whom be peace of Allah during the incident which occurred at a place between Makkah and Madinah called al-Hudaybiyah. This was when the Prophet

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<sup>7</sup> Musa, B. *Sulh under Shari'ah, Nigeria*. Hallmark Publishing, (2011) p-12.

<sup>8</sup> Mahmut A. *Journal of Enumerical Studies* Vol. 39, (2002)No. 1-2

<sup>9</sup> Totaro, Gianna (Nov. 14<sup>th</sup>, 2008), "Avoid court at all cost", the Australian Financial Review, (April 19<sup>th</sup>, 2010).



Thus, the concept of Sulh could be viewed as means of peace or reconciliation.

The Qur'an appreciates sulh and says;

□ □ □

*“Compromise is better” (Q4:128).*

In view of that, the purpose of reconciliation is to end conflicts and hostilities against believers so that they may conduct their relationship in peace.

### **3.2.2. Essentials and Conditions of Sulhu.**

#### **Essentials of Sulhu;**

Sulh, as a contract, has certain essential elements that together make up a valid *Sulh* agreement under Islamic law. The following are the essentials of *Sulh* agreement:

- Al-Masalah (one who makes a declaration of claim)
- Al-Masalah Alaihi (one against whom claim is declared)
- Al-Masalah Anhu
- Al-Masalah Bihi/Badl al-*Sulh* (The object offered for the *Sulh*/consideration)
- Al-ijab (offer)
- Al-Qabul (acceptance)<sup>11</sup>

**Al-mufasalihan** The two conflicting parties should be persons who possess the legal capacity to surrender their right, donate or make a gift and not otherwise. In accordance with this

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<sup>11</sup> Sayyid Sabiq. *Fiqh al-sunnah*, op.cit., Vol. 3, p. 210

principle, an insane, a minor, a guardian over orphan's property, an administrator over endowment fund (waqf) shall have no legal capacity to become Masalih over properties or interest that they can like the legal capacity to validly dispose under Islamic law. Their capacity in this regard is only contingent on the fact that all such persons whose legal capacity is in question (i.e minors, orphans and administrator of waqf e.t.c) should stand to benefit from the *Sulh*<sup>12</sup>. This means that there shall be a special need and benefit that may accrue to such person for *Sulh* on their behalf to be valid.

**Al-Musalah anhu(fihi)** (subject matter of Dispute): The subject matter of *Sulh* should be property (maal) of value. The subject matter of *Sulh* may emanate from dispute over anything lawful, be it dispute involving monetary claims, property, issues concerning marriage and divorce and lots of civil cases to the exclusion of Hudud cases.

**Al-Musalah bihi:** This is the object or thing tangible or otherwise upon which the parties to the *Sulh* agree to be given as consideration in place of the right forgone by way of *Sulh*. Here, the basic rules of sale contract as to the subject matter of sale apply, in that, it must be something valuable, beneficial and capable of delivery, when so required. It must also be well known, i.e., such knowledge that will negate ignorance and conflict where it may be required to be received or delivered. However, according to Hannafi School, if it is something that does not required actual physical delivery, it is not condition that the article or item must be well known<sup>13</sup>.

**Al-ijab and Al-Qubul** (offer of acceptance): Like any other contract under Islamic law, offer and acceptance are essential ingredients of *Sulh*. The offer as well as the acceptance may be conveyed in any expression that clearly illustrates the mutual consensus of the parties.<sup>14</sup>

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<sup>12</sup> Sayyid Sabiq. Fiqh al-sunnah, op.cit., p. 212

<sup>13</sup> Sayyid Sabiq. Fiqh al-sunnah, op.cit., p. 382

<sup>14</sup> Sayyid Sabiq. Fiqh al-sunnah, op.cit., p. 210

### **Conditions Governing Sulhu:-**

Asulhu contract has certain conditions that must be available to the party concluding the contract. For example, the person who concludes *Sulh* must be sane, because both insane and minors have no eligibility<sup>15</sup>. Moreover, *Sulh* can only be permissible in matters involving right of man. It should not contravene the principle of the Shari'ah. Sulh is not applicable in the case which was already decided by the court. Islamic law, in its wisdom, made provisions for the circumstances under which *Sulh* is applicable as a legal procedure. A judge before whom a case is presented may advise the parties in any of the following situations or related matters:

- i. Where the case is complicated due to legal issues or intrigues involved therein.
- ii. Where each of the parties to litigation is able to present his evidence but the evidence so presented are of no equal weight or strength when put on a scale of justice, both appeared to be same in terms of proving claim and denial, then the judge may result to such settlement out of court.
- iii. Where the parties to litigation happen to be influential, *Sulh* is advised to avoid breach of peace.
- iv. He may also advise the parties on *Sulh* where the litigants happen to be learned and respected men in the locality with large followers.

It must be pointed out that even though the Shari`ah recommends and encourages parties to resort to *Sulh*, it is, however, prohibited for the judge to force one or both of the parties to submit to *Sulh* against their will or the will of anyone of them<sup>16</sup>.

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<sup>15</sup> Abd al-Rahman, I. Doi, Shari`ah The Islamic Law, Ta-Ha Publishers, London (1984) p.553

<sup>16</sup> Ash-Shanqity A. Mawahib Al-Jalil min Adillat al-Khalil. Al-maktab, Al-Ilmiyya Beirut, Lebanon (2004), vol. 4, pp54-55.

### 3.2.3. Position of Sulh in Islam.

The concept of *Sulh* is not new in the Islamic system of administration of justice. It is a concept provided by the primary sources of the Shari'ah. It has been explicitly established by the Holy Qur'an and exemplified by the Sunnah of the Prophet (PBUH) and the Ijma of the Muslim jurists<sup>17</sup>. The Holy Qur'an as the principal source of the Shari'ah has mentioned emphatically the provisions relating to *Sulh* in several verses of the Qur'an. However, the evidence for its legality have been derived from the following verses of the Holy Qur'an;

بِیْ بَیْتِیْ تَنْتَقِیْ ۝ ۱۰۱ ۝ ۱۰۲ ۝ ۱۰۳ ۝ ۱۰۴ ۝ ۱۰۵ ۝ ۱۰۶ ۝ ۱۰۷ ۝ ۱۰۸ ۝ ۱۰۹ ۝ ۱۱۰ ۝ ۱۱۱ ۝ ۱۱۲ ۝ ۱۱۳ ۝ ۱۱۴ ۝ ۱۱۵ ۝ ۱۱۶ ۝ ۱۱۷ ۝ ۱۱۸ ۝ ۱۱۹ ۝ ۱۲۰ ۝ ۱۲۱ ۝ ۱۲۲ ۝ ۱۲۳ ۝ ۱۲۴ ۝ ۱۲۵ ۝ ۱۲۶ ۝ ۱۲۷ ۝ ۱۲۸ ۝ ۱۲۹ ۝ ۱۳۰ ۝ ۱۳۱ ۝ ۱۳۲ ۝ ۱۳۳ ۝ ۱۳۴ ۝ ۱۳۵ ۝ ۱۳۶ ۝ ۱۳۷ ۝ ۱۳۸ ۝ ۱۳۹ ۝ ۱۴۰ ۝ ۱۴۱ ۝ ۱۴۲ ۝ ۱۴۳ ۝ ۱۴۴ ۝ ۱۴۵ ۝ ۱۴۶ ۝ ۱۴۷ ۝ ۱۴۸ ۝ ۱۴۹ ۝ ۱۵۰ ۝ ۱۵۱ ۝ ۱۵۲ ۝ ۱۵۳ ۝ ۱۵۴ ۝ ۱۵۵ ۝ ۱۵۶ ۝ ۱۵۷ ۝ ۱۵۸ ۝ ۱۵۹ ۝ ۱۶۰ ۝ ۱۶۱ ۝ ۱۶۲ ۝ ۱۶۳ ۝ ۱۶۴ ۝ ۱۶۵ ۝ ۱۶۶ ۝ ۱۶۷ ۝ ۱۶۸ ۝ ۱۶۹ ۝ ۱۷۰ ۝ ۱۷۱ ۝ ۱۷۲ ۝ ۱۷۳ ۝ ۱۷۴ ۝ ۱۷۵ ۝ ۱۷۶ ۝ ۱۷۷ ۝ ۱۷۸ ۝ ۱۷۹ ۝ ۱۸۰ ۝ ۱۸۱ ۝ ۱۸۲ ۝ ۱۸۳ ۝ ۱۸۴ ۝ ۱۸۵ ۝ ۱۸۶ ۝ ۱۸۷ ۝ ۱۸۸ ۝ ۱۸۹ ۝ ۱۹۰ ۝ ۱۹۱ ۝ ۱۹۲ ۝ ۱۹۳ ۝ ۱۹۴ ۝ ۱۹۵ ۝ ۱۹۶ ۝ ۱۹۷ ۝ ۱۹۸ ۝ ۱۹۹ ۝ ۲۰۰ ۝ ۲۰۱ ۝ ۲۰۲ ۝ ۲۰۳ ۝ ۲۰۴ ۝ ۲۰۵ ۝ ۲۰۶ ۝ ۲۰۷ ۝ ۲۰۸ ۝ ۲۰۹ ۝ ۲۱۰ ۝ ۲۱۱ ۝ ۲۱۲ ۝ ۲۱۳ ۝ ۲۱۴ ۝ ۲۱۵ ۝ ۲۱۶ ۝ ۲۱۷ ۝ ۲۱۸ ۝ ۲۱۹ ۝ ۲۲۰ ۝ ۲۲۱ ۝ ۲۲۲ ۝ ۲۲۳ ۝ ۲۲۴ ۝ ۲۲۵ ۝ ۲۲۶ ۝ ۲۲۷ ۝ ۲۲۸ ۝ ۲۲۹ ۝ ۲۳۰ ۝ ۲۳۱ ۝ ۲۳۲ ۝ ۲۳۳ ۝ ۲۳۴ ۝ ۲۳۵ ۝ ۲۳۶ ۝ ۲۳۷ ۝ ۲۳۸ ۝ ۲۳۹ ۝ ۲۴۰ ۝ ۲۴۱ ۝ ۲۴۲ ۝ ۲۴۳ ۝ ۲۴۴ ۝ ۲۴۵ ۝ ۲۴۶ ۝ ۲۴۷ ۝ ۲۴۸ ۝ ۲۴۹ ۝ ۲۵۰ ۝ ۲۵۱ ۝ ۲۵۲ ۝ ۲۵۳ ۝ ۲۵۴ ۝ ۲۵۵ ۝ ۲۵۶ ۝ ۲۵۷ ۝ ۲۵۸ ۝ ۲۵۹ ۝ ۲۶۰ ۝ ۲۶۱ ۝ ۲۶۲ ۝ ۲۶۳ ۝ ۲۶۴ ۝ ۲۶۵ ۝ ۲۶۶ ۝ ۲۶۷ ۝ ۲۶۸ ۝ ۲۶۹ ۝ ۲۷۰ ۝ ۲۷۱ ۝ ۲۷۲ ۝ ۲۷۳ ۝ ۲۷۴ ۝ ۲۷۵ ۝ ۲۷۶ ۝ ۲۷۷ ۝ ۲۷۸ ۝ ۲۷۹ ۝ ۲۸۰ ۝ ۲۸۱ ۝ ۲۸۲ ۝ ۲۸۳ ۝ ۲۸۴ ۝ ۲۸۵ ۝ ۲۸۶ ۝ ۲۸۷ ۝ ۲۸۸ ۝ ۲۸۹ ۝ ۲۹۰ ۝ ۲۹۱ ۝ ۲۹۲ ۝ ۲۹۳ ۝ ۲۹۴ ۝ ۲۹۵ ۝ ۲۹۶ ۝ ۲۹۷ ۝ ۲۹۸ ۝ ۲۹۹ ۝ ۳۰۰ ۝ ۳۰۱ ۝ ۳۰۲ ۝ ۳۰۳ ۝ ۳۰۴ ۝ ۳۰۵ ۝ ۳۰۶ ۝ ۳۰۷ ۝ ۳۰۸ ۝ ۳۰۹ ۝ ۳۱۰ ۝ ۳۱۱ ۝ ۳۱۲ ۝ ۳۱۳ ۝ ۳۱۴ ۝ ۳۱۵ ۝ ۳۱۶ ۝ ۳۱۷ ۝ ۳۱۸ ۝ ۳۱۹ ۝ ۳۲۰ ۝ ۳۲۱ ۝ ۳۲۲ ۝ ۳۲۳ ۝ ۳۲۴ ۝ ۳۲۵ ۝ ۳۲۶ ۝ ۳۲۷ ۝ ۳۲۸ ۝ ۳۲۹ ۝ ۳۳۰ ۝ ۳۳۱ ۝ ۳۳۲ ۝ ۳۳۳ ۝ ۳۳۴ ۝ ۳۳۵ ۝ ۳۳۶ ۝ ۳۳۷ ۝ ۳۳۸ ۝ ۳۳۹ ۝ ۳۴۰ ۝ ۳۴۱ ۝ ۳۴۲ ۝ ۳۴۳ ۝ ۳۴۴ ۝ ۳۴۵ ۝ ۳۴۶ ۝ ۳۴۷ ۝ ۳۴۸ ۝ ۳۴۹ ۝ ۳۵۰ ۝ ۳۵۱ ۝ ۳۵۲ ۝ ۳۵۳ ۝ ۳۵۴ ۝ ۳۵۵ ۝ ۳۵۶ ۝ ۳۵۷ ۝ ۳۵۸ ۝ ۳۵۹ ۝ ۳۶۰ ۝ ۳۶۱ ۝ ۳۶۲ ۝ ۳۶۳ ۝ ۳۶۴ ۝ ۳۶۵ ۝ ۳۶۶ ۝ ۳۶۷ ۝ ۳۶۸ ۝ ۳۶۹ ۝ ۳۷۰ ۝ ۳۷۱ ۝ ۳۷۲ ۝ ۳۷۳ ۝ ۳۷۴ ۝ ۳۷۵ ۝ ۳۷۶ ۝ ۳۷۷ ۝ ۳۷۸ ۝ ۳۷۹ ۝ ۳۸۰ ۝ ۳۸۱ ۝ ۳۸۲ ۝ ۳۸۳ ۝ ۳۸۴ ۝ ۳۸۵ ۝ ۳۸۶ ۝ ۳۸۷ ۝ ۳۸۸ ۝ ۳۸۹ ۝ ۳۹۰ ۝ ۳۹۱ ۝ ۳۹۲ ۝ ۳۹۳ ۝ ۳۹۴ ۝ ۳۹۵ ۝ ۳۹۶ ۝ ۳۹۷ ۝ ۳۹۸ ۝ ۳۹۹ ۝ ۴۰۰ ۝ ۴۰۱ ۝ ۴۰۲ ۝ ۴۰۳ ۝ ۴۰۴ ۝ ۴۰۵ ۝ ۴۰۶ ۝ ۴۰۷ ۝ ۴۰۸ ۝ ۴۰۹ ۝ ۴۱۰ ۝ ۴۱۱ ۝ ۴۱۲ ۝ ۴۱۳ ۝ ۴۱۴ ۝ ۴۱۵ ۝ ۴۱۶ ۝ ۴۱۷ ۝ ۴۱۸ ۝ ۴۱۹ ۝ ۴۲۰ ۝ ۴۲۱ ۝ ۴۲۲ ۝ ۴۲۳ ۝ ۴۲۴ ۝ ۴۲۵ ۝ ۴۲۶ ۝ ۴۲۷ ۝ ۴۲۸ ۝ ۴۲۹ 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*If ye fear a breach between them twain, appoint [two] arbiters, one from his family, and the other from hers; if they wish for peace, Allah will cause their reconciliation: For Allah hath full knowledge, and is acquainted with all things (Q4:35).*

Islamic law restricts the application of *Sulh* to issues involving the right of fellow being such as contractual obligations. The issues involving what Islamic law classifies as rights of Allah do not fall under what can be resolved through *Sulh* offences for which there is Hudud, such as murder and manslaughter and Hudud, that is criminal acts for which Qur'an prescribes specific punishment such as adultery, fornication and consumption of alcoholic intoxicants, theft and others, they are not open to negotiation<sup>18</sup>.

<sup>17</sup> Sayyid Sabiq. *Fiqh al-sunnah*, op.cit., p. 390

<sup>18</sup> Sayyid Sabiq. *Fiqhus Sunnah*, op.cit., p44.

The status of *Sulh* is to be viewed as a duty placed on the authority in the interest of law and order. The status of *Sulh* reconciliation, varies in accordance with the bone of contention of what is forbidden or prohibited what is allowed<sup>19</sup>.

From the traditions of the Prophet (SAW), there are many Al-hadith that expand on *Sulh* or even show the Prophet's commitment in making *Sulh*.

The Prophet (P.B.U.H.) reported to have said;

" حراما " أو أحلالصلح جائز بين المسلمين، الاصلحا حرم حلالا

*"The settlement between Muslims is permissible except that which legalizes a thing prohibited or prohibits a thing which is permissible<sup>20</sup>."*

## CHAPTER FOUR

### SHARIAH IMPLEMENTATION AND THE RE-INTRODUCTION OF ZAUREN SULHU.

#### 4.1 Shariah Implementation in Kano State.

The word Shari`ah is used in the Qur`an to mean `revealed way of life`, for example, the word` Shari`ah` in Surah al-Maida, and the word Shari`ah in Surah al-jathiyya. Yusuf Ali translated them as `Law` and `way,` respectively. Picktall translated them as `divine law` and

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<sup>19</sup> Ghunaim B. A. Cairo, *Al-fawakihud Dawawit, Sharhul Risala al-Qayrawaniy*, vol. 11, (1986) p. 311.

<sup>20</sup> Muhammad Isa Saurah. Sunan al-Tirmidhi, Beirut, Dar al- Garb al-Islamiyy. Kitab al-Sulh. No 2433.



ranging laws, but they also established a number of Shari'ah institutions, such as the Hisbah boards, Zakkah and endowment commissions, Zauren Sulhu etc.

Kano State, among others, followed Zamfara. The State Government then wanted a gradual implementation of the law but it was overwhelmed by individuals and Islamic organizations who felt that the matter was being unnecessarily delayed. A private bill titled "A Bill to establish Shari'ah court to Apply Shari'ah law in Kano state" was sponsored and had gone through a second reading in the house of Assembly when the then Governor convened a consultative meeting of representatives of the traditional institutions, Ulama, legal practitioners, members of the House of Assembly, etc. on the 9<sup>th</sup> of December, 1999 to advise him on how best to improve on the Bill. A committee, Technical committee on the implementation of Shari'ah in Kano-state, was set up for this purpose and it came up with a recommended Bill. (Shari'ah (Administration of Justice Reform) law 1999) which "will lay a sound foundation and irrevocably commit the government and people of Kano State to the implementation of the Shari'ah in a comprehensive way" and provide a better method of reviewing all existing laws to make them conform with the Shari'ah. Instead of heeding to the recommendation, the Government sent the members of the House of Assembly to a familiarization tour to some countries that had similar experiences of blending Islamic and conventional legal systems like Sudan and Pakistan<sup>22</sup>.

In the year 2000 immediately after the Shari'ah implementation in Zamfara State, the scholars in Kano State and other righteous people started agitating and open the door for discussion for the Shari'ah implementation and its importance. The scholars and other righteous people continued enlightening preaching and guiding people about how Shari'ah will be implemented. They conducted lectures in some places e.g. School for Arabic Studies (SAS), Rumfa College, the House of Sheikh Nasiru Kabara. These lectures attended by many

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<sup>22</sup> Yusufari, Mammam. Alhaji Lawan. Shari'ah Implementation in Kano State, (2002).

scholars like Sheikh Dahiru Usman Bauchi, Sheikh Karibullah Nasiru Kabara, Sheikh Jafar Mahmud Adam, Sheikh Umar Sani Fagge and Sheikh Yahaya Faruq Chedi etc.

The above scholars gave advice that each and every wards, and village, in all the 44 local Governments in Kano State, should form a small group of elders and other important people for the defence of Shari'ah in their areas. The contributions of these scholars on Shari'ah implementation and planning within the Muslim ummah could not be possible without joining hands together. In other words the Shari'ah implementation is a responsible task to be patronized by all and sundry. In the end, the Governor publicly declared the implementation of Shari'ah on the 21<sup>st</sup> of June, 2000. The tension was thus doused and the Shari'ah – loving populace breathed a sigh of relief. The government swung into action<sup>23</sup>.

The Shariah commission was established by the Kano State Shari'ah commission law 2003. The law repealed the Islamic Education and Social Affairs Commission Law 2000. Headed by a 'full time chairman who shall be an erudite scholar in Islamic Jurisprudence and of proven integrity'. The commission functions as itemized in section 4 of the law (No. 1): this

1. Promotion, enhancement and development of Islamic social and cultural values.
2. Sensitizing the general public to appreciate, accept and practice Governments policy on the Shari'ah social aspect through media, public lectures, seminars, etc.
3. Initiating and implementing policies that will sensitize business transactions and ensure orderly relationship among the general public in accordance with the dictates of the Shari'ah; and

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<sup>23</sup> Bello, Abubakar Hussain."A Shari'ah implementation in Kano State, problems and prospect. A case study of Nassarawa L.G.A. of Kano State" (B.Ed.) project submitted: to the Department of Islamic studies Ahmad Bello University Zaria, (2012). P.71

4. Initiating policies to assist Government in realizing its set objectives on the implementation of the social aspect of the Shari'ah as well as promoting Islamic education in the state<sup>24</sup>.

The respective Shari'ah states established several bodies primarily to serve or support the application of Shari'ah in the state. The bodies established include the various Shari'ah commissions, Zakkat commissions, Anti-corruption commission, Shari'ah implementation Advisory commissions, Shura councils, A Daidaita Sahu, Zauren Sulhu and Hisbah Commissions<sup>25</sup>.

#### **4.2 Hisbah and Dispute Settlement (Sulhu).**

The Kano state Hisbah corps is a religious police force in Nigeria's Kano State responsible for the implementation of Shari'ah<sup>26</sup>. Hisbah, as defined, is the duty of promoting what is good and preventing what is evil. It is a collective duty or obligation of the Muslim community. Hence a considerable number of individuals should assume this responsibility, take an affirmative stand towards it, and put it into practice whenever there is a need for it<sup>27</sup>. Hisbah is a Qur'anic principle that encompasses both the government's responsibilities as well as any effort exerted by the individual to resolve a conflict or misunderstanding between two individuals, groups, friends, families, or strangers. Hisbah thus encourages the individual to participate and get involved in society as an active agent who is mindful of the problems and concerns of the community where he or she lives.

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<sup>24</sup> Yusufari, Mamman Alhaji. *Lawan*. op.cit., p.50

<sup>25</sup> Bello, Abubakar Hussain, op. cit., p.73

<sup>26</sup> The enforcement of Shari'ah and the role of the Hisbah" hrw.org. Human Rights watch. Retrieved 27-june-2015.

<sup>27</sup> Al-Qardawi, Yusuf Madkhal Li-Dirasat Al-Shari'ah Al-Islamiyya (Introduction to the study of Islamic Shari'ah). Cairo: Makhtab Wahbah, 1991.

There are several verses in the Ever-Glorious Qur'an supporting the establishment of bodies such as Hisbah, an issue that is also one of the major themes of the prophetic Sunnah. Allah Says;

أَأْمُرُكُمْ بِتَقْوَى اللَّهِ وَبِإِطْعَامِ ذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالسُّكَّانِ الْمَسْكِينِ  
*Let there arise out of you a band of people inviting to all that is good, enjoining what is right, and forbidding what is wrong: They are the ones to attain felicity(Q3:104).*

Allah the Exalted says;

أَمْ نَجْعَلُ الَّذِينَ آمَنُوا وَالسُّبْحَانَ مَا نُقَالُ بِالْغَيْبِ لَعَلَّكُمْ تَعْلَمُونَ  
*Ye are the best of peoples, evolved for mankind, enjoining what is right, forbidding what is wrong, and believing in Allah. If only the People of the Book had faith, it were best for them: among them are some who have faith, but most of them are perverted transgressors.(Q3:110).*

In another verse Allah says;

أَقِمُّوا وَجْهَكُمْ لِلدِّينِ كُلِّهِمْ وَاتَّقُوا اللَّهَ جَمِيعًا  
*The Believers, men and women, are protectors one of another: they enjoin what is just, and forbid what is evil: they observe regular prayers, practice regular charity, and obey Allah and His Messenger. On them will Allah pour His mercy: for Allah is exalted in power, Wise(Q9:71).*

In another verse Allah the Exalted says;



1. A case between father and his son who took over 40 years without talking due to mutual rivalry and enmity, this happened in Dawakin-Kudu Local Government Kano State. The Hisbah called them and heard from them with its efforts settled these peoples and the disputes was resolved successfully, the father forgave his son.

“Therefore, people should always patronize our offices in the 44 local government areas of the state, depending on where they reside, in order to save time, money and settle their differences out of court<sup>31</sup>”.

#### **4.3 Reintroduction of Zauren Sulhu.**

Sulhu was introduced by Islamic Authority under Muslim Leaders who were forcefully changed to traditional rulers during the colonial and post-colonial independence period. The Islamic institutions exercised a number of powers in the pre-colonial Nigeria ranging from executive, legislative and judicial powers in consultation with the council of advisers. Four functions of Muslim rulers in pre-colonial Nigeria were organization of troops, administration of justice and ensuring peace, collection of zakkah and protection of their territorial domains<sup>32</sup>. In the pre-colonial Nigeria, the safeguarding of peace and stability is carried out at different levels. In the North, three committees were in place to ensure peace and security through settlement of conflicts. These comprised village heads and members. They could resolve the issue at their level, mostly by mediation and arbitration. Very few issues passed this level without being resolved<sup>33</sup>.

The post-independence period witnessed the clamping down of the powers of traditional institutions. In 1962, for example, the NPC government of the North passed the provincial

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<sup>31</sup> An interview with Mal. Mukhtar Usman Maidu, ACG-Research And Documentation, at his office Hisbah Board Sharada, on 10/02/2018.

<sup>32</sup> Aliyu, M. Chieftaincy in Nigeria: The Role of the Traditional Institutions. In Abdallah, U.A. (ed), (2003), Chieftaincy and Security in Nigeria, Past, Present, and Future. In National Conference on Chieftaincy and Security in Nigeria. Kano, Kano Emirate Council October, 2003; 1-414.

<sup>33</sup> Olusola, O. and Aishat, A. Traditional Rulers and Conflict Resolution: An Evaluation of Pre and Post-Colonial Nigeria; Research on Humanities and Social Sciences, 3 (21), (2013), 120-127.

commissioner law that subordinated the Emirs and Chiefs to their control. Following a dispute with the regional government in 1963, the Emir of Kano, Muhammad Sunusi 1 was deposed from his throne on the basis of conflict arising from the provisions of the provincial administrative law. This was followed by the formal take-over of the native authority police, prisons and native courts in the same year.<sup>34</sup> The new elites that emerged after independence saw the traditional institutions as a threat to their rule and subsequently reduced their power. The traditional institutions have fared well in the areas of conflict and its resolution. Colonialism brought remarkable changes in the status and role of traditional rulers. The changes were a consequence, of incorporation of traditional rulers into the colonial political structure. During this period, the major functions of government such as lawmaking, the maintenance of peace, law and order etc., were taken over by the colonial administration.<sup>35</sup>

In view of the political administration, as well as the 1976 political reforms, traditional rulers had also been given limited authority to settle minor disputes. They tried to make peace within the community and with neighbouring communities. The rulers played useful roles in mediating between the people and state, enhancing national identity, resolving minor conflicts and providing an institutional safety valve for often inadequate state bureaucracies.<sup>36</sup>

Traditional rulers are still highly respected in most communities in Nigeria today, for wielding considerable political and economic influence. Although they have no formal role in the democratic structure and in the constitution, there is now a growing need to assign them some specific roles and in that way harness the strategic position they occupy in the society.

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<sup>34</sup> Adjaye, K. J. Chieftaincy at the Confluence of Traditional and Modernity: Transforming African Ruler ship in Ghana and Nigeria, *International Third World Studies Journal and Review* (2006) XV11:3-10

<sup>35</sup> Ayeni, V. "Traditional Rulership in Period of Transition", In Aborisade, O. (ed) *Local Government and Traditional Rulers in Nigeria*, Ile-Ife; University of Ife Press, (1985).

<sup>36</sup> "Background Note: Nigeria" U. S. State Department Retrieved 3<sup>rd</sup> September 2010

In the pre-colonial period, Kano Emirate was organized along feudal lines. The Emirate was divided into districts and each district was further split into villages each and villages were made up of wards. At the apex of the system is Sarkin Kano, the Emir, who is assisted by the Hakimi (district heads). These Emirate functionaries represent Sarkin Kano in their respective territories. For instance, it was found that marriage disputes are settled by rulers at different levels. Land and inheritance disputes are common within the traditional rulers play an important role in settling these two boundary disputes about farm plots, market disputes and the like are cases that are still handled on a daily basis by the traditional institutions at various levels.<sup>37</sup>

The constitutional review by the national assembly should consider also giving traditional rulers a direct power to anchor Alternative Dispute Resolution (ADR). This includes dispute resolution processes and techniques that act as a means for disagreement short of litigation. ADR basically is an alternative to formal court hearing or litigation. Because its aims are reconciliation, traditional rulers are there naturally to anchor ADR. In fact, most jobs of the traditional rulers is dispute resolution, and that is why they sit in their courts daily presiding over to cases and taking far reaching and binding decisions on their subjects. What need to be added here is formalizing it in law and allowing the courts to refer cases to them or require litigants to first take certain matters to the traditional court first, and approach the formal court if not satisfied<sup>38</sup>

For instance, the local bandits popularly known as Yandaba gangs in Kano State, engage members of opponent groups in violent fights and regard it as a kind of leisure, with a sense of personal fulfilment derived from their violent life. They can beat, stab and even kill any member of a rival gang just to defend their gang. Once they are charged with drugs and

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<sup>37</sup>The Role of Traditional Rulers in Conflict Prevention and Mediation in Nigeria. Interim Report, [www.rogerblench.info/conflict](http://www.rogerblench.info/conflict).

<sup>38</sup> Constitutional Review and Role for Traditional Rulers by Law Mefor.

become high, nobody can stand as a barrier between them and their enemies. The moment they take weapons against opponents anything can happen; they can kill and they can also be killed. For instance, members of two different gangs can engage each other in a fight because of a dog<sup>39</sup>.

Before the Shari`ah implementation in Kano State, there was the system of reconciliation practiced by one institution, *SAFINATUL-KHAIRI FOUNDATION*. It was created in June 1995, with its first office at Kofar Naisa Library School. Its operations cover areas, like Kofar Naisa, Diso, Gwale, Sagagi, Galadanci, Hausawa, Caranci, Gwangwazo, etc. Reasons for creating the foundation include, lack of schools within the areas, bad behavior among youths, bandit, poverty, illiteracy etc. With this problems, about 50 peoples organized themselves in order to promote their areas. As a result they used to sit every Sunday for about one year for the purpose of tackling the problems of their areas. Thus, the Safinatul al-khairi Foundation has been organized and formed. Safinatul Khairi Foundation has five departments which include; (1) Education Department (2) Health Department (3) Social Welfare (4) Investment (5) Security. For instance, in Education Department there are units like Women Center, Home Management, Science Center, Extra lesson on Qualifying, NECO, WAEC, Scholarship Committee, Guidance and Counselling Unit, Computer Center, Vocational training i.e. Tailoring, Weaving and they also created topics on Islamic science, etc. In the Social Welfare Department where Zauren Sulhu has been situated, Alhaji Isa Maitama Kofar-Naisa is the present head of this department and then the coordinator of Zauren Sulhu unit is Malam Abdulkadir Jilani Lawan and some other selected members whenever the case may arise. Some of the cases solved through this unit is;

1. A dispute between the family of the late Mai-Unguwa whose names are not mentioned, on the ground of succeeding the position of Mai-Unguwa between his

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<sup>39</sup> Terror Seizes Kano Residents as Yandaba Gangs. Daily Trust. Thursday 12<sup>th</sup>, 2003

children and their uncles. The dispute which took longest time before it is solved. Finally this foundation (Safinatul Khairi) sat with the peoples and discussed, the dispute was resolved successfully.

2. Another case between father and his son who took long time without talking for over five (5) years due to mutual rivalry and enmity at Lokon-Makera in Kofar Naisa, Gwale Local Government Kano. Safinatul Khairi Foundation with its efforts settled these peoples and the father forgave his son and the boy promised that this would not happen again<sup>40</sup>

Kano State Government responses have focused on Sulhu and security measures and a patchwork of Economic and Social Programs. Some of which have a tenuous relationship to the conflict or its underlying causes. This brief advocates a more coherent framework for promoting social trust, reducing violence and improving civil military relations, including a deeper engagement with civil society, traditional and religious leader; ensuring that the informal conflict resolution mechanism supported by the state.

This was indeed no easy challenge because it required time and commitment. As a believer in the rule of law, the Shekarau administration enacted laws for the establishment of institutions that would implement Shari'ah namely; Shari'ah commission, Zakat and Hubsi, Hisbah Board, Zauren Sulhu and Adaidaita Sahu etc. None of the other Shari'ah states had a similar comprehensive Shari'ah supporting bodies<sup>41</sup>

The Table Shows Shari'ah Supporting Bodies<sup>42</sup>.

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<sup>40</sup> Interview with Alhaji Bashir Barau, Secretary Safinatul khairi Foundation. At their office No.692 Lokon-Makera along Diso-K/Na`isa Street (Muntari Zमित Street), on 04/10/2018.

<sup>41</sup> Kano state government response to violent conflict in Nigeria since 2009. [www.nsrp-org.org/uploads](http://www.nsrp-org.org/uploads) 2009.

<sup>42</sup> BARKINDO, Ibrahim. The Role of the institution of Hisbah in the Shari'ah Implementing States in Northern Nigeria (2011).

S/N	STATE		SHARIA COMM	ZAKKAH COMM	HISBAH	OTHERS
1.	ZAMFARA			Zakkah & Endowment Board	Hisba Comm.	Anti-Corruption, Shurah Research & Dev. Commission, Council Of Ulama'
2.	KANO			Zakka & Hubsu Comm.	Hisbah Board	Shurah Council; Adaidaita-Sahu; Zauren Sulhu, Public Complaints And Anti-Corruption
3.	NIGER				Operates Under The Shari'ah Comm.	(NISACORA) Niger State Advisory Council On Religions Affairs
4.	KATSINA				Voluntary Hisbah	
5.	KEBBI			?	Under Shari'ah Comm.	Committee For The Implementation Of Shari'ah
6.	SOKOTO			Sadaqa Cmtt (B4 Shari'ah )	Independent Hisbah (Rundunar Adalci)	Shari'ah Commission
7.	KADUNA		Shari'ah Implementation Committee	Zakka & Waqafi Committee	Independent	
8.	JIGAWA				Hisbah Coordination Committee	Shari'ah Commission

9.	YOBE		Sharia Implementation Monitoring And Advisory Committee	Zakkah & Waqf Comm.	Hisbah Aid Group(Under Simac	Shari'ah Commission
10.	BORNO			Zakkah & endowment board	?	Shari'ah Implementation Committee, Council Of Ulama'h'
11.	BAUCHI			Zakkah & Endowment Comm. Under The Shari'ah Commission.	Enforcement Committee, Under The Shari'ah Commission	Adaidaita-sahu, Zauren Sulhu,
12.	GOMBE		Nil	Nil	Nil	Nil

Kano State Shari'ah commission said it had Re-introduced the system of Zauren Sulhu in August 2003. This happened when the people of Tarauni Local Government wrote a letter to the Kano State Shari'ah Commissions, seeking permission to Re-introduce Reconciliation Committee in their Local Government. This is what gave the Shari'ah Commission opportunities to look over their request<sup>43</sup>. The chairman of the Shari'ah Commission by then was the late Sheikh Ibrahim Umar Kabo, while Sheikh Umar Sani Fagge and Sheikh Shehu-Shehu Mai Hula as commissioners 1 and 2. The Centre of Zauren Sulhu located at Shari'ah

<sup>43</sup> An Interview with Dr. Sheikh Umar Sani Fagge, at his house, Dandali-Fagge, on 20/10/2018.

Commission Kano, under Public Enlightenment Office with Malam Muhammad Sharif Lagaza who was then the director<sup>44</sup>.

In its effort to reform and strengthen this system of arbitration under Shari`ah the grass-root level which hitherto appeared to be waning, particularly in the urban areas, Kano State Government on 23/08/2004 inaugurated a special Committee of six (6) persons under the Chairmanship of Sheikh Dr. Umar Sani Fagge, as well known Islamic Scholar as well as Commissioner 1 within the Kano State Shari`ah Commission, with one State counsel from the Ministry of Justice, Kano, in person of Barrister Yahuza Ahmad, as its secretary, for the purpose of finding ways of formulating this system of arbitration under Shari`ah right to the grass-root level<sup>45</sup>.

One may describe this system of resolving dispute at the local level as traditional A.D.R, (i.e. Traditional Alternative Dispute Resolution or Arbitration and Reconciliation under the Common Law) which is a cheap and harmonious way of securing quick justice.

However, there are some differences between the Traditional ADR and what i may call modern ADR. For instance,

While the Traditional ADR is under the supervision of Hisbah Board the Modern ADR is part of the Kano State High Court.

Again, while the Traditional ADR is available at nooks and corners of Kano State the Modern ADR is within the Kano State High Court.

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<sup>44</sup>Interview with Mal. Haruna Muhammad Bawa, Director Public Enlightenment, at his office Kano State Shari`ah Commission Board. On 26-07-2018,

<sup>45</sup> Dr. Sheikh Umar Sani Fagge. Op.cit., on 20/10/2018.

Also, while the Modern ADR is presided by a High Court Judge the Traditional ADR is headed by a Traditional Ruler within its jurisdiction such traditional ruler may a District Head, a Village Head, a Ward Head as the case may be.

Another differences between the two is that while the Modern ADR may apply various laws or enactment such as the Arbitration Law of Kano State (Cap 8 Laws of Kano State 1991) the Traditional ADR is mandated to apply Shari`ah Laws.

Other members of the committee for formulating this traditional system of A.D.R. also included the following-

1. Sheikh Muntari Atamma.
2. Sheikh Tijjani Bala Kalarawi.
3. Sheikh Ja`afar Mahmud Adam.
4. Mallam Ado Darki, and
5. Mallam Abubakar Rabo.<sup>46</sup>

#### **4.4The Wisdom behind Attaching Zauren Sulhu to Hisbah Board.**

Hisbah, serve as the operational body of the Shari`ah Implementation. The research findings have indicated that Sulhu section is the bedrock of the Hisbah activities. Hisbah operates Sulhu and formalizes the process. The Hisbah, through the Zauren Sulhu and various Hisbah offices and corps, as a matter of procedure incorporate the system of Sulhu in almost every matter they handle. Dr. Maibushira who said there are many reasons for attaching Zauren Sulhu to Hisbah, some of the reasons are as follows;

1. Hisbah is call for “enjoining what is right and forbidding what is wrong”. Hisbah served as an operational body of the Shari`ah, Hisbah contributed a lot in tackling evils, i.e.,

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<sup>46</sup> Ibid.

prostitution, selling and consumption of alcohol and other bad habits etc. The Glorious Qur'an says;

أَنتُمْ مَعْرِضُونَ  
بِئْسَ مَا تَدْعُونَ  
لِيُتْرَكَ لِيُنزِلَ  
عَلَيْكُمْ مِنْ سَمَوَاتِهِ  
مَاءً زَكِيًّا  
يَشْرَبُونَ

*Let There arise out of you a band of people inviting to all that is good, enjoining what is right, and forbidding what is wrong: They are the ones to attain felicity(Q3:104).*

2. To reduce or cut the influence of police in our society, it should be noted people find it comfortable going to the Hisbah rather than the police as most of these cases are not crimes, yet if they resort to the police they are automatically converted into crimes. Settling disputes without going to court, because going to courts severe the relationship. The courts are expensive, slow and in some cases corrupt. There is also another issue that discourage people from the courts, it always ends in a win-lose situation where as reconciliation always end in a win-win situation.

3. Islam refers to “making peace, being in a mutual peaceful environments, greetings, rescue, safety, being secure, finding peace, reaching salvation and wellbeing or being far from danger, attaining goodness, comfort and favour, keeping away from troubles and disasters and submitting. The self and obeying, respect being far from wrong”.

4. To restore the respect of the community leaders and elders by way of creating Zauren Sulhu which will contribute in giving guidance, instilling sense of discipline, virtues and bringing the much needed peace in our community. Moreover, Zaure will serve as orphanage and a place where the needs of weak and elderly people are loved in to<sup>47</sup>. Reconciliation is

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<sup>47</sup> An Interview with Dr. Ibrahim Saminu Mu`azzam Maibushira, at his house, Ahmed Kabara Close, Rijiyar Zaki. Kano. On 22/11/2018

the bedrock of the Hisbah activities, every day most of the cases and complaint received by Hisbah is solved through the reconciliation.

## **CHAPTER FIVE**

### **ZAUREN SULHUAND ITS ACTIVITIESIN NASSARAWA LOCAL GOVERNMENT.**

### **5.1 Establishment of Zauren Sulhu in Nassarawa Local Government Area.**

Following the submissions of its findings and recommendations in September, 2004 and their acceptance by the Kano State Government, the administration gave approval for the establishment in each of the forty four (44) Local Government in the State four types of reconciliation committees.

The main objective of establishing such reconciliation committees, in a nutshell, is for the promotion of reconciliation of civil disputes between persons and organizations where parties are willing.

The four kinds of reconciliation committees (in Hausa Zaurukan Sulhu), which are to be established in each 44 Local Government Council in the State, among which is Nassarawa Local Government Area. The committees are as enumerated below;

- i. Advisory Committees;
- ii. Special Session Committee;
- iii. Ward Reconciliation Committee; and
- iv. Unit Reconciliation Committee.

It is to be noted that the Reconciliation Committees (Zaurukan Sulhu) were inaugurated by the Governor of Kano State, Mallam Ibrahim Shekarau, on 14/12/2004 at African House, Government House Kano<sup>48</sup>.

Nassarawa Local Government, appointed their Zauren Sulhu members in 2005, by the then Chairman of the Local government, Dr. Nasiru Yusuf Gawuna. The members are as follows;

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<sup>48</sup> Justice, Shehu Atiku. ZAURUKAN SULHU: THE KANO TRADITIONAL ADR. HIGH COURT OF JUSTICE KANO STATE OF NIGERIA, 2007, P.10.

1. Late. Alhaji Salihi Bayero (Dan-buran). District Head of Nassarawa. Chairman.
2. UstazAbubakar Baba, first Hisbah Commender of Nassarawa. Secretary.
3. M. Abdullahi Getso, Chairman Zakkah and Hubsu. Member.
4. M. Abdullahi Mai Dan Bene. Chairman Shari`ah Council. Member.
5. H.O.D. Community- Malam Umar Faruq. Member.
6. Mal. Yusuf Yunus, Chairman Adaidaita Sahu.Member.
7. Usman Rabi`u Abdulhamid, Students President Nassrawa (NALSA).Member.

Members of Zauren Sulhu in Nassarawa participated fully without problems due to the support by the Chairman of Nassarawa local government. The chairman is given any support especially related to religious activities. The committees directed the district heads of the eleven wards of the local government (11) to select responsible peoples as members of Zauren Sulhu within their areas (Ward Reconciliation Committee) and each Village head shall serve as the chairman, while the Hisbah member of the area as secretary and the other members. The Village heads of the areas have directed their Ward heads (Masu-Unguwanni) to form their members according to categories of peoples given by the Shari`ah commission. Examples of such Ward Committee are<sup>49</sup>.

***Kawaji Ward Reconciliation Committee.***The following peoples served under kawaji Zauren Sulhu committee.

1. Alhaji Umar Adamu Kawaji. The District Head of Kawaji. Chairman.
2. M. Abubakar Nafi`u. Secretary Islamic Center Nassarawa. Secretary.
3. Liman Mal. Badamasi. Imam Dakata Central Mosque. Member.

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<sup>49</sup> An interview with Mal. Abubakar Baba (Former Hisbah Commender Nassarawa L.G.A.) No. 104 Kabara Kano, on 23/02/2018.

4. Mal. Iliya Gidan Dakin, Warshu Hospital Road<sup>50</sup>.

Member.

**5.2 Objectives of Zauren Sulhu:** The main objectives of Zauren sulhus are:

1. To decongest the court cases and police offices in Nassarawa Local Government.
2. To reminded the Muslim Ummah on Zauren Sulhu activities.
3. To encourage the peoples of Nassarawa local government to come to Zauren Sulhu for solving their dispute.
4. To encourage peoples to look for unity and peace in the Nassarawa Local Government Area<sup>51</sup>.

**5.3 Composition/Membership of Zauren Sulhu:**

Being a cosmopolitan area, Nassarawa local government consists of people of different tribes, religion and cultural affiliation. Zauren Sulhu was set up in order to ensure peaceful coexistence with one another in their various localities in the Local Government.

Members of Zauren Sulhu served as a committee and was composed of ward-heads, community elders, religious leader, wealthy individual, retired civil servant, police officer and sufficient wise with respect of Islamic laws so that he can pass judgment in the light of his knowledge, etc;

The Zauren Sulhu judges justly and rightly and that no judgment can be given without evidence, testimony of witnesses, and or the admission of the accused<sup>52</sup>.

***Composition of each Reconciliation Committee.***

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<sup>50</sup> An interview with Ustaz Abubakar Nafiu, former Secretary Islamic Center Nassarawa Local Government, at his house Sauna `c` Kawaji Ward. On 3<sup>rd</sup> 04-2019.

<sup>51</sup> Mal. Abubakar Baba. Op. cit., on 19/05/2018.

<sup>52</sup> PROCEEDING OF PUBLIC FORUM ZAUREN SHAWARA of Directorate of Societal Re-orientation A Daidaita sahu, sep/2004.

***A- The Advisory Committee :***

This reconciliation Committee (Zauren Sulhu) is made up of the following members:

1. The District Head who shall be the Chairman;
2. The Chief Imam who shall be the Deputy Chairman in the Local Government;
3. A representative of the Local Government Council;
4. At least two Islamic scholars from the Local Government Area;
5. Member of state security in the Local Government Area;
6. Member/Officer of the Nigerian Police in the Local Government Area;
7. Four other persons of proven integrity.

***B- Special Session Committee***

This Committee (Zauren Sulhu), is to be appointed by the Chairman and it consists of the following members namely:

1. The District Head in the Local Government who shall be the Chairman;
2. The Chief Imam who shall be the Deputy Chairman in the Local Government Area  
[as Deputy Chairman;]
3. Three Islamic Scholars;
4. Three other persons of unquestionable integrity in the Local Government Area;
5. Hisbah Commander in the Local Government Area as Secretary<sup>53</sup>.

***C. Ward Reconciliation Committee***

It is formed and organized under the Ward head, as directed by the local government.

Membership of the Reconciliation committee comprises the following:

1. The village Head or Ward Head of the Headquarters of the Ward as Chairman;

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<sup>53</sup>Justice, Shehu Atiku. ZAURUKAN SULHU: op. cit., p.11.

2. The Chief Imam in the Ward as Deputy Chairman;
3. Three Islamic Scholars;
4. Three persons of unquestionable integrity in the ward or village;
5. Other interested persons of unquestionable integrity;
6. Hisbah Commander within the ward as its secretary.

***D. Unit Reconciliation Committee***

The unit Reconciliation Committees are under the Ward head, and they are formed by the village head and consist of the following:

1. The Ward Head (Mai Unguwa) as the Chairman;
2. The Chief Imam in the Unit as Deputy Chairman;
3. Three Islamic Scholars;
4. Three persons of unquestionable integrity;
5. Other interested persons of unquestionable integrity;
6. Hisbah Unit Commander as Secretary.

It is noteworthy that within one year a total of 474 Reconciliation Committees were set up in the State, with 7395 people of probity as members of these Reconciliation Committees. Examples of where such Reconciliation Committees are located in Nassarawa Local Government Area are; Gama, Badawa, Kawo, Hotoron-Arewa, Dawakin Dakata, Gwagwarwa, and Tokarawa<sup>54</sup>.

It is to be observed that the composition of the Ward Reconciliation Committee and that of Unit Reconciliation Committee is made up of other interested persons of unquestionable integrity.

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<sup>54</sup> Ibid;

Since the number of such interested persons of unquestionable integrity is not specified, the Chairman of each Local Government has discretion to appoint as many persons of unquestionable integrity as he may deem proper. Example of such appointment is; on April 15<sup>th</sup> 2010, equivalent to 30<sup>th</sup> of RABIU'THANI 1431AH. Nassarawa Local Government, selected and appointed SHEIKH ISHAQ UMAR (Imam Masjid *Abi-Bakr Saddiq*, Walalambe Hotoron-Arewa), as a member of Zauren Sulhu Committee, Ref: No-NSLG/CD/ADS/150/VOL.1<sup>55</sup>.

A member of a Reconciliation Committee is eligible for appointment as a justice of peace (J.P) but such a member must have got recommendation for appointment to such office or position from the Hisbah Board.

Also, a person who commits an offence of impersonation if he knowingly joins as a member of any Reconciliation Committee without approval and he is found guilty of such impersonation by a court of law shall either be sentenced to an imprisonment for three months or alternatively be fined<sup>56</sup>.

This system of reconciliation for which the four different Reconciliation Committees are charged with its implementation is a welcome decision, for it is in conformity with the Shari'ah.

The system will in no small measure erase ill feelings, acrimony and feud between disputants. However, for their day-to-day affairs, it is apparent that the bye-law is silent on some issues particularly-

1. The issue of tenure of members of the Reconciliation Committees
2. Removal of a member.

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<sup>55</sup> Ref. No.NSLG/CD/ADS/150/VOL.1.

<sup>56</sup> Justice Shehu Atiku. ZAURUKAN SULHU, op. cit.,p.12.

3. Remuneration/allowance to be paid to each member of the Ward and Unit Reconciliation Committees by a Local Government.
4. The amount of fine to be imposed as an alternative to imprisonment where a person is convicted of impersonation.

#### **5.4-Activities:**

Each of the four Reconciliation Committees is saddled with the following functions:-

- a. to conduct reconciliation between parties who so described willing including a non-Muslims on-
  - i. marital disputes;
  - ii. family disputes;
  - iii. intra-faith disputes;
  - iv. business disputes;
  - v. conflict between neighbours, etc.
- b. to prevent crimes, chaos, enmity and other social problems;
- c. to prevent illicit activities such as prostitution and illegal sale of hard drugs and smoking of Indian hemp and other intoxicants;
- d. to enjoin the community to promote vocational training and avoid unemployment, encourage admission for drop outs, commercial labour, sanitation, health development, and prevention of fire outbrake.
- e. to promote self-employment, retraining and re-orientation to instill discipline and morals on the youth and community;
- f. to profile activities for Hisbah Corps.
- g. to extend notices on Rent Tribunal cases where applicable.
- h. To reconcile between landlords and tenants compiling and monitoring bad tenants who are rejected.



**(i) Marital:**

That is why it introduced the amicable way or introduced the rule of law to settle matrimonial disputes and ensure the smooth running of our worldly affairs, and it has encouraged people to mediate reconciliation among the couple. Parents or family are primarily required to firstly to mediate between the couple in order to save their marriage or avoid divorce. The Islamic concept of Sulhu (reconciliation) is a process rather than an event. It is a process which needs to be nurtured over some periods of time in order for it to procure its fruits of justice and peace.

Islamic mediation is a well-established process for resolving disagreements in which an impartial third party (the mediator) helps people in dispute to find a mutually acceptable resolution. The above mentioned verse from the Glorious Qur'an talks about the process of mediation in a family dispute.

Islamic mediation is based on the following principles:

- The process must be fair to all parties with equal representation from each side.
- The process needs collaborative problems solving between those in dispute,
- Every effort to aim for a `win/win` situation which is acceptable to all parties.
- A focus on the future, with emphasis on rebuilding relationships or recognizing that agreeing to disagree is also acceptable but in a civilized manner.
- Respect for all concerned must be in the forefront of all discussions and dealing.
- The past issues may be part of discussion without apportioning blame for what has happened in the past.





individual marries someone who is more people-oriented. People who have through life at breakneck speed seem to end up with spouses who are slower paced. It is strange, but that is part of the reason why you married who you did. Your spouse added a variety, spice, and difference to your life that it did not have before.

Step-two: *Resolving conflict requires defeating selfishness.* All of our differences are magnified in marriage because they feed what is undoubtedly the biggest source of our conflict our selfish, sinful nature.

Step-three: *Resolving conflict requires pursuing the other person.* To pursue the resolution of a conflict means setting aside your own hurt, anger, and bitterness. It means not losing heart. My challenge is to keep your relationships current”.

Step-four: Resolving conflict requires loving confrontation. Wordsworth, “He who has a good friend needs no mirror.” Blessed is the marriage where both spouses feel the other is a good friend who will listen, understand, and work through any problem or conflict. To do this well takes loving confrontation.<sup>60</sup>.

**ANALYSIS OF SOME CASES IN NASSARAWA L.G.A. KANO:**It is pertinent to review some of the decided cases by the Zauren Sulhu that are illustrative of the principles of Islamic Law on Sulhu within the Nassarawa Local Government Area. However, as these cases are unreported decisions by the Zauren Sulhu, they have been obtained through the researchers field visit to some of the Ward Reconciliation Committees (Zauren Sulhu) in Nassarawa Local Government Area.

Most of these cases there is no proper records kept on Sulhu in Nassarawa, most of the document have been lose, especially from 2011 to date, before the zaure attached in to

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<sup>60</sup> <https://www.familylife.com>marriage>.

Hisbah. Some of the cases wrote down, I have it through the verbal interview by the Zauren Sulhu members in Nassarawa Local Government.

Over viewing some matrimonial cases in Nassarawa Local Government Area. A statistic obtained about some matrimonial cases in Hisbah Office Nassarawa Local Government, have shown that the average of forty (40) cases of marital, thirty-five (35) are settled through reconciliation, while the remaining mostly end up in court. Some of the cases overiewing in Nassarawa Area are;

(1) Zabba`u Aminu and Jibrin Ibrahim (Husband and Wife) on the ground that her husband was not feeding her well and her children were not going to school. She took the case in to court, and urged it to dissolve the marriage. After hearing the case, the case was adjourned four times all with a view to enabling the couples sort out their differences but the reconciliation failed. As a result, the Husband took the case to Zauren Sulhu. After all efforts to reconcile the couples by the Zauren Sulhu, the dispute was resolved shortly, Zauren Sulhu heard the actual reason for not feeding his family, he explained them the situation founded his self during that time, he explain to his wife two timeshe did not agree, this what make me angry, according to the husband. Unfortunately one of the elders are doing the same business with this husband who confirmed the statement as true, due to the market situation. Zauren told this man to be patience continue with doing his best. After their satisfaction on agreement that he would continue feeding and taking care of their children. Zabba`u added that Sulhu offers quick judgment and it is fair<sup>61</sup>.

This means that elderly respect is stillwith amidst Muslims in Nassarawa and it can be a way to solve many domestic disputes.

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<sup>61</sup> An Interview with Malam Mukhtar Abdu. No. 465 Namadobi Str. Gama. On 17/11/018.

(2) Another case is; the wife of one Alhaji whose name is not mentioned in Sabaru `B` of Kawaji Ward, reported to Mal. Nasiru Sheikh Al-Hassan (Imam of the Late Sheikh Al-Hassan Masjid Sabaru`B` Kawaji), that her husband was not feeding her well, and she took the case in to zaure and urged the Zauren Sulhu to dissolve the marriage, if not she would forward the case to court. After inviting and hearing from both parties, zaure asked him how this happened and explained to them clearly. Zaure council this wife and the conditions that warranted this changes, and one of the member of zaure assisted them with some rice and little amount of money for buying the ingredients, and urged them to became patient. First time the case was resolved shortly thereafter her satisfactions. She therefore, added that Sulhu offered quick judgment and it was fair, and she thanked all the members<sup>62</sup>.

The main cause for the complicit in this manage a sort of lack of adequate communication. Even though the husband has taken time to explain to the wife the condition that warranted the change in domestic expenditure, it seems the wife grew adamant and was the artificial source of all the mess, probably with the wrong consultations of friends or neighbours.

**(ii)Family:**

Marriage is the source of family and the family is the building block of societies in the world. It is also the backbone of socio-economic and political development. Its progress and maintenance signifies harmony, while crisis and divorce in the family always signals dangers and insecurity in the society.

Recent preliminary finding in Kano has indicated that it is the disruption in the family system that leads to number of social problems such as juvenile delinquency, prostitution by young

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<sup>62</sup> An Interview with Ustaz Abubakar Sharif Nafi`u. Secretary Zauren Sulhu, Kawaji Ward, Nassarawa L.G.A. 13/10/018.

ladies, drug abuse by youth and high rate of divorce not only in the state, but within the entire Hausa/Fulani communities across the country<sup>63</sup>.

A sensible and well-balanced family system is the very foundation of a happy life. Indeed, it is the root of an advancing civilization. Religion comes to take human beings nearer to Allah (SWT.) Therefore, it must create an atmosphere conducive to that ideal; otherwise, it cannot achieve its goal. No religion can be regarded as complete unless it has a well-defined code of family life which expressly shows the exact responsibility and role of each member of the family. The family is a closely-knit of human society; and this nearness creates eminent danger friction and conflict unless every member is told in unambiguous terms what his duties and rights are.

All families at some time experience difficulties and stress. Family disputes include any conflict between people who are related in some way, or who are part of a family or have been part of a family in the past. This include;

- Within families, such as between couples, parent and children, siblings.
- Between families, such as adult siblings and their families, grandparents and their children families, blended or step-families.
- Between separated couples and their families<sup>64</sup>.

One of the reasons that the Islamic Family works is because of its clearly defined structure, where each member of the household knows his or her role.

The father is the shepherd over his family, protecting them, providing for them, and striving to their role model and guide in his capacity as head of the household. The mother is the shepherd over the house, guarding it and engendering in it the wholesome, loving

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<sup>63</sup> Daily Trust (Abuja) 23-December-2017. By Yusha`u A. Ibrahim.

<sup>64</sup>Family Disputes-Conflict Resolution Service [www.crs.org.au/family-dispute](http://www.crs.org.au/family-dispute).







and he refused to give any to her children. Hajiya complained to Alhaji first time but he did not do anything. She took another complaint to Alhaji's brother because she is competing with other wife and her children, but he refused to answer, and her children started fighting with the other children.

Finally Hajiya reported the matter to an Imam, who assembled the families and some members of the Zairen Sulhu. After all hearing by the families, and understood the reality and reason for this complaint, elders convinced Alhaji to buy at least one to Hajiya's children for living peacefully, and advice the family to abide whatever may cause rivalry within themselves. The dispute was resolved shortly and everybody was pleased. The husband agreed to buy one motorcycle to her children. She, therefore thanked<sup>66</sup>.

The central point in this dispute is a question of justice and equality between ones children. There is a demarcation between ordinary gift and essentials needs. Therefore, even if a father insists on maintaining justice and equality between his children, their individual differences determine what he does. For example, if a man has a male and female children, it will be naïve to assume that whatever he provides for them must be equal, irrespective of their gender differences.

In the above case however, all the children involved are male and equally grown up to possess and manage motorcycles. What perhaps would be a determiner was whether Hajiya's children were really in need of the motorcycles or she was merely competing with other wives of Alhaji whose children had motorcycles. The intervention of zaire here from all indication stood at a middle cause. Obviously, the member of the zaire understood that Hajiya's children did not go to need motorcycles at that stage since did not go to market unlike the other children who used to go to school as well as the market. But to solve the

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<sup>66</sup> An Interview with Mal. Muhammad Babangida Dagacin Tokarawa, at his house Tokarawa. On 16/09/018.

problem, they convinced Alhaji to buy one motorcycles not three ad Hajiya was calmed and silenced.

**(iii) Intra-faith:**

Nigeria with over 150 million people consists of Muslim and Christians who live across the country. The religious divide in the country criss-crosses more than 250 ethnic groups as well as deep political divisions that cross religious lines. Over the last decade, numerous 'hotspots' around the country have suffered from pervasive violent religious conflict, with devastating impact on the citizenry and the peaceful co-existence in the Nigerian state<sup>67</sup>.

Nigeria today faces greater challenges to and stability than ever before. The various regions in the country, the Northern part of the country, the South West, and the Niger Delta, are a volatile mix of insecurity, ethno-religious conflict and political instability. Thousand have been killed in riots between the two major religious groups sparked by various events: aggressive campaigns by foreign evangelists; the implementation in 1999 and 2000 of Shari'ah or Islamic law, in 12 of Nigerians state; and the 2002 miss world pageant saga which resulted in to another religious imbroglio when a local Christian reporter, Isioma Daniel, outraged Muslims by written in one of Nigeria national papers, *This Day*, that the prophet Muhammad (PBUH) would have chosen a wife from among the contestants. The attention to the role of religion in conflicts has been stimulated by positive and negative developments, including the desecularization of Nigerian polity and the rise of religious conflicts<sup>68</sup>.

There are significant number of international and local faith-based organization operating in Nigeria, and they are making impressive move towards peace and reconciliation among the

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<sup>67</sup>Mashood omotosho..Managing Religious Conflicts in Nigeria; The Inter-Religious Mediation Peace Strategy, 2014.

<sup>68</sup> Ibid.,



*gracious: for thy Lord knoweth best, who have strayed from His Path,  
and who receive guidance (Q16:125).*

Some of such initiatives include the establishment of Zauren Sulhu that could ensure equity among the adherents of the various religions at the Wards, Local Government and State level and fundamental human rights of citizens irrespective of their religious beliefs.

Mediation is a critical word when it comes in to the activities of interfaith. In the classic sense, mediation involves intervention of a third party in bringing together two opposites for mutual interaction in order to facilitate better understanding of each other position and to jointly chart the way for coexistence in an environmental of mutual understanding and respect.

Thus, peace building can occur in two stages, pre-conflict peace building and post conflict building.

*-Pre-conflict peace building;* are efforts and initiatives that are utilized to ensure that an anticipated conflict does not manifest and bloom. It involve discovering and pre-empting a potential conflict either through an early warning system or through some other mechanisms, and ensuring that such conflict does not manifest or when it does, it does not escalate in to violence. Therefore, all mediation effort at this stage are geared towards reconciliation of differences among opposing parties and establishing mutual understanding of the positions of each other to prevent further degeneration of their relationship.

*-post-conflict peace building;* involves effort geared at restoring broken and already devastated relationship as a result of violence or physical action among opposing parties. This involve confidence building to ensure that conflict parties will be willing to come together to



*"Our Lord! Condemn us not if we forget or fall into error; our Lord! Lay not on us a burden Like that which Thou didst lay on those before us; Our Lord! Lay not on us a burden greater than we have strength to bear. Blot out our sins, and grant us forgiveness. Have mercy on us. Thou art our Protector; Help us against those who stand against faith (Q2:286).*

The Glorious Qur`an depicts religion as a matter between a person and Allah (SWT), verse after verse repeats the fact that only Allah (SWT) knows what is in the mind and heart of a person and it is only He who has the final decree. Every human is free to belief in what he or she thinks is right and no license is given to anyone to force ones beliefs on others.

للهجج حح لم لي

22. *Thou art not one to manage [men's] affairs.*

23. *But if any turn away and reject Allah (Q88:22-23).*

The Glorious Qur`an does not permit Muslims to treat with injustice even such enemies as had committed aggression against them due to religious enmity.

أخ لم لي نمني يمي بر  
 بن بي تر تن تي

*O ye who believe! Violate not the sanctity of the Symbols of Allah, nor of the Sacred Month, nor of the animals brought for sacrifice, nor the garlands that mark out such animals, nor the people resorting to the Sacred House, seeking of the bounty and good pleasure of their Lord. But when ye are clear of the Sacred Precincts and of pilgrim garb, ye may hunt and let not the hatred of some people in (once) shutting you*



*O mankind! We created you from a single [pair] of a male and a female, and made you into nations and tribes, that ye may know each other [not that ye may despise [each other]]. Verily the most honoured of you in the sight of Allah is [he who is] the most righteous of you. And Allah has full knowledge and is well acquainted [with all things] (Q49:13).*

For instance, Zauren Sulhu contribute to inter-religious reconciliation in places where religion is a source of conflict in Kano state and Nassarawa Local Government Area. Zauren Sulhu would imply several practical steps, such as a verifiable agreement not use threaten violence to settle religious disputes. Very important to creation of an environment where a genuine inter-religious negotiation is possible. Extremist rhetoric flourishes best in an environment not conducive to rational deliberation. Needless to say, extremist rhetoric is very difficult to maintain in a discursive environment in which position taken or accusations made can be challenged directly by the disputing religions. Without a change in the environments of public discourse within the Zauren-Sulhu, demagogy and rhetorical intolerance will prevail.

Culturally, Kano State is relatively homogenous and there has been little inter-ethnic strife. However, Kano city and its environs have been a flashpoint for episodic bouts of violence that have often followed religious lines, or have been in reaction to national political development. In 1999 and 2004, southern and northern Christian in Kano were attacked in reprisal for the killing of northern Muslim in some southern states. In 2011, three days of rioting across northern Nigeria followed the announcement of the results of the presidential election, eight killings and 22 injuries occurred in Kano. Kano was one of the centre of this

violence, which was directed at non-Muslims, politicians of the winning party and their supporters<sup>71</sup>.

Nassarawa Local Government Area is among the area affected with this riot, due to its combined with these religious in some areas like; Hotoro, Kawo, Eastern Ring-Road, Hadejia-Road, Haye, Badawa, Dakata and Dawakin-Dakata. The Zauren Sulhu Nassarawa local government contributed immensely direct and indirect in tackling this religious conflict through mediation in these areas.

Zauren Sulhu have a major impact on inter religious and communal conflicts. The Nigerian states and their local government cannot survive without trust and religious tolerance. Religions play a major role, as parties in violent conflicts, as passive bystanders, and as active peace makers and peace builders. Religions have a major responsibility in creating a constructive conflict culture. Zauren Sulhu dialogue is important for peaceful in Nassarawa Local Government Area. Such initiatives linked wards and local dialogues to the state scene so that signs of trouble are detected early and resolved before violence breaks out. Zauren Sulhu dialogue created better understanding and accommodation. It included Christians and other members of the society so that their concerns are also heard. Effort to make the people of Nassarawa local government safe from religious conflict. i.e.

The provisional intervention of Zauren Sulhu on religious disputes in Nassarawa Local Government Area, is being mostly addressed by the council of Ulama, Police, Traditional leaders and other members of the Zauren Sulhu, as indicated;

(1) Case between the peoples of Dakata and a Church. The peoples of Dakata were in court with this church, being it is the only church created within the Dakata. This Church was

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<sup>71</sup>The Response of the Kano State Government to violent conflict since 2009: lesson learned and policy implications.

burned three times by the prostrated Muslims, but the Christians still continued rebuilding and using it, the Christians agreed to sell the lands. After seeking contributions from peoples but they were not able to buy the church, and the rich peoples of the area also knew the case but refused to buy it. Finally the elders of Dakata took the decision of that since they have not able to buy the church, there was no reason to stop the Christians from using it. The reconciliation committee of the area advice the peoples both Muslims and Christians to live peacefully and the dispute was resolved<sup>72</sup>.

It can be said that the decision of the Zairen could have been one of its excellent moves to bring about peace between adherents of two different faiths. It is not common for a church establishment to give up and accept compensation in lieu of church buildings. But having been able to convince the church to sell off the land, the Muslims in the area would have been more patriot to buy the land and set the stage for a perpetual place to reign. Having not done that, it is clear that at times the Zaire makes a ruling that favours both sides but which may not be implemented.

(2) Badawa is a place which comprises different peoples, different religion and tribes. Bad habits are common in the area; like prostitutions and selling of intoxicants. Most of the peoples in the area are afraid of this habit both the Muslims and good Christians, but they have no way to stop them. During the 2011 post-election violence certain places such as bear parlors churches and other properties were burnt. The elders of the area assembled the youths including the Christians for reconciliation. After discussing the issues, finally they agreed to live peacefully. The dispute was resolved, the Christians added that this reconciliation

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<sup>72</sup> An Interview with Mal. Zubairu Ibrahim Dakata. Mai Unguwar D/Dakata, at his family house Dakata. 23/9/018.

committee is good and it is fair<sup>73</sup>. The cases forced adherents of the two different faiths in the area to sit on a reconciliation table. The move further shows that there are Christian who are always averse to immoral activities like prostitution and bar-going. It also indicates that elders can play a decisive role in making peace to reign areas that are prone to crises.

**(iv)Business:**

With the success of building a business and a brand often comes the snag of being embroiled in disputes with clients, suppliers or even employees. It may be a late payment dispute, or perhaps a supplier who has delivered poor quality goods or has not delivered on time. Perhaps the party you are disputing with may be someone you want to maintain a good working relationship with in the future. How can you prepare for such disputes? How can you avoid the reputational risk, and the open ended cost and time of taking the case to court?

Some may think going to court is the only option to resolve a business dispute. This is not the case. Aptly named, “Alternative Dispute Resolution” (or ADR for short) is the term we use to describe a range of procedures and techniques to resolve disputes without court intervention, usually with the help of a third party neutral.

Over the many years it has been around, it has gained increasing popularity with the business community, mostly due to their exasperation with the inflexibility, time and expense of the court system. What’s more, in recent years the courts have actually been encouraging parties to use ADR, and in some instances penalising parties for unreasonably refusing to consider it.

Many businesses prefer arbitration because it allows them to have a decision maker who is an expert in the area of the dispute, it allows them to decide who that decision maker is (if they wish), it allows them flexibility to agree how the process should run, it is often less costly and quicker than litigation, and it offers a legally binding award with the ability to enforce that

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<sup>73</sup> Alhaji Isa Mai Unguwar Badawa Bus-Stop. Giginyu ward, Nassarawa L.G.A. at his house Gidan Salati Street, Badawa. 23/11/018.

award in a great number of jurisdictions. And for those businesses worried about any negative publicity the case will bring, both mediation and arbitration are confidential.

﴿أوفوا بالعقود﴾  
فِي خِيَارِ يَوْمٍ:

*Fulfil the Covenant of Allah when ye have entered into it, and break not your oaths after ye have confirmed them; indeed ye have made Allah your surety; for Allah knoweth all that ye do (Q16:91).*

In another verse Allah says;

﴿أَجِبْ بِعِدَّتِكَ إِذَا عَاهَدْتَ﴾  
فِي خِيَارِ يَوْمٍ:

*Come not nigh to the orphan's property except to improve it, until he attains the age of full strength; and fulfil [every] engagement, for [every] engagement will be enquired into [on the Day of Reckoning (Q17:34).*

Allah says;

﴿أَوْفُوا بِالْقِيَاسِ﴾

*Give full measure when ye measure, and weigh with a balance that is straight: that is the most fitting and the most advantageous in the final determination (Q17:35).*<sup>أ</sup>

(1) A case between Nura Sule and Malam Aminu at Yankaba Market. Malam Aminu who bring his tomatoes to Nura at some price to sell to him, on agreement that Nura would add something at his profit. Unfortunately the tomatoes were not finished all at that very day, and the remaining were spoiled. When Malam Aminu came, there was no complete money Nura

explained to him what happened but he did not agree, and Aminu said Nura already sold the tomatoes all but he did not want to give him his money.

The case got to the chairman of Yankaba Market, and then Bompai Police Station, the case was not solved, because Malam Aminu was not satisfied with the decision taken by the police. The police said he is going to give him certain amount on every day, mal Aminu did not satisfied with the decision taken by the police, after coming back from the police office, he took the case and reported to Mai Unguwar Yankaba, who is among the Zauren Sulhu member. Lockly Mai Unguwa and other elders solved the case by calling witnessed who confirmed that the allegation of M. Aminu is not true, explaining to Mai-unguwa actually what happened in the market and finally M. Aminu satisfied and agreed the witness people, told Nura to bring what in his hand and forgive him the remaining money. From there the disputes was resolved without any complaint<sup>74</sup>.

The fact that both the leadership of the yankaba market and the police office could not solve this commercial disputes, and that it was only brought to an end at the zaure, shows how confidents peoplewith the integrity and effectiveness of the zaure. It was possible that the disputants did not agree with the reconciliation more of the police due to their knowledge of their corruption and mess inherent in the system. They were probably afraid that the decision of the police might be influenced by bribery or any other integrity.

(2) Alhaji Jibrin who was living in Saudi-Arabia with his business partner Alhaji Ibrahim who is living in Gwagwarwa Ward of Nassarawa Local Government of Kano State. Alhaji Jibrin who is used to sending some materials from Saudi to Alhaji Ibrahim in order to sell for him and the money as with Alhaji Ibrahim. The money reached up to three million (3,0000:00) where Alhaji Jibrin directed his brother to collect that money from Alhaji

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<sup>74</sup> An Interview with Alhaji Sani Dan-Amarawa. Chairman of Yankaba Vegetable Market, at his office Yankaba Market. On 17/10/018.

Ibrahim in order to buy a house to his mother, but there was no money on the ground. After he came back to Nigeria, Alhaji Ibrahim reported to court. After all hearing from both parties, the case was adjourned three times all with the views to enable Alhaji Ibrahim to return the money. During the case the elders of the area called them for reconciliation, after hearing from them, the elders asked Alhaji Ibrahim to return the money, and the dispute was resolved. Alhaji Ibrahim promised to return the money signing agreement in paper, after some months he returned the money to Alhaji Ibrahim, and also thanked the reconciliation committees for this peaceful reconciliation<sup>75</sup>. The zaure played a paramount role in this case as it was able to convince Alhaji Ibrahim of the implications of his breach of trust, which might necessitate his imprisonment.

**(v)Neighbourhood:**

The rights of neighbourhood are not meant for Muslim neighbours only. Of course, a Muslim neighbour has one more claim upon us - that of Islamic brotherhood; but so far as the rights of neighbour-ship are concerned, all are equal. Neighbours are three types;

1. Muslims, as well as relation.
2. Muslims not relation.
3. Non-Muslim.

The scholars differed concerning the definition of a neighbour.

Some of the scholars were of the view that the definition of neighbours according to Islam is forty houses in each direction.

Others were of the view that it is defined linguistically, and that the neighbour is only the one whose house is next to your own.

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<sup>75</sup> An Interview with Alhaji Hussaini Musa, at his house kwanar jaba, Bridgade. On 14/10/018.

It was also suggested that the people of each mosque are neighbours, or that this applies to the people of a quarter (area of a city), or the people of a city... And there were other suggestions.

In Mughni al-Muhtaj (4/95), it says:

Neighbours are forty houses on each side, as was stated by ash-Shaafa ‘i. That is indicated by the report: “The rights of neighbours apply to forty houses like this and like this and like this” – and he pointed to the front, to the back, to the right and to the left. Narrated by Abu Dawood and others with a mursal isnaad, and it has other isnaads that strengthen it. [The hadith was classed as da‘eef by al-Albaani. See: al-Irwa’ (6/100)]

And it was said that neighbours are those whose houses are next to yours;

or the people of the locality in which you live;

or those whose houses are next to yours or facing yours;

or the people of a dead-end street or cul-de-sac;

or those between whom and you there is clear access;

or those who pray with you in the mosque;

or your tribe;

or all the people of the city,

Because Allah, may He be exalted, says (interpretation of the meaning): “If the hypocrites, and those in whose hearts is a disease (evil desire for adultery, etc.), and those who spread false news among the people in Al-Madinah, cease not, We shall certainly let you overpower



2. To be kind and noble towards him by exchange gifts which is a token of doing good to one's neighbour for these small things create amity and are bound to eradicate hatred.
3. Non-Muslims neighbours i.e. Christians, Jews, Sikhs, Hindus and others have rights on you that should be fulfilled. Be respectful, kind and honourable to them as these are their rights in Islam.
4. To love for your neighbour what you love for yourself
5. To keep his secrets and personal affairs; and not to disclose them to others.
6. To respect and honour his family i.e. wife and children
7. To help him financially in times of need.

Regarding non-Muslim neighbours, there are some tips on how to approach them in a kind way that exemplifies Islamic manners:

1. Being good to your neighbour is not only restricted to those who share the same building with you. Your roommate is your neighbour; the person sitting behind you or next to you on a bus or at a bus stop is your neighbor; the one sharing your office at work is your neighbour.
2. Introduce yourself and your family to your neighbours when you move into a new home or when new neighbours move in. This will also help to relieve any fears or tensions.
3. Care for them continually, especially in times of need and distress.
4. In dealing with neighbours, it is safer to deal with those of the same gender as yourself.
5. While socializing with non-Muslims, be cautious of becoming too lenient at the expense of your creed and principles.

6. In addition to sharing ideas, you can share meals with them by inviting them to dinner or accepting their invitation to the same.
7. Conduct mutual visits so that the families can interact in a constructive way.
8. While socializing with neighbours, present your *deen* [Islam] in the best way.
9. If your neighbors show an interest in Islam, invite them to attend Islamic events, and even to accompany you to the mosque to see what it is like<sup>77</sup>.

Unfortunately, a lot of people, nowadays, have disregarded these rights in constant fear of mischief inflicted on them by the people living next to them. Consequently, continual disputes will ensue with the possible contravention of rights. The following are some of the disputes found in some areas of Nassarawa Local Government;

(1) A case between two neighbours in Hotoron-Arewa, a house and a plot, the plot has a tree inside when cutting the tree a part of the tree was falling in to the neighbor house, the side of the house knocked down. The case got to the Dagaci House, finally the Dagaci took the responsibility to re-build the wall. The case was resolved and the plot owner showed his happiness and thanked the members of the Zauren Sulhu for the settling the case<sup>78</sup>.

In case above, the zaure resorted to shouldering the responsibility of intervening financially. Otherwise, the solution would have been to force the owner of the plot to rectify the damage and this might enter going to court.

(2) Another case in Kawo between two neighbours, on the ground that, a neighbour made foundations in his lands besides his neighbour house, unfortunately rain came and the wall of the neighbour's house fell down. The case got to the Dagacin Hotoron-Arewa, members of Zauren Sulhu tried to solve the case but the owner of the house refused to agree. Finally the

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<sup>77</sup>The Right of Neighbour in Islam. Imam/Khalifa Ezzat Rabi` Awwal 30,1430 – 27-03-2009.

<sup>78</sup> An Interview with Imam Ishaq Umar. Imam Masjid Abi-Bakr Saddiq, Hoto-Arewa Walalembe, at Mosque. 26/10/018.

Dagaci took the responsibility to renovate the wall. The dispute was resolved<sup>79</sup>. The zaure also resorted to shouldering the responsibility of intervening financially.

### **5.5 limitations/Challenges:**

The prophet of Allah (PBUH) said:

"حراما" أو أحلالا لصلح جائز بين المسلمين، إلا صلحا حرم حلالا

*“The settlement between Muslims is permissible except that which legalizes a thing prohibited or prohibits a thing which is permissible”<sup>80</sup>.*

Islamic law restricts Sulh to issues involving the right of fellow beings such as contractual obligations. The issues involving what Islamic law classifies as rights of Allah do not fall under what can be resolved through sulh. Offences for which there is qisas, such as Murder, Manslaughter and Hudud, that is criminal acts for which Glorious Qur`an prescribed specific punishment, such as adultery, fornication and consumption of alcoholic intoxicants, theft and others, they are not open to negotiation.

Government are not given proper support to Zauren Sulhu somehow, due to political differences. i.e., the administration of 2005 did their best, but during the 2011 administration the system started fallen down. Government shall provide a good concentration to the Zauren Sulhu.

Uptill now some of the peoples have little knowledge about Zauren Sulhu, they decided to take their cases to police and courts, which is taking long term before it is solved, zaure is easy to arrange and can escalate within a weeks.

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<sup>79</sup> Ibid.

<sup>80</sup> Muhammad Isah Sarwa.op. cit.,N0. 2433.

Lack of permanent offices and special allowances to the members, led to discouraged some of the Ward and Unit Reconciliation Committees<sup>81</sup>.

**The benefits of Zauren Sulhu are;**

- i. It gives you a chance to tell your side of the story-being listened to can make you feel supported.
- ii. It allows you to admit how upset you are-many people cope with conflict by pretending they do not care.
- iii. It makes you feel in charge again ignoring situations or not addressing conflict may cause the problem to escalate. Talking to a mediator is the first step of dealing with the situation.
- iv. It could help you decide on what course of action you want to take next, even if that is not mediation.

**Zauren Sulhu Works less:**

- i. People feel coerced in to taking part.
- ii. They have no reason to work out of future relationship.
- iii. There is a threat of physical violence.
- iv. One party is very intimidating for the other.
- v. There is a need for a public/legal judgement.

The Glorious Qur`an Emphasizes peace and reconciliation as basic to all social and even international relations. As mentioned in the Qur`an, paradise, which is the reward of the pious, is a place of serenity. One of the ninety-nine name of Allah is Salam, which means peace. Throughout history, Muslims have made every effort to establish peace and serenity everywhere in all divergent fields. Over the course of history, the general approach of Muslims has been supportive of maintaining peace.

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<sup>81</sup> Ustaz Abubakar Nafi`u, a Former Secretary Islamic Center Nassarawa, op.cit., on 12/03/2019.

This research is aimed at re-emphasizing and guiding the importance of Zauren Sulhu among the peoples of Nassarawa Local Government Area and Kano State and to the other Muslims in general. The cases of marital, family, and intra-faith disputes are very rampant among the people now. Zauren Sulhu reduced these problems and bring the sense of Islamic brotherhood, love and tolerance among the Muslims themselves and non-Muslims. It is important that, if Zauren Sulhu is continuously supported and applied it very well, the congestions of the cases in courts and police stations may be minimized and peoples will continue living peacefully. Therefore, people should always patronize the office of Zauren Sulhu of Hisbah in Nassarawa local government area, and in the 44 local government areas of the state, depending on where they reside, in order to save time, money and settle their differences out of court.

## **CHAPTER SIX**

### **CONCLUSION**

This chapter is the concluding aspect of this research work and it contains the summary of the major points of discussion in the preceding chapters of the work. The chapter specifically deals with findings of the study and the respective recommendations submitted thereby.

Chapter one of this work lays the general background to this study identifying the research problem(s), aims and objectives of the research, its scope. In chapter two, literature review, and justification. In chapter three the history of Nassarawa Local Government Area, i.e., its creation and composition, their peoples, religious groups and the concept of Sulhu has been discussed wherein it is argued that Zauren Sulhu serves as the Islamic law perspective, it being a contract that is concluded by two parties, under which each party waives part of his rights

for the purpose of reaching mutual and final resolution of a conflict. The essentials of Sulhu, conditions of Sulhu and the position of Sulhu in Islam. In this legal sense Zauren Sulhu is the settlement of dispute grounded upon compromise negotiated by the disputants themselves or with the help of a third party (Zauren Sulhu members).

However, in chapter four, discussed on the Shari`ah implementation in Kano state, Hisbah and Disputes Settlement in Kano state and the reintroduction of Zauren Sulhu also in Kano state. In chapter five, also discussed the establishment of Zauren Sulhu in Nassarawa local government, the objectives of Zauren Sulhu, composition/membership and the activities of the Zauren Sulhu, i.e., in marital, family, intra group, business and neighbourhood cases, all have been discussed and analyzed wherein additional formal adoption of Zauren Sulhu within the Nassarawa local government area.

In chapter six, from the above discussions, our concluding remarks is that Zauren Sulhu is undoubtedly a very constructive parlour in resolving dispute amicably in both marital, family, intra-group, business and neighbourhood cases. Zauren Sulhu encourages parties to a disputant to resolve their dispute amicably as litigation may not always resulted in decisions acceptable to both parties.

Additional training of members and the establishment of Zauren Sulhu permanent offices within every wards in the 44 local government area of Kano state, this will further enhance full pledge implementation of Zauren Sulhu in Kano and Nassarawa local government, and would help to manage and settle the problems of backlog of cases in Nassarawa local government area.

Finally, it is posited that Zauren Sulhu remained time tested surviving the impact of time and space dimension in Nassarawa local government area and that all efforts should be put in

place by the Nassarawa local government and Kano state government and all other relevant stakeholders in the society to protect it from the encroachment.

From the following discussions, the followings listed here under have been noted during the study;

1. It is further found that Zauren Sulhu provides an avenue for the relaxation of the strict application of rules of evidence under Islamic law as parties in dispute may be relieved of the requirement of an oath which is usually taken to strengthen or establish ones claim or denial. So, also the requirement of proof may thereby is dispensed with where Sulhu is under taken. Thus, where this dispute is carried out, it can no doubt speed up the trial of cases and eventually help in decongesting our courts of backlog of cases or in solving the problem of prolonging the trial. In the same vein, it is pertinently observe that Sulhu can technically be viewed as the easiest way of eliciting the admission of liability by a party to a dispute as where parties agree to a particular condition through Sulhu, it technically tantamount to admitting liability thereof fully or partially thus reducing the rigours of full blown trial. Its use can, therefore, serve as a truth eliciting technique by the Zauren Sulhu as parties to Sulhu agreement.

2. It is also found that the government of Kano state and other stakeholders were neglected with the system and there is no permanent offices for this within the wards and Local Governments areas of Kano state, and the markets, schools and there is no qualified staffs to facilitate the activities of Zauren Sulhu.

3. It is found that to some extent, the formal practice of Sulhu as per the teachings of the Shari`ah is neglected in Kano state. While it is earlier observed that Sulhu forms part and parcel of the Islamic system of administration of justice quite eloquently discussed by the classical Muslims jurist. Over the years and until of recent, we found that relatively little

formal attention is paid within the Zauren Sulhu in Nassarawa local government area and Kano state.

The following recommendations are accordingly submitted as per the above enumerated findings:

1. It is thereby recommended that for the Shari`ah implementing states in Nigeria and in particularly Kano state. The government and relevant stakeholders should endeavor to recognize and structure the practice of Zauren Sulhu as the Islamic perspective of all alternation disputes resolution and eventually to establish of Zauren Sulhu centers i.e., in each wards of the 44 local government area of Kano state, to which peoples can resort to in resolving their disputes.
2. Enlightening the public on the jurisprudence of Zauren Sulhu and emphasizing its application through Television and Radio by the Muslims scholars.
3. It is recommended that there shall be special training and organizing workshop and conference for educating the members of Zauren Sulhu about the concept and activities of the Zauren Sulhu. In other words, there should be regular and continuing training and orientation. Such training should be impressively conducted by expert practitioners and academicians on the field who have the requisite knowledge and experience on the practice of Sulhu.
4. The Government and peoples should take Zauren Sulhu process as an effective way of bringing disputes in to an end.
5. Government should take the advantage of Zauren Sulhu as a means to avoid disputes, and Zauren Sulhu it promotes peace, love and mercy.
6. Zauren Sulhu is helping and guaranteeing the decongestion of our courts and police offices.
7. Government should provide zaure with some moneys for solving minor cases.

8. Peoples should make known that no any case are separated in Zauren Sulhu process, publicizing some outcomes of Zauren Sulhu resolution to encourage the peoples and participants.
9. Government should also know that Zauren Sulhu as a means to avoid litigations and crises. Its aims is to promote peace in the societies.
10. It is also recommended that there shall be set up a committee of experts to review a restructure the Zauren Sulhu in Nassarawa Local Government of Kano state, and how to reform and encouraging their activities to the people of Nassarawa Local Government Area.

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#### **INFORMANTS.**

Dr. Ibrahim Saminu Mu`azzam Maibushira aged (NB), Ahmed Kabara Close, Rijiyar Zaki. The interview was conducted in his house on 22/11/2018.

Dr. Jamil Fagge aged 50 years, ACG Training Section, Hisbah command Sharada. The interview was conducted in his office on 20/01/2018.

Dr. Sheikh Umar Sani Fagge aged (NB), Dandali-Fagge, Fagge `A`ward. The interview was conducted in his house on 20/10/2018

Imam Ishaq Umar aged 53 years, Imam Masjid Abi-Bakr Saddiq, Hotoro-Arewa Walalembe, Hotoro ward. The interview was conducted in Masjid Abi-Bakar Saddiq on 26/10/2018.

Mal. Abubakar Baba aged 65 years, Former Hisbah Commander Nassarawa L.G.A.No.105 Kabara, Kano. The interview was conducted in his house on 19/05/2018.

Mal. Haruna Muhammad Bawa aged 60 years, Director Public Enlightenment Kano State Shari'ah Commission Board. The interview was conducted in his office on 26/07/2018.

Mal. Mukhtar Usman Maidu aged 63 years, ACG Research and Documentation section Hisbah Command Sharada. The interview was conducted in his office on 17/02/2018.

Mal. Zubairu Ibrahim Dakata aged 55 years, Mai Unguwar Dawakin-Dakata. The interview was conducted in his house on 23/09/2018.

Malam Mukhtar Abdu aged 45 years, Namadobi Str. Gama ward. The interview was conducted in his house on 17/11/2018.

Mal. Musa Sauna aged 80 years, Mai Unguwar Sauna `b` Kawaji Ward, Nassarawa LGA. The interview was conducted in his house on 11/10/2018.

Ustaz. Abubakar Sharif Nafi`u aged 45 years, Sauna Kawaji ward. Former Secretary Zauren Sulhu, Kawaji Ward, Nassarawa L.G.A./ Secretary Islamic Center Nassarawa LGA. The interview was conducted in his house on 13/10/2018.

**APPENDIX 1.**  
**RESEARCH INTERVIEW.**

Dear Respondents,

I am Bashir Sani Isah by name with registration Number SPS/16/MIS/00058, a students of Bayero University Kano, (BUK), Faculty of Arts and Islamic Studies,

Department of Islamic Studies and Shari`ah, presently, I am conducting a research on Zauren Sulhu in Nassarawa Local Government Area of Kano State, An Islamic Perspective.

All information gathered will be treated confidential and will be used for that particular purpose. Your objective answers to my interview will determine the success of this research, and hence will be highly welcome.

NAME -----

SEX-----

AGE-----

PHONE-----

DATE-----

TIME-----