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The continuing influence of common law judges and advocates in the adjudication of Islamic finance disputes in Nigeria

Abdulfatai O. Sambo[1], **Abdulkadir B. Abdulkadir**[2]

[1]Lecturer, Faculty of Law, LL.B (Common Law and *Sharī'ah*), University of Ilorin-Nigeria, Email: fataisambo@yahoo.com, Phone: +60163532962.

[2]Lecturer, Faculty of Law, University of Ilorin-Nigeria

Abstract - The growth and development of an Islamic capital market and finance depends on the institutions in which its dispute resolutions are anchored. The institution for Islamic finance dispute resolution and its practitioners must be knowledgeable and versed in Islamic finance. Despite this, those who are trained in common law, either as judges or advocates, continue to weigh a considerable influence in matters that border on Islamic finance dispute resolution. This problem is further compounded by the constitutional backing given to these judges and advocates. This has serious effects on the adjudication of Islamic finance disputes in Nigeria. Based on this premise, this paper analyzes how the common law trained judges and advocates have and may have considerable influence in the resolution of Islamic finance disputes in Nigeria. This more so emphasizes that dispute is inevitable in any human endeavors. It makes far-reaching recommendations, which if considered and applied will assist the growth and development of the dispute resolution sector of Islamic finance in Nigeria, being a member of OIC. Content analysis of legal issues is used to enrich the study.

Keywords: Islamic finance, dispute resolution, common law judges and advocates

1. Introduction

Nigeria, with not less than 70 million Muslims, cannot afford to be left behind in an effort to benefit from the growing popularity of one of the world's fastest-growing financial sectors – Islamic finance. Studies show that 30 percent of the Muslim population typically is interested in Islamic finance transactions (CNN, September 7, 2011). Also, 50–60 percent will use Islamic finance products if the prices are fair enough (ibid). This shows that disputes in the course of this transaction, as would be the case with any other human endeavors, are inevitable (Sambo & Akanbi 2012; Kadouf & Sambo 2012). Yet, people who are not trained in the act of dispute relation in this sector play significant roles in the act of resolving disputes emanating from Islamic finance transactions. This is based on the influence that existing legal frameworks in Nigeria have bestowed on these categories of people in matters relating to Islamic finance.

The growth and sustainability of Islamic finance in Nigeria, like any institution, depends largely on how it nurtures and protects the institutions where disputes are finally resolved. In other words, the ability to settle Islamic finance disputes depends on knowledgeable practitioners and sound institutions for dispute resolution. Where this is not put in place, a lot would have been done in vein. Those who have their say in matters of Islamic finance ought to be people who are familiar with its rules and principles. This is more so that Islamic finance has received very stiff oppositions from those who lack the knowledge of what it is all about. To this extent, judges who are to decide matters on Islamic finance, and advocates of Islamic Finance, need some considerable knowledge in this respect.

The influence of those who do not have sufficient knowledge about Islamic finance but are allowed by law to decide such matters may cause miscarriages of justice. The ignorance may be expressed in a way that will result in injury of parties, thereby retarding the growth and development of the sector. For instance, the recent decision of the Federal High Court sitting in Abuja by Justice Gabriel Kolawole shows that civil courts, such as the Federal High Court or a High Court, should not decide matters relating to Islamic finance

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in Nigeria (The Guardian, June 16, 2012). This is because, since there is non-recognition of Islamic law as a distinct legal jurisprudence (Haji & Sambo 2012), Islamic finance may be resolved based on sentiments of a particular judge (non-Muslim). This is clear in the decision recently handed down by the Federal High Court. It is elementary that the judge decided that the plaintiff lacked requisite *locus standi* to present the case, and it ought not to have gone into the merit of the matter. The reason is that the effect of lack of *locus standi* is to deny judicial assistance to the plaintiff by not looking at the merit of the case (Sambo, 2009). However, the court went ahead to pronounce diplomatically that the license issued by the Central Bank of Nigeria (CBN) to an Islamic bank (Jaiz International Bank PLC) is illegal. In the words of the Court: "If not that the plaintiff has no *locus standi* to maintain this action, I would have nullified the illegal license issued to the Jaiz International Bank PLC by the CBN to operate non-interest banking under the principles of Islamic jurisprudence." The Judge could not hide his hatred for or sentiment against Islamic bank when he further observed: "The so-called non-interest bank under the guise of Islamic banking has to come by Act of the National Assembly." There is no doubt that the court has misdirected itself by making an unwarranted statement that Islamic banking is illegal and unconstitutional.

Against the above backdrop, this paper analyzes how the common law-trained judges and advocates have considerable influence in the resolution of Islamic finance disputes in Nigeria. It discusses the influence at various levels of the adjudication processes of Islamic finance, where matters are brought to court for its intervention.

2. Nature of Islamic finance in disputes

As part of the activities of Islamic finance, the account/finance of the institution includes deferred payment sale; short-term deposit; retail current account; simple account; current account, and retail savings account. Generally, the Islamic finance product types are the classical contracts in Islamic finance–*Murabaha, Ijarah, Mudaraba, Musharak,* Islamic bonds (*Sukuk*) and Ijara (Lease) (Abdul Rahman 2010). Similarly, the solutions offered by Islamic finance allow access to funds, including non-interest banking, *Takaful* (Islamic Insurance), Islamic microfinance, *Sukuk* (Islamic Bonds), Islamic Asset Management.

Islamic finance is profit-oriented (Sanusi, 2011). However, its system is based on moral and ethical values that are based on the *Shariah*. It has proven to be the most developed form of profit and loss sharing banking, which is based on non-interest principles, mainly because of its international recognition. Despite its religiosity in origin, its products are useful to all who are willing to be fair and just in their economic endeavors. It is strictly based on no-interest rule as no interest can be paid or earned from a loan.

In the same vein, there are four key philosophies of Islamic finance, namely:

1. Existence of some risk, whether funds are used in commercial or productive venture

2. Funds are required to preferably finance ethically and socially productive activities

3. The requirement that financial risk should lie solely with the lender of the capital and not with the manager or agent working with the capital
4. Interest is prohibited as it is a predetermined, fixed sum owed to the lender irrespective of the outcome (success or failure) of the business venture in which the fund is invested

Also, Islamic finance prohibits all forms of transactions or conditions connected with the execution of business contract involving elements of *Gharar* (uncertainty), deceit, gambling, speculation, and so on. The objective is mainly to create the financial system, which serves as an efficient medium for intermediation between savers and investors. *Gharar* is prohibited, for instance, in order to prohibit risk or to prohibit derivative instruments in today's financial markets, which are designed to transfer risks from one party to the other.

Also, transactions in Islamic finance are based on sound Islamic morality and legality. So, the need to scrutinize transactions in order to see their compliance with moral standards and Islamic finance principles become inevitable. Therefore, legal instruments, contracts and transactions, which involve dealings in pork, gambling, pornography, ammunition, alcohol, are not legally permissible because of their non-*Sharī'ah* compliance. The principles of Islamic finance are strictly aimed at avoiding interest; uncertainty or ambiguity relating to a subject matter; disproportionate speculation; unjust enrichment or unfair exploitation, and greed. Thus, financial products, services, transactions and contracts are structured to be in compliance with Islamic finance principles. Also, financial transactions are required to be asset-based or linked to real economic activities in order to create returns. Finance can only be extended for projects, trade and commercial transactions, as they are activities in the real sector which generate income and wealth.

It is observed that the Central Bank of Nigeria (CBN) over the years granted licenses for the operation of Islamic finance in Nigeria. For instance, in the year 1992, the Habib Nigerian Bank limited (former Bank PHB Plc. now Keystone Bank Plc.) was granted license by the CBN to operate non-interest banking services on a "window basis." Similarly, in the year 2004, Lotus Capital limited, which is a *halal* fund (an ethical investment fund), started operation as an Islamic finance company dealing in *Shariah* compliant fund management and investment activities. Also, the first full-blown Islamic microfinance bank, Al-Barakah microfinance, began operations in April, 2010, in Lagos. Recently, the first complete non-interest bank, Jaiz Bank Plc., began operations as a regional bank in January, 2012, with branches covering Abuja, Kano State and Kaduna State of Nigeria.

In fact, Nigeria cannot afford to fail in providing effective and efficient legal frameworks for dispute resolution in the Islamic finance industry. This is based on the marvelous prospects for states and institutional cooperation and assistance across the continent. This is more so that Nigeria is a full member of Islamic Development Bank (IDB) and the International Financial Services Board (IFSB), international organizations that set standard for the Islamic finance industry.

The above shows the nature of Islamic finance and the products it offers to the public. Consequently, disputes become unavoidable just like any human interaction as earlier stated. Here, the disputes could be, for instance, in relation to Islamic Capital Markets (ICM). In this area, there could be disputes among capital market services licenses holders who deal in securities or conducting trade in future contracts; disputes among some organizations involved and a stock exchange; disputes between an approved clearing house and an affiliate; disputes among those who participate in capital market transactions; disputes between the clients and capital market services licenses holders. Disputes of this nature seem to be emerging in some jurisdictions like Malaysia. Apart from this, since Islamic finance deals in certain products like *waqf* and inheritance, handling of Islamic wealth management, and cash *waqf*, disputes regarding these transactions are inevitable. In all these disputes, the principle issue among other things that the courts would need to determine is whether the transactions are *Shariah* compliant. This is because Islamic finance cannot derogate from the established principles of the *Shariah*.

It is also interesting to note here that issues like *waqf* and inheritance are within the jurisdiction of the Shariah court of appeal. However, in a situation where the transaction has to do with Islamic banking and finance, it is highly doubtful that the court has jurisdiction in this regard. This is because, as it will be seen later, the disputes will concern banking matters, which clearly fall within the jurisdiction of the Federal High Court or High Court (being banker/customer relation, section 251(1) (d) CFRN 1999). Thus, the nature of Islamic finance and the nature of its products together with disputes emanating therefrom show that they go beyond what can be heard and determined by the Federal High Court or a State High Court. Yet, these courts have influence in the adjudication of such matters. The nature of influence is discussed in the next section of the paper.

3. Influence of common law judges at the high court

The High Court, especially the Federal High Court of Nigeria, is a creation of the Constitution (section 249(1) of the Constitution of the Federal Republic of Nigeria, 1999 as altered (CFRN, 1999)). The appointment as a judicial officer in the court is made by the president on the recommendation of National Judicial Council, subject to the confirmation by the Senate (section 250(2) of the CFRN, 1999). The qualification for appointment into such office is that a person must be qualified to practice as a legal practitioner in Nigeria and must have been so for a period not less than ten years (section 250(3) of the CFRN, 1999). Apart from this qualification, there is no requirement as to whether the person needs to be trained or knowledgeable in Islamic finance. Well, this is not expected because the reason for the creation of the Federal High Court is not to decide matters relating or connected with Islamic finance. So it would be unexpected that judges be appointed based on the criteria of having sound knowledge of Islamic finance or of the *Shariah*. However, the problem seems to be evident from the way and manner in which the jurisdiction of the Federal High Court is stated.

The jurisdiction of the Federal High Court today covers matters that relate to Islamic finance. This is despite the fact that, as earlier stated, judges of the court need not be knowledgeable in matters relating to Islamic finance (there is no requirement for being knowledgeable in Islamic finance or the *Shariah* as part of its qualification (see section 250 (3) of the CFRN, 1999). Section 251 of the constitution provides that "notwithstanding anything to the contrary contained in this constitution and in addition to such other jurisdiction as may be conferred upon it by an Act of the National Assembly, the Federal High Court shall have and exercise jurisdiction to the exclusion of any other courts in civil cases and matters- (d) connected with or pertaining to banking, banks, other financial institutions, including any action between one bank and another, any action by or against the Central Bank of Nigeria arising from banking, foreign exchange, coinage, legal tender, bills of exchange, letters of credit, promissory notes and other fiscal measures, provided that this paragraph shall not apply to any dispute between an individual customer and his bank in respect of transactions between individual customer and the bank…"(section 251(1) (d) of the CFRN, 1999). This shows that disputes in matters relating to Islamic finance fall squarely within the jurisdiction of the Federal Court.

It should also be mentioned that where the matter relates to banker/customer relationship, the matter Federal High Court does not have exclusive jurisdiction (ibid). In other words, the plaintiff is at liberty to institute the action in either the Federal High Court or a state High Court. A state High Court is also a creation of the Constitution (section 255(1) and 270(1) of the CFRN, 1999). The appointment of judges into this court is made by the Governor (or President in the case of Federal Capital Territory, (F.C.T.) Abuja) on the recommendation of National Judicial Council subject to the ratification of the State House of Assembly (or the Senate in the case of the F.C.T) (section 256(1) and 271(1) of the CFRN, 1999). The qualification of persons into the office of a judge of the High Court is that such persons must be qualified to practice as legal practitioners in Nigeria and must have been so qualified for a period of not less than ten years (section 256(3) and 271(3) of the CFRN, 1999). There is no requirement that such persons must be learned in Shariah or in principles of Islamic finance. This is unexpected actually in view of the fact that the court was not meant to determine such kinds of disputes. The problem seems to lie in the perspective on matters which border on Islamic finance.

The discussion above shows clearly that disputes relating to the affairs of Islamic banking and finance will be resolved by the Federal High Court or a State High Court. This is even to the exclusion of any other courts of law in Nigeria. The issue here is whether the judges of the Federal High Court of a State High Court are reasonably and justifiably competent enough to decide matters that relate to Islamic finance. This is based on the fact that – looking at the nature of disputes that may arise in Islamic finance and having regard to the qualification and backgrounds of the judges occupying the court – the court may not be competent to decide such matters.

It is well known that the main duty of the law courts is to interpret the law and to decide the claims/objections by the parties. But a question may be raised: given the nature of the cases, which are based on *Shariah*, are the courts concerned

(Federal High Court or a State High Court) competent to construe the legal issues and decide the cases? The answer is definitely "no." The reason is that judges in these courts are not trained in this respect. Also, the legality to be determined relates mainly to the extent of *Shariah* compliance of the transaction. In other words, the main focus of the court is to see whether the transaction between the parties strictly complies with the *Shariah* and the principles of Islamic finance. This is beyond the competence of the Federal High Court or a State High Court. The reason is that judges in these courts are not trained in this respect. These disputes are based on different legal jurisprudence from the civil law in which the judges are trained. Also, matters of contracts signed by the parties are not related to the common law types of contracts. Although it has some similarities, it is fundamentally different in principles thereby making the construction or interpretation a totally different thing. One area of difference in the interpretation relates to the sources of law to be used by the judges. While the judges will simply rely on the law of contracts as applicable in Nigeria for the purpose of determining the contract, the primary sources of such interpretation under Islamic law are the Qur'an, *Sunnah*, *Ijma* and *Qiyas*. Also, while charging of interests does not render invalid contracts under the common law, which the judges may seek to apply, the hallmark of the principles of Islamic finance is to avoid interest-based transactions having been prohibited in strong terms by Allah (s.w.t.) (Sanusi 2011; Sambo & Abdulkadir 2012). All these may occasion miscarriage or misplacement of justice in the courts.

Again, the jurisdiction conferred on the Sharia Court of Appeal does not solve the problem. As it is now, the Sharia Court does not have more than mere jurisdiction in Islamic personal law. Islamic finance is not covered by the definition of Islamic personal law in the Constitution. Although the Constitution does not define Islamic personal law, ingredients of Islamic personal law as envisaged by the Constitution were stated as: a) any question of Islamic law regarding marriage concluded in accordance with that law, including a question relating to the validity or dissolution of such a marriage or a question that depends on such a marriage and relating to family relationship or guardianship of an infant; b) where all the parties to the proceedings are Muslims, any question of Islamic personal law regarding a marriage, including the dissolution and validity of that marriage, or regarding family relationship, a foundling or guardianship of an infant; c) any question of Islamic personal law regarding *waqf,* gift, will or succession where the endower, donor, testator or deceased person is a Muslim; d) any question of Islamic personal law regarding an infant, prodigal or person of unsound mind who is a Muslim or the maintenance or guardianship of a Muslim who is physically or mentally infirm; and e) where all the parties to the proceedings being Muslims, have requested the court that heard the case in the first instance to determine the case in accordance with Islamic personal law, any other question (section 277 (1) and (2) of the CFRN, 1999). This shows that Islamic finance is not envisaged as Islamic personal law so as to confer jurisdiction on the Shariah Court.

The issue here is whether any House of Assembly can validly expand the jurisdiction of the Sharia Court of Appeal. In other words, although the State House of Assembly has the power to extend the jurisdiction of the Sharia Court of Appeal through legislation, this cannot validly extend to matters on Islamic banking and finance. This is because issues or matters relating to banking and other financial institutions are within the exclusive jurisdiction of the Federal High Court (see section 251 which starts with the expression "notwithstanding" anything contained in the Constitution.). Even where the matter has to do with banker/customer relationship, it is either the Federal High Court or the State High Court that has jurisdiction and not the Sharia Court of Appeal (proviso to section 251(1) (d) of the CFRN, 1999). An attempt by any state House of Assembly to confer such jurisdiction on the Shariah Court of Appeal may be regarded as an indirect way of amending the Constitution, which is beyond its competence. The effect of this, as earlier stated, is that, notwithstanding the fact that the matter has to do with an Islamic bank and its customer; an Islamic bank and its staff; an Islamic bank and other similar financial institutions; Islamic capital market and Islamic finance, the Sharia Court of Appeal will ultimately lack jurisdiction.

4. Influence of justices at the court of appeal

The justices of Court of Appeal have considerable influence in matters relating to Islamic finance. This is based on the fact that appeals from the Federal High Court or a State High Court, involving matters of Islamic finance, will be heard by the justices of the court (section 240 of the CFRN, 1999). The Court of Appeal is a creation of the Constitution (section 237 of the CFRN, 1999), and the justices are appointed by the President of Nigeria on the recommendation of the National Judicial Council, subject to the recommendation by the Senate (section 238(1) of the CFRN, 1999). The issue here has to do with the qualifications of justices at the Court of Appeal, who may sit on matters relating to Islamic finance. The qualification required of the justices of the Court of Appeal is that they must be qualified to practice as legal practitioners and must have been so qualified for a period not less than twelve years (section 238(3) of the CFRN, 1999). For the purpose of sitting on matters, which relate to Islamic personal law, those justices hearing the case are required to be learned in Islamic personal law (section 247(1) (a) of the CFRN, 1999).

The problem with the above arrangement is that the Constitution does not categorize matters relating to Islamic finance as falling under Islamic personal law. In other words, the Constitution does not regard Islamic finance as personal law, which may justify the sitting of those learned in Islamic personal law on the matter. So, any justice of the Court, depending on the discretion of the president of the Court of Appeal, may be assigned to sit on matters of Islamic finance, which may include deciding whether the action of an Islamic bank is *Shariah* compliant. It is submitted that this is obviously a difficult task for any judge that does not have the background of Islamic law and considerable knowledge of Islamic finance. The end result is either a misplacement of justice or miscarriage of justice at appellate levels occasioned as a result of influence of a judge who does not have sufficient knowledge or background of a legal jurisprudence.

5. Influence of common law judges at the supreme court

The justices of the Supreme Court also have some influence in the adjudication of matters relating to Islamic finance.

This is based on appeals being brought before the Court from the decisions of the Court of Appeal in matters relating Islamic finance. It should be noted that the Supreme Court of Nigeria, like other courts mentioned above, is a creation of the Constitution (section 230(1) of the CFRN, 1999). The appointments of the justices are made by the President on the recommendation of the National Judicial Council, subject to the confirmation of such appointment by the Senate (section 231(1) of the CFRN, 1999). A person is not also qualified to be a justice of the Supreme Court unless he is qualified to practice as a legal practitioner in Nigeria and has been so qualified for a period not less than fifteen years (see section 231(3) of the CFRN, 1999). There is no other requirement for qualification for such appointment (ibid). In other words, a person or certain number of persons, is not required to have knowledge of Islamic law or Islamic finance to be appointed to that position. This is unlike the position in the Court of Appeal, where some of the justices are required to be learned in Islamic personal law. Even for the purpose of hearing matters, which border or pertain to Islamic finance, no special qualification exists.

The problem with the above arrangement is that justices who do not have a background of Islamic finance or at least Islamic personal law will end up becoming final judges (decision makers) in matters that pertain to Islamic finance. It must be said that even if a justice of the Court perchance has sufficient knowledge of Islamic finance or Islamic law, it is submitted that this does not solve the problem. The reason is that majority rule in decision making applies at the Supreme Court. So, where one of the justices has knowledge of the principles of Islamic finance or Islamic law and others do not, the day may be carried by other justices with little or no knowledge of Islamic finance. While one of the justices may be satisfied in declaring a riba-based transaction illegal for not being *Shariah*-compliant, for instance, others may not be favorably disposed to doing so. The end result is miscarriage of justice occasioned by ignorance or injustice at the highest bench of dispute resolution. This may affect the growth and development of dispute resolution aspects of Islamic finance knowing fully well that disputes in the course of such interaction, like any other human endeavors, are inevitable.

6. Influence of common law advocates at the various levels of adjudication

Advocates have influence in matters relating to Islamic finance at various levels of adjudication. By advocates, we are referring to those who are qualified to practice as legal practitioners under the Legal practitioners Act (section 2). The influence is witnessed at the High Court, Court of Appeal and the Supreme Court. The reason is that they represent litigants in any court of law in Nigeria. Once a person is called to the Nigerian bar, he has the right of audience in any court of law or judicial tribunal established by law in Nigeria including the *Shariah* Court of Appeal. More so, since the Constitution, as earlier stated, has conferred jurisdiction on banking matters including Islamic finance, on the Federal High Court or a State High Court as the case may be, legal practitioners' right of audiences in these courts appear settled and beyond argument. Some of the advocates may not have knowledge, owing to their training, in Islamic law, let alone Islamic finance.

In view of the fact that the role of an advocate is to assist the court to reach a just conclusion, we wonder how significant is the role of an advocate who is not trained (owing to his educational background) nor endowed with the knowledge of Islamic finance in matters that pertain to adjudication of Islamic finance. It should not be forgotten that the principal question that the court may be asked to determine may border on the extent of a transaction's compliance with the *Shariah*. This is coupled with the fact that the court, as earlier mentioned, which seeks to determine the matter in controversy, is one without sufficient knowledge of the basic principles of Islamic finance. Thus, the role of such practitioners will be nothing but playing of technicalities, increased costs and a delay in court proceedings as a result of asking for unnecessary adjournment thereby leading to the ultimate miscarriage of justice.

7. Conclusion

From the foregoing discussion, common law judges and advocates have and may continue to have considerable influence in the adjudication of Islamic finance matters in Nigeria. This is mainly because the legal framework has conferred jurisdiction on the Federal High Court or a State High Court, in matters that border on hearing and determination of Islamic finance. Yet, the appointments and qualification of judges in these courts do not qualify them to hear and determine matters on Islamic finance. Also, advocates are allowed by law to have right of audience in these courts despite the facts that the matters may have to do with Islamic finance. Thus, it is submitted, that most advocates in Nigeria are not trained in this regard, except for the few who studied Common and Islamic law. The effect of this is miscarriage or misplacement of justice occasioned as a result of ignorance or lack of sufficient knowledge on the part of those (judges and advocates) charged with the duty of dispute resolution in Islamic finance. More so, sound decisions of courts require sound knowledge on the part of judges and advocates, and this should be more pronounced in matters of Islamic finance. The industry is still at its nascent stage in Nigeria, and its growth and development largely depends on the institutions in which its dispute resolution is anchored.

Thus, to ensure the growth and development of Islamic finance in Nigeria, there is the need for suitable legal and institutional frameworks in which the system is to operate. To start with, there should be constitutional amendment to remove matters on Islamic finance from the control (jurisdiction) of the Federal or State High Court. This is more so that a judge, as noted above, has expressed his displeasure with Islamic finance. One can argue that the Shariah Court of Appeal may be conferred with such jurisdiction. The reason is that the Court is also a superior court of record in Nigeria with coordinate jurisdiction with the Federal High Court or a State High Court. The judges or Khadi of the Shariah Court are trained in matters of Islamic law including Islamic finance but they may be required to do a little more training in Islamic finance. However, the problem with this arrangement is that matters may still go on appeal to the Court of Appeal or the Supreme Court, where the justices do not have sufficient knowledge (having regard to their background) in matters that border on the principles of Islamic finance. To solve this problem, it is suggested that more people who are learned in Islamic

finance and Shariah should be appointed to appellate courts to decide matters bearing on Islamic finance. Alternatively, the creation of the Shariah Supreme Court, separate from traditional Supreme Court, through constitutional amendment is suggested.

Again, in the meantime, the legal framework can be improved upon by permitting the appointment of a *Shariah* Advisory Board annexed to all Federal High Court and State High Courts, especially in northern Nigeria, where Islamic finance may flourish more or for any states of the Federation that desire such boards in their courts. This board will play a very important role in assisting the courts in adjudicating disputes on Islamic finance. The opinion of the board in matters relating to the transactions' compliance with the *Shariah* or the rights and duties of the parties based on the principles of Islamic finance should be binding on the courts. This will reduce the influences of judges and advocates who are not trained in Islamic finance in the adjudication of disputes in matters of Islamic finance. It will also lead to high quality of courts' decisions in matters of Islamic finance and ensure the justice of the matter. Finally, if these suggestions are considered and applied, it will lead to the growth and development of the Islamic finance industry, especially in the area of dispute resolution in Nigeria, being a member of OIC and other similar jurisdictions.

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