



# **A NEW GUIDE TO THE PRINCIPLES AND PRACTICE OF MĪRĀTH IN NIGERIA**

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**A Compendium of Course Materials for Al-Hikmah University  
Professional Certificate in Islamic Estate Distribution (PCIED)**

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**Published by**  
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**IN MEMORY OF**  
**LATE HON. JUSTICE ABDULKADIR ORIRE (RTD), CON**  
**The Pioneer Grand Kadi, Kwara State Shari'ah Court of Appeal**  
**and the First Sarkin Mallami of Ilorin Emirate**



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AND PRACTICE OF MĪRĀTH IN NIGERIA

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**DEDICATED TO**  
**LATE HON. JUSTICE ABDULKADIR ORIRE**



## PROFILE OF HON. JUSTICE ABDULKADIR ORIRE, CON

Justice Abdulkadir Orire was born on the 28th day of December, 1934 at Obaninsunwa in Ilorin, Kwara State. He had his primary and secondary education between 1943 and 1951 in Ilorin, after which he attended Kano Islamic Law School from 1951-1955. He always came first in class in all subjects. That is why when he was leaving secondary school, the head teacher wrote in his certificate: "All-round pupil of very good character and one of the best in the class".

After his completion of secondary school, he went to the School of Arabic Studies in Kano after which he was appointed to teach at Baboko Primary School, Ilorin. He later got scholarship through Mayflower to study at the School of Oriental and African Studies (SOAS), London where he studied Language and Law and obtained a Diploma from the School in 1961, and a Bachelor of Arts degree from the University of London in 1964. He came back to Nigeria and took up a teaching post in one of the special schools in Zaria, Kaduna State, known as Barewa College, where he taught for about four years before his transfer of service to Sokoto as vice principal and later rose to become the Principal in Sokoto Arabic Teachers College.

Some of his students include the present Chief Justice of Nigeria, Justice Ibrahim Tanko Mohammed (GCON), former Governor of Niger State, Babangida Aliyu, Justices Ahmad Belgore, S. O. Muhammed, Abdulkadir Jega, Mas'ood Oredola and host of others. He was the Secretary General to the Jama'atu Nasril Islām (JNI) Nigeria during whose tenure the new secretariat was built when the old secretariat was burnt down during the ZangonKataf crisis. He was also the Pioneer Grand Kadi of the Shariah Court of Appeal, Kwara State, where he initiated the building of the present Shariah Court of Appeal complex. He was also the one who initiated the building of the Shariah Court of Lokoja, Kogi State capital.

He served for 30 years in the position of Grand Kadi of Kwara State. Among his achievements as a Grand Kadi was making the *Shari'ah* law practice and procedure popular in North Central of Nigeria. He was the Chairman, *Jama'atu Nasril Islām*, Kwara State Branch 1973-2000; Member Advisory Judicial Council of Nigeria; Chairman



Council of Ulama of Nigeria, Chairman Board of Trustees Ilorin Jumaat Mosque; President General, Islamic Missionaries Association of Nigeria [IMAN]; Vice President, Nigeria Da'wah Coordination Council [NDCC]; Chairman, *National Hijrah Ummatu'Ilslāmiyyah* from its inception until 2021; Former Vice-president Ilorin Descendants Progressive Union (IDPU) till 1971; one time resource person, Institute of Advanced Legal Studies; member, Nigeria Constitution Review Committee, 1987; member, Constitutional Conference, 1988-1989; member, 2005 Confab, Secretary General Jama'atu Nasrillslām of Nigeria and member, Nigeria Inter-Religious Council [NIREC].

The late jurist was a member of Law Development and International Criminal Review Committee which was among several committees on which he served. He was instrumental to the establishment of the University of Ilorin in conjunction with other prominent Ilorin indigenes. He was the Chairman, Board of Trustees to the Muslim Students' Society of Nigeria (MSSN). In 2003, the Federal Government of Nigeria found him worthy of being recognised and deserving of a prestigious National Honour. Hence, was conferred with the title of Commander of the Order of Niger (CON). He held the chieftaincy titles of '*Marafa and Sarkin Malamai Ilori*' conferred on him by His Royal Highness, Alh (Dr) Ibrahim Sulu-Gambari CFR, the Emir of Ilorin in 2006. He was blessed with many children and grandchildren.

May Allāh forgive him, reward him and grant him *Al-Jannah Firdaus*. Amin.

## ACKNOWLEDGEMENTS

All praise is due to Allāh Who has not only inspired the compilation of this work but has also made it possible to see the limelight. We are indeed grateful for His countless favours on us!

Special appreciation goes to the Emir of Ilorin and Chairman, Kwara State Council of Emirs, Obas and Chiefs, His Royal Highness, Alh (Dr) Ibrahim Sulu-Gambari, CFR for giving consent and support to the public presentation of this work in memory of his former ally and a leading Muslim scholar in Ilorin Emirate. We also sincerely appreciate the support of the Founder of Al-Hikmah University, Alh Chief (Dr) AbdulRaheem Oladimeji OFR, FNAEAP, fSPSP, the Asiwaju & Jagunmolu of Igbominaland, Arogundade of Lagos and Baba Oba of Offa Kingdom. May Allāh increase him in wealth and health.

The success of this work owes much to the passionate interest of the Vice-Chancellor of Al-Hikmah University, Prof. Noah Yusuf, Fspsp who did not only support its proposition but made all resources required for its accomplishment available. We pray Allāh to increase His mercy on him. Other members of the Management of Al-Hikmah University also deserve appreciation for adding their voice to the publication and public presentation of this work.

The Coordinator of the Professional Certificate in Islamic Estate Distribution (PCIED) and Certificate in *Da'wah* and Imamship Practice (CDIP) under the Centre for Islamic Heritage, Dr Nafiu Ahmad Arikewuyo, deserves commendation for his commitment and dedication towards the realisation of this project. The former and pioneer Director of the Centre, Prof. Ibrahim Jamiu Otuyo, is also appreciated for laying a solid foundation upon which the Centre thrives. The Dean of Faculty of Humanities and Social Sciences, Prof. Lateef Folorunsho Oladimeji is also well appreciated for his usual support and cooperation.

The family and children of late Hon. Justice Abdulkadir Orire, with special reference to Barrister Musa Orire, Dr Maimunat and Dr Ismail Oloyede Orire, are all appreciated for their cooperation and support. We appreciate the Grand Kadi of Kwara State, Hon.



Justice Abdullateef Kamaldeen and other Kadis of the Kwara State Shari'ah Court of Appeal for their unflinching support to this project. The following personalities are acknowledged for proof-reading and making suggestions that further enriched the quality of this work: Prof. M.T Yahya, Dr Hamzah Abduraheem, Mr I.T Ishola, Mallam Waliyullah Adeyemi and Dr Abdul-Hameed Badmas Yusuf. Finally, we thank all the editors and contributors for their scholarly input and submissions.

**Prof. Shuayb Ologele Assayuti**

*Director, Centre for Islamic Heritage  
Al-Hikmah University, Ilorin*

1st Ramadan 1443AH/ 2nd April 2022CE

## FOREWORD

I, Hon. Justice Abdullateef Kamaldeen (Ag. Grand Kadi of Kwara State), felt honoured to write a foreword for this humble book. The book, titled "**A NEW GUIDE TO THE PRINCIPLES AND PRACTICE OF MIRATH IN NIGERIA**", is edited by Nafiu Ahmad Arikewuyo, Abdullahi Salisu Ishola and Waliyullah Adeyemi, and published by Centre for Islamic Heritage, Al-Hikmah University, Ilorin in memory of Hon. Justice Abdulkadir Orire, (Rtd). This is not the first effort aimed at enlightening the public about the Islamic heritage and its preservation by the Centre. All the writers/contributors in this work are highly endowed with the requisite knowledge of the topic discussed herein. These scholars have authored books of different topics through which they have been distinguished among their contemporaries.

The Science of Inheritance is largely discussed because of its essence, usefulness and areas that it covers in Islamic Jurisprudence. This area of specialisation is one of the apparently rare ones that many writers find tedious to discuss because of its complexity and intricacy. What makes this work unique is its comprehensiveness in terms of terminologies/ phraseology and the tabular form applied to simplify its understanding even for the non-specialists. It is note-worthy that this work does not capture only the introduction of inheritance but it is explicit on how the real estate distribution takes place.

When I critically went through this work, I discovered that the scholars have worked and lessened our struggles especially by translating all the words of Arabic origin to the accurate meaning in English. It is also pertinent to commend the thought of honouring Hon. Justice Abdulkadir Orire of the blessed memory (the pioneer Grand Kadi of Kwara state) with this notable work. He had laboured tirelessly for the establishment and stability of Shariah Court of Appeal here in Ilorin before Allah crowned his efforts with success. Therefore, the selfless efforts of Justice Orire cannot



be quantified. I hereby pray Allah to benefit all the readers, knowledge seekers and the entirety of the Muslim *ummah* with this book.

**Hon. Justice Abdullateef Kamaldeen**

*The Grand Kadi of Kwara State*  
29 Shā'bān 1443/ 1 April 2022

## PREFACE

Al-Hikmah University was established by the approval of operating License 010 of the Federal Government of Nigeria and presented to the AbdulRaheem Oladimeji Islamic Foundation (AROIF) on the 7th January, 2005. As a faith-based privately owned University, part of the mandate of this citadel of learning is to operate as a conventional university, imbued with the spirit of Islām as its salient ambition. No wonder, therefore, its motto is "*Learning for Wisdom and Morality*". Aside running seven (7) academic faculties as well as a Postgraduate School and 51 academic programmes, the University established ten (10) centres for the purpose of meeting its "Town and Gown" programmes. One of such centres is the Centre for Islamic Heritage established for the purpose of pursuing, among other things, the promotion of Islamic culture, traditions and heritage.

Consequently, the Centre designed two certificate programmes, namely, Professional Certificate in Islamic Estate Distribution (PCIED) and Certificate in *Dafwah* and Imamship Practice (CDIP). Having passed through the necessary stages of academic programme developments such as the Departmental and Faculty Academic Boards, the Academic Programme Planning Committee (APPC), through the Directorate of Academic Planning (DAP), these programmes have successfully taken off. For each of these two programmes, the Centre has developed course materials. Thus, *A New Guide to the Principles and Practice of Mirāth in Nigeria* was designed and developed for participants in Professional Certificate in Islamic Estate Distribution (PCIED).

The book contains five chapters. The first chapter written by Isa Olawale Solahudeen, is on Practice of *Sharī'ah* in Nigeria. It details the status of *Sharī'ah* generally and the Muslim Inheritance Law, particularly in the Nigerian law. The second chapter entitled: Principles and Practice of *Mirāth* in Nigeria by Abdullah Saliu Ishola, focuses on the limitations, unexplored opportunities and roles of practitioners of Islamic Inheritance in Nigeria. The third chapter with the title: Theoretical Aspects of *Mirāth* written by Nafiu Ahmad Arikewuyo and Idris Abdur-Rahman, provides a comprehensive account of the major theories and workings in the field of Inheritance. The fourth and the fifth chapters,



also written by Nafiu Ahmad Arikewuyo, focus on the Practical Aspects of *Mirāth* and Literature of *Mirāth* respectively.

It is our expectation that participants, in the PCIED in particular and students of Law and Islamic studies in general, would derive immense benefits from the contents of this book. As the Muslim Inheritance Law is fast attaining a professional garb in the contemporary time, this work, hopefully, would serve as a companion and guide for the teeming aspiring professionals in the field.

Finally, we commend the Centre for Islamic Heritage under the auspices of Prof. Shuaib O. Assayouti and the University Management under the able leadership of the Vice-Chancellor, Professor Noah Yusuf, *Fspsp* for this valuable document. This book is dedicated to the pioneer Grand Kadi of the Kwara State Shari'ah Court of Appeal and the first *Sarkin Malami* of Ilorin, Late Hon. Justice Abdulkadir Orire, CON in recognition of his immense contribution to the administration of *Shari'ah* in Nigeria. May Allāh be merciful with his gentle soul. Āmin!

Thank you.

**Dr Nafiu Ahmad Arikewuyo**

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15 Sha'bān 1443/ 16 March 2022

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3. **Adeyemi A. Waliyullahi** is a lecturer in the Department of Islamic Studies, Faculty of Humanities and Social Sciences, Al-Hikmah University, Ilorin. He obtained his bachelor's degree in Islamic Studies with First Class Honours at Al-Hikmah University, Ilorin; master's degree at the University of Ilorin, Ilorin; PDGE at the National Teachers' Institute (NOUN); and he is currently a doctoral degree candidate at the Kwara State University, Malete. He had served as a freelance proofreader to several academic publications and published in several academic journals.



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