



EMPIRICAL ANALYSIS OF ISLAMIC DISPUTE RESOLUTION SYSTEM IN SOLVING MARITAL DISPUTES IN OSUN STATE, NIGERIA

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Abstract

Dispute and conflict are though not desired, part of human existence, the very co-existence of man is a factor for the existence of dispute. The dispute phenomenon is more likely where persons of different ideology, background and orientation desired to live as conjugal partners bounded by marriage. The aforementioned factors will definitely create conflict of interest, life view and ultimately cause dispute. Despite the inevitability of a dispute situation in marital life, the objective of every society and legal system is to ensure continuous cordiality, bliss and happiness between couples. This assertion is more true of Islamic law. Thus, various legal systems have put mechanisms in place to resolve marital disputes. Islamic law recommends and places emphasizes on ADR over litigation in solving marital disputes, the law regards litigation as a last resort option. In Nigeria, the northern region has generally taken the front in the application of Islamic law including marital dispute resolution. The western region including Osun state is still up-coming in this regard. The retarding situation is due to factors such as colonial history amongst others. However, Osun state has seized the opportunity of its significant Muslim population to explore Islamic marital dispute resolution mechanisms. This paper adopted empirical methodology to examine the operation of the dispute resolution mechanisms especially the ADR options, their effectiveness in solving marital disputes in the state as well uncover the challenges facing the system.

Keywords; Marital Dispute, Islamic Dispute Resolution System, ADR, Osun State

1.0 INTRODUCTION

The resolution of disputes is a critical aspect of any legal system; it provides mechanisms for maintaining social order and justice.¹ Islamic dispute resolution system offers unique approaches distinct from secular and conventional legal systems. These

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¹ R Ansel, *Dispute Resolution in Contemporary Legal Systems: A Comparative Analysis*. (Cambridge University Press, 2021) 11-13.



approaches reflect the ethical and moral values of Islam.²The system is deeply rooted in religious sources such as Qur'an, Sunnah, and other Ijtihad based sources as Ijma, Qiyas and Fatwa.³The Islamic dispute resolution system emphasizes reconciliation and peace within the community, particularly within the family structure.⁴

Unlike the conventional legal systems, which often rely heavily on adversarial approaches, Islamic law prioritizes amicable settlement and reconciliation.⁵ This is particularly true in matters of marital disputes, where the sanctity of the family unit is paramount.⁶The prioritization of alternative dispute resolution mechanisms in resolving marital disputes by Islamic law is capable and more potent in ensuring the solidification of harmonious co-existence by couples.⁷This account for the preference accorded to it in Muslim populated regions in Nigeria, especially the Northern region

However, the Islamic dispute resolution system is not pronouncedly practiced in other regions of the country. The situation is partly due to the assimilation of colonial cultures mostly influenced by Christianity,⁸ the low population of Muslims in some communities as well as the lack of political will to accommodate the operation of Islamic law generally. The situation is further affected by the lack of legal and institutional frameworks for Islamic dispute resolution system in the western Nigeria.⁹

The significant Muslim population in Osun state, Nigeria, provides a fertile ground for the application of Islamic Dispute Resolution Mechanisms in resolving marital disputes. Thus, the Muslim community in the state has organized a shari'ah panel to resolve dispute especially marital disputes. This paper sets to examine the operation of the Islamic alternative dispute resolution mechanisms in settling marital disputes in Osun state. The study especially focuses on the efficacy, effectiveness and challenges of the system. This is with the view to proffering workable recommendations that will further strengthen the Islamic Marital dispute resolution system especially Islamic ADR in the state as well as serve as template for other willing states. The relevance of this study is underscored by the increasing recognition of alternative dispute resolution (ADR) methods in legal systems worldwide, including in Nigeria, where the coexistence of customary, Islamic, and statutory law presents unique challenges and opportunities.

2.0 CONCEPTUALIZATION

At this part of the paper, a thematic conceptualization of relevant subjects will be conducted to in order to properly introduce, examine and situate the research topic. Past

²MH Kamali, *Shari'ah Law: An Introduction*. (OneworldPublicationns, 2008)14.

³ K Abdur Rahman and R Shirin Asa 'ADR under Islamic Law: An Overview' (2021) 4 (1) Bangladesh University Journal, 25-33.

⁴DS El-Alami, *The Marriage Contract in Islamic Law in the Shari'ah and Personal Status Laws of Egypt and Morocco*. (London Press, 1992) 10-11

⁵NJCoulson, *A History of Islamic Law Edinburgh*. (Edinburgh University Press,1964)75.

⁶ F Rahman and M Haroon 'Islamic Law and Alternative Dispute Resolution Mechanism with Special Reference to Matrimonial Disputes' (2020) 6 (1) Indian Journal of Law and Human Behavior, 9-14.

⁷ R Shittu and O H Mayowa 'Sulh as Alternative Dispute Resolution Mechanism for Marital Conflicts among Muslims in Ilorin, Nigeria' (2019) 8(2) Journal of Management and Social Sciences, 624-637.

⁸ A Ossai 'The Impact of Colonialism on Religious Dynamics: Understanding how Colonial History has Shaped Religious Tensions and Conflict in Nigeria' (2023) 6 (4)International Journal of Management, Social Sciences, Peace and Conflict Studies (IJMSSPCS), 181-196.

⁹A A Daibu and L A Abdulrauf 'Challenges of the Practice of Customary Arbitration in Nigeria' (2014) 12 Nigerian Judicial Review, 103-124.



academic works on dispute resolutions and other connected topics will be discussed. The objective is to place the current research in the realm of related literatures and signpost its unique significance and contribution to knowledge.

2.1 Meaning of Marital Dispute

According to Black's Law Dictionary, a dispute is defined as 'a conflict or controversy; a conflict of claims or rights; an assertion of a right, claim, or demand on one side, met by contrary claims or allegations on the other'¹⁰. Marital is an affair or state of affair that has to do with marriage or matters connected to it. Thus marital dispute is a conflict or controversy; a conflict of claims or rights; an assertion of right or demand on one side, met by contrary claims or allegations on the other involving married couples or that occurs within a marriage relationship. Marital dispute occurs where the interests, rights, or expectations of one spouse are met with resistance or contrary claims by the other spouse¹¹.

A marital dispute is broadly understood as any conflict or disagreement that arises between married partners¹². This dispute can manifest in various forms, ranging from minor disagreements to more severe conflicts that threaten the stability of the marriage¹³. The causes of marital disputes are multifaceted and can stem from issues such as financial stress, communication breakdown, differences in child-rearing practices, and even infidelity¹⁴. The nature and intensity of marital disputes varies depending on the personalities of the spouses, their communication styles, cultural backgrounds, and external pressures such as economic difficulties¹⁵.

Sociologically, marital dispute is viewed as a natural consequence of the intimate and interdependent relationship that marriage entails¹⁶. This perspective is borne out of the Conflict theory as articulated by sociologists like Karl Marx, the theory presupposes that all human relationships are characterized by power dynamics, and marriage is no exception¹⁷. Disputes often arise in a marriage when there is an imbalance of power or when the needs and desires of one spouse are not adequately met by the other. For instance, a spouse who feels overburdened with household responsibilities may develop resentment, leading to conflict¹⁸.

Psychological theory also provides insight into the nature of marital disputes. The proponent of this theory, John Gottman in his research on marital stability and divorce stated that the causes of marital dispute include unhealthy criticism, contempt,

¹⁰ B A Garner *Black's Law Dictionary* (9 edn, Thomson Reuters USA, 2019) 540

¹¹ F D Fincham and S R H Beach, 'Marital Conflict: Implications for Relationship Quality' (1999) 4(2) *Psychological Science in the Public Interest*, 42-57.

¹² *Ibid*

¹³ T N Bradbury and B R Karney *Intimate Relationships and Conflicts* (Cambridge University Press, 1993) 45

¹⁴ J Gottman and N Silver *the Seven Principles for Making Marriage Work* (Crown Publishing, 1999) 72

¹⁵ LA Kurdek, *Predictors of Marital Satisfaction* (Lawrence Erlbaum Associates, 1994) 56

¹⁶ S. Coontz, 'Marriage, A History: How Love Conquered Marriage.' (Viking Penguin 2005) 118

¹⁷ K Marx and F Engels, *The Communist Manifesto*. (London: Pluto Press, 2007)97

¹⁸ RO Blood and D M Wolfe 'Husbands and Wives: The Dynamics of Married Living.' (The Free Press.1960) 98



defensiveness and mental state¹⁹. In another work, Gottman²⁰ posited that negative interaction patterns can create a cycle of conflict that can deteriorate a marriage if not properly managed. He emphasized the importance of communication and emotional regulation in managing marital disputes and maintaining a healthy relationship.

In contemporary literature, marital disputes are often analyzed within the context of changing social norms and the evolving nature of marriage²¹. The traditional view of marriage as a lifelong commitment between a man and a woman is increasingly being challenged by more flexible understandings of relationships, which recognize the importance of individual fulfillment and autonomy²². This shift has implications for the way marital disputes are understood and resolved, with an emphasis on mutual respect, equality, and the protection of individual rights²³.

Coontz²⁴ argues that the nature of marital disputes has changed over time as marriage has shifted from being an economic and social institution to being centered on emotional fulfillment and personal satisfaction. As a result, modern couples are more likely to experience conflict over issues related to personal autonomy, gender roles and work-life balance²⁵.

2.2 Marital Dispute in Islamic Law

The Islamic terminology for marital dispute in Islamic law is *An-Nushuz*.²⁶ The word has been technically defined as a situation where the partners commits infractions and are antagonistic toward the other, it's either one of the spouses' animosity for the other or both of them hatred for the other, it is a situation where the partners differs from the other²⁷.

According to Al-Qurtubi, *An-Nushuz* is the animosity of one of the spouses for the other or by both of them for the other. He reported *An-Nuhas* to have made a distinction between *Nushuz* and *I'rad*, *An-Nushuz* is regards to connote the creation of a distance from a couple from the other while *I'rad* is the deliberate disconnection of

¹⁹ JM Gottman *The Seven Principles for Making Marriage Work* (New York, Crown Publishers 1999) 40-78.

²⁰ JM Gottman, *the marriage clinic: A scientifically based marital therapy*. (New York: Norton & Company 1999) 14-50.

²¹ A J Cherlin, 'The Marriage-Go-Round: The State of Marriage and the Family in America Today'. (knopf Doubleday Publishing group, 2010) 26

²² A. Giddens, 'The Transformation of Intimacy: Sexuality, Love and Eroticism in Modern Societies.' (Polity Press. 1992) 87

²³ PA Cowan and C P Cowan, *When Partners Become Parents: The Big Life Change for Couples* (Lawrence Erlbaum Associates, 2000)

²⁴ S Coontz, 'Marriage, a History: How Love Conquered Marriage.' (New York: Viking Penguin. 2005). 50-69

²⁵ P Schwartz, 'Love Between Equals: How Peer Marriage Really Works'. (Free Press. 1994) 134

²⁶ See Qur'an Suratu Nisai verse 128.

²⁷ Islams women Jewels of Islam, *Nushuuz*, <<https://www.islamswomen.com/marriage/fiqhofmarriage>>, accessed December, 2024.



communication and relaxation with a partner especially by the Husband.²⁸An-Nushuz is a condition of spouses' animosity for the other and treating each other in a wrongmanner²⁹.

It is important to note that An-Nushuz may emanate from either party in the marriage. The deliberate and unjustifiable neglect of a wife by the husband is a form of Nushuz from the husband. Similarly, Nushuz may manifest from the wife in a number of forms such as leaving her husband's house without his consent and keeping her husband from her without proper right. The unjustifiable denial of the husband of sexual enjoyment and related affairs is a form of Nushuz that is highly detested in Islamic law.

2.3 Resolution of Marital Dispute under Islamic Law

Marital disputes are often addressed through dispute resolution process, which include mediation, arbitration, or litigation³⁰. In Islamic jurisprudence, marital disputes are addressed within the framework of Shari'ah. The law provides guidance on the roles and responsibilities of spouses, as well as methods for resolving disputes in a manner that is just and equitable. For instance, the Quran enjoins spouses to seek reconciliation through mutual consultation and, if necessary, to involve a mediator from each spouse's family (Quran 4:35).

And if you fear dissension between the two, send an arbitrator from his people and an arbitrator from her people. If they both desire reconciliation, Allah will cause it between them. Indeed, Allah is ever Knowing and Aware³¹.

Islamic scholars have also discussed the concept of marital discord and the steps that should be taken to address it. The classical Islamic jurists, such as Ibn Qudamah³² and Al-Mawardi³³, have outlined specific procedures for resolving such disputes, including admonition, temporary separation, and, in extreme cases, arbitration.

From an Islamic law perspective, marriage is considered a sacred institution that provides a framework for resolving conflicts and promoting harmony between spouses. In Islamic law, the husband is obligated to protect his wife and provide for all the necessities of married life. While Islamic law provides guidelines for resolving marital disputes, it's essential to acknowledge that modern couples may still face challenges related to personal autonomy, gender roles, and work-life balance³⁴.

²⁸ Ahmad bn Abee bakr Al-Qurtubi, *Al-Jami'u Li Ahkam Al-Qur'an* (Cairo Egypt, Muasasatu Al-Risalah, 2006, Vol. 1)

²⁹ Salim ibn Ghaanim, *Nushuuz*, Al Basheer company for publications and translations (1996)17-18

³⁰ Ibid

³¹ *SuratulNissai Q (4 v 35)*

³² M A ibn Qudamah, *'Al-Mughni'* (Beirut: Dar al-Kutub al-Ilmiyyahm, 2004)6

³³ Al-Mawardi, *'Al-Ahkam as-Sultaniyyah.'* (Beirut: Dar al-Kutub al-Ilmiyyah,1996)

³⁴ S Coontz, *'Marriage, a History: How Love Conquered Marriage'*. (Article 80 of the Compilation of Islamic Law 2006)15-30.



3.0 DATA ANALYSIS AND PRESENTATION OF FINDINGS

Islamic dispute resolution mechanisms have been recognized as an effective means of settling marital disputes in Muslim communities. In Osun State, where a significant percentage of the population adheres to Islam, these mechanisms play a crucial role in resolving conflicts related to marriage, divorce, maintenance, and child custody. This section provides an empirical analysis of how these mechanisms are applied, drawing on field data, case studies, and interviews conducted with stakeholders, including Islamic scholars, legal practitioners, and affected individuals.

3.1 Research Instruments

The instruments used for this research are interview and questionnaires. The data gotten from the interview were thematically analyzed. In contrast, the responses from questionnaires were analyzed using SPSS to identify patterns and gain statistical insights and a service of an expert was sort to ensure good presentation. A total of 15 Questionnaires were administered while four panel members were interviewed

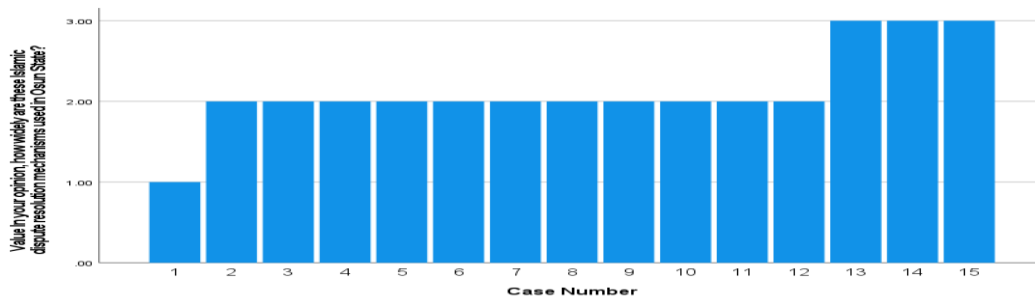
3.2 PRESENTATION OF RESULT (QUESTIONNAIRE)

Chart 1



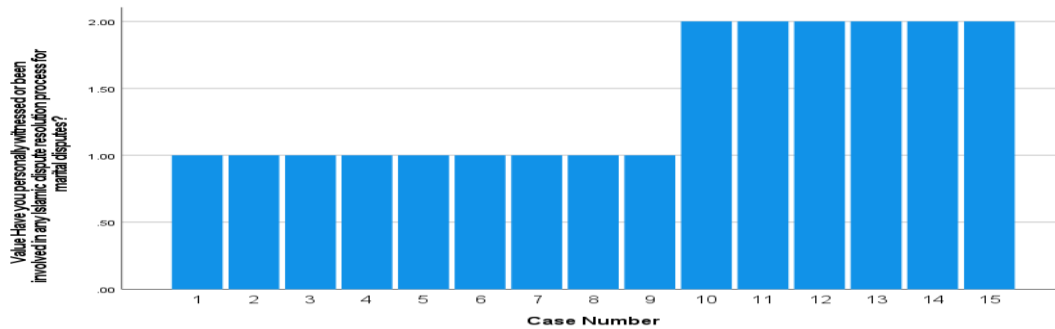
The chart 1 illustrates the responses of 15 individuals to the question: ‘Are you aware of the Islamic dispute resolution mechanisms used to resolve marital disputes in Osun State?’ Every respondent answered affirmatively, as shown by the uniform height of the bars at the 1.00 mark across all 15 case numbers. This indicates **100% awareness** among the participants. The chart reflects strong community knowledge and suggests that Islamic dispute resolution mechanisms are widely recognized in Osun State. Such unanimous awareness may contribute to greater utilization, acceptance, and trust in these traditional and religious methods of addressing marital conflicts.

Chart 2



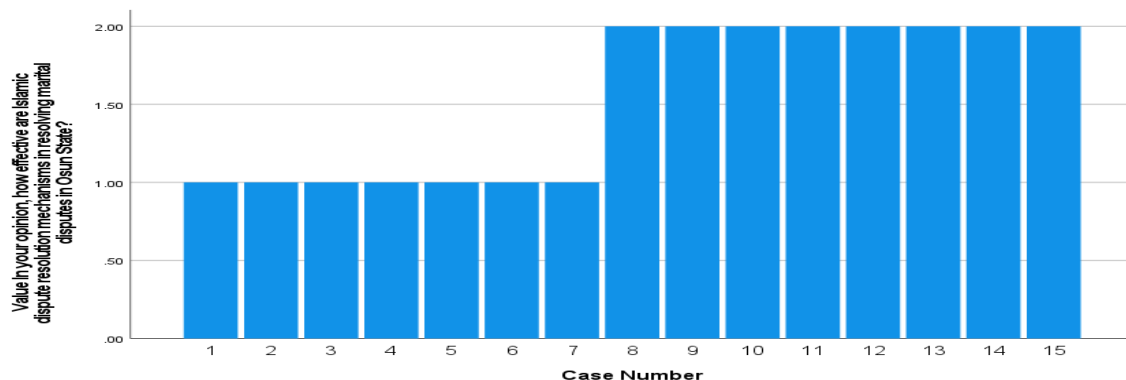
The chart 2 presents the opinions of 15 respondents on the extent to which Islamic dispute resolution mechanisms are used in Osun State. The majority, comprising **11 respondents (73.3%)**, believe these mechanisms are **moderately used**, suggesting a fair level of application within the community. **Three respondents (20%)** perceive the usage as **wide**, indicating growing acceptance or visibility. However, **one respondent (6.7%)** feels the mechanisms are **not widely used**, reflecting a minority view. Overall, the chart reveals that while Islamic dispute resolution is recognized and moderately utilized, there is room for increased integration and broader adoption within the state.

Chart 3



The chart 3 illustrates responses to the question: “Have you personally witnessed or been involved in any Islamic dispute resolution process for marital issues?” Among the 15 cases presented, the first nine show a consistent response level of 1.0, indicating limited or moderate involvement. However, from case 10 to 15, the response level rises sharply to 2.0, suggesting a higher degree of direct experience or awareness. This trend shift may reflect differing exposure levels or backgrounds of the respondents. The data implies that while many individuals have minimal involvement, a significant proportion possesses substantial firsthand experience in Islamic marital dispute resolution.

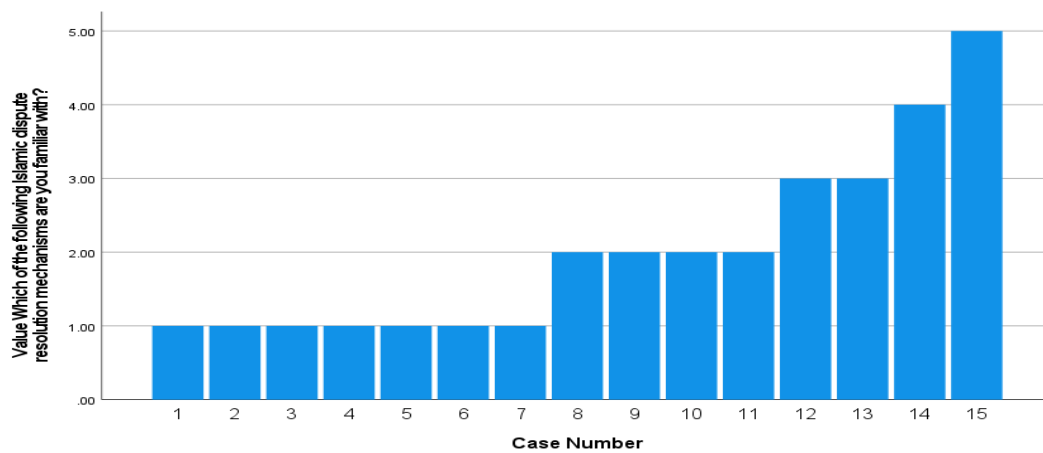
Chart 4





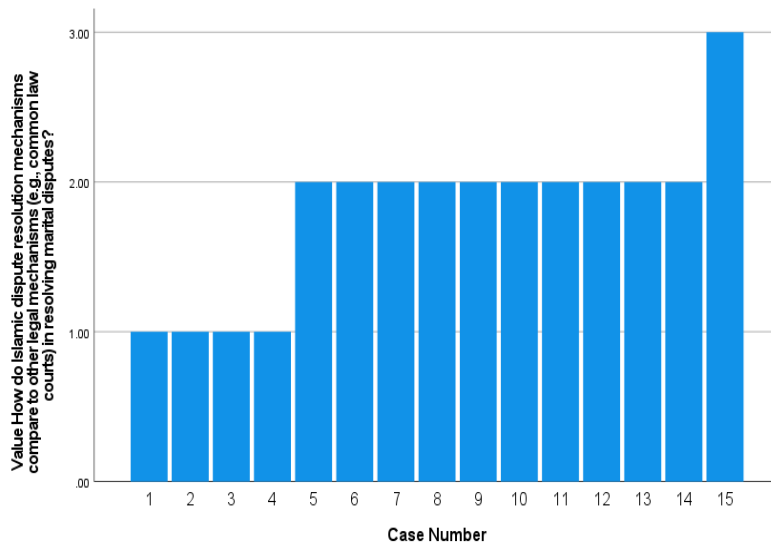
The chart 4 depicts responses to the question: “In your opinion, how effective are Islamic dispute resolution mechanisms in solving marital disputes in Osun State?” For cases 1 through 7, the value remains at 1.0, indicating a perception of limited or moderate effectiveness. From case 8 to 15, the values increase to 2.0, reflecting a more favourable view of the effectiveness of Islamic dispute resolution. This upward shift suggests a divergence in public opinion, with a notable portion of respondents acknowledging the effectiveness of these mechanisms in resolving marital issues, potentially due to positive personal experiences or observed outcomes in the community.

Chart 5



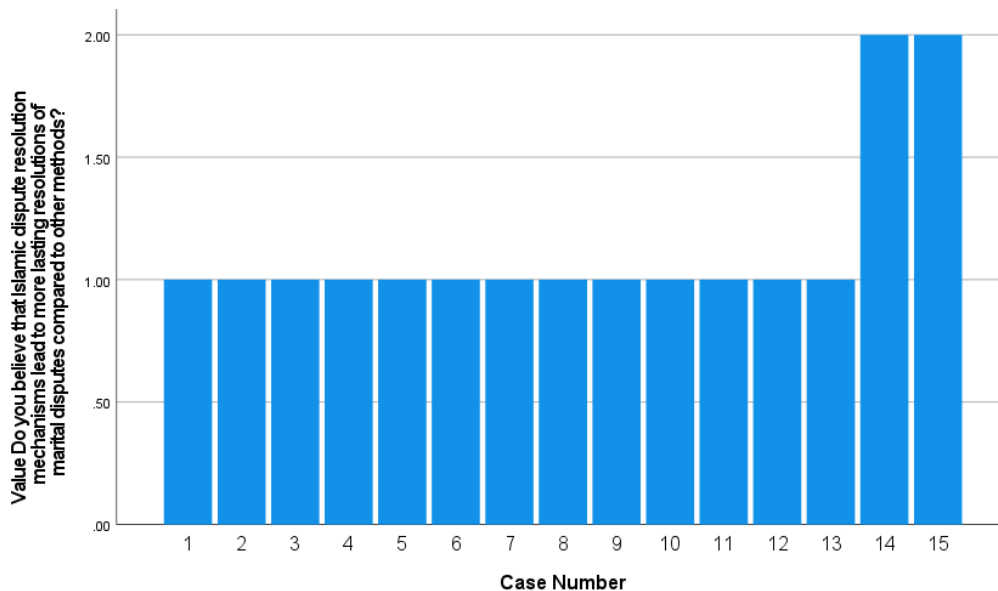
The chart 5 illustrates respondents’ familiarity with various Islamic dispute resolution mechanisms. Cases 1 to 7 show a value of 1.0, suggesting limited awareness or exposure to these mechanisms. A gradual increase begins at case 8, reaching 2.0 and maintaining this level through case 11. Familiarity grows further from case 12 onward, with values peaking at 5.0 in case 15. This progression indicates a varied but rising level of awareness among participants, with a few demonstrating extensive knowledge. The trend suggests that while many individuals are only slightly informed, a growing number are significantly familiar with Islamic methods for resolving marital disputes.

Chart 6



The chart 6 illustrates responses to the question: “How do Islamic dispute resolution mechanisms compare to other field mechanisms (e.g., common law courts) in resolving marital disputes?” Among the 15 cases represented, responses vary across three levels. Cases 1 to 4 indicate a value of 1.00, suggesting a lower comparative effectiveness. Cases 5 to 14 show a consistent value of 2.00, reflecting a moderate perception of Islamic mechanisms. Case 15 stands out with a value of 3.00, indicating a high level of approval. Overall, the chart reflects a generally favourable view of Islamic mechanisms, with increasing endorsement in later cases.

Chart7



The chart 7 presents responses to the question: “Do you believe that Islamic dispute resolution mechanisms lead to more satisfying resolutions of marital disputes compared to other methods?” For cases 1 to 13, the value remains constant at 1.00, indicating a general scepticism or neutral stance toward Islamic methods. However, cases 14 and 15 show a marked increase to 2.00, suggesting a more favourable opinion in these



instances. The overall trend indicates limited but emerging support for the effectiveness of Islamic mechanisms in providing satisfying marital dispute resolutions, with only a small number of respondents expressing strong agreement with this perspective.

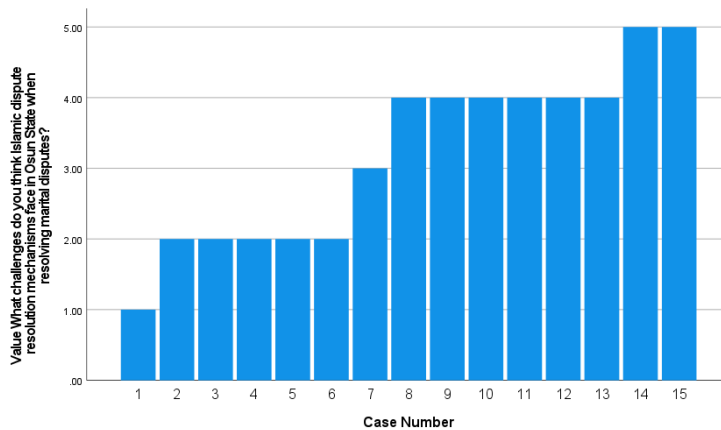
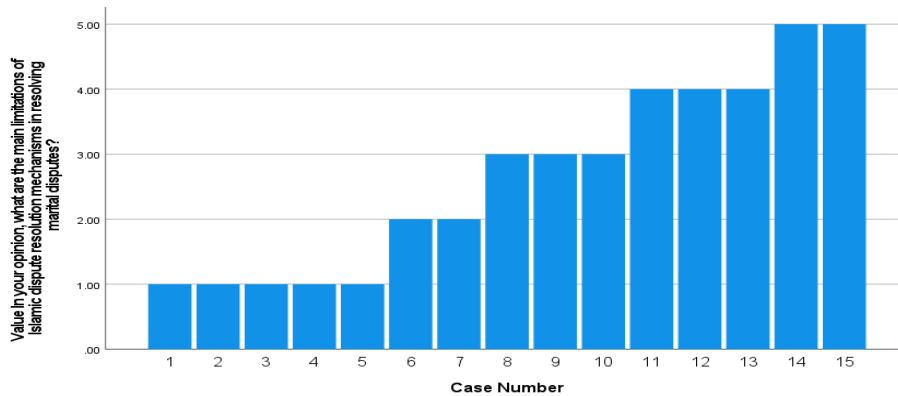


Chart 8

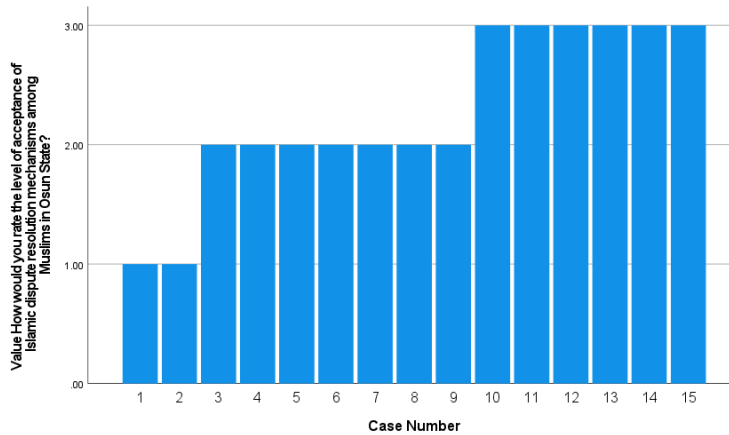
The chart 8 illustrates responses to the question: “What challenges do you think Islamic dispute resolution mechanisms face in resolving marital disputes?” Case values increase progressively, indicating growing recognition of challenges. Case 1 starts at a low value of 1.00, suggesting minimal concern. Values rise to 2.00 for cases 2–6, and 3.00 at case 7, pointing to moderate concerns. Cases 8–13 show values of 4.00, indicating stronger perceptions of significant challenges. Finally, cases 14 and 15 reach the highest value of 5.00, suggesting a strong belief in the existence of substantial challenges. This trend reflects increasing awareness or experience of obstacles.

Chart 9



The bar chart illustrates respondents' opinions on the limitations of Islamic dispute resolution mechanisms in resolving marital conflicts. Each case number represents a distinct response, with values ranging from 1 (least concern) to 5 (greatest concern). The initial five cases rate the limitations at the lowest level (1), indicating minimal concern. From case 6 onwards, values gradually increase, suggesting growing recognition of limitations. Cases 11 through 13 show a consistent level of concern (value 4), while the highest concern (value 5) is recorded in cases 14 and 15. This trend reveals increasing scepticism among later respondents regarding the efficacy of Islamic dispute resolution in marital matters.

Chart 10



The chart 10 assesses the level of acceptance of Islamic dispute resolution mechanisms among Muslims in Osun State, with values ranging from 1 (low acceptance) to 3 (high acceptance). Cases 1 and 2 reflect the lowest acceptance level, indicating limited support. From cases 3 to 9, the acceptance level increases to 2, suggesting moderate endorsement. A further rise is observed from case 10 through 15, where the acceptance level peaks at 3, signifying strong approval. This upward trend implies growing confidence and acceptance of Islamic dispute resolution practices among the later respondents, highlighting a generally favourable perception in the community.

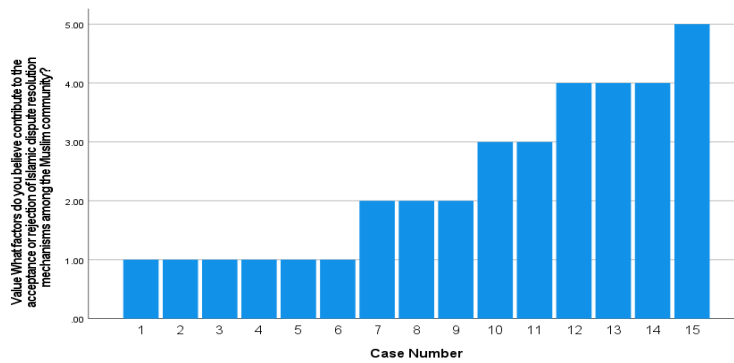


Chart 11

The chart 11 illustrates responses to the question, “What factors do you believe contribute to the acceptance of dispute settlement mechanisms among the Muslim community?” across fifteen cases. The vertical axis represents the value or level of agreement, ranging from 1 to 5. Cases 1 through 6 reflect the lowest level of agreement, consistently scoring a 1. A gradual increase begins at Case 7, indicating a moderate acceptance level, which peaks at Case 15 with the highest score of 5. This upward trend suggests growing recognition or trust in the mechanisms among the participants, possibly due to increased awareness, cultural relevance, or proven effectiveness.

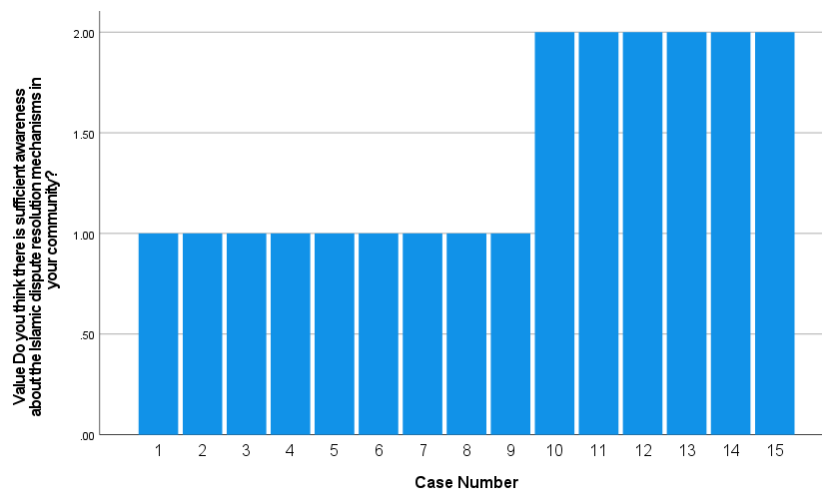


Chart 12

The bar chart 12 displays responses to the question, “Do you think there is sufficient awareness about the Islamic dispute resolution mechanisms in your community?” across fifteen cases. The vertical axis represents the level of agreement, with values ranging from 0 to 2. Cases 1 through 9 all indicate a value of 1, suggesting a perception of limited awareness. However, starting from Case 10 to Case 15, the value rises to 2, indicating a shift in opinion towards greater awareness. This trend suggests that while a majority initially perceive low awareness, a segment of the community is beginning to acknowledge increased knowledge or exposure.

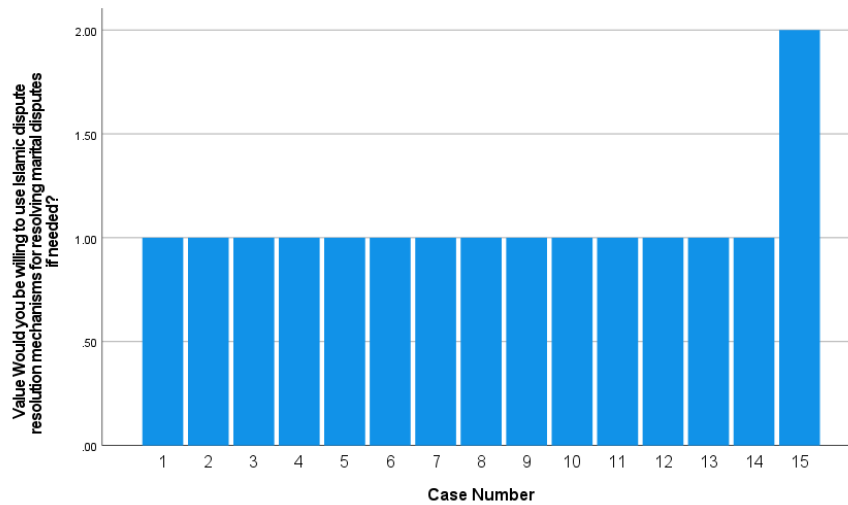


Chart 13

The bar chart 13 represents responses to the question, "Would you be willing to use Islamic dispute resolution mechanisms for resolving marital disputes if needed?" across fifteen cases. The vertical axis shows values from 0 to 2. All cases from 1 to 14 are consistent at a value of 1, indicating a generally moderate willingness to use such mechanisms. However, Case 15 stands out with a value of 2, suggesting a higher level of willingness or confidence in Islamic dispute resolution. This uniformity with a single exception may indicate overall cautious acceptance, with only one respondent showing strong enthusiasm or trust in the system.

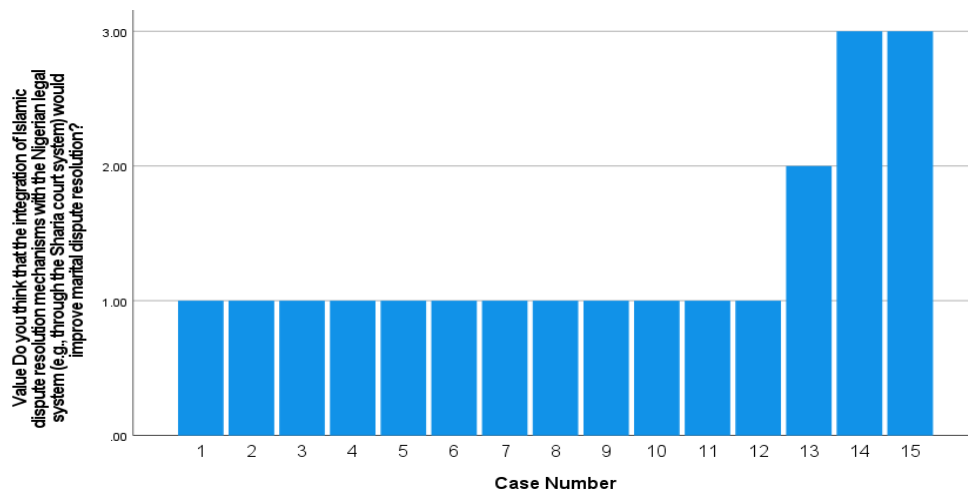


Chart 14

The bar chart 14 presents responses to the question, "Do you think that the integration of Islamic dispute resolution mechanisms with the Nigerian legal system (e.g., through Sharia court system) would improve marital dispute resolution?" across fifteen cases. The vertical axis ranges from 0 to 3. Cases 1 to 12 consistently hold a value of 1, suggesting a basic or cautious agreement. A shift occurs in Case 13 with a value of 2, and Cases 14 and 15 reach the highest level of 3. This progression indicates increasing



support for integrating Islamic and formal legal systems as a means to enhance marital dispute resolution.

3.3 PRESENTATION OF RESULT (INTERVIEW)

Based on your experience, how effective are Islamic ADR mechanisms in resolving marital disputes in Osun State?

Interviewees regularly point to Islamic Alternative Dispute Resolution (ADR) as a reliable and efficient way to settle marital problems in Osun State. All of the people who took part, including Interviewees 1 and 2 and Oral Interviewees 3 and 4, agreed that it was useful, however some were more enthusiastic than others, saying it was "very effective" or "moderately effective." Interviewee 1 stressed that the system is "cheap, quick, and culturally appropriate," which shows how easy it is to use and how well it fits with local norms. Oral Interviewee 3 also said that it works "especially for devout Muslims," which shows how important religious legitimacy is to the procedure. But Interviewee 2 and Oral Interviewee 4 both warned that the method is only "somewhat" and "moderately" successful, depending on things like how impartial the mediator is and how emotionally invested the people involved are in the dispute. Their observations show that Islamic ADR works best when there are strong community and spiritual roots, but it isn't always successful and can fail when people become involved, as when there is bias or a lack of collaboration. Even though they all agreed that it had certain flaws, none of them said it wasn't useful. Instead, they saw it as a culturally based tool that could be made even more effective by better training for mediators and paying more attention to how people interact with each other, all without losing its religious basis.

Why Do Parties in Osun State Prefer Islamic Mediation Over Litigation?

Interview answers show that a major reason why so many people in Osun State chose Islamic Alternative Dispute Resolution (ADR) is because of their religious beliefs. Interviewees 1 and 2 clearly said that taking part in Islamic mediation was a spiritual requirement. Interviewee 1 said that it is not only required by their religion, but also "time and cost effective," which shows that it appeals to both faith and practicality. Interviewee 2 also said that "religious beliefs" and the "perceived fairness" of the procedure were important factors. These opinions show how strongly religious identity and spiritual duty are a part of how the community deals with marriage problems. Cultural and emotional elements, in addition to faith, also turned out to be major impacts. Oral Interviewee 3 said that Islamic ADR is "faster and more private than courts," which makes it a good choice for family issues that are very private. Interviewee 4 said that the procedure was "less scary, free, and based on religious trust," highlighting how safe it makes them feel. This feeling of safety, based on shared cultural values and spiritual trust, makes people more open and willing to work together. Also, confidence in mediators came up a lot. Oral Interviewee 3 said that conventional courts are impersonal, but Islamic mediators are "personalized" and caring. Interviewee



4 said that mediators frequently have "the best interests of women at heart" since they fight for justice and keeping families together. This fits with the repeated focus on reconciliation, as Interviewee 4 said that mediators want to "preserve family unity" before thinking about divorce. These experiences show that Islamic ADR is more than just a legal option; it is a complete, spiritually directed, and emotionally helpful system that fits with the lives of Muslim families in Osun State.

How often do disputes resolved through Islamic ADR in Osun result in long-term reconciliation?

The answers to the interviews show that everyone agrees that Islamic Alternative Dispute Resolution (ADR) in Osun State is good at starting reconciliation but doesn't always make it last. Interviewee 1 said that reconciliation occurred "in some cases," which suggests that the process works, but it might not last long without more help. Interviewee 2 said that the results were "moderately successful," which means that ADR is a good place to start, but its usefulness depends on the situation. The oral interviews added to this point of view by showing how important family and community are to keeping the peace. Oral Interviewee 3 stressed that resolution is "often possible, especially when families are involved." This points to a community model in which extended networks assist couples stay accountable. Oral Interviewee 4 said the same thing, saying that "some eventually still separate." This supports the premise that results reached with the help of a mediator need support from the larger social milieu.

All of the people who were interviewed said that human variables, such as being emotionally ready, having been through trauma in the past, and being willing to change, have a big impact on results. Even well-run mediations can go apart if people don't really commit and follow through. Islamic ADR offers spiritual skills that are helpful, but they may not be enough to help with profound emotional scars or complicated relational issues. In short, the results show that Islamic ADR is a system with significant promise that is based on spirituality and culture, but it depends a lot on what happens after mediation. Its aim is to establish the groundwork for healing, but it can only be successful in the long run if partners are emotionally mature and families and community elders stay involved.

What are the barriers to applying Islamic ADR in non-northern parts of Nigeria, like Osun State?

The results of the interviews make it evident that Islamic Alternative Dispute Resolution (ADR) in Osun State works in a setting where the law and institutions don't care about it. Interviewee 1 said clearly that "the lack of a legal framework and government support" restricts its growth. This shows how Islamic mediation decisions are not enforceable and are voluntary since they are not formally recognized. In northern Nigeria, Sharia courts are legally supported. In Osun, on the other hand, Islamic ADR is not part of the secular legal system, therefore it can only be used for little problems. Interviewee 2 agreed with this, saying that "secular legal traditions dominate," and because Islamic ADR isn't enforceable, it can't handle more complicated legal issues like inheritance or child custody. Speaking Interviewees 3 and 4 talked further about the political aspects of this exclusion. Interviewee 3 said that



"non-northern states don't prioritize Islamic legal structures," which shows that there is a bias in how states are run. Interviewee 4 also mentioned "religious jealousy" as a problem, which shows that conflicts between different faiths make it harder to set up Islamic institutions in a location with many different faiths. This mix of political apathy and religious sensitivities has made it hard to win support for Islamic ADR policies and money. There are also problems inside the Muslim community that make these concerns worse. Interviewee 4 said that a lot of Muslims don't have a "deep understanding of Sharia," which makes it hard to agree on what it means and makes them less likely to trust it. Without regular methods or recognized training, personal biases and sectarian differences might affect results, which affects the legitimacy of Islamic ADR. Islamic ADR is also cut off from mainstream justice because of cultural and legal barriers. Courts and lawyers are not sure if they should accept religious decisions that are not based on the law. There is even doubt among Muslims about combining Islamic courts with a secular system. This makes it such that Islamic ADR is considered as culturally acceptable but not legally important.

In short, the interviews show that Islamic ADR in Osun State is a spiritually important but structurally weak system. Even if it is respected at the community level, it is still informal and, on the fringes, since it is not recognized by the law, there is not enough political will, and there is not enough internal unity. For Islamic ADR to be more widely accepted, it has to make systemic changes, integrate with the law, and build up its own ability. Without these, it will stay a respected but not very useful alternative to formal justice.

How does the informal nature of Islamic ADR affect the enforceability of its outcomes?

There is a clear conflict in Islamic Alternative Dispute Resolution (ADR) in Osun State: it is based on cultural and spiritual values, yet it doesn't have any legal power. Interviewee 1 made a good point when they said that the system is familiar and morally persuasive, but its informal structure "affects enforceability." Islamic ADR's strengths and limitations come from this duality: cultural legitimacy vs. legal constraint. The state doesn't have to follow its rulings, even though they are revered and largely accepted among Muslim communities. This is especially true when it comes to custody, property, or money issues. Interviewee 2 stressed that voluntary compliance is very important for outcomes. The procedure works when both sides are willing to work together. But there is no legal way to make sure that the decision is followed if one side doesn't agree with it. This makes the process weak in circumstances when there is a lot of disagreement or a lot at risk, and where legal responsibility is very important.

Oral Interviewees 3 and 4 said that the absence of government backing was a big problem. Interviewee 3 said that "the lack of state support weakens outcomes legally," while Interviewee 4 agreed that judgements are "not legally binding." Without institutional support, the procedure can only be community-based, which makes it mostly invisible to the official legal system.

Interviewee 4 also said that reputable mediators could have a hard time keeping their authority if there are no legal implications. When people think decisions are discretionary, they lose trust in them. This is especially bad when there is an imbalance of power in a conflict, because legal institutions are sometimes needed to make sure things are fair. Interviewee 3, on the other hand, stressed that community trust is still



very important, even with these problems. People sometimes do what they're told because they feel spiritually obligated to do so or because they're afraid of what others may think, especially in close-knit societies. This moral authority is important, but it isn't enough in situations where the law needs to become involved.

In short, the people who were interviewed see Islamic ADR as a useful but weak tool that people trust and understand, but that doesn't have any legal "teeth." To make sure it lasts, stakeholders may need to look for hybrid solutions that keep its community-based essence while adding enforceable legal frameworks. Without these kinds of changes, Islamic ADR might be spiritually strong but structurally weak—great for resolving disagreements between people who agree, but not so great for disputes between those who don't.

Are there any notable gender related concerns in Islamic ADR processes?

Responses to the interviews show an important but frequently ignored issue in the practice of Islamic Alternative Dispute Resolution (ADR) in Osun State: the lack of gender awareness in the mediation process. When asked if they had any problems regarding gender in Islamic ADR, both written interviewees clearly said "no." This suggests that gender issues are neither recognized or actively dealt with. This silence doesn't necessarily mean that men and women are equal, but it does show how mediation is framed, mostly via religious and community perspectives that put family unity ahead of individual rights. People who were interviewed in person contributed depth by connecting this gap to a wider lack of information about marriage. One person said that the lack of gender awareness comes from "people not understanding marriage," which means that both mediators and disputants may not have a clear concept of the duties and rights of spouses. People who don't know enough about these things may accept uneven dynamics without question, where negative patterns like financial control or unequal decision-making authority are seen as normal because they are "tradition." Also, because the process is so deeply rooted in cultural and religious traditions, it typically puts keeping social harmony ahead of looking at structural imbalances. So, Islamic ADR may unintentionally make gender-based differences worse even while it is trying to bring people together. Interviewees didn't say they were being discriminated against, but the lack of discussion about gender shows that issues like emotional labor, economic reliance, and power imbalances are not being looked at. The primary thing we learnt from the interviews is that there may be gender issues in Islamic ADR that are hard to see because people don't have the right words, tools, or knowledge. This blind spot makes it harder for the system to fairly handle marital issues. To make things fairer and more open to everyone, mediator training and community education must include gender sensitivity. This should be based on both Islamic principles and larger human rights frameworks. Without these kinds of deliberate attempts, Islamic ADR may keep inequality going while seeming to be based on spiritual and cultural traditions.

What is the success rate of Islamic ADR mechanisms in resolving marital disputes in Osun State?

In all four sessions, interviewees said that Islamic Alternative Dispute Resolution (ADR) was very successful in settling marital conflicts amongst Muslims in Osun State.



Interviewee 1 thought that the method had a 90% success rate, and they stressed that it was in line with spiritual and cultural values. Interviewee 2 gave a somewhat lower number of 85%, but they were just as sure that the method will work. Speaking Interviewees 3 and 4 agreed with these estimates, saying that rates were between 85% and 90% and roughly 88%, respectively. These numbers, even though they are self-reported and based on personal experience, show that Islamic ADR is well trusted and accepted in its community. "Success" was not just about resolving disagreement; it was also about a larger, more complex healing process. Interviewees said that Islamic ADR helps people heal emotionally, be accountable spiritually, and get along with others. Religious therapy, sympathetic conversation, and the participation of respected elders are all things that make this procedure different from the conventional judicial system. The fact that mediators and participants shared a religious and cultural identity was often mentioned as a major component in the success of the process. People who were interviewed said that this shared perspective promotes transparency, humility, and a real desire to make things right, qualities that may not come out in a formal judicial environment. Interviewee 4, in particular, talked about how mediators make the process more emotionally safe and give it moral legitimacy. However, the people who were interviewed also said that the informal structure of Islamic ADR had its limits, even though it is good for cultural adaptability. There isn't much written down or formal follow-up, so it's hard to tell if early remedies endure over time. Some unsuccessful reconciliations probably don't be recorded, which makes it hard to know how accurate the quoted 85–90% success rates will be in the long run. Interviewee 4 brought up another problem: the lack of gender awareness. He said that gender-based dynamics are often not looked at because "people don't understand marriage." This suggests that both mediators and disputants need more education. When women's concerns aren't addressed, this mistake might make power inequities seem fair, which is very dangerous. In short, the interviews show that Islamic ADR in Osun State is a very successful method that people trust since they share the same faith and culture. But to reach its full potential, it needs improvements like gender-sensitive training, regular follow-up after mediation, and basic data collecting. These changes would strengthen its emotional and spiritual powers with structural reliability, making sure that not only harmony but also justice and sustainability in resolving marital disputes.

4.3.8 Can you provide any examples of successful resolutions, and what made them successful?

Interviewees in both written and spoken forms regularly gave clear, real-life examples of how Islamic Alternative Dispute Resolution (ADR) works in Osun State. These real-life success stories show how Islamic ADR may help couples work out their problems by using a mix of spiritual insight, emotional intelligence, and community participation. Interviewee 1 told a story of a couple who were about to get a divorce but were able to work things out after meeting with religious leaders and family elders several times. They said that the success was due to the emotional maturity of the people involved in the argument and the mediators' ability to combine spiritual direction with empathy, which is something that formal courts frequently lack.

Interviewee 2 talked about a scenario in which an imam used Islamic beliefs on marital obligations to bring a couple who had been separated back together. The couple's employment of sacred texts not only restored their respect for one other, but it also



sparked a feeling of spiritual duty in both of them. This shows how religious authority may lead to real change in behavior.

Speaking Interviewee 3 talked about a scenario when someone was falsely accused of cheating. Community-led mediation not only found the truth, but it also got the spouse to apologies in front of everyone, which fixed the relationship and the trust in the community. This case shows how Islamic ADR may provide justice that is restorative rather than punishing, while still protecting dignity and moral responsibility. Oral Interviewee 4 also talked about a disagreement over child maltreatment that was settled by a structured agreement and watched after by community leaders. This method showed that Islamic ADR may lead to not only emotional healing but also behavior-based results that can be enforced when follow-up is part of the process.

In all of the situations, there were certain similar factors that led to success: mediators who were trusted and had moral authority, settings that were informal yet emotionally secure, and ongoing accountability after mediation. These things make it possible for Islamic ADR to be more than simply a way to settle disputes; it may also bring people together and help them get along.

These success stories indicate that Islamic ADR may be very successful and even life-changing when used correctly. The results go beyond settling disagreements; they bring back trust, dignity, and moral clarity in ways that formal legal institutions don't often do. In the end, the lived experiences from Osun State show that Islamic ADR, even if it is not formal, is a knowledgeable, culturally based, and socially supported way to solve even the most difficult marital problems. Its spiritual base, community trust, and ongoing support make it a strong option when the law can't fix things.

How compliant are disputing parties with the outcomes of Islamic ADR mechanisms?

All four interviewees said that Islamic Alternative Dispute Resolution (ADR) decisions were always followed in Osun State. They said this was because people felt a strong moral, social, and spiritual duty to do so, not because of legal pressure. Interviewee 1 said that compliance is "very high," especially when mediation happens in front of family and recognized religious authorities. In these kinds of situations, agreements turn into moral covenants, and not following them can lead to social humiliation and spiritual remorse. In this setting of shared responsibility, following through on results is not only likely, but also expected. Interviewee 2 said that people are more likely to follow the rules because they think the mediation is fair. They saw that "most parties comply" when they think the procedure is fair and polite. This shows that legitimacy and trust are what make people voluntarily follow the rules. People are more willing to follow judgements they think are fair, especially when they are based on Islamic principles and made with emotional intelligence. Oral Interviewee 3 said again that moral and social standards in close-knit Muslim communities are strong reasons to follow the rules. Not following the rules is considered as not only breaching the rules, but also breaking religious obligation and communal ethics. This adds to the social pressure to keep mediated agreements. Oral Interviewee 4 stressed the importance of imams regularly checking in on people, since they are both spiritual mentors and informal accountability officers. This ongoing involvement makes mediation more powerful than just one event. It strengthens long-term commitment and makes it possible to get help and make changes as needed. These ideas all point to a system of



obedience that is based on honor rather than coercion. Islamic ADR doesn't use force like secular courts do. Instead, it relies on people's own conscience, religious respect, and community ties. Families, elders, and spiritual leaders become guardians of justice, turning compliance into a moral compact that everyone agrees to. In conclusion, Islamic ADR in Osun State gets a lot of people to follow the rules because it is based on a culture of trust, spirituality, and community. The system's informal character doesn't weaken its power; it reinforces it. This shows that justice can be sustained via honesty, not fear, in the correct social setting. This is a strong example of community-based enforcement that works well with and, in some situations, better than official legal institutions.

Can you estimate how many marital disputes are resolved through Islamic ADR mechanisms in your community annually?

Even though there are no centralized records, all four interviewers agreed that a lot of marital problems are settled every year using Islamic Alternative Dispute Resolution (ADR) in Osun State. Interviewee 1 said that there are "100 to 200 cases" of marital problems in their society each year. This shows that Islamic ADR is the first and most common way to deal with these problems. Interviewee 2 agreed, saying there were "over 150 cases," and said that many prefer Islamic mediation to conventional court systems because it is more private, spiritual, and culturally appropriate. Oral Interviewees 3 and 4 gave comparable numbers, saying that there are up to 200 occurrences a year, especially in areas with organized religious centers or active imams. Interviewee 3 made it clear that a lot of these situations start out as informal counselling and only move on to formal mediation if necessary. This shows how flexible and multifaceted the process is. Interviewee 4 said that many disagreements are also settled quietly by family elders outside of mosques, which means that the real figure may be significantly higher. They all agreed that the lack of formal records doesn't mean that the practice isn't common; it just shows how informal and deeply ingrained it is. These numbers show that Islamic ADR is not simply a tool that people use sometimes; it is a widely trusted and often utilized way for communities to get justice. It goes beyond just being a religious duty and offers people from different origins a culturally accessible alternative to state courts. The fact that so many people use it shows that it is legitimate, morally right, and useful in normal family life. However, many who were interviewed also pointed to the problems that the system's lack of formality causes. It's hard to figure out how well things are working, keep an eye on how well mediators are doing, or find problems with the system when there isn't a single place for documentation or institutional recognition. Islamic ADR certainly fills a big void in the legal system in these communities, but it can't reach its full potential since there isn't enough formal assistance.

The fact that Islamic ADR is used a lot shows that people trust it and that it works in the actual world. It does well even if it isn't official or supported. It offers grassroots, spiritually led version of justice that connects with actual life. But its long-term usefulness would be far higher if it were carefully linked to policy efforts, better record-keeping, and respectful collaboration amongst institutions. In conclusion, Islamic ADR in Osun State settles between 100 to 200 marital conflicts in each community every year, showing that it is an important part of family justice for Muslims. The system is quite active and works well, even if it isn't well-documented. Formal recognition and



strategic support might make it stronger, more visible, and more effective without changing its religious character. This could provide a paradigm for culturally based justice delivery that can be used again and again.

4.0 DISCUSSION OF FINDINGS

The results of the descriptive statistics and thematic interview analysis give us a lot of information on how Islamic Alternative Dispute Resolution (ADR) works, how well it works, what problems it has, and how people feel about it in Osun State when it comes to settling marital disputes. The data shows that the community really cares about its religious traditions since everyone knows about Islamic conflict resolution procedures and is quite eager to apply them. Most of the people who answered thought that Islamic ADR worked, with interviewees saying that it worked 85% to 90% of the time. They said this was because of the cultural legitimacy, moral authority, and emotional safety that came from having the same religious principles. Even though people were mostly enthusiastic, certain important problems were pointed up. Islamic ADR isn't very enforceable because it's informal and outcomes depend on people following the rules rather than the law. Interviewees agreed with this, saying that spiritual and social commitments typically make sure people follow through, but there is no legal power, which makes settlement unstable in situations that are really contentious or unfair. Challenges include not having enough institutional backing, having many different religions, and not enough people knowing about Sharia make it further harder to incorporate it into the formal legal system.

There wasn't enough talk on gender issues. Both the quantitative and qualitative data show that there is a lack of discussion on gender equity. This suggests that Islamic ADR may promote traditional roles without addressing structural disparities in a serious way. This difference makes it harder to be fair and to make peace in the long run. Still, the fact that Islamic ADR is used so often and that people in the community trust it, about 100 to 200 marriage cases per year each community, shows how useful and well-known it is. Mediators' ability to understand others, get support from the community, and be spiritual are all important factors in successful outcomes. But to make the most of its potential, it needs legal recognition, training that takes gender into account, and improved record-keeping. Overall, Islamic ADR in Osun State is a culturally and spiritually sound system with many benefits, but it has to be strengthened structurally to make sure it is fair, open to everyone, and lasts.

5.0 CONCLUSION AND RECOMMENDATION(S)

The research was conducted using empirical methodology; it conducted a total of fifteen Questionnaires and four interviews. These instruments afforded the opportunity to interact with key informant and stakeholders in the research area. The study found that Islamic marital dispute resolution mechanisms especially Islamic ADR are potent in solving marital discords in osun state. The mechanisms are however not without challenges. For instance, the lack of legal enforceability, lack of awareness by the populace among other factors are hindering the prospect of Islamic marital dispute resolution disputes in Osun state.

In order to solve these challenges, the following recommendations are hereby suggested;



1. A legal and institutional framework should be put in place by the osun state government to regulate Islamic marital disputes; this may be done by promulgating laws that will make provisions the establishment of courts or tribunals that will adjudicate on marital dispute for parties in accordance to shari'ah principles.
2. While, the ultimate recommendation is yet to be achieved, the state government in conjunction with other state holder should facilitate the legislation of law that will integrate and institutionalize ADR for settling Islamic dispute.
3. The state government and other stakeholders should orientate the Muslim on the value of availability of ADR mechanisms under Islamic law as an effective alternative to litigation. Attention should be given to ensuring that these mechanisms are accessible to vulnerable and underrepresented populations.