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# Enhancing Judicial Capacity to Protect Waqf Beneficiaries Against Mutawalli Mismanagement in Southwestern Nigeria

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## Abstract

This article investigates the judicial capacity to protect waqf beneficiaries in Southwestern Nigeria, where the absence of statutory Shari'ah Courts creates a significant gap in the enforcement of Islamic legal principles governing waqf. Using doctrinal legal analysis grounded in constitutional provisions, statutory instruments, and judicial precedents, the study evaluates the jurisdictional competence of State High Courts, Federal High Courts, Magistrates' Courts, and Customary Courts to adjudicate waqf disputes. The analysis reveals that although State High Courts possess constitutionally unlimited jurisdiction, their effectiveness is constrained by limited expertise in Islamic law and the complex interface between Islamic personal law and the common-law judicial structure. The Federal High Court's specialised jurisdiction further restricts its accessibility to waqf beneficiaries. At the same time, Magistrate and Customary Courts face structural and procedural limitations that hinder their ability to provide adequate remedies for waqf-related grievances. The

article argues that the current judicial architecture in Southwestern Nigeria is insufficiently equipped to safeguard waqf beneficiaries against administrative abuses and mismanagement. It recommends the establishment of specialised waqf legislation, judicial training in Islamic law, incorporation of expert assessors, and the creation of waqf-focused tribunals as pathways to strengthen accountability, enhance judicial responsiveness, and ensure adequate protection of beneficiaries' rights. This study contributes to the literature by offering a comprehensive, jurisdiction-specific analysis and proposing practical reforms for aligning Nigeria's judicial framework with the foundational objectives of waqf. © 2026, Electronicpublications.org Ltd. All rights reserved.

## Author keywords

Conventional Courts; Judicial Capacity; Shari'ah Court; Southwestern Nigeria; Waqf Beneficiaries

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