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A CRITIQUE OF CERTAIN ASPECTS OF ISLAMIC PERSONAL LAW IN NIGERIA:  
RE-EXAMINING THE JURISPRUDENCE OF WOMEN'S RIGHTS

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ABSTRACT

In spite of the dust raised by the recent adoption of sharia criminal justice system in most northern Nigerian states via legislations that are regarded by some scholars as unconstitutional, sections 262(2)<sup>1</sup> and 277(2)<sup>2</sup> of the Constitution of the Federal Republic of Nigeria 1999 (as amended) still restrict the jurisdiction of Sharia Courts of Appeal to issues of Islamic personal law. The personal law surely covers, to say the least, questions of Islamic marriage and its validity and dissolution; family relationship; *wakf*, gift, succession and inheritance; guardianship and maintenance of infants, persons of unsound mind, and of Muslims who are physically or mentally infirm. This paper critically examines some of the aspects of Islamic personal law in relation to the human rights of Muslim women within the context of Islamic family law. This study, however, shies away from very broad issues such as divorce and polygyny which discussions require elaborate treatment and which may clearly form the subjects of another paper. This present paper rather briefly concentrates on the anomalies found in Islamic family relationships, education of children, custody of infants, inheritance, dress code, domestic authority, and the like, in the light of women's right jurisprudence as enunciated in the primary and other sources of sharia. The relevance of the study hinges on the role of the family institution in societal and individual development. The paper ends on a note of suggestions for relevant reforms in view of better ordering.

*Keywords:* Islamic Personal Law, Nigeria, Jurisprudence, Women's Rights

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<sup>1</sup> For Sharia Court of Appeal of the Federal Capital Territory, Abuja.

<sup>2</sup> For Sharia Court of Appeal of a State of the Federation.